




Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 600/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	02/05/2018	<p>The appeal of Mr. Dilnawaz presented today by Qazi Muhammad Arshad Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 2/5/18</p>
2-	15-5-2018	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>20-7-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
20.07.2018		<p>Appellant Dil Nawaz in person alongwith his counsel Mr. Muhammad Ibrahim, Advocate present and made a request for adjournment as his senior counsel is busy before the Hon'ble High Court. Granted. To come up for preliminary hearing on 19.09.2018 before S.B at camp court, Abbottabad.</p> <p style="text-align: right;"> Chairman Camp Court, A/Abad</p>

19.09.2018

Junior to counsel for the appellant present and seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for preliminary hearing on 17.12.2018 before S.B at Camp Court A/Abad



Member

Camp Court A/Abad

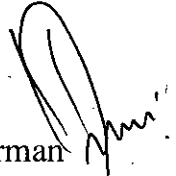
17.12.2018

Counsel for the appellant present.

Learned counsel for the appellant contends, inter-alia, that show cause notice issued to the appellant was not by the competent authority, besides, the departmental appeal against the punishment was heard by the same officer who had primarily passed the order against the appellant. Referring to the application by one Ghalib Khan submitted on 26.06.2015, it was contended that the same was not a complaint against the appellant and it was clearly noted therein that the dispute was of civil nature on which certain proceedings were taken.

The points agitated warrant the admission of instant appeal for regular hearing. Admit. Appellant is directed to deposit security and process fee within 10 days, thereafter notices be issued to the respondents for submission of written reply/comments on 19.02.2019 before S.B at camp court Abbottabad.

Appellant Deposited
Security & Process Fee




Chairman

Camp Court A/Abad

Service Appeal No. 600/2018

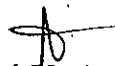
19.02.2019

Appellant in person present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith M/S Afzal, Assistant and Muhammad Arif, Superintendent for the respondents present. Written reply on behalf of respondents not submitted. Learned Deputy District Attorney requested for adjournment. Adjourned. To come up for written reply/comments on 15.04.2019 before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

15.04.2019

Appellant in person present. Mr. Muhammad Bilal, DDA alongwith Mr. Muhammad Afzal, Assistant for respondents present. Written reply submitted on behalf of the respondents which is placed on file. Case to come up for rejoinder and arguments on 17.06.2019 before DB at camp court Abbottabad.

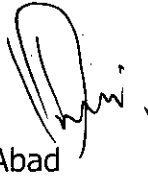

(Ahmad Hassan)
Member
Camp Court A/Abad.

17.06.2019

Mr. Adnan Farid, Advocate on behalf of Qazi Muhammad Arshad Advocate for appellant and Mr. Bilal Ahmad, DDA alongwith M/S Muhammad Arsif, Superintendent and Muhammad Afzal Assistant for the respondents present.


Former requests for adjournment due to bereavement in the near family of learned counsel for the appellant. Adjourned to 08.07.2019 for arguments before the D.B at camp court, Abbottabad.



Member


Chairman
Camp court, A/Abad

08.07.2019

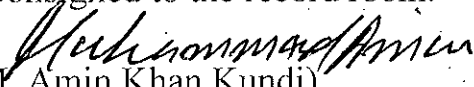
Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Attaullah, Assistant Secretary for the respondents present. Arguments heard. To come up for order on 09.07.2019 before D.B at Camp Court Abbottabad.


(Hussain Shah)
Member
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

09.07.2019

Learned counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney alongwith Mr. Attaullah Assistant Secretary for the respondents present. Vide our detail judgment of today in Service Appeal No. 576/2018 Ali Sher Khan Versus Chief Secretary Government of Khyber Pakhtunkhwa, the present service appeal is dispose off and set-aside the impugned order dated 27.03.2018 and directs the respondent department that a De-novo inquiry be conducted within ninety (90) days after the receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.


(M. Amin Khan Kundi)
Member


(Hussain Shah)
Member

At Camp Court Abbottabad

ANNOUNCED

09.07.2019

**BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 600 /2018

Dilnawaz Ex. Patwari Revenue Estate Ali Khan, Tehsil & District Haripur, at present Tehsil Hazri, Haripur.

...APPELLANT

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and others.

...RESPONDENTS

SERVICE APPEAL

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2.	Copy of application and mutation No. 11223 attested on 19/03/2015	10 to 12	"A"
3.	Copy of application	13	"B"
4.	Copy of show cause notice	14	"C"
5.	Copy of reply of show cause notice	15	"D"
6.	Copy of notification dated 08/01/2018 issued by respondent No. 3	16	"E"
7.	Copy of departmental appeal	17	"F"
8.	Copy of order dated 27/03/2018 communicated to appellant on 05/04/2018	18	"G"
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...APPELLANT

Through

Dated: 02.05 /2018

(QAZI MUHAMMAD ARSHAD)
Advocate Supreme Court of Pakistan
Abbottabad

&
(MUHAMMAD ALI QAZI)
Advocate High Court, Abbottabad

1

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 600 /2018

Dilnawaz Ex. Patwari Revenue Estate Ali Khan, Tehsil & District Haripur, at present Tehsil Hazri, Haripur.

VERSUS

...APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

1. Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Board of Revenue, Revenue & Estate Department, *Thana J. Sayyad*
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. Deputy Commissioner, Haripur.
5. Additional Deputy Commissioner, Haripur.

Diary No. 641
Date 2/5/2018

....RESPONDENTS

APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL, ACT,
1974 AGAINST THE ORDER 27/03/2018 PASSED
BY THE RESPONDENT NO. 3 WHEREBY THE
RESPONDENT NO. 3 DISMISSED THE
DEPARTMENTAL APPEAL OF THE APPELLANT.

Filed
2/5/2018

=====

PRAYER: ON ACCEPTANCE OF INSTANT
APPEAL IMPUGNED ORDER OF RESPONDENT
NO. 3 DATED 27/03/2018 WHEREBY THE
RESPONDENT NO. 3 BY DISMISSING THE
DEPARTMENTAL APPEAL OF THE APPELLANT
UPHELD THE ORDER DATED 08/01/2018
IMPOSING MINOR PENALTY OF

WITHHOLDING OF TWO INCREMENTS FOR A PERIOD OF 02 YEARS MAY GRACIOUSLY BE SET-ASIDE BEING ILLEGAL, UNLAWFUL, AGAINST THE LAW AND WITHOUT JURISDICTION. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GIVEN TO THE APPELLANT.

Respectfully Sheweth: -

1. That an application was submitted by one Malik Abdul Qayyum son of Malik Said Alam resident of Malik House Forest Road, Abbottabad on 14/01/2015 for transfer of the property situated in Revenue Estate Pandak, Tehsil & District Haripur before respondent No. 4, which was marked to Tehsildar Haripur for ensuring necessary action in the matter and report. After compliance to the direction issued by respondent No. 4 a detailed report was submitted on 19/01/2015 and the requested mutation for attestation was entered as desired by the respondent No. 5, hence, Mutation No. 11223 was attested on 19/03/2015 by Revenue Officer Haripur in public gathering at Revenue

Estate Pandak, Haripur. Copy of application and mutation No. 11223 attested on 19/03/2015 is annexed as Annexure "A".

2. That on 26/06/2015 one Ghalib Khan son of Zamurad Khan Member District Council Haripur submitted an application before respondent No. 4 for suspension mutations in respect of Khasra No. 1232/1/4 situated in Revenue Estate Pandak. This application was marked to Tehsildar Haripur with the direction *"look into the contents of application and avoid attestation of mutation for want of further complication"*. Copy of application is annexed as Annexure "B".
3. That in the light of application of Ghalib Khan the learned respondent No. 3 issued Show Cause Notice to appellant on 29/12/2017 and the following acts of omission/ commission were mentioned therein i.e;
 - a) That you while posted as Patwari Halqa Pandak District Haripur, were directed by Deputy Commissioner Haripur not to enter Mutation No. 11223 till clarification of the case, but you in violation of clear cut instructions issued

by Deputy Commissioner Haripur entered the said mutation.

- b) That during attestation of mutation, it has also been found that purchasers have not deposited the Government fee but despite the facts you did not bring it into the notice of Tehsildar due to which the Government exchequer sustained heavy loss.
- c) Your this act tantamount to misconduct and make you liable to be proceeded under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011

Copy of show cause notice is annexed as Annexure "C"

4. That the appellant replied the show cause notice on 04/01/2018 mentioning therein the details of the allegations. Copy of reply of show cause notice is annexed as Annexure "D".
5. That vide Notification dated 08/01/2018 the respondent No. 3 while exercising the powers conferred under Rule 4(a) (ii) of Khyber Pakhtunkhwa Government Servant (Efficiency

& Discipline) Rules, 2011 imposed minor penalty of withholding of 02 increments for a period of 02 years upon appellant. Copy of notification dated 08/01/2018 issued by respondent No. 3 is annexed as Annexure "E".

6. That not content with the penalty of withholding of 02 increments for a period of 02 years, as per notification issued by respondent No. 3, the appellant preferred an appeal / representation against the order dated 08/01/2018 before respondent No. 1, who entrusted to respondent No. 3. It is pertinent to mention here that the order dated 08/01/2018 was issued by respondent No. 3 and again the appeal/ representation was entrusted to same authority for disposal anyhow the learned respondent No. 3 vide order dated 27/03/2018 dismissed the departmental appeal and the order was communicated to the appellant through respondent No. 4 on 05/04/2018. Copies of departmental appeal and order dated 27/03/2018 communicated to appellant on 05/04/2018 are annexed as Annexure "F" & "G".

7. That feeling aggrieved, the appellant seeks indulgence of this Honourable Tribunal for setting

aside the impugned order dated 27/03/2018, inter-alia, on the following amongst other: -

GROUND S; -

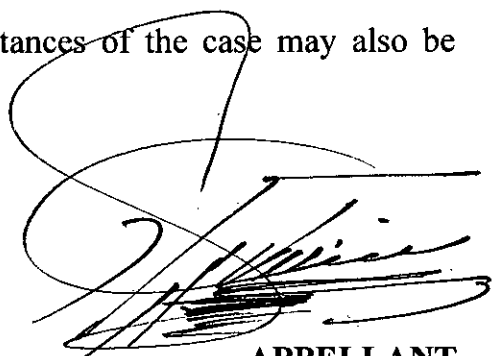
- a) That the impugned order passed by the respondent No. 3 is illegal, against the law, void, without jurisdiction and coram non judice, which is not sustainable and liable to be set-aside.

- b) That the competent authority was respondent No. 4 who had not issued any show cause notice to the appellant nor initiated any inquiry against the appellant. It is worth mentioning here, that the Mutation No. 11223 was attested on 19/03/2015 by the Revenue Officer Haripur, whereas the application submitted by Ghalib Khan whereupon the whole proceedings were carried by respondent No. 3 against the appellant was dated 26/06/2015 i.e after more than 03 months of the attestation of mutation, hence, the act of omission / commission (a) does not attract at all which proves otherwise the innocence of appellant. So far as the deposit of Govt. fee is

concerned, Column No. 14 of Mutation in this respect speaks itself that it is the duty of Revenue Officer. The appellant cannot be charged for misconduct under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 taking into consideration the clarification of alleged acts of omission/ commission of show cause notice mentioned above. Hence, the order dated 08/01/2018 is a nullity in the eye of law as well as the order passed by respondent No. 3 while dismissing the departmental appeal of appellant is illegal, unlawful, without jurisdiction and liable to be set-aside.

- c) That the impugned action is wholly without jurisdiction and called for interference by this Honourable Tribunal.
- d) That the appeal is within time as the impugned order dated 27/03/2018 passed by learned respondent No. 3 was communicated to appellant through respondent No. 4 on 05/04/2018.

It is, therefore, prayed that on acceptance of instant appeal impugned order of respondent No. 3 dated 27/03/2018 whereby the respondent No. 3 by dismissing the departmental appeal of the appellant upheld the order dated 08/01/2018 imposing minor penalty of withholding of two increments for a period of 02 years may graciously be set-aside being illegal, unlawful, against the law and without jurisdiction. Any other relief which this Honourable Court deems fit and proper in the circumstances of the case may also be given to the appellant.



...APPELLANT

Through

Dated: 02.05/2018

Arshad Qazi

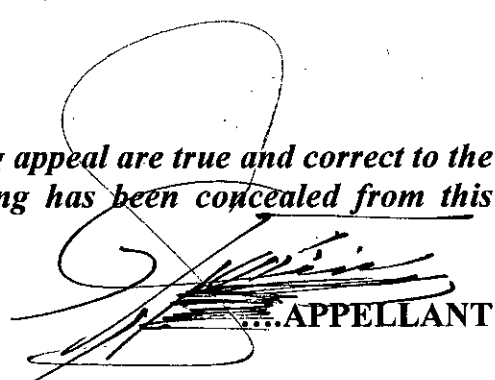
(QAZI MUHAMMAD ARSHAD)
Advocate Supreme Court of Pakistan
Abbottabad
&



(MUHAMMAD ALI QAZI)
Advocate High Court, Abbottabad

VERIFICATION: -

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



...APPELLANT

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. ____/2018

Dilnawaz Ex. Patwari Revenue Estate Ali Khan, Tehsil & District Haripur, at present Tehsil Hazri, Haripur.

...APPELLANT

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and others.

....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Dilnawaz Ex. Patwari Revenue Estate Ali Khan, Tehsil & District Haripur, at present Tehsil Hazri, Haripur, do hereby affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed therein.


DEPONENT

**BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. ____/2018

Dilnawaz Ex. Patwari Revenue Estate Ali Khan, Tehsil & District Haripur, at present Tehsil Hazri, Haripur.

