


Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate.
1	2	3
	09.07.2019 	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>AT CAMP COURT ABBOTTABAD</u></p> <p align="center">Appeal No. 576/2018</p> <p align="center">Date of Institution ... 26.04.2018 Date of Decision ... 09.07.2019</p> <p>Ali Sher Khan S/O Jehangir Khan Ex-Tehsildar at Haripur, District Haripur Presently at Office of the Board of Revenue, Peshawar. -----Appellant</p> <p>Chief Secretary Government of, Khyber Pakhtunkhwa, Peshawar and three (03) others -----Respondents</p> <p>Mr. Amin Khan Kundi.....Member(J) Mr. Hussain Shah.....Member(E)</p> <p align="center"><u>JUDGMENT</u> <u>HUSSAIN SHAH, MEMBER:</u> - Learned counsel for the appellant and Mr. Muhammad Bilal Khan learned Deputy District Attorney on behalf of the respondents present.</p> <p>2. This judgment shall also disposes off the service appeal No. 600/2018 preferred by Dilnawaz Khan Vs Government having the same facts and grounds with similar prayer.</p> <p>3. As per facts of the Memo of Appeal the appellant was serving in Revenue Department as Tehsildar. The appellant was imposed minor penalty of withholding of two annual increments for a period of two years vide order dated 08.01.2018 on the allegation of not obeying the direction of superior officer and attesting the mutation in violation of rules. The appellant filed departmental appeal on</p>

06.02.2018 which was rejected on 27.03.2018, hence the present service appeal on 26.04.2018.

4. The learned counsel for the appellant contended that neither proper inquiry was conducted nor opportunity of personal hearing and defense was provided to the appellant. The inquiry officer had recommended minor penalty of warning but, instead, the competent authority bypassed the recommendations of the inquiry officer without noting the reason and the minor penalty of withholding of two increments for a period of two years was imposed. He further contended that the competent authority in the impugned order had noted that the charges/allegations leveled against the appellant had been proved in the inquiry report by the inquiry officer which is not based on correct position because the findings of the inquiry report as recorded by the inquiry officer are different. The learned Counsel referred to the findings in the inquiry report where in the inquiry officer has recorded regarding the first charge/allegation leveled against the appellant that the mutation no. 11223 was entered on 18.02.2015, verified on 18.03.2015 and accepted on 19.03.2015, which is three months prior to the direction passed by the Deputy Commissioner on the application of the complainant and as such the allegation/charge no.1 has not been proved. As regarding the second charge/allegation the inquiry officer recorded that the said mutation was attested on 19.03.2015 where as the taxes/fee were deposited on 26.08.2016 meaning thereby that the appellant deposited the taxes/fee as a corrective measure after the initiation of the

disciplinary action. As such the second charge/allegation stands partially proved. Further contended that the inquiry officer was required to record the statements of the complainant, the alleged land owner and his wife in the presence of the appellants and the appellants were given the opportunity to cross examine the witnesses. Further contended that as required under the statutory provision the copy of inquiry report was not provided to the appellant alongwith the show cause notices so they could defend themselves on the informed grounds. The learned counsel pleaded that in view of the above grounds/facts the appeal may be accepted and the impugned order dated 27.03.2018 be set-aside and the appellant may be allowed to receive the said increments in the best interest of justice.

SH

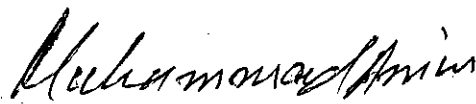
5. The learned Deputy District Attorney contested the facts, grounds of the appeal and the arguments of the learned counsel for the appellants on the basis of the parawise comments of the respondent department and stated that during the disciplinary proceedings all the formalities as required under the relevant law were fulfilled. He also argued that it is correct that the taxes/fee were deposited by the appellants but after a lapse of one year and that too after disciplinary proceedings initiated against them. Had they deposited the said taxes/fee in the treasury at the due time then the situation would have been different. He pleaded that the appeal carry no merits as such the same may be dismissed with cost.

6. Arguments heard. File Perused.

7. The Tribunal examined the record on file, arguments and counter arguments of both the parties. The controversy regarding mutation no.11223 arisen when one Mr. Gulab Khan submitted a complaint to Deputy commissioner Haripur after three months of the attestation of mutation, and then to the Chief Minister of Khyber Pakhtunkhwa. The reply of the appellant to the show cause notice, handed over to the Tribunal at bar states that the complainant also filed on 06.07.2015 a suit against the decision of central government of Pakistan, Privatization Commission dated 17.01.1991 which was dismissed on 04.05.2016 by the Civil Judge-IV on the ground that the suit was time barred by twenty four 24 years. His appeal against the decision of the Civil Judge-IV was also dismissed by the Additional Session Judge-III Haripur on 18.05.2017. It has been further noted in the reply that the cancellation of gift mutation and the report of the inquiry officer was challenged by the alleged owner (Mr. Malak Qayyum, Mst. Nusrat Shaheen) and Khasra No. 1731/1232 in a Writ Petition No. 1111-A/2015 which was filed by the Hon'ble High Court on the ground of maintainability and being pre-mature. It is also noted that the competent authority in the impugned order wrongly stated that the charges/allegations, leveled against the appellant, proved by the inquiry officer. Similarly the inquiry officer had recommended that the appellant be warned/censured but the competent authority imposed the penalty of withholding of two increments for two years. The Tribunal also brought into notice the deficiency on the part of the competent authority.

not providing the copy of inquiry report alongwith the final show cause notices which is mandatory.

8. In view of the above discussion this present service appeal is dispose off 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 cost. File be consigned to the record room.



(M. AMIN KHAN KUNDI)
MEMBER



(HUSSAIN SHAH)
MEMBER
At Camp Court Abbottabad

ANNOUNCED
09.07.2019

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.

19

(Hussain Shah)
Member
Camp Court Abbottabad

MA
(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 of this Tribunal placed on file, 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.

Muhammad Amin
(M. Amin Khan Kundi)
Member

Hussain Shah
(Hussain Shah)
Member
At Camp Court Abbottabad

ANNOUNCED
09.07.2019

16.05.2019 Counsel for the appellant and Mr. Muhammad Jan, DDA
alongwith Mr. Muhammad Arif, Supdt and Mr. Muhammad
Afzal, Assistant for respondents present.

Learned DDA informed that connected appeal titled Dil
Nawaz, Patwari-vs- SMBR involving similar issue is
fixed for hearing on 17.06.2019 at camp court
Abbottabad. Learned counsel for the appellant express no
objection, if the appeal in hand is also club^{ed} with the one
referred to above and fix^{ed} for hearing on the said date.
Adjourned to 17.06.2019 for rejoinder and arguments
before D.B at camp court Abbottabad alongwith the
connected appeal.


(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

17.06.2019

Counsel for the appellant and Mr. Bilal Ahmad, DDA
alongwith M/S. Muhammad Arsif, Superintendent and Muhammad
Afzal Assistant for the respondents present.