...APPELLANT

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and others.

....RESPONDENTS

SERVICE APPEAL

ADDRESSES OF THE PARTIES

Addresses of the parties are as under; -

Dilnawaz Ex. Patwari Revenue Estate Ali Khan, Tehsil & District Haripur, at present Tehsil Hazri, Haripur.

...APPELLANT

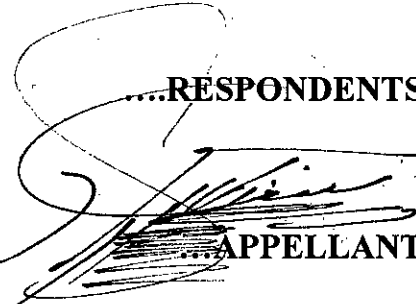
VERSUS

1. Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Board of Revenue, Revenue & Estate Department, Peshawar.
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. Deputy Commissioner, Haripur.
5. Additional Deputy Commissioner, Haripur.

....RESPONDENTS

Through

Dated: 02.05/2018


(QAZI MUHAMMAD ARSHAD)
Advocate Supreme Court of Pakistan
Abbottabad

&


(MUHAMMAD ALI QAZI)
Advocate High Court, Abbottabad

(فصل اول)

Tehsildar (H)

for ensuring necessary legal action in the matter and report

14/1/15

کریٹ فیڈ پی ڈی سی - کراچی
(مذکورہ برادر قبہ منتقلی واقعہ قبہ مرفوعہ پانڈرک تحصیل منظم کراچی)

فیڈ پی ڈی سی

مذکورہ پانڈرک قبہ منظم کراچی 1232 لٹری 11-79 واقعہ قبہ مرفوعہ پانڈرک
قبہ منظم کراچی 1232 لٹری 11-79 واقعہ قبہ مرفوعہ پانڈرک
قبہ منظم کراچی 1232 لٹری 11-79 واقعہ قبہ مرفوعہ پانڈرک
قبہ منظم کراچی 1232 لٹری 11-79 واقعہ قبہ مرفوعہ پانڈرک

قبہ منظم کراچی 1232 لٹری 11-79 واقعہ قبہ مرفوعہ پانڈرک
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قبہ منظم کراچی 1232 لٹری 11-79 واقعہ قبہ مرفوعہ پانڈرک

الحاضر

مستحق القبول و اہل حق
مستحق القبول و اہل حق
مستحق القبول و اہل حق

Signature
Attested

مستحق القبول و اہل حق
مستحق القبول و اہل حق
14/01/2015

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Comment ... | or there is any

has on mutation of this land in "A" light of Revenue Record & Rules - (11)

باجد آف انارنی رجسٹرڈ
نہ ہے تا اسم مثال کا فارم 29
ڈیٹا موجود ہے۔ لیذا مناسب
کہ اگر کوئی تبدیلی ہوگی تو اسے
Tehsildar Hapur
کاروانی ہے

Jug ADC (Hapur) 21/1/15

10/02/2015
Approved to proposed
ADC A
Tehsildar Hapur

فیب علی - ک پی پی پی / صہ نا - شولہ نا - رشتہ جی اے اے
نمبر 2 الیہ نا - ایس فارم 29 کی کاپی موجود ہے -
ایک طرف 2
گورنر ایسٹریل
07/2/15

گورنر ایسٹریل
No 22/01/2015
خود نوٹ ہے

10/2/2015
ADC A
Tehsildar Hapur

ADC A
Tehsildar Hapur
No 22/01/2015

After the perusal of records it is submitted that the applicant should submit Authority letter in the name of Chief Executive of Friends vegetable Ghee Mills (Pvt. limited) by the Board of Governors of said Company. Authority letter must clear in respect of property transaction "Sale/Purchase/lease/gift etc"

The dealt party must be appear before the Court in person or through Power of authority/authority. Submitted

Examine the submitted Stamp/authority letter & comment
- ADC scrib, Hapur
No 29/01/2015

Attached
N

انتقال حیات

15 14 13 12 11 9 8 7 6 5 4 3 2 1

اندراج مجددی گذشتہ یا آخری واقعہ انتقال جس کی ترمیم مطلوب ہے۔

تاریخ (روز، ماہ، سال) اور وقت (صبح، عصر، شام) کی ترمیم کی جاوے گی۔

<p>تاریخ انتقال</p> <p>17/11/19</p>	<p>نام مالک یا حوالہ دہانہ</p> <p>17/11/19</p>	<p>پتہ</p> <p>17/11/19</p>	<p>سماں</p> <p>17/11/19</p>	<p>تعداد</p> <p>17/11/19</p>	<p>مقام</p> <p>17/11/19</p>	<p>نوٹس</p> <p>17/11/19</p>
<p>11224</p> <p>11224</p>	<p>فریڈریک ویسٹ</p> <p>فریڈریک ویسٹ</p> <p>آفس 7.0</p> <p>اسٹریٹ 7</p>	<p>1215</p> <p>1215</p> <p>1215</p> <p>1215</p> <p>1215</p> <p>1215</p>	<p>سماں</p> <p>سماں</p> <p>سماں</p> <p>سماں</p> <p>سماں</p>	<p>45-3</p> <p>45-3</p> <p>45-3</p> <p>45-3</p> <p>45-3</p>	<p>سماں</p> <p>سماں</p> <p>سماں</p> <p>سماں</p> <p>سماں</p>	<p>نوٹس</p> <p>نوٹس</p> <p>نوٹس</p> <p>نوٹس</p> <p>نوٹس</p>
<p>10992</p> <p>10992</p>	<p>اسٹریٹ 7</p> <p>اسٹریٹ 7</p>	<p>1215</p> <p>1215</p> <p>1215</p> <p>1215</p> <p>1215</p>	<p>سماں</p> <p>سماں</p> <p>سماں</p> <p>سماں</p> <p>سماں</p>	<p>45-3</p> <p>45-3</p> <p>45-3</p> <p>45-3</p> <p>45-3</p>	<p>سماں</p> <p>سماں</p> <p>سماں</p> <p>سماں</p> <p>سماں</p>	<p>نوٹس</p> <p>نوٹس</p> <p>نوٹس</p> <p>نوٹس</p> <p>نوٹس</p>

Attested to be true Copy

Attesting Office

Date

Authorised us 76 PAK

کس انتقال ہو

یاد رکھو

وایت ایسی نوٹی کو دیکھو جو اس پر لکھی ہو

فناں سماں

18/2/2015

19131201

(2)

(E)

Annex A
Taksidar Haripur

Contents of application
Attestation of
Further complication. Also
TIP - 32
Comments

DEPUTY COMMISSIONER
HABIBPUR

فان بیان درخواستی در ذیل طرف P. معقول رپورٹ سے متعلق
تاکسڈین ہیب پور میں تعلق در آمد

1232/114 آرڈر سے متعلق درخواستی میں بیان کیا گیا ہے کہ
Acquire ہو گیا۔ نقل و منتقلی 26/6/2015

Acquire شدہ رقم فریہ عنقل ہو کر ہے
تعمیر و منتقلی ہو کر کاؤنٹ Acquire شدہ
رہنے والے اصل مالکان کو منتقل ہو گیا ہے
دیکھ کر اعلیٰ عدالت و پور ان سید و امیر کا حکم ہے۔
(تعداد سے دیکھیں)

فریہ عنقل پور سے سائڈن P تا قابل طرف نقصان
کے لئے فریہ عنقل پور سے سائڈن P تا قابل طرف نقصان

1232/114 رقم و فریہ عنقل
فریہ عنقل پور سے سائڈن P تا قابل طرف نقصان

115

Attested
N

3
115
115

Annexure "C"

(14)

SHOW CAUSE NOTICE.

I, Zafar Iqbal Senior Member, Board of Revenue, as Competent Authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011, hereby serve you, Mr. Dil Nawaz Patwari Halqa Pandak District Haripur as follows:-

I am satisfied that you have committed the following acts of omissions / commission:-

- a). That you while posted as Patwari Halqa Pandak District Haripur, were directed by Deputy Commissioner Haripur not to enter mutation No. 11223 till clarification of the case, but you in violation of clear cut instructions issued by Deputy Commissioner Haripur entered the said mutation.
- b). That during attestation of mutation, it has also been found that purchasers have not deposited the Government fee but despite the facts you didnot bring it into the notice of Tehsildar due to which the Government exchequer sustained heavy loss.
- c). Your this act tantamount to misconduct and make you liable to be proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011

As a result thereof, I as Competent Authority have tentatively decided to impose upon you the penalty under Rule - 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you. Furthermore, you are directed to appear on 04-01-2018, at 10:00 A.M before the undersigned for personal hearing.

If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex- parte action shall be taken against you.

Senior Member

No: Estt: I/P/ Ali Sher/ 253
Peshawar, dated 02/1/2018.

Mr. Dil Nawaz Khan Patwari Halqa Pandak
District Haripur.

Charge Sheet

2 Jan 2018

FAX NO. : 0919213928

FROM : SNR OFFICE

Attested
N

عنوان :- جواب شوکار نوٹس نمبری 253 مورخہ 02.01.2018

جناب عالی! جواب ذیل عرض ہے :-

(i) یہ کہ انتقال نمبر 11223 حکام بالا کے حکم پر درج کیا گیا جو سائل نے ذاتی حیثیت میں درج نہ کیا ہے اور راجا اورت ہائے اس نسبت لف ہیں جو قابل ملاحظہ ہیں نیز انتقال نمبر 11223 مورخہ 19.03.2015 کو تصدق ہری ہری جبکہ مابعد حکم ڈپٹی کمشنر ہری پور مورخہ 26.06.2015 کو درخواست گزار غالب خان ولد زمر خان کی درخواست پر جاری ہوا۔ جو حکم ڈپٹی کمشنر صاحب ہری پور جاری ہونے سے 4 ماہ 8 دن قبل درج ہو کر 3 ماہ 7 دن قبل بجلسہ عام میں تصدیق ہوا۔ جو اس طرح انتقال مذکور کے درج و تصدیق ہونے کے وقت کوئی پابندی حکام بالا کی جانب سے نہ تھی بلکہ حکام بالا کے کہنے پر انتقال درج کیا گیا۔ نقولات قابل ملاحظہ ہیں۔

(ii) یہ کہ انتقال مذکورہ بیع ملکیت کا نہ ہے بلکہ ہبہ ملکیت مابین خاوند بیوی ہے نیز ٹیکس کی وصولی سائل کے فرائض منصبی میں نہ ہے بلکہ ریونیو آفیسر کے فرائض منصبی میں آتا ہے اور خانہ نمبر 14 انتقال کا تعلق بھی ریونیو آفیسر سے ہے۔

(iii) یہ کہ سائل نے کوئی مجرمانہ فعل و بدیانتی یا لاپرواہی نہ کی ہے بلکہ حکام بالا کی ہدایات کے مطابق کارروائی کی ہے۔

لہذا استدعا ہے کہ سائل کو الزامات مذکور سے بری الذمہ قرار دیا جائے۔

العارض

دنواز خان پٹواری حلقہ علی خان، ہری پور
(سابقہ پٹواری حلقہ پانڈک ہری پور)

4/1/2018

Attested
N

A

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 08/01/2018

NOTIFICATION.

Annexure "E"

(16)

No.Estt:I/PF/Ali Sher/_____. WHEREAS; Mr. Dil Nawaz Halqa Patwari Pandak District Haripur was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, for the charges mentioned in the Charge Sheet & Statement of Allegations.

AND WHEREAS; Mr. Saiful Islam Additional Deputy Commissioner Haripur was appointed as Inquiry Officer to probe into the charges leveled against the said official and submit findings and recommendations.

AND WHEREAS the Inquiry Officer after having examined the charges, evidence produced before him and statement of accused official, submitted his report whereby the charges against the accused official stands proved.

AND WHEREAS I, Zaffar Iqbal, Senior Member Board of Revenue after having examined the charges, evidence produced, statement of accused official, findings of Inquiry Officer and after personal hearing of the accused concur with the findings and recommendations of the Inquiry Committee.

NOW THEREFORE, in exercise of the powers conferred under Rule-4 (a) (ii) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules, 2011 to impose minor penalty of withholding of two increments for a period of two years upon Mr. Dil Nawaz Halqa Patwari Pandak District Haripur with immediate effect.

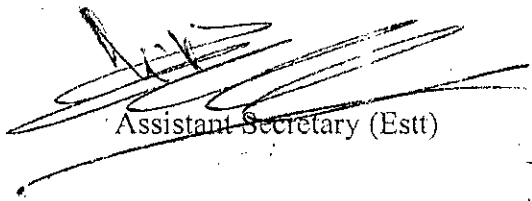
By order of
Senior Member

No.Estt:V/PF/ Ali Sher/ 1016-20.

Copy forwarded to the:-

1. Commissioner Hazara Division Abbottabad.
2. Deputy Commissioner Haripur.
3. District Accounts Officer, Haripur.
4. Official concerned.
5. Office order file.

Attested
M


Assistant Secretary (Estt)

Annexure "F" (17)

SMBR

The Honourable Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.

Chief Secretary,
Govt. of Khyber Pakhtunkhwa

APPEAL/PRESENTATION AGAINST THE ORDER DATED 08/01/2018.