Rejoinder on behalf of the appellant has been submitted
which is placed on record. As the appeal No. 600/2018 is connected
with this appeal being outcome of the same enquiry proceedings
which has been adjournment, this appeal shall also come up for
hearing on 08.07.2019 for arguments before the D.B at camp
court, Abbottabad.


Member


Chairman
Camp court, A/Abad


01.01.2019

Counsel for the appellant present. Mr. Muhammad Arif, Superintendent on behalf of respondents No. 1 to 3 alongwith Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents No. 1 to 3 submitted. Representative of respondent No. 4 is not in present therefore, notice be issued to respondent No. 4 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondent No. 4 on 25.02.2019 before S.B.


Muhammad Amin Khan Kundi
Member

25.02.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Javed, Assistant, for respondents no. 1 to 3 present. Written reply on behalf of respondent no.4 not submitted. Notice be issued to the respondent no.4 for submission of written reply/comments on 28.03.2019 before D.B.


Member
(Ahmad Hassan)

28.03.2019

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Afzal, Assistant for respondent No. 4 present. Written reply on behalf of respondent No. 4 submitted today while written reply on behalf of respondents No. 1 to 3 has already submitted. Adjourned to 16.05.2019 for rejoinder and arguments before D.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

06.08.2018


Appellant is not present, however, Mr. Rehman Ullah Shah, Advocate counsel for the appellant present. Due to non deposit of security and process fee notices were not issued to the respondents. Learned counsel for the appellant made a request for some time to deposit the requisite security and process fee as on previous date, the appellant misunderstood the directions of this Tribunal. 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 20.09.2018 before S.B.

Appellant Deposited
Security and Process Fee


Chairman

29-8-2018

Due to Muharram ul Haram vacation,
the case is adjourn to 13-11-18


(Reader)

13.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 01.01.2019. Written reply not received.


READER

24.05.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Revenue Department as Tehsildar. It was further contended that the appellant was imposed minor penalty of withholding of two increments for a period of two years vide order dated 08.01.2018 on the allegation of not obeying the direction of superior and attesting the mutation in violation of rules. It was further contended that the appellant filed departmental appeal on 06.02.2018 which was rejected on 27.03.2018 hence, the present service appeal on 26.04.2018. It was further contended that neither proper inquiry was conducted nor opportunity of personal hearing and defence was provided to the appellant. It was further contended that the inquiry officer has recommended minor penalty of warning but the competent authority has by passed the recommendations of the inquiry officer and withhold two increments for a period of two years therefore, the impugned order is illegal and liable to be set-aside.



The contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter notice be issued to the respondents for written reply/comments for 06.08.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 576/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	26/04/2018	<p>The appeal of Mr. Sher Ali Khan presented today by Mr. Rehmanullah Shah 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 26/4/18</p>
2-	15/05/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/05/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Service Appeal No. 576/2018

Ali Sher Khan S/O Jehangir Khan

APPELLANT

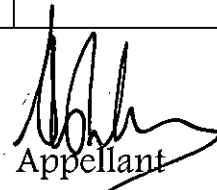
VERSUS

Chief Secretary Government of Khyber Pakhtunkhwa & others

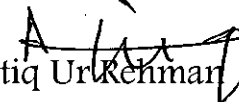
RESPONDENTS

INDEX OF DOCUMENTS

S.NO	Documents	Annexure	Pages
1	Grounds of Appeal & Affidavit		01 – 07
2	Memo of Address		08
3	Copy of Appreciation letter	A	09-10
4	Copy of Show Cause Notice & Reply	B-B1	11-12
5	Copy of Enquiry Report	C	13-15
6	Copy of Impugned Order	D	16
7	Copy of Departmental Representation	E	17-19
8	Copy of Impugned Order	F	20
9	Misc Documents		21-22
10	Wakalatnama		23


Appellant

Through:


Rehman Ullah Shah, Attiq Ur Rehman

MA, LLM

Advocate

Ibn e Abdullah Law Associates

11 Azam Tower University Road, Peshawar

Phone & Fax # 091- 570 2021

Infoila56@gmail.com

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Service Appeal No. 576.../2018

Khyber Pakhtunkhwa
Service Tribunal

Ali Sher Khan S/O Jehangir Khan
Ex – Tehsildar at Hapripur, Distt Haripur
Presently at Office of the Board of Revenue, Peshawar

Diary No. 624
Dated 26/4/2018

APPELLANT

VERSUS

1. Chief Secretary
Government of Khyber Pakhtunkhawa at Peshawar
2. Secretary Board of Revenue
Government of Khyber Pakhtunkhawa at Peshawar
3. Senior Member Board of Revenue,
Government of Khyber Pakhtunkhawa at Peshawar
4. Deputy Commissioner
Office of the Deputy Commissioner at Haripur

Filed to-day

RESPONDENTS

Registrar

26/4/18
APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER OF RESPONDENT NO. 1 (APPELLATE AUTHORITY) DATED 27 MARCH 2018 WHEREBY ORDER OF RESPONDENT NO.3 WHILE IMPOSING A MINOR PENALTY OF WITHHOLDING TWO INCREMENTS FOR THE PERIOD OF TWO YEARS HAS BEEN UPHOLD AS A MINOR PENALTY AGAINST THE PRESENT APPELLANT

PRAYER IN APPEAL:

On acceptance of this appeal, this Honourable Tribunal may very graciously be pleased to set aside the impugned Order dated March 27, 2018. And, similarly the appellant may very graciously be allowed to receive the said increments in the best interest of justice.

Respectfully submitted as under.

1. The appellant, Ali Sher Khan S/O Jehangir Khan, posted as Tehsildar Haripur {BS – 16} at office of the Tehsildar Haripur; District Haripur filed Departmental Appeal against the subject order whereby minor penalty of withholding two increments for 2 years has been imposed.
2. Since date of appointment, the Appellant served the Department with zeal and zest, commitment and sincerity. The service record would reveal that Appellant has served the Department in areas where every official was reluctant to perform duty, but having sincerity and commitment, he has served and even serving the Department being a loyal employee. It is pertinent to mention that during the service period, no allegation or charges has been leveled against the appellant throughout his professional career. He has continued his duties to the entire satisfaction of his immediate officers, and always remained punctual and committed to his job. To this extent, this would be appropriate to annex letters of appreciation from Immediate Officer as annexure "A".
{Copy of the appreciation letter is annex as "A"}
3. The basis of the instant appeal is attestation of Mutation No. 11223 date March 19, 2015. The said Mutation has been signed being the official on the date referred above, while the direction of the then Deputy Commissioner Distt Haripur was received on June 26, 2015. Hence the act of attestation of Mutation was done in good faith in light of the due process on the subject. It is worth to mention that in Column No. 13 of the Mutation No. 11223 entered by the then Halqa Patwari it was mentioned that it is a gift Mutation. When it came to appellant's knowledge, all the Taxes levied were recovered, and deposited to the government treasury. Even taxes for initial/ early Mutation in the year 1997/98 in respect of the said property were recovered.
4. A show-cause notice was served upon the appellant by the authority. The Appellant clarified the position in reply to Show-Cause Notice, but inspite reply unfortunately, Appellant was not pardoned of the charge.

{Copy of the Show – Cause Notice and reply are annex B/B1}

5. Similarly inquiry was conducted, and finally, the Inquiry Officer recommended a penalty in the shape of "Warning"
{Copy of the Enquiry Report is annex as C}
6. Based on the Inquiry Report, Respondent No. 3 imposed the minor penalty of withholding 2 increments for the period years have been imposed. {Copy of the impugned order is annexed as D}
7. That feeling aggrieved from the said order, the appellant preferred Departmental Appeal before Respondent No. 1 within time against the said order as the same was against the norms of law and even against the recommendation suggested by the Inquiry Officer.
{Copy of the Departmental Representation is annexed as E}
8. That the appeal of the Appellant was dismissed by the competent authority vide impugned Letter dated March 27, 2018 which is hereinafter the impugned order.
{Copy of the Impugned order is annex as F}
9. That feeling aggrieved from the said unlawful treatment, the appellant prefers this appeal within time against the impugned order on the following amongst other grounds.

GROUNDS.

- A. That the law on the subject provides for a charge sheet to be served on the appellant; he shall be required to put in a written defence within seven days of the communication of the charge sheet and a regular inquiry shall be conducted in the accused official be, associated therewith, giving him opportunity to cross examine the witnesses produced against him and he shall also be allowed to record evidence in his defence. These legal requirements as contemplated have put aside and the impugned order was passed in a vacuum, which has never been the mandate of law.

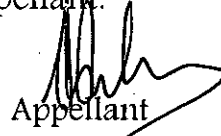
- B. That the appellant was not given the opportunity being heard which clear violation of mandate of law and the same has been emphasized by the Superior Court of Homeland that no one shall be condemned unheard.
- C. That the appellant served the department for a considerable long period, he remained faithful to his duties, and served the department with full devotions, commitment and enthusiasm. This could be confirmed from his service record.
- D. That the impugned order is illegal, against the law on the subject, therefore needs to be set aside in the best interest of justice. It is worth to mention that under the law, once guilt of an employee has not been proved through cogent reasons by the competent court of law, he shall be considered as innocent.
- E. That the impugned order is without lawful authority, and without Jurisdiction, hence the same is liable to be withdrawn from the date of its issuance in the interest of justice.
- F. That the impugned order is based on wrong and mis-application of the law on the subject. Hence not tenable in the eye of law. to support this stance, the appellant would place reliance on notification for ready reference to assist the Hon'ble tribunal. Copy annex.
- G. That the appellant has been penalized at the cost of others. Under the Law, Appellant is under no obligation to recover and then deposit the amount on Mutation. So far as assessment is concern, it is the job of Patwari. In the instant case, a legal heir has accepted the gift, and this fact is duly mentioned in column 13 of the Mutation. Hence appellant has been penalized for no wrong on his part.
- H. That the law on the subject has been violated altogether, The Respondent has adopted a harsh methods by imposing minor penalty without proceeding in accordance with the law. Hence the order of withholding the increment is liable to be set aside.

- I. That the penalty of withholding one increment for the period of one year has been imposed on the appellant without due diligence which was mandatory under the law, hence the punishment awarded to the appellant is a nullity in the eye of law.
- J. That the law on the subject provides that all taxes/fees applicable to transfer of immovable property shall be paid by the vendor /vendee in provincial treasury (State Bank/ National Bank of Pakistan). *Reliance on Notification No. 13470-13514 dated 16/07/2013*
- K. That the inquiry report suggest /recommends that the appellant deserved minor penalty of warning but the same has been ousted by the Respondents. Hence stiff, strict and stubborn approached of the respondents leads to miscarriage of justice.
- L. That the action so under taken by the respondents is highly illegal and without any legal plausible and cogent reasons such action are always discouraged by the superior courts.
- M. That the appellant was not legally bound to collect tax/Mutation fee but Respondents are attributing the negligence of other towards the appellant which is highly unfair/ unjust and biased.
- N. That the decision of imposing a penalty on the appellant by the Respondents is the result of misreading and non-reading of evidence. Hence the liable to be set aside.
- O. That no lose/damage has been caused to public exchequer by the act of the appellant therefore the penalty of stoppage of increments in unreasonable. (*Reliance on 1996 PLC (CS) 461*)
- P. That with the permission of this Hon'ble tribunal further grounds may be raised when the stance of the respondents comes in black and white.

PRAYER

It is therefore, most humbly prayed that on acceptance of the instant appeal, this Honourable Tribunal may very graciously be pleased to set aside the impugned order dated January 08, 2018 initial order of imposing minor penalty with subsequent order dated March 27, 2018.

Any relief which this Hon'ble Court deems fit in the circumstances of the case may also be granted in favour of the appellant.


Appellant

Through.

Ibrahim Shah & Rehman Ullah Shah
M.A, LL.M
Advocates

Ibn e Abdullah Law Associates
11 Azam Tower University Road, Peshawar
Phone & Fax # 091- 570 2021
www.ibneabdullah.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Service Appeal No...../2018

Ali Sher Khan S/O Jehangir Khan

APPELLANT

VERSUS

Chief Secretary

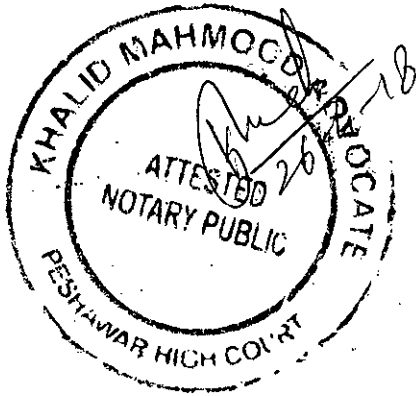
Government of Khyber Pakhtunkhawa at Peshawar & others

RESPONDENTS

AFFIDAVIT

I, Ali Sher Khan S/O Jehangir Khan Distt Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

 Deponent
Ali Sher Khan S/O Jehangir Khan



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Service Appeal No...../2018

Ali Sher Khan S/O Jehangir Khan

APPELLANT

VERSUS

Chief Secretary

Government of Khyber Pakhtunkhawa at Peshawar & others

RESPONDENTS

MEMO OF ADDRESSES

APPELLANT

Ali Sher Khan S/O Jehangir Khan

Ex – Tehsildar at Hapripur, Distt Haripur

Presently at Office of the Board of Revenue, Peshawar

RESPONDENTS

1. Chief Secretary
Government of Khyber Pakhtunkhawa at Peshawar
2. Secretary Board of Revenue
Government of Khyber Pakhtunkhawa at Peshawar
3. Senior Member Board of Revenue,
Government of Khyber Pakhtunkhawa at Peshawar
4. Deputy Commissioner
Office of the Deputy Commissioner at Haripur

Appellant

Through.