Respected Sir,

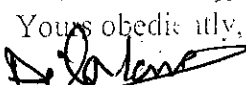
With due respect it is humbly submitted :-

- 1) That I am serving as Patwari in district Haripur since last two decades to the entire satisfaction of my superiors and no complaint whatsoever has ever lodged against the undersigned, when a Show Cause Notice and statement of allegation from the office of Senior Member Board of Revenue Peshawar received to the effect that Deputy Commissioner Haripur directed not to enter mutation No.11223 till clarification of the case, but in violation of clear out instructions, entered the said mutation. Later on a notification dated 08/01/2018 from the office of Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar, received wherein minor penalty of withholding of two increments for a period of two years upon the undersigned has been imposed (Annexure-A).
- 2) That an application submitted by Malik Abdul Qayum s/o Malik Said Ali resident of Malik House Forest Road, Tehsil and District Abbottabad was marked with the directions "for ensuring necessary legal action in the matter and report" on 14/01/2015 (Annexure-B).
- 3) That in compliance to the said directions, a detailed report was submitted on 19/01/2015, wherein it was directed by my superior to "enter the requested mutation and submit for attestation as desired by ADC" (Annexure-C).
- 4) In pursuance to the said directions, the requested mutation was entered and submitted to concerned Tehsildar Circle for attestation, which was duly attested after due verification of Kamungo Circle (Annexure-D).
- 5) However, after expiry of eleven (11) months, on 20/11/2016, directions to the effect not to attest the mutation were received which were recorded on the application submitted by Ghaleb Khan s/o Zamrud Khan, Member Council Haripur (Annexure-E).
- 6) All these facts were brought in to the notice of high ups and are well aware of the factual position of the case.
- 7) Although the undersigned have no intentionally malafide in the instant case, but a Show Cause Notice and Statement of Allegations was received vide No.Estr:/PF/Ali Sher/253, dated 02/01/2018 (Annexure-F).
- 8) A written reply to the said Show Cause Notice & Statement of Allegations was submitted to Enquiry Officer by highlighting all factual position of the case within stipulated period (Annexure-G).
- 9) A written reply before the Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar has also been submitted at the time of personal hearing.
- 10) Although the Competent Authority in respect of Patwari is the District Collector/Deputy Commissioner as per Rules (Annexure-H), but the statement of allegation, show cause notice and Notification are issued by Senior Member Board of Revenue, Peshawar.
- 11) The imposition of penalty is illegal & against the norm of justice as I have committed no malafide intention, but only implemented and complied with the directions of my superiors.
- 12) I had entered the requested mutation in the best interest of Government on the directions of my superiors as Government dues were desposited in the Government Treasury and no violation is made.
- 13) Revenue Record shows that no right of any owner is violated in the instant mutation.
- 14) The harsh penalty of no fault needs re-consideration being unjustice sir.

Since I have committed no intention malafide and committed no violation of rules but only entered the requested mutation on the directions of my superiors, therefore, the Notification dated 08.01.2018 regarding imposition of minor penalty of withholding of two increments for the period of two years of no fault, may very kindly be withdrawn by exonerating the undersigned for which I shall be pray for your long life, good health and prosperity sir.

Dated 16.01.2018

Attested
Mij

Yours obediently,

(Dil Nawaz Khan)

Patwari Halqa Pandak, District Haripur

OFFICE OF THE DEPUTY COMMISSIONER, HARIPUR.

No. 4648 /HCR/DC (H).

Dated: April, 03, 2018.

To:

Mr. Dil Nawaz Khan. Patwari.

Amexure G^o (18)

Through

Tehsildar. Haripur.

Subject:

DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 08.01.2018.

Memo:

As per memo No. Estt:/PF/Ali Sher/16169 dated 27.03.2018 received from Assistant Secretary Establishment. Board of Revenue. Khyber Pakhtunkhwa Peshawar, the departmental appeal filed by you has been dismissed by the Competent Authority.

[Signature]
Deputy Commissioner
Haripur

دیل نواز خان

[Signature]

کوئی جواب نہیں دیا گیا
کوئی جواب نہیں دیا گیا
کوئی جواب نہیں دیا گیا

[Signature]
5/4/18

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کلی نالی
کلی نالی

(۴) ۲۰۰۰

HIGH COURT BAR ASSOCIATION
ABBOTTABAD BENCH

S. No. 4703 Date of Issue: 24-4-68
Name of Advocate: محمد علی محمد
B.C. No. 10-1665 H.C.B.A. No. 193 A
Other Bar Adv's I.D. No. 121
Place of Practice: ATT
Sign. of Issuing Authority: ABBOTTABAD BENCH

19

وکالت نامہ

بعدالت (KPK) صدر بینچہ آئی سی بی ڈی اے راولپنڈی

عنوان: دلنور نام حیف سیدی KPK ونرن

منجانب: ایڈووکیٹ

نوعیت مقدمہ:

باعث تحریر آنکے

مقدمہ مندرجہ میں اپنی طرف سے واسطے بیروی و جواب دی کل کاروائی متعلقہ آن مقام

لیٹاؤر و ایڈوکیٹ محمد علی محمد

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر فائنٹ و فیصلہ بر حلف و دینے اقبال و دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی و دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا محقق صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختم مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ بیروی مقدمہ مذکورہ کریں اور اگر محقق مقرر کردہ میں کوئی جزو بھایا ہو تو وکیل صاحب موصوف مقدمہ کی بیروی کے پابند نہ ہوں گے۔ نیز درخواست براد استجارت ناشر بیخہ مفلسی کے دائرہ کرنے اور اس کی بیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

محمد علی محمد
بمقام: Amjad Ali

الرقوم: 02-05-2018

اعلیٰ عدالت جناب: مح صاحب سروس ٹریبونل حکومت K.P.K / ایسٹ آباد

دلنواز بنا حکومت K.P.K

درخواست بمراد تبدیلی تاریخ امروزہ

جناب عالی :- درخواست ذیل عرض ہے

۱- یہ کہ مقدمہ عدوان آج عدالت آنکھور میں پیشی کے لئے مقرر ہے

۲- یہ کہ وکیل صاحب (ایپیلنٹ) آج عدالت عالیہ ہائی کورٹ پشاور بسلسلہ مقدمہ وو فریون بنا سرکار پشاور لٹریچر رکھتے ہیں۔ اور آج عدالت آنکھور میں حاضر نہ آسکتے ہیں۔

لہذا استدعا ہے کہ تاریخ امروزہ تبدیل فرمائی

جاوے۔
المرحوم ۱۹/۹/۱۸

بدریغ اسٹ

ایپیلنٹ

دلنواز

بدریغ اسٹ

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.
ABBOTTABAD BENCH

APPEAL No. 600 of 2018

Dilnawaz.....Appellant/Petitioner.

Versus.

Chief Secretary, KPK Peshawar and others.....Respondents.

AFFIDAVIT

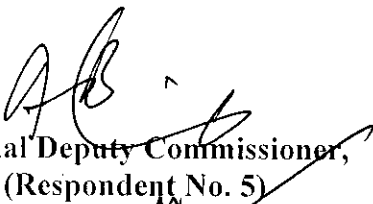
We the following do hereby solemnly affirm and declare on oath that the contents of accompanying para wise comments in the above titled appeal are true and correct as per our knowledge and nothing has been concealed from this honourable court.



Senior Member,
Board of Revenue
Khyber Pakhtunkhwa Peshawar.
(Respondent No. 2 & 3)



Deputy Commissioner,
Haripur (Respondent No. 4)



Additional Deputy Commissioner,
Haripur (Respondent No. 5)

CONFIDENTIAL.

OFFICE OF THE DEPUTY COMMISSIONER HARIPUR.

No. 10348-S2 /DK/DC(H).

Dated: August 11, 2015.

To,

The Commissioner,
Hazara Division,
Abbottabad.

SUBJECT:- HIGH LEVEL ENQUIRY REGARDING THE ILLEGAL TRANSFER OF LAND IN DISTRICT HARIPUR.

Memo;

Kindly refer to the directive of Honourable Chief Minister on the application of Mr. Ghalib Khan s/o Zamurrad Khan r/o Pandak, Tehsil and District Haripur dated 27.06.2015 with regard to enquiry against illegal and unlawful attestation of mutations by Mr. Ali Sher Khan Khalil Tehsildar Haripur and Mr. Dil Nawaz Khan Patwari halqa Pandak, which is reproduced as under (copy of the application attached as **annexure-A**):-

D.C Haripur

" Please inquire and take action".

GENERAL.

The history of the case reveals that as per revenue record in the year 1957 vide mutation No. 1061, 120 Kanals land was acquired from 11 Khasra Nos, (which were later converted into Khasra No. 1232 in result of consolidation in District Haripur in the year 1961-62) through the process of acquisition by Central Government (Post and Telegraph Department) from late Khalil Khan s/o Madad Khan (real grandfather of the applicant) half share, Mir Khan and Ayub Khan sons of Pir Khan, half share in the estate of Mauza Pandak District Haripur (copy of mutation annexed as **annexure-B**). The entries had been incorporated in the subsequent Jamabandis which remained intact till the compilation of Jamabandi for the year 1967-68. In the year 1981 the same 120 Kanals land of Central Government (Resin Factory) was transferred to Sarhad Development Authority vide mutation No. 5905 dated 20.09.1981 (copy of mutation is attached as **annexure-C** alongwith copies of its enclosures i.e. letter No. 373 from Sadaqat Ali Khan and agreement dated 09.02.1977 signed between the representative of PIDC and SDA). The entries of the said mutation had been incorporated in the subsequent Jamabandis which remained intact till the Jamabandi of 1993-94. In the year 1997 vide mutation No. 3424 dated 04.09.1997, vide which 79K - 11M out of 120 Kanal land was transferred in the name of Friends Vegetables Ghee Mills (Pvt) Limited Haripur, Head office I-C street 31 sector F-7/1 Islamabad, from Central Government of Pakistan from Khasra No. 1232 against sale consideration of Rs. 7955000/, which replaced the old Khasra Nos. of original mutation No. 1061 of 1957 due to consolidation as mentioned earlier (copy of mutation No. 3424 is attached as **annexure-D**). Importantly column No. 13 of the said mutation shows that the same transfer was made through letter No. GPC - Laws - HRP, mutation / 92 dated 10.08.92, presented by Malik Qamar Zaman Director.

In the year 1997, vide mutation No. 3464 land bearing Khasra No. 1232 measuring 120 Kanals (Ghair Mumkan Factory) was partitioned, as a result 79K - 11M was given to Friends Vegetables Ghee Limited Haripur, whereas 40K -9M remained in the name of

Central Government of Pakistan (copy of mutation annexed as **annexure-E**). Similarly on 16.10.1997 vide mutation No. 3465 (copy of mutation attached as **annexure-F**), 10K – 15M land was transferred to the name of Mst: Nusrat Shaheen w/o Malik Abdul Qayum as a gift from Friends Vegetables Ghee Limited Haripur followed by another gift mutation No. 3466 vide which 29K – 2M land (Ghair Mumkan) was transferred as gift to the name of Mst: Nusrat Shaheen w/o Malik Abdul Qayum from the name of Friends Vegetables Ghee Limited Haripur (copy of the mutation annexed as **annexure-G**). Moreover on 19.03.2015 vide mutation No. 11223, 45K – 3M land was gifted to Mst: Nusrat Shaheen w/o Abdul Qayum from the name of Friends Vegetables Pvt: Ltd: (copy of mutation attached as **annexure-H**). All the gift mutations Nos. 3465, 3466 and 11223 are in violation of laid down procedure of land revenue rules.

PARTICULAR.

On 26.06.2015 Mr. Ghalib Khan s/o Zamurrad Khan r/o village Pandak Tehsil and District Haripur submitted written application to the undersigned with the request that some mutations are being attested from acquired land of Central Government (originally owned by his grandfather and others) which may be ordered to be avoided from attestation so that further complications could be averted. He further pleaded that as required under Land Acquisition Act the acquired land, if no more required for the desired purpose has to be returned to original owners. Resultantly Mr. Ali Sher Khan Khalil Tehsildar Haripur was directed not to attest any mutation till clarification and his comments were sought. Instead of giving comments, Mr. Ali Sher Khan Tehsildar Haripur attested the following mutations on 26.06.2015 the same day, though tour programme for the month of June 2015 does not show any specific revenue estate to be toured for 26.06.2015 (copy of tour programme is annexed as **annexure-I**):-

S. No.	Nature of mutation.	No. of mutation.	From.	To.	Area mutated.	Sale Consideration.
1.	Sale.	11336	Mst: Nusrat Shaheen w/o Malik Abdul Qayum.	Imran Ahmed s/o Mohammad Aslam.	5 Marlas.	Rs. 1500000/-
2.	-do-	11337	-do-	Mst: Mehvesh Tabassam w/o Imran Ahmed.	5 Marlas.	Rs. 1500000/-
3.	-do-	11338	-do-	Asim Mehmood s/o Mohammad Aslam.	5 Marlas.	Rs. 1500000/-
4.	-do-	11339	-do-	Mst: Tahira Jabeen w/o Asim Mehmood.	5 Marlas.	Rs. 1500000/-
5.	-do-	11348	-do-	Haq Nawaz s/o Dilbar Khan	5 Marlas.	Rs. 1425000/-
6.	-do-	11349	-do-	Aqeel Ahmed s/o Abul Saeed.	6 Marlas.	Rs. 1200000/-
7.	-do-	11350	-do-	Mst: Ghazala Shaheen w/o Hafeez ur Rehman.	12 Marlas.	Rs. 2000000/-
8.	-do-	11364	-do-	Amir Shahzad s/o Kala Khan.	08 Marlas.	Rs. 2000000/-
9.	-do-	11391	-do-	Qamar Shahzad s/o Mohammad Sadiq.	10 Marlas.	Rs. 2500000/-
10	-do-	11392	-do-	Mst: Chand Bibi wd/o Mohammad Sadiq.	05 Marlas.	Rs. 1250000/-
Total:-					03K – 01M	Rs 14875000/-

The average price rate of the mutated land comes to Rs. 243852/- per mailla.

(Copies are enclosed as **annexure- J1 to J10**):-

To dig out the factual position in the light of revenue record, Qazi Atta ur Rehman, AAC (Revenue) Haripur was appointed as Inquiry Officer and directed to submit report by fixing responsibility on the revenue staff. The Inquiry Officer submitted his report vide No. 129 dated 03.07.2015 (copy annexed as **annexure-K**), which was sketchy, irrelevant and ambiguous. Enquiry file was again entrusted to him on 13.07.2015 after proper guidance by the undersigned and TORs, who vide No. 144 dated 03.08.2015 again submitted report without fixing any responsibility on any of the revenue officials or beneficiary Malik Abdul Qayum who does not prove to be the owner of Friends Vegetables Ghee Pvt Ltd: and entitled to transfer the (Ghair Mumkan) factory land to his wife Mst: Nusrat Shaheen as gift (copy of the report of AAC Revenue annexed as **annexure-L**). The AAC (Revenue) simply quoted the remarks of ADC Haripur recorded on the report of Patwari halqa, Field Kanungo Circle and Tehsildar concerned to be an approval for gift mutation (copy of the report of revenue staff containing the remarks of ADC Haripur dated 10.02.2015 is attached as **annexure-M**). The said report is very much clear and shows that no such approval was granted for attestation of mutation No. 11223 dated 19.03.2015, whereby 45K – 03M land was mutated as gift in the name of Mst: Nusrat Shaheen w/o Malik Abdul Qayum from Friends Vegetable Ghee Pvt: Limited, Head office I-C street 31 sector F-7/1 Islamabad in violation of revenue laws and instructions of Board of Revenue as transfer of land through gift can only be materialized in favour of legal heirs and in case of other than legal heirs government taxes are levied at the prescribed rate of 4% and value of the land is determined in line with valuation table issued by District Collector with the approval of Board of Revenue. In the instant case the ownership column contains the name of Friends Vegetable Ghee Pvt: Limited the owner, whereas gift is given to Mst: Nusrat Shaheen w/o Malik Abdul Qayum. Subsequent mutations attested on 26.06.2015 would reveal the potential value of the concerned land being commercial used for factory / Ghee mills in the past, and now being allotted for housing schemes / residential plots. If value of 45K – 03M is worked out on the basis of valuation table for the area, market value of 45K – 03M comes to about 70.00 millions and official tax at the rate of 4% (2% stamp duty and 2% District Council fee), comes to Rs. 2800000/-, whereas in the light of sale mutations in the table its average value comes to Rs. 243852/- per marla, total value Rs. 220198356/- with official taxes Rs. 8807934/- on 45K - 03M land.

INFERENCE.

The revenue record shows that the said land was basically acquired by the Central Government in 1957 for Post and Telegraph Department, which was further transferred to Sarhad Development Authority (SDA). Afterwards the same land was mutated to the name of Friends Vegetable Ghee Pvt: Limited but no proper record or mode of transfer / transfer documents are available with the mutations. It is also not clear that how many people were associated with the said company as shareholders. Malik Abdul Qayum who gifted the company land to his wife Mst: Nusrat Shaheen without proving his sole ownership over the company land is illegal and against revenue laws. According to the articles of association of Friends Vegetable Ghee Pvt: Limited, and vide article No. 85 (d), express powers of Board are required to be conferred upon any Director or Directors for selling, letting, exchanging or otherwise disposing of absolutely or conditionally all or any part of property, privileges and undertaking of company upon such terms and conditions and for such consideration as they may think fit “ even then in the instant gift mutation No. 11223 and the previous ones all such things are missing. The revenue staff have done their job in too much hurry for vested interest violating laid down procedure, favoured


Malik Abdul Qayum at the cost of government loss in shape of official taxes without consulting any legal expert or obtaining advice from Board of Revenue. The complainant Mr. Ghalib Khan s/o Zummurad Khan has claimed that the land acquired by the Central Government from his forefather for Post and Telegraph Department was to be returned to the legal heirs of his grandfather late Khalil Khan as required under section 43A of Land Acquisition Act, 1894 (copy attached as **annexure-N**). The undue favour by the revenue staff to Malik Abdul Qayum prima facie proves the illegality and irregularity whereby huge losses have been caused to the state treasury.

RECOMMENDATION.

Keeping in view the foregoing circumstances and complicated nature of the case where record of SDA and Friends Vegetable Ghee Pvt: Limited besides revenue record is required to be minutely checked, it is recommended that Provincial Government may kindly be approached for constituting a high level fact-finding committee to probe the issue thoroughly in the light of revenue record especially the gift mutations No. 3465, No. 3466 dated 16.10.1997 and mutation No. 11223 dated 19.03.2015.


Furthermore the complainant Mr. Ghalib Khan s/o Zummurad Khan should resort to civil court for relief, if any, under section 43A of Land Acquisition Act 1894. Qazi Atta ur Rehman AAC (Revenue) who was appointed as Inquiry Officer deliberately avoided digging out the facts and ascertaining the losses accrued to govt: exchequer due to the illegal transfer of land. He being revenue expert from lower tier to present incumbency was guided and TORs were framed to conclude the enquiry in the light thereof, but he could not do so showing undue favour to revenue staff and beneficiary (copy of TORs attached as **annexure-O**). It is recommended that he may be transferred from Haripur as he has been serving in the District for the last over 07 years in the capacity of Tehsildar Ghazi, Tehsildar Haripur and as DDO (R&E) /AAC (Revenue), Haripur. The revenue officials concerned will be proceeded against after the report of Inquiry Committee under the E&D Rules 2011.

Submitted please.


(Tasleem Khan)
Deputy Commissioner
Haripur.

Copy forwarded to the:-

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Chairman Sarhad Development Authority, Peshawar.
3. PSO to Chief Minister, Khyber Pakhtunkhwa.
4. PSO to Chief Secretary, Khyber Pakhtunkhwa.


Deputy Commissioner
Haripur.

AAC Kev: Haripur

8

To:

The Hon'ble Chief Minister,
Khyber Pakhtunkhwa.

Pl: inquire into the matter personally and fix responsibility within 3 days complete the process

Subject:

Inquiry Against Illegal and Unlawful Attestation Of Mutation By Tehsildar Haripur Patwari Halqa Pandak District Haripur.

Dear Sir,

With due respect and profound regards, it is submitted that on 26.06.2015 I have lodged an application before the Deputy Commissioner, Haripur for postponement of Mutations pertaining to Khasra No. 1232 Revenue Estate Pandak (Yakta Ghee Mills). The Deputy Commissioner, Haripur marked the said application was marked to Tehsildar, Haripur with the direction to avoid attestation of mutation for want further complications and also to submit comments. On the same day i.e. on 26.06.2015, the said application containing the remarks of Tehsildar and Girdawar Halqa was received by the Patwari (Copy of the application is attached herewith for your kind perusal please).

29/6/15

Sir, it is further submitted that date for attestation of mutations (Daura) of Revenue Estate Pandak was fixed as 29.06.2015 by the Tehsildar Haripur but Patwari Halqa changed the said date to 26.06.2015 and managed to attest 09 different mutations without taking into consideration the correct and legal orders of his superiors. By doing so, Tehsildar Haripur and Patwari Halqa Pandak not only have committed disobedience of the orders of the Deputy Commissioner and further complicated the issues of land of above mentioned Khasra No. 1232 but also given the applicant huge financial loss. These acts of the Revenue Officers, therefore, warrant cancellation of the mutations attested by Tehsildar Haripur on 26.06.2015 besides initiation of strict disciplinary proceedings against them.

In view of the above facts, it is requested that appropriate and strict action may kindly be ordered for which the applicant will be much grateful.

Thanks & regards,

Dated: 27.06.2015

Khalib
Khan Ghalib S/O Zamurrad Khan
R/O Village Pandak, District Haripur.
Contact: 0995-614545, 0300-9118584

D.C. Haripur

Please Inquire & take action.

Pervez Mansoor

**CHIEF MINISTER
KHYBER PAKHTUNKHWA**

در این کتاب ...
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نص الفصل في احوال

بموجب	نام مالک و احوال	نام کاشت کار و احوال	بزرگمیت و رقبه و قسم زمین	معامله و لگان	نام مالک و احوال	ورقبه و قسم زمین	لگان
12000	فریدون و همسر	سید علی	12000	12000	12000	12000	12000
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950	950	950	950	950	950	950	950
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Attested to be true copy

EXAMINER

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۳۱/۵	۳۱/۶	۳۱/۷	۳۱/۸	۳۱/۹	۳۱/۱۰	۳۱/۱۱	۳۱/۱۲	۳۱/۱۳	۳۱/۱۴	۳۱/۱۵	۳۱/۱۶	۳۱/۱۷
۳۱/۱۸	۳۱/۱۹	۳۱/۲۰	۳۱/۲۱	۳۱/۲۲	۳۱/۲۳	۳۱/۲۴	۳۱/۲۵	۳۱/۲۶	۳۱/۲۷	۳۱/۲۸	۳۱/۲۹	۳۱/۳۰
۳۱/۳۱	۳۱/۳۲	۳۱/۳۳	۳۱/۳۴	۳۱/۳۵	۳۱/۳۶	۳۱/۳۷	۳۱/۳۸	۳۱/۳۹	۳۱/۴۰	۳۱/۴۱	۳۱/۴۲	۳۱/۴۳
۳۱/۴۴	۳۱/۴۵	۳۱/۴۶	۳۱/۴۷	۳۱/۴۸	۳۱/۴۹	۳۱/۵۰	۳۱/۵۱	۳۱/۵۲	۳۱/۵۳	۳۱/۵۴	۳۱/۵۵	۳۱/۵۶

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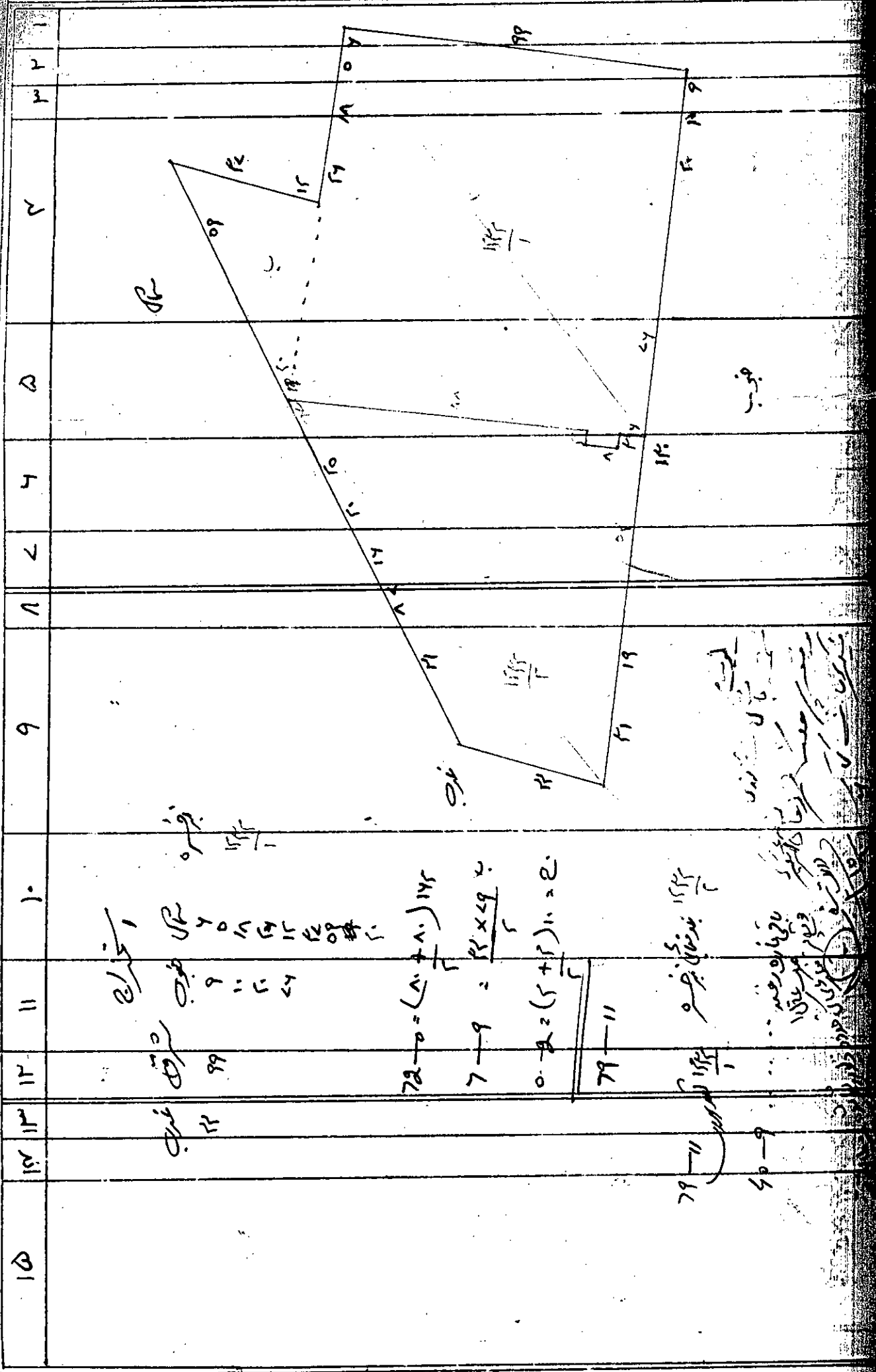
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2015

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اخراج

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$$72 - 0 = (8.1 + 8.1) 172$$

$$7 - 9 = \frac{22 \times 29}{2}$$

$$0 - 2 = (2 + 2) 11 = 20$$

79-11

بندوبانی بخش

79-11

بانی باور غنچه
و دیگران
برای احداث
بندوبانی بخش
در این زمین
مقرر شده است
و این سند
برای ثبت
این امر
مقرر شده است

شماره	نام محار و مجری	نام طرف یا جاره	مساحت و احوال	احوال	تقسیمین	کمان	بمگر کمان	داحوال	تقسیمین	کمان	بمگر کمان
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15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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Handwritten mathematical notes and diagrams. The notes include:

- Arabic text: "استطوره سقا" (Water supply capacity), "فهر 1" (Table 1), "استطوره سقا" (Water supply capacity), "اول" (First), "فهر 1" (Table 1), "فهر 1" (Table 1).
- Equations: $2675 = 3 \times \dots$, $30 - 4 = (22 + 19) 112$, $1444 = 12 \times 120 + 4$.
- Diagrams: A large rectangle with a triangle on top, and a smaller rectangle below it. Dimensions are labeled with numbers like 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
- Other symbols: $\frac{1444}{12}$, $\frac{1444}{12}$, $\frac{1444}{12}$, $\frac{1444}{12}$.