Advocates

Annexure A



9



**OFFICE OF THE ASSISTANT COMMISSIONER
HARIPUR**

Phone # 0995-610455,

Fax # 0995-615412

No. 275 /AC(H)

Dated 13 / 03 / 2017.

TO WHOM IT MAY CONCERN

It is certified that Mr. Ali Sher Khan Tehsildar Haripur has worked as Tehsildar Haripur during the year 2015 in Tehsil Haripur. He is efficient, dutiful and committed officer. His performance during the year regarding collection of govt. dues/ recovery remained quite satisfactory. His performance during conduct of local govt. elections was also exemplary.

(Muhammad Arif Khan)
Assistant Commissioner
Haripur

**ASSISTANT COMMISSIONER
HARIPUR**

Registered Post.

Amex

(A)

OFFICE OF THE DEPUTY COMMISSIONER HARIPUR.

No. 1165-67/PS/DC(H).
Dated: February 1, 2016.

(10)

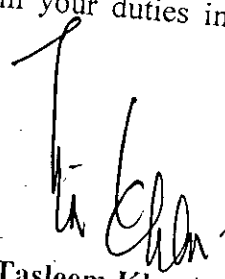
To,

Mr. Ali Sher Khan,
Tehsildar Haripur.

SUBJECT:-

APPRECIATION / COMMENDATION.


The undersigned is pleased to convey my appreciation on your good performance with regard to speedy recovery of govt. dues under heads AIT, Land Tax, Local Rate and Ushr. I hope that you will continue to perform your duties in other areas of your responsibility with this zeal and spirit as well.


(Tasleem Khan)
Deputy Commissioner
Haripur.

Copy forwarded to the:-

1. Commissioner, Hazara Division, Abbottabad.
2. Secretary-I, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.

Deputy Commissioner
Haripur.


ATTESTED

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, do hereby serve you, Mr. Ali Sher Tehsildar Haripur as follows:-

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

- a). That you while posted as Tehsildar Haripur, were directed by Deputy Commissioner Haripur on 26.06.2015 not to attest mutation No. 11223 till clarification of the case, but you in violation of clear cut instructions issued by Deputy Commissioner Haripur attested 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 attested the mutation in violation of rules 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

2. 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.

3. 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 11:00 A.M before the undersigned for personal hearing.

4. 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/PF/Ali Sher/ 252
Peshawar dated 02/1 /2018.
Tehsildar Haripur District Haripur.


ATTESTED

REPLY TO THE SHOW CAUSE NOTICE.

Para wise reply to the show cause notice dated 18.10.2017 is as under:-

- a). The impugned mutation No. 11223 was attested on 19.03.2015, while the direction of the then Deputy Commissioner Haripur (Mr. Tasleem Khan) was received on 26.06.2015.
- b). In column No. 13 of mutation No. 11223 entered by the then Halqa Patwari Mr. Dil Nawaz, it has been mentioned that the said mutation was gift mutation. Mst: Nusrat Shaheen was not purchaser of the said property as Mr. Malik Abdul Qayum husband of Mst: Nusrat Shaheen had been registered as a "donee". When all the fact brought into the notice of undersigned, notices had been issued to Mst: Nusrat Shaheen and recovered/deposited all Govt: taxes levied on mutation no. 11223 dated 19.03.2015. Taxes on mutation No. 3465, 3466, 3517 and 3693 attested in the year 1997 and 1998 have also been recovered by the undersigned and deposited in Government treasury.

In view of above mentioned facts the undersigned recovered all Government taxes including taxes pertaining to the year 1997-98, so no loss has been sustained to Government exchequer therefore, it is, humbly requested that the undersigned may be pardoned from the charges please.


Ali Sher Khan
Tehsildar Haripur
25/10/2017

Dated:- 25.10.2017.


ATTESTED

Annexure C

13

Rev 53349

~~Rev 53349~~

CONFIDENTIAL

No. 1(8)/ 13910 /ADC(H)

Dated: 19.12.2017

From:

Additional Deputy Commissioner /
Enquiry Officer, Haripur.

To:

Assistant Secretary (Estt.),
Board of Revenue,
Revenue & Estate Department, Peshawar.


Subject:

DISCIPLINARY ACTION AGAINST OFFICER / OFFICIAL.

Memo:

Kindly refer to your letter No. Estt:IPF/Ali Sher/23995 dated: 01.11.2017.


Enclosed find here with inquiry report containing 16 pages in respect of Tehsildar /
Patwari for placing before the Competent Authority for approval please.


19/12/17
Addl: Deputy Commissioner
Enquiry Officer, Haripur.

put up on file

SP

lls
21/12/2017


ATTESTED

Subject:

(14)

(1)

DISCIPLINARY ACTION AGAINST OFFICER / OFFICIAL.


In pursuance to order No. Estt:LPF/Ali Sher/23995 dated: 01.11.2017, whereby the undersigned was appointed as Enquiry Officer to investigate the charges / conduct inquiry as per charge sheet / statements of allegation annexed to the order ibid, the report is submitted as under:-

1. Brief History

Brief facts of the case are that a complaint was lodged by Mr. Ghalib Khan s/o Zamurad Khan r/o Village Pandak Tehsil & District Haripur requesting therein to initiate an inquiry against Tehsildar Haripur (Mr. Ali Sher) and Patwari Halqa Pandak (Mr. Dilnawaz) for unlawful attestation of mutation despite the clear cut directions of Deputy Commissioner dated: 26.06.2015 not to attest the same and offer comments. The complainant alleged that both Patwari Halqa and Tehsildar Haripur not only ignored the orders of Deputy Commissioner but attested mutation unlawfully on the same day and inflicted irreparable loss to him.

In order to ascertain the factual position, a fact finding inquiry was ordered and the then Enquiry Officer Mr. Qazi Atta ur Rehman (the then AAC Revenue) submitted an inconclusive report and as such Enquiry Officer himself remained under disciplinary proceedings for his casual and inefficient performance in the assigned inquiry. However, a fact finding inquiry was referred to the then ADC Abbottabad (Mr Naeem Khan) who also preferred to recommend the withholding of inquiry on the plea that the subject matter was subjudice in the Peshawar High Court Circuit Bench Abbottabad.

The Board of Revenue after going through a self explanatory report of the then DC haripur and the subsequent rejection of the case by Peshawar High Court on the basis of maintainability and prematurity ordered / framed charge sheet / statement of allegation to the following extent:

- 
- i. That he (Ali Sher) while posted as Tehsildar Haripur was directed by DC haripur, not to attest mutation No. 11223 till clarification of the case but he in violation of clear cut instructions issued by DC Haripur attested the said mutation on 26.06.2015.
 - ii. That during attestation of mutation, it has also been found that purchasers have not deposited the government fee but despite the fact he attested the mutation in violation of rules due to which government exchequer have sustained heavy loss.
 - iii. That this act tantamount to misconduct and make him liable to be proceeded against under KP Government Servants (Efficiency & Discipline) Rules 2011.