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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Annex

ردیف	نام مالک و احوال	اول	دستمین	کفایت	ملاحظات	داوالت	تقسیمین	ملاحظات
1	فرزاد و سید علی علی محمد فرزاد و سید علی محمد فرزاد و سید علی محمد	1/2	1/2	1/2	1/2	1/2	1/2	1/2
2	فرزاد و سید علی محمد فرزاد و سید علی محمد فرزاد و سید علی محمد	1/2	1/2	1/2	1/2	1/2	1/2	1/2
3	فرزاد و سید علی محمد فرزاد و سید علی محمد فرزاد و سید علی محمد	1/2	1/2	1/2	1/2	1/2	1/2	1/2
4	فرزاد و سید علی محمد فرزاد و سید علی محمد فرزاد و سید علی محمد	1/2	1/2	1/2	1/2	1/2	1/2	1/2
5	فرزاد و سید علی محمد فرزاد و سید علی محمد فرزاد و سید علی محمد	1/2	1/2	1/2	1/2	1/2	1/2	1/2
6	فرزاد و سید علی محمد فرزاد و سید علی محمد فرزاد و سید علی محمد	1/2	1/2	1/2	1/2	1/2	1/2	1/2
7	فرزاد و سید علی محمد فرزاد و سید علی محمد فرزاد و سید علی محمد	1/2	1/2	1/2	1/2	1/2	1/2	1/2
8	فرزاد و سید علی محمد فرزاد و سید علی محمد فرزاد و سید علی محمد	1/2	1/2	1/2	1/2	1/2	1/2	1/2
9	فرزاد و سید علی محمد فرزاد و سید علی محمد فرزاد و سید علی محمد	1/2	1/2	1/2	1/2	1/2	1/2	1/2
10	فرزاد و سید علی محمد فرزاد و سید علی محمد فرزاد و سید علی محمد	1/2	1/2	1/2	1/2	1/2	1/2	1/2

ذریعہ تعلیم یافتہ کی شہزاد خلیل کے حوالہ دار کی تقریباً جون 2015

ذریعہ کام

تاریخ	رہائے	رقم	رقم	رقم
5-6-2015	پہر			
7-6	پہر			
8-6-15	پہر	حوالیہ	بانڈن	کام درہ لہندی انتظامیہ بڑاری حلقہ بانڈن والہ
9-6	پہل	"	"	" " " " " " " " " " " "
10-6	پہ	"	"	" " " " " " " " " " " "
11-6	مرات	"	کالج	جنرل درہ لہندی انتظامیہ بڑاری حلقہ شاہ واپس
12-6	پہ	"	شاہ	کام درہ لہندی انتظامیہ بڑاری حلقہ شاہ واپس
13-6	پہ			تعمیرات عام
14-6	پہر	حوالیہ	حوالیہ	کام درہ لہندی انتظامیہ بڑاری حلقہ حوالیہ والہ
15-6	پہر	"	"	" " " " " " " " " " " "
16-6	پہل	"	حوالیہ	" " " " " " " " " " " "
17-6	پہ	"	خان	" " " " " " " " " " " "
18-6	مرات	"	علی خان	" " " " " " " " " " " "
19-6	پہر			تعمیرات عام
20-6	پہر			کام درہ لہندی انتظامیہ بڑاری حلقہ کنگہ والہ
21-6	پہر	حوالیہ	کنگہ	" " " " " " " " " " " "
22-6	پہر	"	کوٹوال	" " " " " " " " " " " "
23-6	پہل	"	کنگہ	" " " " " " " " " " " "
24-6	پہ	"	مہم	" " " " " " " " " " " "
25-6	مرات	"	مہم	جنرل درہ
26-6	پہر			تعمیرات عام
27-6	پہر			کام درہ لہندی انتظامیہ بڑاری حلقہ سرانہ والہ
28-6	پہر	حوالیہ	سرانہ	" " " " " " " " " " " "
29-6	پہر	"	دراستیہ	" " " " " " " " " " " "
30-6	پہل	"	دراستیہ	" " " " " " " " " " " "

تعمیرات عام

No. 1478-85 (K.H)

- A.C.A صاحب ضلع حوالہ
- A.D.C " " " " " " " " " " " "
- A.C " " " " " " " " " " " "
- A.A.C " " " " " " " " " " " "
- " " " " " " " " " " " "
- " " " " " " " " " " " "

تعمیرات عام

77 ضلع حیدرآباد و ضلع حیدرآباد تحصیل و ضلع حیدرآباد تحصیل و ضلع حیدرآباد تحصیل

Amwex 2 (2)

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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1731	1732	1733	1734	1735	1736	1737	1738	1739	1740	1741	1742	1743	1744	1745
1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000
1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000
1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000

12/18/15

17

اندر ارج جدید جو اب قائم کیا جاوے گا۔

اندر ارج مجموعہ کی گذشتہ یا آخری واقعہ انتقال جس کی ترمیم مطلوب ہے۔

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے	صبا موعان واقعہ میرا بیہ ملکیت درج کے استحقاق جاری کیا گیا ہے مناسبت سے
1731	1731	1731	1731	1731	1731	1731	1731	1731	1731	1731	1731	1731	1731	1731
28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15
576/245	576/245	576/245	576/245	576/245	576/245	576/245	576/245	576/245	576/245	576/245	576/245	576/245	576/245	576/245

Attested to be true Cop.
 [Signature]
 Attending Officer
 Date: 12/8/18
 Authorized u/s 70 PAK evd. 18

13101-3809956-7
 [Signature]
 Nurul shahem.

رجسٹر انتقالات موضع باگڑ

نمبر حد بست ۱۷۱۷ تحصیل

ضلع صیدی پروردق نمبر 99

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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اندرج جدید حجاب قائم کیا جاوے گا۔

اندرج جمعوی گذشتہ یا آخری واقعہ انتقال جس کی ترمیم مطلوب ہے۔

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
1731														
صاحب علی	صاحب علی	صاحب علی	صاحب علی	صاحب علی	صاحب علی	صاحب علی	صاحب علی	صاحب علی	صاحب علی	صاحب علی	صاحب علی	صاحب علی	صاحب علی	صاحب علی
1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000	1500000
28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15	28/04/15
اندرج سابق سابق	اندرج سابق سابق	اندرج سابق سابق	اندرج سابق سابق	اندرج سابق سابق	اندرج سابق سابق	اندرج سابق سابق	اندرج سابق سابق	اندرج سابق سابق	اندرج سابق سابق	اندرج سابق سابق	اندرج سابق سابق	اندرج سابق سابق	اندرج سابق سابق	اندرج سابق سابق

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 Attesting Officer
 Date 12/8/15
 Authorised w/s 76 PAK evidence

Nusent shokeen

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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اندراج جدید جواب تا کیمیا جاوے

اندراج تصدیق گذشتہ یا آخری واقعہ انتقال جس کی ترمیم مطلوب ہے۔

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
1731 1232														
صاحبہ بیگم بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز	بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز	بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز	بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز	بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز	بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز	بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز	بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز	بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز	بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز	بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز	بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز	بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز بیگم شہناز		

صاحبہ بیگم علی
دفعہ میرزا میر ملکیت درج و تصدیق
مستحقہ میرزا میر ملکیت درج و تصدیق
صاحبہ بیگم علی

28/4/15

اندر احساب درج
57/6/2015

0322: 5565457
13302-8419344

گراہ
326-3995-61101

بیگم شہناز
بیگم شہناز
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بیگم شہناز
بیگم شہناز

13801-9809585

بیگم شہناز

Mushtaq Shukhan

11223

Attested to be true
Attesting Officer
Date: 12/8/15
Authorised u/s 7 PAK

رجسٹر اشکالات موقع بازداشت نمبر حدیست ۱۲۲ تحصیل و صنع ہری پور ورن مہر

Annex J (6)

21

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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اندر ان تصدیق گذشتہ یا آخری واقعہ اشکال جس کی ترمیم مطلوب ہے۔
اندر ان تصدیق جواب نام کیا نام ہے۔

<p>خداوند علی</p> <p>واقعہ صفحہ اولیہ ملکیت درن اسٹور</p> <p>اشتمالی راجاری کتا کتا سے طیارہ</p> <p>مناسبت حکم سے (بغور از)</p> <p>28/4/15</p> <p>اندر ان سابق دست</p> <p>5/6/25</p>	<p>1200000</p> <p>بارہ لاکھ</p> <p>24</p> <p>3176</p> <p>6-6</p> <p>13302-8419944</p> <p>برائے بندر</p>	<p>1241</p> <p>1242</p> <p>39-14</p> <p>عقید احمد ولد</p> <p>عبدالسعید قوم کوٹہ</p> <p>سلطہ توپیان روڈ</p> <p>بانڈہ سپان ڈاکخانہ</p> <p>ایسٹ آباد 2</p> <p>24</p> <p>3176</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p>	<p>1241</p> <p>1242</p> <p>39-14</p> <p>عقید احمد ولد</p> <p>عبدالسعید قوم کوٹہ</p> <p>سلطہ توپیان روڈ</p> <p>بانڈہ سپان ڈاکخانہ</p> <p>ایسٹ آباد 2</p> <p>24</p> <p>3176</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p>	<p>1241</p> <p>1242</p> <p>39-14</p> <p>عقید احمد ولد</p> <p>عبدالسعید قوم کوٹہ</p> <p>سلطہ توپیان روڈ</p> <p>بانڈہ سپان ڈاکخانہ</p> <p>ایسٹ آباد 2</p> <p>24</p> <p>3176</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p>	<p>1241</p> <p>1242</p> <p>39-14</p> <p>عقید احمد ولد</p> <p>عبدالسعید قوم کوٹہ</p> <p>سلطہ توپیان روڈ</p> <p>بانڈہ سپان ڈاکخانہ</p> <p>ایسٹ آباد 2</p> <p>24</p> <p>3176</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p>	<p>1241</p> <p>1242</p> <p>39-14</p> <p>عقید احمد ولد</p> <p>عبدالسعید قوم کوٹہ</p> <p>سلطہ توپیان روڈ</p> <p>بانڈہ سپان ڈاکخانہ</p> <p>ایسٹ آباد 2</p> <p>24</p> <p>3176</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p>	<p>1241</p> <p>1242</p> <p>39-14</p> <p>عقید احمد ولد</p> <p>عبدالسعید قوم کوٹہ</p> <p>سلطہ توپیان روڈ</p> <p>بانڈہ سپان ڈاکخانہ</p> <p>ایسٹ آباد 2</p> <p>24</p> <p>3176</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p>	<p>1241</p> <p>1242</p> <p>39-14</p> <p>عقید احمد ولد</p> <p>عبدالسعید قوم کوٹہ</p> <p>سلطہ توپیان روڈ</p> <p>بانڈہ سپان ڈاکخانہ</p> <p>ایسٹ آباد 2</p> <p>24</p> <p>3176</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p>	<p>1241</p> <p>1242</p> <p>39-14</p> <p>عقید احمد ولد</p> <p>عبدالسعید قوم کوٹہ</p> <p>سلطہ توپیان روڈ</p> <p>بانڈہ سپان ڈاکخانہ</p> <p>ایسٹ آباد 2</p> <p>24</p> <p>3176</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p>	<p>1241</p> <p>1242</p> <p>39-14</p> <p>عقید احمد ولد</p> <p>عبدالسعید قوم کوٹہ</p> <p>سلطہ توپیان روڈ</p> <p>بانڈہ سپان ڈاکخانہ</p> <p>ایسٹ آباد 2</p> <p>24</p> <p>3176</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p>	<p>1241</p> <p>1242</p> <p>39-14</p> <p>عقید احمد ولد</p> <p>عبدالسعید قوم کوٹہ</p> <p>سلطہ توپیان روڈ</p> <p>بانڈہ سپان ڈاکخانہ</p> <p>ایسٹ آباد 2</p> <p>24</p> <p>3176</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p>	<p>1241</p> <p>1242</p> <p>39-14</p> <p>عقید احمد ولد</p> <p>عبدالسعید قوم کوٹہ</p> <p>سلطہ توپیان روڈ</p> <p>بانڈہ سپان ڈاکخانہ</p> <p>ایسٹ آباد 2</p> <p>24</p> <p>3176</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p>	<p>1241</p> <p>1242</p> <p>39-14</p> <p>عقید احمد ولد</p> <p>عبدالسعید قوم کوٹہ</p> <p>سلطہ توپیان روڈ</p> <p>بانڈہ سپان ڈاکخانہ</p> <p>ایسٹ آباد 2</p> <p>24</p> <p>3176</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p>	<p>1241</p> <p>1242</p> <p>39-14</p> <p>عقید احمد ولد</p> <p>عبدالسعید قوم کوٹہ</p> <p>سلطہ توپیان روڈ</p> <p>بانڈہ سپان ڈاکخانہ</p> <p>ایسٹ آباد 2</p> <p>24</p> <p>3176</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p> <p>1102</p>
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Attesting Office
Date: 12/8/15
Authorised u/s 5 PAK

Nusrat shahreen

ضلع گجرات اور وقت پٹر

تحصیل گجرات

نمبر حد پٹر 14

Annex D (7)

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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اندر انچ پھر پھر جواب تمام کیا جاوے گا

اندر انچ پھر پھر جواب تمام طلب ہے

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Witnessed to be true Copy

Notary Public

12/12/15

Authorized MS 76 PAK EVIDENCE

انصراف صدری حاکم پاکستان

انصراف صدری گزشتہ پانچ ماہی سابقہ انتقال جس کی ترمیم طلب ہے

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AUTHORIZED OFFICE
 Date: 18/05/2018
 Authorized w/s: [Signature]
 ANNEXED TO RETURN COPY

Wakid Shahan

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 رجسٹر انتقال وضع Ameer (10)

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Attest to be true Copy
 [Signature]
 Date: 12/1/1995
 76

Annex 'k

ADDITIONAL ASSISTANT COMMISSIONER (REVENUE) HARIPUR

Ref. No. 129

26

Dated 03-07-2015

To,

**The Deputy Commissioner
Haripur**

**Subject INQUIRY AGAINST ILLEGAL AND UNLAWFUL
ATTESTATION OF MUTATIONS BY TEHSILDAR
HARIPUR AND PATWARI HALQA PANDAK DISTRICT
HARIPUR**

Memo:-

With reference to subject application dated 29.06.2015.

1. It is intimated that the undersigned conducted the complete inquiry regarding subject application.
2. I summoned the Patwari Halqa Pandak and Tehsildar Haripur and applicant Ghalib Khan. Their complete statement given by them separately which are annexed herewith as **Annexure "A to C"**.
3. As per statement of Patwari at the time of attestation of Mutation mentioned in his report were attested on 26.06.2015. There was no application received from the applicant at the time of attestation of concerned mutation on 26.06.2015. Moreover, there is no restriction/status quo from any Court of law for not attesting the mutation in Khasra No. 1232 of Patwar Pandak.
4. That statement of applicant has also taken in which he has not submitted any document about the owner or co-owner in Khasra No. 1232. He has also not produced any document about any civil suit pending in any court of law about same Khasra No. i.e. 1232.
5. That statement of Tehsildar Haripur has also taken which is annexed as Annexure "C" as per his statement, the monthly visit was fixed for 26.06.2015 on the request of effected people of locality, because the statement of seller has already taken on 28.04.2015. He further stated that there was no application for restriction of attestation of said mutation was forwarded/received before attestation of mutation.
6. It is added for your kind information that the applicant is no owner or co-sharer in the said Khasra No.1232 as per revenue records. If the applicant has any records of ownership etc, he can appeal before Collector for cancellation of said mutation or suit before revenue court or civil court as he wish.
7. In the light of above the applicant's application having no value in the eye of law, so that all document alongwith inquiry report are retuned herewith for your further necessary action please.

DK/Atvd Imp.
PR/PR/10/14
ASD

**Additional Assistant Commissioner (Revenue)
Haripur**

Office of D.C. Haripur
4838

Annex 2

ADDITIONAL ASSISTANT COMMISSIONER (REVENUE) HARIPUR

Ref. No. 144

Dated 3-8-15

27

VC
To, DC H. Pur.
5/8/15
The Deputy Commissioner
Haripur

Subject INQUIRY AGAINST ILLEGAL AND UNLAWFUL ATTESTATION OF MUTATIONS BY TEHSILDAR HARIPUR AND PATWARI HALQA PANDAK DISTRICT HARIPUR

Memo:-

With reference to subject application dated 29.06.2015, this office letter No. 129 dated 30.07.2015 and oral order by Deputy Commissioner Haripur for conducting detail subject inquiry.

1. It is intimated that the undersigned deputed to conduct the complete inquiry with detail on all point of subject application.
2. In the light of subject inquiry summoned the Patwari Halqa pandak, the Tehsildar Haripur, the applicant Ghalib Khan and Mr. Malik Abdul Qayyum. The complete statements given by them separately which is annexed herewith as **Annexure "A to C"**.
3. The statement of applicant has also been taken in which he has not submitted any document about the owner or co-owner in Khasra No. 1232. He has also not produced any document about any civil suit pending in any court of law about same Khasra No. i.e. 1232.
4. That statement of Tehsildar Haripur has also taken which is annexed as Annexure "C" as per his statement, the monthly visit was fixed for 26.06.2015 on the request of effected people of locality, because the statement of seller has already taken on 28.04.2015. He further stated that there was no application for restriction of attestation of said mutation was forwarded/received before attestation of mutation.
4. The statement about Revenue Records from 1957 to 1981-82 were taken from Patwari Halqa Pandak (as well as from General Mahafaz Khan Revenue Haripur). The details as per revenue record are as under:-
 - (i) The Central Government acquired the disputed property in question through Mutation No. 1061 in Khasra Nos. 1186/2, 1185/2, 1189/2, 1187/1, 1188, 1190/2, 1191/2, 1192/2, 1193, 1194, 1195, 1209/1, 1196, 1197, 1198, 1200, 1207/1, 1199, 1201/1, 1202/21 total measuring 120 Kanals from Khalil Khan s/o Mudad Khan etc through Misal/file No.3 regard "حصول اراضی". The said Mutation is **Annexure "D"**.
 - (ii) In the year 1981-82 through (بندوبست) consolidation the whole above mentioned Khasra were converted into one Khasra number i.e. 1232 measuring 120 Kanals which is uncultivated (غیر ممکن فیوڈی) Factory.
 - (iii) In the year 1991 on 17.10.1991, the said Ghair Mumkan (غیر ممکن فیوڈی) factory were auctioned by Central Government through Privatize Commission in open auction by Ministry of Finance Islamabad an amount of Rs. 42.3 millions in lieu of property measuring **89^K-11^M** from Khasra No. 1232 total measuring **120 kanals** to one Malik Naseer & Associate Bank Road Rawalpindi. All above documents and process are annexed as **Annexure "E"**.

- (iv) After this Malik Naseer & Associate transferred their all shares to Malik Abdul Qayyum who was the Chief Executive of said Company. Details are annexed as **Annexure "F"**.
- (vi) In year 1997, the partition proceedings was completed between Central Government and Friends Vegetable Ghee Mills of disputed Khasra No. 1232 measuring 120 Kanals, in which through partition Mutation No. 3464 dated 16.10.1997 the property Khasra 1232/1 total measuring 120 Kanals is further divided into Khasra No. 1232/1 measuring 79K – 11M attested in the name of Friend Vegetable Ghee and 1232/2 measuring 40^K-09^M attested in favour of Central Government.
- (vi) In the year 1997, the owner Friend Vegetable Ghee Malik Abdul Qayyum transferred to his share to the extent of 39K-17M in the name of his wife Mst. Nusrat Shaheen through Mutation No. 3465, 3466 both attested on dated 16.10.1997 in the kind of Gift Mutation/Deed. The details of mutations are annexed as **Annexure "G"**.
- (vii) That applicant had not participated in auction procedure and also not objected in transaction through Gift in the year 1997.

However as per statements of Patwari Halqa, the applicant filed Civil Suit in Civil Court Haripur.

- 6. It is added that through mutation No. 11223 dated 19.03.2015 the property measuring 45K – 03M was transferred from Khasra No.1728/1232,1748/1729/ 1232, 1731/1232 by Friend Vegetable Ghee by Malik Abdul Qayyum through Gift Mutation in the name of his wife Mst. Nusrat Shaheen after approval of Deputy Commissioner Haripur through approval order dated 10.02.2015. Copy of said approval order is annexed as **Annexure "H"**.
- 7. After ownership through Gift Mutation, Mst. Nusrat Shaheen further transfer the said property vide mutation Nos. 11337, 11339, 11338, 11348, 11349, 11350, 11364, 11391 & 11392 measuring 5 marlas upto 10 marlas etc to different owners for residential purposes. Copies of mutations are already attached as **Annexure "I"**.
- 8. As per oral statement of Malik Abdul Qayyum, the said factory was demolished / destroyed in the earthquake 2005. At present there are no commercial plots or area is available in said disputed Khasra No. 1232. However the residential buildings are available in the said area before attestation of above mutations.
- 9. It is added for your kind information that the applicant is no owner or co-sharer in the said Khasra No.1232 as per revenue records. If the applicant has any records of ownership etc, he can appeal before Collector for cancellation of said mutation or suit before civil court as he wish.

In the light of above the applicant's application having no value in the eye of law, so that all document alongwith inquiry report are returned herewith for your further necessary action please.

**Additional Assistant Commissioner (Revenue)
Haripur**

[Handwritten Signature]
 Attd.
 3/8
 2015

جناب عالی

مطابق حکم جناب ڈپٹی کمشنر صاحب ضلع صری پور مورخہ 14/1/2015ء پر درخواست

سائل ملک عبدالقیوم ولد ملک سید علی مسکنہ ملک یادوس فارمٹ اور تحصیل و ضلع ایبٹ آباد
بمغذات مال موٹو پانڈک ملکہ عظمہ کے لئے عرصہ ذیل ہے۔

دعوتہ القدران زمین ذیل فار سالہ 2007-08 موٹو پانڈک ملکہ عظمہ 969 میں
1328

تعمیرات خسرو 1222 1229 1242 1242 1242 1242 45 ملکیت بنام

فرینڈز و جینیٹل ٹریڈنگ کمپنی لمیٹڈ درج ہے قبل ازیں رقمہ مذکورہ بالہ منقول تھا

جبکہ بابت انتقال 10997 و ایڈاری ملکیت مورخہ 11/12/2014ء تصدیق و منظور ہو چکا ہے

اب رقمہ مذکورہ بالہ پیر کسی ادارے یا کوئی بارڈرین وغیرہ نہیں ہے

اب اس رقمہ مذکورہ بالہ کو کسی اور نام پر منتقل / فروخت / ٹرانسفر کرنا جائز ہے

مرد و عورت قدران زمین ذیل فار قدران زمین سالہ 2007-08 موٹو پانڈک ملکہ عظمہ

میرا کف ہے سید اور پورٹ میجر اور مناسب مارکیٹ و حکم پیش منظور ہے

فیدل پورہ ریسٹ ہاؤس پورٹ میجر پانڈک ملکہ عظمہ
حصہ اولیٰ سدرت 9 موٹو پانڈک ملکہ عظمہ
1731 1748 1748
1232 1232 1232

45 فرینڈز و جینیٹل ٹریڈنگ کمپنی لمیٹڈ
رقمہ مذکورہ بالہ منقول تھا۔

صاحبزادہ صاحب سید احمد علی صاحب
مورخہ 11/12/2015ء
45

Comment on whether there is any bar on mutation of this land in light of Revenue Record & Rules -

دفعہ 29 فارم 29 کے تحت
 ڈیپارٹمنٹ کے پاس
 کہ اگر ایسا ہو تو
 تھسڈلر ہانپور
 کے پاس رکھ دینا
 ضروری ہے

ADP (Hampur) 21/1/15

ADP A-
 Approved to proposed
 10/02/2015

فائل نمبر 12 ایس ایس ایس فارم 29 کے تحت
 ایس ایس ایس 2
 گورنمنٹ آف ہریانہ
 09/12/15
 خود نوشتہ
 ADP کے پاس
 22/01/2015
 Sub-1
 29/01/2015

After the perusal of record, it is submitted that the applicant should submit Authority letter in the name of Chief Executive of "Friends Vegetable Ghee Mills (Pvt. Limited) by the Board of Governors of Said Company. Authority letter must clear in respect of property transaction "Sale/Purchase/lease/gift" etc".

② The dealfy party must be appear before the Court in person or through Power of authority/authority.

Submitted
 - ADP scrib, Hampur
 Examine the submitted Stamp/authority letter & Commit
 29/01/2015

Annex- "N"

30

**The
LAND
ACQUISITION
ACT
(I OF 1894)**

By


MIAN KHURSHID AHMAD NASIM

Advocate

Mansoor

Book

House- 2-Katchery Road, Lahore

 7245991

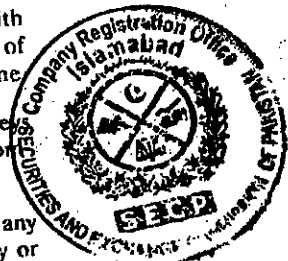
7355418

names and address of

or for any other purposes, and execute and do all such instruments and things as may be required in relation to any such trust.