2. Proceedings

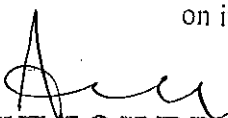
- A. On receiving the inquiry order, the accused officer / official were summoned on dated: 15.11.2017 and served with charge sheets along with statements of allegation. They were required to submit their replies to the charges within seven days.

Mr. Ali Sher, Tehsildar Haripur and Mr. Dilnawaz Patwari Halqa received charge sheets / statements of allegation and submit their written reply on 20.11.2017 along with enclosures including taxes / fee deposit slips (Annexed as Flag A & B).

B. Procurement of record

Attested copy of mutation No. 11223 was obtained and tallied with original mutation produced by Office Kanoongo (Annexed "C") and found entered on 18.02.2015, verified by Girdawar circle on dated: 18.03.2015 and attested by Tehsildar / Revenue Officer in notified Jalsa-e-Aam on dated: 19.03.2015 (copy of monthly Tour Program of Revenue Officer circulated for the month of March 2015 was checked and is placed as Annexure "D").

Copies of complaint by one Mr. Ghalib Khan s/o Zamurad Khan r/o Village Pandak District Haripur addressed to Deputy Commissioner Haripur having remarks of DC dated: 26.06.2015 and another complaint addressed to Chief Minister, Khyber Pakhtunkhwa having its remarks on its face dated: 29.06.2015 placed at Annexure "E & F" respectively.

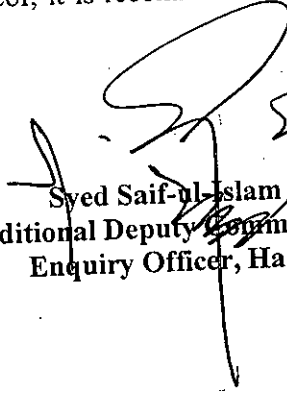

ATTESTED

3. Findings


- i. From perusal of record and examination of both the accused officer / official, it is very much clear that mutation No. 11223 was entered on 18.02.2015, verified on 18.03.2015 and accepted on 19.03.2015 three months prior to the directions passed by Deputy Commissioner on the face of the application submitted by complainant and as such charge leveled against officer / official is not proved.
- ii. The date of attestation of mutation is 19.03.2015 whereas taxes / fee were deposited on 26.08.2016 after laps of one year and five months. Meaning thereby that after initiations of proceedings / inquiry against the officer / official, the amount was deposited as a corrective measure. The charge for incurring financial loss is partially proved.

4. Recommendations

In light of the facts on record and conclusions derived thereof, it is recommended that both the accused officer / official deserved minor penalty of warning.


 Syed Saif-ul-Islam
 Additional Deputy Commissioner
 Enquiry Officer, Haripur.

19/12/17


 ATTESTED

Annexure

D

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

15

Peshawar dated the 28/01/2018

NOTIFICATION.

No.Esst:I/PF/Ali Sher/_____. WHEREAS; Mr. Ali Sher Khan Tehsildar 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. Ali Sher Tehsildar Haripur with immediate effect.

By order of
Senior Member

No.Esst:V/PF/ Ali Sher/ 1060-14

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.

Ali Sher
ATTESTED

[Signature]
Assistant Secretary (Estt)

Annexure E

(16) (17)

07-02-18

091 9210124
205

Peshawar dated February 06, 2018

To,

Hon'ble Chief Secretary Pakhtunkhwa
Chief Secretary's Secretariat, Khyber Road, Peshawar

By:

Personal service/ Courier Post

Subject:

Departmental Representation/ Appeal

Reference Departmental Representation/ appeal against the order dated 08 January 2018 passed by the worthy Senior Member Board of Revenue, Khyber Pakhtunkhwa at Peshawar whereby the appellant has been subjected to a minor penalty of withholding of two increments for a period of two years.

Esteemed Sir,

Respectfully submitted as under:

I, Ali Sher Khan, posted as Tehsildar Haripur {BS - 16} at office of the Tehsildar Haripur; District Haripur would like to file Departmental Appeal against the subject order. Since date of appointment, I served the Department with zeal and zest, commitment and sincerity. The service record would reveal that I have served the Department in areas where every official was reluctant to perform duty, but having sincerity and commitment, I am serving the Department being a loyal employee. It is pertinent to mention that during the service period, no allegation or charges has been leveled against me throughout my professional career. I continued my duties to the entire satisfaction of my immediate officer, and always remain punctual and committed to my job. To this extent, I would feel appropriate to annex letters of appreciation from my immediate officer as annexure "A".

The basis of the instant appeal is attestation of Mutation No. 11223 date March 19, 2015. The said Mutation has been signed being the official on the date referred above, while the direction of the then Deputy Commissioner Distt Haripur was received on June 26, 2015. Hence the act of attestation of Mutation was done in good faith in light of the due process

on the subject. It is worth to mention that in Column No. 13 of the Mutation No. 11223 entered by the then Halqa Patwari it was mentioned that it is a gift Mutation. When it came to my knowledge, all the Taxes levied were recovered, and deposited to the government treasury. Even taxes for initial/ early Mutation in the year 1997/98 in respect of the said property were recovered.

All these points/ allegations were clarified in reply to Show-Cause Notice, but inspite reply unfortunately, I was not pardoned of the charge.

Hence the proceeding initiated against me are absolutely one sided, and I have been tortured for no reason. The above referred impugned order date 08 January 2018 is illegal, without lawful authority, and liable to be withdrawn on the following grounds.

GROUND:

- A. That the law on the subject provides for a charge sheet to be served on the appellant; he shall be required to put in a written defence within seven days of the communication of the charge sheet and a regular inquiry shall be conducted in the accused official be, associated therewith, giving him opportunity to cross examine the witnesses produced against him and he shall also be allowed to record evidence in his defence. These legal requirements as contemplated have put aside and the impugned order was passed in a vacuum, which has never been the mandate of law.
- B. That the appellant was not given the opportunity being heard which clear violation of mandate of law and the same has been emphasized by the Superior Court of Homeland that no one shall be condemned unheard.
- C. That the appellant served the department for a considerable long period, he remained faithful to his duties, and served the department with full devotions, commitment and enthusiasm. This could be confirmed from his service record.
- D. That the impugned order is illegal, against the law on the subject, therefore needs to be withdrawn in the best interest of justice. It is worth to mention that under the law, once guilt of an employee has not been proved through cogent reasons by the competent court of law, he shall be

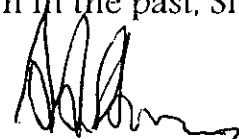
- E. That the impugned order is without lawful authority, and without Jurisdiction, hence the same is liable to be withdrawn from the date of its issuance in the interest of justice.
- F. That the impugned order is based on wrong and mis-application of the law on the subject. Hence not tenable in the eye of law.
- G. That the appellant has been penalized at the cost of others. Under the Law, Appellant is under no obligation to recover and then deposit the amount on Mutation. So far as assessment is concern, it is the job of Patwari. In the instant case, a legal heir has accepted the gift, and this fact is duly mentioned in column 13 of the Mutation. Hence appellant has been penalized for no wrong on his part.

Esteemed Sir,

I categorically refute the allegations leveled against me. Hence I have been twisted and punished for no reasons. I have performed my duties with full commitment and enthusiasm, and never indulged in any illegal activity. My service record would reveal that I am a punctual and committed Officer.

It is therefore, most respectfully stated that on acceptance of the instant Appeal/ Representation, the order dated 08 January 2018 may very graciously be withdrawn, and I may be discharged of the penalty of withholding two increments for a period of two years.

I assure your honor of my best professional performance and zealous commitment towards my duties in future as I have shown in the past, Sir.



Ali Sher Khan

{Tehsildar BPS 16}

06/09/2018

Presently Board of Revenue,
Peshawar

Copy retained for personal need.

All relevant documents are attached for consideration.

ATTESTED

Annexure

F

20

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE

REVENUE & ESTATE DEPARTMENT

No.Estt:I/PF/Ali Sher/

Peshawar dated 27/03/2018

16/68


To

Mr. Ali Sher Khan,
Tehsildar waiting for posting,
in Board of Revenue.

**SUBJECT:- DEPARTMENTAL APPEAL AGAINST THE ORDER DATED
08.01.2018.**

Your departmental appeal dated 08.01.2018 has been examined and
dismissed by the Competent Authority.


Assistant Secretary (Estt:)


ATTESTED

20

URGENT / TOP PRIORITY

Through Courier

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt: VII/ Instruction/ 13470-13577
Peshawar dated the 16/07/2013

To

All Deputy Commissioners,
in Khyber Pakhtunkhwa.

SUBJECT: NON COMPLIANCE OF INSTRUCTIONS TO ERADICATE CORRUPTION
IN REVENUE & ESTATE DEPARTMENT

Reference this department's communications No. Estt: VII/ Instruction /11683-713, dated 07.06.2012 and Estt: VII/ Eradication/12216-48, dated 28.06.2013 addressed to all Deputy Commissioners in the Province.

2. The Chief Minister while reviewing the implementation of directions issued by him for eradication of corruption, expressed displeasure over the non serious attitude in which they are being implemented as no report has been received from field offices due to which the reforms introduced by his Government are not making headway. Beside other reforms, focus was on the following to provide immediate relief to the general public and plug leakages of government receipts:

- a) The patwari, girdawar, and the revenue officer attesting the mutation shall incorporate telephone (mobile) of the seller and buyer on the mutation and give a declaration on each attested mutation "full transparency has been ensured in the transfer and that no money has been taken from the parties concerned". The attested mutation shall also be verified by the Deputy Commissioner.
- b) The Deputy Commissioner shall call selected parties to verify whether any bribe has been taken or not.
- c) The patwaris shall establish offices within their respective patwar circles and display rates of fees / taxes payable on transactions.

3. The Chief Minister has desired that henceforth no leniency will be shown towards non-implementation of the instructions. Therefore revenue field officers including Commissioner and Deputy Commissioners (besides complying with aforementioned instructions) shall provide certification in following terms. These certifications shall be uploaded on official website for information / verification by general public.

- a). PATWARI, GIRDAWAR, NAIB TEHSILDAR / TEHSILDAR
 - i. All taxes / fees applicable to transfer of immovable property shall be paid by the vendor / vendee in provincial treasury (State Bank / National Bank of Pakistan). The original of deposit receipt shall be attached with the mutation after incorporating details in the mutation. (Specimen attached as Annexure - I).

A
ATTESTED

(2)

Failure to provide the same shall be construed as insubordination and misconduct leading to initiation of Efficiency and Disciplinary proceedings and award of major penalty.

b).

DEPUTY COMMISSIONERS AND COMMISSIONERS.

On receipt of the afore mentioned declarations, the Deputy Commissioner and Commissioners shall contact selected buyers to enquire if any money other than Government taxes / fees have been extorted from them by the patwari, girdawar, Sub-Registrar or Naib Tehsildar / Tehsildar. The Deputy Commissioner, Commissioner and their designate staff shall contact a minimum of 5% and 2% of sellers / purchasers, respectively. Where payment of illegal sums is detected, immediate disciplinary action shall be taken imposing harsh penalties. A certification to the effect shall be provided to the Revenue & Estate Department on bimonthly basis.

c).

REVENUE AND ESTATE DEPARTMENT

Secretary - II Board of Revenue shall contact randomly selected sellers and buyers to ascertain transparency of the transactions and provide certifications. All the above information shall be uploaded on official website for information of the general public.

4. The Deputy Commissioners shall provide a certification that patwaris have physically shifted their patwarkhanas to respective patwar circles. In earlier times provision of space for patwarkhanas was the responsibility of lambardars; as the office had been re-established in 2011 respective Deputy Commissioner may work with lambardar for provision of patwarkhana, provided the impartiality of the revenue official is not compromised. The certification shall also indicate that government taxes / fees applicable to all kinds of transfer of rights in land are conspicuously exhibited in the Tehsil, patwar khanas and office of Sub-Registrars.

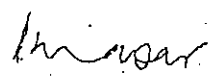
5. Acknowledgement of the instructions be provided through fax.

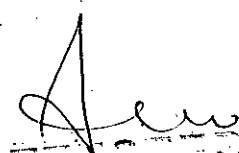
Secretary
Revenue & Estate Department

No.Estt:VII/Instruction/ Even Date

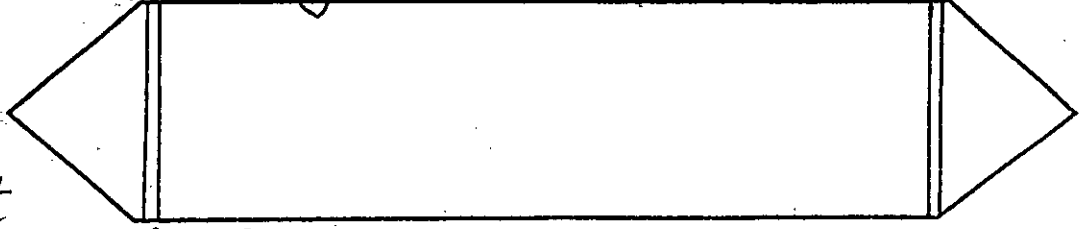
Copy forwarded for information to:

1. Chief Secretary Government of Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister for information of Chief Minister.
3. All Commissioners in Khyber Pakhtunkhwa.
4. Private Secretary to Minister Revenue & Estate Department.


Secretary
Revenue & Estate Department


ATTESTED

بعدالت خاصہ سروس ٹریبونل جیٹروٹوخواہ سیاور



Appellant

Chief Secretary etc بنام Alisher Khan

2018ء منجانب

26-04-2018

موزعہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام Reshwar کیلئے Adv Rehman Ullah Shah
Adv Atiq-ur-Rehman
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دکیل صاحب پابند ہوں گے۔ کہ پیروی
مکمل کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سندر ہے۔

Ali Sher Khan

المرقوم 26-4-2018 ماہ April 20

العاب گ واہ العاب

بمقام Reshwar کے لئے منظور ہے۔

Rehman Ullah Shah
Advocate

Attested & Accepted
Atiq-ur-Rehman
Advocate High Court.