23

- (d) ~~To sell, let, exchange or otherwise dispose off absolutely or conditionally all or any part of the property, privileges and undertaking of the Company upon such terms and conditions and for such consideration as they may think fit.~~
- (e) to buy or procure the supply of all plant, machinery, materials, stores, fuel, implements and other movable property required for the purposes of the Company.
- (f) To sell and dispose off all articles and goods manufactured or dealt in by the Company.
- (g) To engage, fix and pay the remuneration of, dismiss or discharge all managers, engineers, agents, secretaries, or clerks, servants, workmen and other persons employed or to be employed in or in connection with the Company's business.
- (h) To appoint any person or persons to be the attorneys of the Company for such purposes and with powers, authorities and discretions, not exceeding those vested in or exercisable by the Directors, and subject to such conditions, as the Directors may from time to time think fit.
- (i) to enter into, carry out, rescind or vary all financial arrangements with any banks, persons or corporations for or in connection with the Company's business or affairs and pursuant to or in connection with such arrangements to deposit, pledge or hypothecate any property of the Company or the documents representing or relating to the same
- (j) To make and give receipts, releases and other discharges for money payable to the Company and for the claims and demands of the Company.
- (k) To compound and allow time for the payment or satisfaction of any debts due to or by the Company and any claims and demands by or against the Company and refer any claims or demands by or against the Company to arbitration and observe and perform the awards.
- (l) To draw, accept, endorse and negotiate for and on behalf of the Company, all such cheques, bills of exchange, promissory notes, hundies, drafts, government and other securities as shall be necessary in or for carrying on the affairs of the Company.



D.C. Haripur.

DISCUSS jointly
D.K. HVC AAC Rev:


D.K

~~D.K.~~ DISCUSSED. AAC Rev: guided in
prepare TORs. 13.7.15

7. The Inquiry Officer has not fixed any responsibility on revenue official, nor covered all aspects required from the Inquiry Officer. If approved the enquiry file may be remanded back to Inquiry Officer to conduct enquiry with the following TORs:-

- i) Whether the Govt: land transferred from the name of Central Govt: to that of Sarhad Development Authority in the result of sale amount of Rs. 7955000/- as mentioned in mutation No. 3424 was genuine and to whom the land was allotted and for what purpose?
- ii) The land mutated by Malik Abdul Qayum to the name of his wife Mst: Nusrat Shaheen as gift from "Friends Vegetables Ghee Pvt: Limited was legal in the light of revenue laws, being sole owner of Friends Vegetables Ghee Pvt: Ltd: or otherwise?
- iii) In case of illegal transfer as gift, what losses have been caused to govt: in the terms of taxes as 4% tax?

DC Haripur.

OK. AAC Rev: 
has already been ^{DK.}
guided on above line.

D.K. / AAC Rev

14.7.15

2017 P L C (C.S.) 214

[Punjab Service Tribunal]

Before Khalid Mahmood Ramay, Member-II

NAVEED SHAH

Ali Sher Khan

Versus

CITY POLICE OFFICER, FAISALABAD and 2 others

Appeal No.746 of 2016, decided on 20th October, 2016.

(a) Punjab Employees Efficiency, Discipline and Accountability Act (XII of 2006)---

---Ss. 4(1)(b)(vi) & 19---Dismissal from service---Punishment, reduction in---Employee was police/constable, who was posted as Muharrar, was dismissed from service despite that Enquiry Officers had recommended minor penalty---One drug paddler was arrested red-handed, but was released without any legal action against him on direction of Police Inspector---Allegations against employee was that he being a Muharrar, did not inform the Incharge about release of accused from the lock-up---Competent authority though had the power to differ with the recommendation of Enquiry Officer, but said powers were not discretionary, rather subject to assigning valid reasons---No reason was assigned by the punishing authority to disagree with recommendation of the Enquiry Officer---Punishing authority was legally bound to formulate his opinion on the basis of solid evidence available on record and give reasons for differing with the recommendations made in the enquiry report---No such requirements were fulfilled---If the punishing authority was not in agreement with the recommendation of Enquiry Officer, a de novo enquiry should have been ordered; pointing out the differences and lacunae in the previous enquiry; but that was not done, which resulted into serious miscarriage of justice---Prima facie, the matter of arrest and release of accused was between the A.S.I. and Inspector---Charge against the employee being contributory in nature, was not sustainable---Service tribunal accepting the appeal of the employee modified the punishment in the manner that penalty of dismissal from service, was converted into forfeiture of approved service for one year---Employee was reinstated into service---Intervening period during which employee remained out of job was treated as leave of the kind due.

2006 SCMR 60 rel.

(b) Punjab Employees Efficiency, Discipline and Accountability Act (XII of 2006)---

---S. 4---Penalty/punishment---Philosophy---Philosophy of punishment was based on the concept of retribution, which could be either through the method of deterrence or reformatory---Extreme penalty, in service matter, for a minor act depriving a person from right of earning would defeat the reformatory concept of punishment---Punishing a subordinate in a harsh manner, always would create lack of interest, which could discourage him to prove himself an efficient and hard working officer/official---Service Tribunal reduced the quantum of penalty so that nature of punishment could be transformed reformatory to some extent and efforts of the employee could be appreciated and dispensation of justice was ensured---Employee was guilty of not informing the seniors and for that act penalty awarded to the employee was unjustified and did not commensurate with the nature of charges allegedly attributed against the employee particularly when three Enquiry Officers recommended minor penalty for the employee.

Malik Muhammad Akhtar Awan for Appellant.

Sardar Muhammad Ahmad, District Attorney and Atta Mahmood, ASI for Respondents.

Date of hearing: 20th October, 2016.

JUDGMENT

KHALID MAHMOOD RAMAY--- Briefly stated the facts of the case are that the appellant Naveed Shah, Constable No.2601/6375 of District Police Faisalabad while posted as Moharrar at CIA Staff Tariqabad was proceeded against departmentally under PEEDA Act, 2006 by way of show cause notice dated 03.08.2012, carrying following allegations against him:--

"DSP Organized Crime Faisalabad made a special report that on 07.05.2012, T/ASI Muhammad Shahid arrested drug peddler namely Sohail Ahmad s/o Ghulam Muhammad r/o Chak No.188-RB (Lakar Wala) PS Chak Jhumra red handed and recovered heroin 375 grams from his possession. T/ASI brought the accused at CIA Staff Tariqabad and released him without any legal action. He has been found guilty to the extent that T/ ASI conducted a raid without bringing the same into the notice of his Incharge Inspector Muhammad Asif No.F/423 and used private vehicle.

In order to meet the ends of justice, RPO Faisalabad appointed DPO Chiniot as enquiry officer to conduct a discreet regular enquiry and submit report based on facts. The enquiry officer conducted a thorough enquiry by associating the real facts. The Enquiry Officer held him guilty that he neither informed the incharge CIA Staff Tariqabad for detention of accused Sohail nor about the release of Sohail from the lockup of CIA Staff Tariqabad.

During inquiry, it come to light that no one can be confined or released from lockup without approval/ permission in this regard. Inspector Muhammad Asif rather released the accused on the request of T/ASI Muhammad Shahid."

On the basis of a fact finding inquiry conducted by DPO Chiniot, the CPO Faisalabad, vide order dated 05.10.2012, awarded the appellant major penalty of dismissal from service, against which his departmental appeal was rejected by RPO Faisalabad on 22.03.2013. Thereafter, the appellant preferred revision petition to IGP Punjab, Lahore who, vide order dated 12.07.2013, reinstated the appellant into service provisionally and ordered de novo inquiry. Consequently, the competent authority/respondent No.1 initiated de novo proceedings against the appellant vide charge sheet dated 16.08.2013 containing the above said allegations against him and appointed SP Admin. and Security, Faisalabad as inquiry officer who submitted inquiry report recommending minor penalty against the appellant. However, the respondent No.1, vide impugned order dated 20.05.2014, awarded the appellant major penalty of dismissal from service. Feeling aggrieved by order dated 20.05.2014, the appellant preferred departmental appeal before RPO Faisalabad, which was rejected vide impugned order dated 31.10.2014. Thereafter, the appellant filed revision petition before IGP Punjab, Lahore, but the same was also rejected vide impugned order dated 11.01.2016. Hence, this appeal.

2. Record as produced by the department, memorandum of appeal along with its annexures and comments of the respondents were perused. Arguments heard from both sides.

3. Learned counsel for the appellant argued that in the first round of litigation the appellant was dismissed from service on the basis of an inquiry conducted by DPO Chiniot, which was a fact finding inquiry as is evident from para No.2 of show cause notice dated 03.08.2012, whereby regular inquiry was specifically dispensed with. He added that before deciding departmental appeal and revision petition two inquiries were got conducted; one was conducted by DSP/SDPO Sadar Circle, Faisalabad and the other was conducted by SSP RIB Faisalabad. Both the inquiry officers found the penalty of dismissal from service too harsh and recommended for minor penalty. Learned counsel

further argued that on the direction of IGP Punjab, the competent authority conducted de novo proceedings by appointing SP Admin and Security, Faisalabad as inquiry officer who also recommended minor penalty against the appellant. Learned counsel submitted that the respondent No.1 without pointing out any deficiency in the de novo inquiry proceedings and without expressing any cogent reason to disagree with the recommendations of inquiry officer, awarded the appellant again extreme penalty of dismissal from service in an arbitrary manner in sheer violation of principle of natural justice, which is liable to be set aside by this Tribunal.

4. It was further argued that even otherwise the charges are factually incorrect. He explained that during his posting as Moharrir at CIA Staff, Tariqabad, Faisalabad, Muhammad Shahid, T/ASI arrested one drug peddler namely Sohail Ahmad s/o Ghulam Muhammad but subsequently he released the said accused from police lock up on the direction of Inspector Muhammad Asif. The DSP Organized Crime, Faisalabad reported the incident to CPO Faisalabad who appointed DPO Chiniot to hold an inquiry. During inquiry ASI Muhammad Shahid categorically made his statement that after arrest of above said accused he telephonically informed Inspector Muhammad Asif who directed him to release the accused, which was accordingly done. Learned counsel contended that in the whole picture the appellant did not play any role. But he was punished on the charge of not informing the seniors about the release of accused Sohail Ahmad by ASI Muhammad Shahid keeping aside the fact that said ASI released the accused on the direction of Inspector Muhammad Asif. Learned counsel continued that even if it is conceded that appellant was guilty of not informing the seniors about the arrest and release of the accused Sohail Ahmad, even then the penalty is too harsh and do no commensurate with the alleged guilt.

5. In addition to above, learned counsel for the appellant argued that the revisional authority/respondent No.3 rejected the revision petition of the appellant on merits as well as on the point of limitation without discussing as to how the revision petition was time barred, and without mentioning the date of its institution. Learned counsel explained that departmental appeal of the appellant was rejected by RPO Faisalabad on 31.10.2014 and after receipt of copy of the said order, the appellant filed revision petition before IGP Punjab, Lahore/respondent No.3 on 24.11.2014 through Pakistan Post Service vide its receipt No.UMS38966281 dated 24.11.2014, but the respondent No.1 wrongly rejected the same without bringing on record date of its institution.

6. On the other hand the learned District Attorney negated the contentions raised by the appellant and maintained that both the impugned orders are just and liable to be upheld because the competent authority is empowered by law to award any penalty contrary to the recommendations of the inquiry officer and there is no lacuna in the orders impugned before this Tribunal. He emphatically relied upon the comments of the respondents and maintained that the impugned orders have been passed lawfully and merit to be upheld.

7. Patient hearing was given to both the parties and record was perused minutely. It is well settled law that it is obligatory for prosecution to prove its case against the accused persons beyond any shadow of doubt and on the basis of independent and discrete evidence. But in the present case, the department failed to prove its case adequately. The charges leveled against the appellant are with regard to inefficiency arising out of confinement and release of an accused without bringing this fact into notice of seniors while posted as Moharrar at CIA Staff Tariqabad and to substantiate the allegations multiple inquiries were conducted. In the 1st inquiry, though it was a fact finding inquiry, conducted by DPO Chiniot the appellant was held guilty and was awarded major penalty of dismissal from service, whereas the penalty recommended was a minor one. Thereafter at the level of appellate authority and revisional authority two inquiries were conducted; one was conducted by DSP/SPO Sadar Circle, Faisalabad and the other was conducted by SSP RIB Faisalabad. Both the inquiry officers found the penalty of dismissal from service too harsh and recommended for minor penalty. Yet another inquiry was conducted by SP Admin and Security, Faisalabad, who discussing the matter in detail recommended minor penalty against the appellant. Though the competent authority has the

powers to differ with the recommendations of the inquiry officer but said powers are not discretionary rather subject to assigning valid reasons. Whereas no reason was assigned by the punishing authority to disagree with the findings and recommendations of the inquiry officer. The punishing authority was legally bound to formulate his opinion on the basis of solid evidence available on record and give reasons for differing with the recommendations made in the inquiry report but the same fact is non-existent in the instant case. Further if the punishing authority was not in agreement with the recommendations of inquiry officer, again a de novo inquiry should have been ordered pointing out the deficiencies and lacunas in the previous inquiry. But this was not done, which resulted into serious miscarriage of justice.

8. Coming to the merits of the case it is surfaced from record that while the appellant was posted as Moharrir CIA Staff Tariqabad, District Faisalabad one ASI Muhammad Shahid arrested a drug peddler namely Sohail Ahmad and brought him to police station and thereafter released him. As per statement got recorded by T/ASI Muhammad Shahid before the inquiry officer, he categorically stated that he informed the Incharge CIA Staff Tariqabad/Inspector Muhammad Asif and on his direction he released the accused Sohail Ahmad. Thus, it is prima-facie proved that the matter of arrest and release was between the ASI Muhammad Shahid and Incharge CIA Staff Tariqabad/Inspector Muhammad Asif. Hence, the charge being contradictory in nature was not sustainable.

9. So far as the question of limitation in filing the revision petition is concerned it is established from record that appellant in para 5 of the instant appeal specifically asserted that he filed the revision petition within prescribed period of limitation, i.e. on 24.11.2014, however, respondent No.3, in reply to said para, did not rebut the version of the appellant and submitted an evasive reply that "matter of record". Perusal of order dated 11.01.2016 passed by IGP Punjab, Lahore/respondent No.3 shows that while rejecting the revision petition on the point of limitation, no record with regard to its institution has been discussed or relied upon. Therefore, the version of the learned counsel for the appellant with regard to filing of revision petition on 24.11.2014 through Pakistan Registered Post vide its receipt No.UMS38966281 dated 24.11.2014 carries weight.

10. It is also worth consideration that the philosophy of punishment is based on the concept of retribution, which may be either through the method of deterrence or reformation. The Hon'ble Supreme Court of Pakistan has observed in its various judgments that "in service matters, extreme penalty for minor acts depriving a person from right of earning would defeat the reformatory concept of punishment. Reliance is placed on 2006 SCMR 60. To punish a subordinate in a harsh manner always creates lack of interest which may discourage him to prove himself an efficient and hardworking officer/official". Keeping in view this principle I intend to reduce the quantum of penalty so that nature of punishment could be transformed reformatory to some extent and efforts of the appellant could be appreciated simultaneously as well as dispensation of justice could be ensured. At the most the appellant is guilty, so as to say, of not informing the seniors and for that act penalty awarded to the appellant is unjustified and not commensurating with the nature of charges allegedly attributed against the appellant, particularly when three inquiry officers recommended minor penalty to be imposed upon the appellant.

11. In view of what has been discussed above, this appeal is accepted and the impugned orders are modified in the manner that the penalty of dismissal from service is converted into forfeiture of approved service for one year. Resultantly, the appellant is reinstated into service. The intervening period during which the appellant remained out of service is treated as leave of the kind due.

HBT/16/PST

Appeal accepted.

2016 P L C (C.S.) 454

Ali Sheer Khan

[Federal Service Tribunal]

Before Sheikh Ahmad Farooq, Chairman and Syed Nasir Ali Shah, Member

MUHAMMAD SOHAIL BUTT

Versus

CHIEF (MGT CUSTOMS) REVENUE DIVISION FEDERAL BOARD OF REVENUE,
ISLAMABAD and another

Appeal No.213(L)CS of 2015, decided on 6th October, 2015.

(a) Civil Servants (Appeal) Rules, 1977---

---R. 3---Government Servants (Efficiency and Discipline) Rules, 1973, R.6-A---Service Tribunals Act (LXX of 1973), S.4---Removal from service---Allegations of inefficiency, misconduct and corruption---Minor penalty, enhancement of---Withdrawal of representation---Effect---Minor penalty of "withholding of four increments" (without cumulative effect) was imposed upon the appellant by the Authorized Officer but "Authority"/"Appellate Authority" modified the said minor penalty to major penalty of "removal from service"---Validity---Departmental appeal filed by the appellant was to be heard and decided by the "Appellate Authority" and not by the "Authority"---Respondent (official) was not sure whether he was acting as "Authority" or "Appellate Authority"---Respondent (official) had arrogated to himself both positions as "Authority" and "Appellate Authority"---Power of revision was available to the "Authority" and not to the "Appellate Authority"---Power conferred under S.6-A of Government Servants (Efficiency and Discipline) Rules, 1973 was revisional and not appellate and same had to be exercised suo motu---Respondent (official) had acted as "Appellate Authority" and not as "Authority"---Revisional power was not available to the respondents (official), he had exercised revisional power in his appellate jurisdiction and not suo motu---Section 6-A of Civil Servants (Appeal) Rules, 1977 empowered the Appellate Authority to confirm, set aside or modify the previous order---Authority was required to specify the reasons while enhancing the penalty---Authority merely mentioned in the show cause notice that the penalty imposed by the Authorized Officer was inadequate and did not commensurate with the gravity of the charges established against the appellant---Such was a vague and skimpy statement---No reasons for enhancement of penalty had been given---Authority was not justified in imposing impugned major penalty upon the appellant---Allegation of posting financial loss to the government exchequer could not be foisted upon the appellant---Withdrawal of departmental representation would not have the effect of forfeiting vested right of appellant to assail the imposition of penalty before the Service Tribunal---Inquiry report on the basis of which minor penalty was imposed on the appellant was found to be unfounded and misconceived---No justification existed for imposition of minor penalty upon the appellant---Impugned orders were set aside and appellant was directed to be reinstated into service with all the consequential back benefits---Appeal was accepted in circumstances.

G.M. Pakistan Railways and others v. Muhammad Rafique 2013 SCMR 372 and Secretary, Government of the Punjab (C&W) and others v. Ikramullah and 5 others 2013 SCMR 572 rel.

(b) Estoppel---

---No estoppel could operate against law.

Appellant in person along with Asif Nazir Awan for Appellant.

Muhammad Nawaz Waseer for Respondents.

Date of hearing: 1st October, 2015.

JUDGMENT

SYED NASIR ALI SHAH, MEMBER.--- This appeal is directed against the order dated 31.10.2014 whereby minor penalty of "withholding of four annual increments" (without cumulative effect) was imposed upon the appellant by the Authorized Officer/respondent No.1 and the subsequent order dated 6.5.2015 whereby respondent No.2 in his position as "Authority"/"Appellate Authority" modified the aforesaid minor penalty to major penalty of "removal from service".

2. Facts leading to the filing of this appeal may be summarised. While posted as Deputy Superintendent (BS-16) Model Customs Collectorate (Preventive), Lahore the appellant was served with a charge sheet by respondent No.1 in his position as "Authorized Officer" on the allegations of inefficiency, misconduct and corruption. It was inter alia alleged that the appellant being hand in glove with the importers of betel leaves facilitated them to evade Government taxes and duties and thereby posted financial loss to the Government exchequer. The appellant in his reply to the charge sheet controverted the allegations levelled against him. Muhammad Irfan Waheed, Additional Collector was appointed as Inquiry Officer to probe into the allegations levelled against the appellant. Vide Inquiry Report dated 21.4.2014 the aforesaid allegations against the appellant stood proved. Thus respondent No.1/Authorised Officer served a Show-Cause Notice dated 28.4.2015 upon the appellant. The appellant in his reply to the Show Cause Notice again refuted the allegations. Subsequently, vide order dated 31.10.2014 the Authorised Officer/respondent No. 1 imposed minor penalty of "withholding of four annual increments" (without cumulative effect) upon the appellant. On 17.11.2014 the appellant filed a departmental representation against the aforesaid order dated 31.10.2014. However, the aforesaid departmental representation was withdrawn by the appellant on 27/28.3.2015. But vide letter dated 26.3.2015 which was received by the appellant on 30.3.2015 a Show-Cause Notice was served upon the appellant to explain as to why major penalty of dismissal from service be not imposed upon him. The appellant in reply to the Show-Cause Notice again controverted the allegations. He also maintained that he had already withdrawn the departmental representation. However, vide impugned order dated 6.5.2015 major penalty of removal from service was imposed upon the appellant.

3. Against such a ticklish backdrop the appellant brought this appeal by inter alia maintaining that the impugned order is defective in that respondent No.2 acted as "Authority" instead "Appellate Authority" and as such lacked competence to impose the impugned penalty upon him. He also maintained that respondent No.2 had not assigned any reason while enhancing minor penalty into major penalty. The appellant thus prayed for setting aside of the impugned orders dated 31.10.2014 and 6.5.2015 with consequential relief of reinstatement into service with back benefits.

4. The appeal was resisted by the respondents. It was inter alia maintained that keeping in view the gravity of the allegations levelled and proved against the appellant during the inquiry respondent No.2 after fulfilling codal formalities had justifiably imposed the major penalty upon the appellant. It was pointed out that the appellant had filed departmental appeal before the Chairman, FBR, Islamabad, which has not yet been decided and as such the instant appeal is incompetent.

5. We have heard the learned counsel for the parties and gone through the available record with their able assistance.

6. As noted supra, the impugned penalty of removal from service was imposed by respondent No.2 upon the appellant. First of all it has to be seen and determined as to in what capacity respondent No.2 had imposed the aforesaid penalty upon the appellant. Section 3 of the Civil Servants (Appeal) Rules, 1977 reads as under:-

"3. Every civil servant shall be entitled to appeal, to the appellate authority from an order passed by an authority or an authorized officer imposing upon him any penalty."

In the case in hand, as noted above, the minor penalty of "withholding of four annual increments" (without cumulative effect) was imposed upon the appellant by the Authorized Officer. As such the departmental appeal which was filed by the appellant against the aforesaid order was to be heard and decided by respondent No.2 in his position as "Appellate Authority" and not as an "Authority". But a perusal of the impugned order dated 6.5.2015 reveals that respondent No.2 was himself not sure whether he was acting as "Authority" or "Appellate Authority". In the impugned order respondent No.2 arrogated to himself both positions as "Authority" and "Appellate Authority". Not only this the Show-Cause Notice which was issued by respondent No.2 to the appellant for imposition of major penalty provision of Rule 6-A of The Government Servants (Efficiency and Discipline) Rules, 1973 was invoked which reads as under:-

"6-A (Revision).--- The authority may call for the record of any case pending before or disposed of by the authorized officer and pass such order in relation thereto as it may deem fit."

A bare reading of the aforesaid provision of law makes it abundantly clear that this power is available to "Authority" and not the "Appellate Authority". Additionally, the power conferred under the aforesaid provision of law is revisional and not appellate and has to be exercised suo motu. But the respondent No.2 was acting as "Appellate Authority" and not as "Authority". As such the aforesaid revisional power was not available to him. Besides, the respondent No.2 exercised this power in his appellate jurisdiction and not suo motu. As such reliance on the aforesaid provision of law was misconceived and untenable.

7. Notwithstanding the above we have to see whether respondent No.2 was justified in enhancing the minor penalty already imposed upon the appellant by the Authorised Officer to the major penalty. Section 6(a) of the Civil Servants (Appeal) Rules, 1977 does empower the Appellate Authority to confirm, set aside or modify the previous order. But in *G.M. Pakistan Railways and others v. Muhammad Rafique* (2013 SCMR 372) it was held that while enhancing the penalty the Authority is required to specify the reasons for the proposed enhancement. Similar view was adopted in *Secretary, Government of the Punjab (C&W) and others v. Ikramullah and 5 others* (2013 SCMR 572).

8. Now we have to see whether respondent No.2 while issuing Show-Cause Notice to the appellant for the enhancement of penalty had specified the reasons. In the Show-Cause Notice dated 25.3.2015 issued to the appellant by respondent No.2, it was merely mentioned that the penalty imposed by the Authorised Officer "is inadequate and does not commensurate with the gravity of the charges established against you". Similarly while imposing enhanced major penalty of removal from service vide impugned notification dated 6.5.2010 the aforesaid assertion made in the Show-Cause Notice was reiterated. This was a vague and skimpy statement and as such it is difficult to hold that respondent No.2 had specified reasons for the enhancement of the penalty within the contemplation of the aforesaid pronouncements of the Hon'ble Supreme Court of Pakistan. Viewed in such a perspective respondent No.2 was not justified in imposing impugned major penalty upon the appellant.

9. Not only this it has to be seen whether charges were proved against the appellant during the

departmental inquiry. It is pertinent to mention that in the concluding paragraph of the Inquiry Report the Inquiry Officer had felt not inhibition in concluding that "the Department could not place on record direct or corroborated evidence pertaining to Corruption of the accused official in this case. The charge of corruption thus remains unsustainable at this stage." Besides, gravamen of the respondents against the appellant is that he failed to check weight of betel leaves and did not point out its inordinate tare weight. It is pertinent to mention that weighing of betel leaves was the responsibility of the examining officer and not of the appellant. As such the appellant could not be held responsible for this lapse. Besides, it was not the duty of the appellant to assess duty and taxes leviable on the import of betel leaves in question. As such the allegation of posting financial loss to the Government exchequer cannot be foisted upon the appellant. Not only this, the findings of the Inquiry Officer are based on hypothesis and conjectures.

10. As noted supra, initially the minor penalty of "withholding of four annual increments (without cumulative effect)" was imposed upon the appellant. The appellant did file departmental representation against the aforesaid minor penalty but subsequently withdrew the same. But it needs to be kept in mind that there is no estoppel in law. As such withdrawal of the departmental representation by the appellant will not have the effect forfeiting his vested right to assail the imposition of the aforesaid minor penalty of withholding of four annual increments (without cumulative effect)" before this Tribunal. As noted above findings of the Inquiry Report on the basis of which the impugned minor penalty was imposed upon the appellant have been found to be unfounded and misconceived. As such there was no justification of imposition of the aforesaid minor penalty upon the appellant.

11. Lastly a few words may be said about the objection of the respondent that the instant appeal is incompetent as the departmental appeal filed by the appellant before the Chairman, FBR is still pending. In the preceding paragraph we have already held that respondent No.2 was acting as "Appellate Authority" and not "Authority". This being so after the decision of the Appellate Authority dated 6.5.2015 there was hardly any necessity to file the departmental representation against the same. As such the aforesaid departmental representation, if filed by the appellant, is inconsequential and of no legal effect.

12. For the foregoing reasons, while accepting the instant appeal, the impugned orders dated 31.10.2014 and 6.5.2015 are accordingly set aside. Consequently, the appellant is ordered to be reinstated into service with effect from 6.5.2015 with all consequential back benefits.

13. No order as to costs.

14. Parties be informed accordingly.

ZC/4/FST

Appeal allowed.