Service Appeal No. 576/2018.

Mr. Ali Sher Khan TehsildarAppellant

VERSUS

Senior Member Board of Revenue and others.....Respondents

PRELIMINARY OBJECTIONS.

1. That the Appellant has got no cause of action.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the Appellant has been estopped by his own conduct to file the appeal.
4. That the appeal is time barred.
5. That the appeal is not maintainable in its present form.

PARAWISE COMMENTS OF RESPONDENT NO. 1, 2 & 3 ARE AS UNDER.

1. Pertains to record.
2. Pertains to record.
3. Incorrect. On receipt of a report from Deputy Commissioner Haripur to the effect that there was a dispute between parties while on the other hand Government taxes were also not deposited, an enquiry was conducted against Tehsildar alongwith Patwari. The Inquiry Officer in his detailed report (Annexure-A) held the Tehsildar and Patwari both responsible for their negligence on account of non-depositing Government taxes in time, which was later on recovered from the beneficiaries and deposited into Government account. In this connection proper Show Cause was issued and accordingly minor penalties of withholding two increments upon the appellant was imposed by the Competent Authority (Annexure-B & C).
4. Correct to the extent of submission of reply to Show Cause Notice which was not found satisfactory.
5. As in para-3 above.
6. The penalty of withholding of two increments was awarded to the appellant on the basis of recommendation of Inquiry officer by the Competent Authority.
7. Correct to the extent that the appellate authority (Chief Secretary) has rejected his Departmental appeal.

8. As in para-7 above.
9. Incorrect. Appeal of the appellant is not entertainable.

GROUND.

- A. Incorrect. Regular enquiry under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 was conducted against the appellant (copy of charge sheet and statement of allegations are at (Annexure- D and E).
- B. Incorrect. Proper opportunity of personal hearing was granted to the appellant who submitted his reply before the Competent Authority during personal hearing (Annexure-F).
- C. Pertains to record.
- D. Incorrect. Order dated 08.01.2018 is according to law/rules and no illegality / irregularity has been committed.
- E. Incorrect. All the proceedings have been carried out according to law.
- F. As in E above.
- G. Incorrect. At the time of attestation of mutation Government taxes were not recovered from beneficiary due to which Government sustained loss of a huge amount in the shape of non recovery Government taxes.
- H. As in "D" above.
- I. As in "E" above.
- J. Incorrect. No taxes were paid at the time of attestation of mutations.
- K. Incorrect. No discrimination has been done with the appellant.
- L. Incorrect. Order dated 27.03.2018 is legal and according to law.
- M. As in Para-J above.
- N. As in para-K above.
- O. As in para-G above.

M. Zaman

(Respondent No. 1, 2 & 3)

Subject:

DISCIPLINARY ACTION AGAINST OFFICER / OFFICIAL.


In pursuance to order No. Estt:I/PF/Ali-Sher/23995 dated: 01.11.2017, whereby the undersigned was appointed as Enquiry Officer to investigate the charges / conduct inquiry as per charge sheet / statements of allegation annexed to the order ibid, the report is submitted as under:-

1. Brief History

Brief facts of the case are that a complaint was lodged by Mr. Ghalib Khan s/o Zamurad Khan r/o Village Pandak Tehsil & District Haripur requesting therein to initiate an inquiry against Tehsildar Haripur (Mr. Ali Sher) and Patwari Halqa Pandak (Mr. Dilnawaz) for unlawful attestation of mutation despite the clear cut directions of Deputy Commissioner dated: 26.06.2015 not to attest the same and offer comments. The complainant alleged that both Patwari Halqa and Tehsildar Haripur not only ignored the orders of Deputy Commissioner but attested mutation unlawfully on the same day and inflicted irreparable loss to him.

In order to ascertain the factual position, a fact finding inquiry was ordered and the then Enquiry Officer Mr. Qazi Atta ur Rehman (the then AAC Revenue) submitted an inconclusive report and as such Enquiry Officer himself remained under disciplinary proceedings for his casual and inefficient performance in the assigned inquiry. However, a fact finding inquiry was referred to the then ADC Abbottabad (Mr Naeem Khan) who also preferred to recommend the withholding of inquiry on the plea that the subject matter was subjudice in the Peshawar High Court Circuit Bench Abbottabad.

The Board of Revenue after going through a self explanatory report of the then DC haripur and the subsequent rejection of the case by Peshawar High Court on the basis of maintainability and prematurity ordered / framed charge sheet / statement of allegation to the following extent:

- 
- i. That he (Ali Sher) while posted as Tehsildar Haripur was directed by DC haripur, not to attest mutation No. 11223 till clarification of the case but he in violation of clear cut instructions issued by DC Haripur attested the said mutation on 26.06.2015.
 - ii. That during attestation of mutation, it has also been found that purchasers have not deposited the government fee but despite the fact he attested the mutation in violation of rules due to which government exchequer have sustained heavy loss.
 - iii. That this act tantamount to misconduct and make him liable to be proceeded against under KP Government Servants (Efficiency & Discipline) Rules 2011.

2. Proceedings

A. On receiving the inquiry order, the accused officer / official were summoned on dated: 15.11.2017 and served with charge sheets along with statements of allegation. They were required to submit their replies to the charges within seven days.

Mr. Ali Sher, Tehsildar Haripur and Mr. Dilnawaz Patwari Halqa received charge sheets / statements of allegation and submit their written reply on 20.11.2017 along with enclosures including taxes / fee deposit slips (Annexed as Flag A & B).

B. Procurement of record

Attested copy of mutation No. 11223 was obtained and tallied with original mutation produced by Office Kanoongo (Annexed "C") and found entered on 18.02.2015, verified by Girdawar circle on dated: 18.03.2015 and attested by Tehsildar / Revenue Officer in notified Jalsa-e-Aam on dated: 19.03.2015 (copy of monthly Tour Program of Revenue Officer circulated for the month of March 2015 was checked and is placed as Annexure "D").

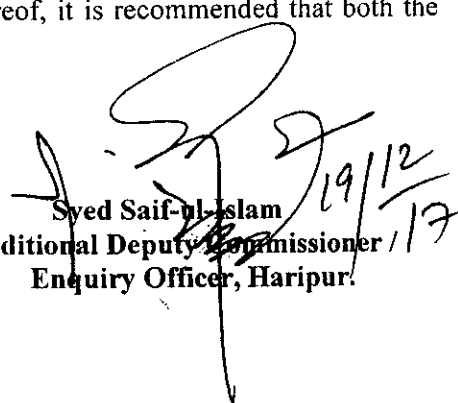
Copies of complaint by one Mr. Ghalib Khan s/o Zamurad Khan r/o Village Pandak District Haripur addressed to Deputy Commissioner Haripur having remarks of DC dated: 26.06.2015 and another complaint addressed to Chief Minister, Khyber Pakhtunkhwa having its remarks on its face dated: 29.06.2015 placed at Annexure "E & F" respectively.

3. Findings

- i. From perusal of record and examination of both the accused officer / official, it is very much clear that mutation No. 11223 was entered on 18.02.2015, verified on 18.03.2015 and accepted on 19.03.2015 three months prior to the directions passed by Deputy Commissioner on the face of the application submitted by complainant and as such charge leveled against officer / official is not proved.
- ii. The date of attestation of mutation is 19.03.2015 whereas taxes / fee were deposited on 26.08.2016 after laps of one year and five months. Meaning thereby that after initiations of proceedings / inquiry against the officer / official, the amount was deposited as a corrective measure. The charge for incurring financial loss is partially proved.

4. Recommendations

In light of the facts on record and conclusions derived thereof, it is recommended that both the accused officer / official deserved minor penalty of warning.


Syed Saif-ul-Islam
Additional Deputy Commissioner
Enquiry Officer, Haripur.

19/12/17

10
D. G. Ver
682

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 08/01/2018

NOTIFICATION.

No.Estt:I/PF/Ali Sher/ 1009. WHEREAS; Mr. Ali Sher Khan Tehsildar 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. Ali Sher Tehsildar Tehsildar Haripur with immediate effect.

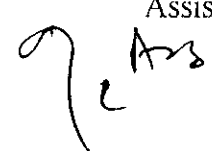
By order of
Senior Member

No.Estt:V/PF/ Ali Sher/ 1010-14

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.


Assistant Secretary (Estt)



681

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 08/01/2018

NOTIFICATION

No. Estt: I/PF/ Ali Sher/ 1015 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.


Assistant Secretary (Estt)

Ans

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

CHARGE SHEET

I, Zafar Iqbal, Senior Member, Board of Revenue Khyber Pakhtunkhwa as Competent Authority, hereby charge you Mr. Ali Sher Tehsildar as follow:

That you, while posted as Tehsildar Haripur committed the following irregularities.

- a) That you while posted as Tehsildar Haripur, were directed by Deputy Commissioner Haripur not to attest mutation No. 11223. till clarification of the case, but you in violation of clear cut instructions issued by Deputy Commissioner Haripur attested the said mutation on 26.06.2015.
- b) That during attestation of mutation, it has also been found that purchasers have not deposited the Government fee but despite the facts you attested the mutation in violation of rules 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

2. By reason of the above, you appear to be guilty of misconduct and in subordination under rules - 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rules 4 of the rules ibid.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the Inquiry Officer.

4. Your written defense, if any should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5. Intimate as to whether you desire to be heard in person or otherwise.

6. Statement of allegations is enclosed.

(Zafar Iqbal)
Senior Member

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

VA

DISCIPLINARY ACTION

I, Zafar Iqbal, Senior Member, Board of Revenue as Competent Authority, am of the opinion that Mr. Ali Sher, Tehsildar Haripur has rendered himself liable to be proceeded against, as he committed the following acts / omission within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATION

- a) That he while posted as Tehsildar Haripur, were directed by Deputy Commissioner Haripur not to attest mutation No. 11223 till clarification of the case, but he in violation of clear cut instructions issued by Deputy Commissioner Haripur attested the said mutation on 26.06.2015.
- b). That during attestation of mutation, it has also been found that purchasers have not deposited the Government fee but despite the facts he attested the mutation in violation of rules due to which the Government exchequer sustained heavy loss.
- c) This act tantamount to misconduct and make him liable to be proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011

2. For the purpose of inquiry against the said accused with reference to the above allegations **Mr. Saiful Islam, Additional Deputy Commissioner Haripur** is appointed as Enquiry Officer under Rule 10(1)(a) of the rules ibid.

3. The Inquiry Officer shall, in accordance with the provisions of the rules, ibid provide reasonable opportunity of hearing to the accused record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant, representative of the Deputy Commissioner Office Chitral shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

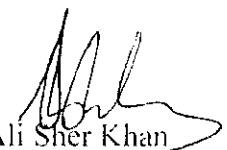
REPLY TO THE SHOW CAUSE NOTICE.

Para wise reply to the show cause notice dated 18.10.2017 is as under:-

- i). The impugned mutation No. 11223 was attested on 19.03.2015, in Jalsa-e-Aam. At that time there was no bar/restriction i.e. no status quo from any court of law, nor any objection recorded by the Girdawar Circle on the said mutation.
- ii) In column No. 13 of mutation No. 11223 registered by Halqa Patwari, in which it has been mentioned that the said mutation was gift mutation. Mst: Nusrat Shaheen was not purchaser of such property as Mst: Nusrat Shaheen wife of Malik Abdul Qayyum was entered as "donee" so as the impugned mutation was attested as gift mutation. Although when facts were brought into the notice of undersigned, recovery notices were issued to Mst: Nusrat Shaheen and recovered all taxes regarding impugned mutation No. 11223 dated 19.03.2015 as well as taxes of mutations No. 3465, 3466, 3517 & 3693 attested in the year 1997-98 have also been recovered by the undersigned and deposited in Government treasury. (Copies enclosed).
- iii) The then Deputy Commissioner Haripur (Mr. Tasleem Khan) issued directions on the application submitted by Mr. Ghalib Khan "to avoid attestation of mutation for want of further complication" on 26.06.2015. In compliance of the said direction of Deputy Commissioner Haripur, no further mutations were entered or attest till date.
- iv) On 16/07/2015, Mr. Ghalib Khan filed suit against decision of the Central Government of Pakistan privatization commission dated 17/10/1991, which was dismissed on 04/5/2016 by Civil Judge-IV, as 24 years time barred. Later on the applicant filed appeal No. 50/13 against the order of Civil Judge-IV, which was also dismissed by the Additional District Judge III, Haripur on 18/05/2017.
- v) The owner (Mr. Malik Abdul Qayyum and his wife Mst: Nusrat Shaheen) in khasra No. 1731/1232 also filed writ petition no. 1111-A/2015 on 28/11/2015 in Peshawar High Court (Abbottabad Bench) against the cancellation of Gift mutation and report of the Enquiry Officer. Peshawar High Court (Abbottabad Bench) directed that the instant writ petition is not maintainable being premature case. "

In view of above mentioned facts as the undersigned recovered all Government taxes including those taxes pertaining to the year 1997, no loss has been sustained to Government exchequer.

Therefore it is humbly requested that the undersigned may be exonerated from the charges.


Ali Sher Khan
Tehsildar Haripur
04/01/2018

Ir
has
Corre
Appeal


REPLY TO THE SHOW CAUSE NOTICE.

Para wise reply to the show cause notice dated 18.10.2017 is as under:-

- i). The impugned mutation No. 11223 was attested on 19.03.2015, in Jalsa-e-Aam. At that time there was no bar/restriction i.e. no status quo from any court of law, nor any objection recorded by the Girdawar Circle on the said mutation.
- ii) In column No. 13 of mutation No. 11223 registered by Halqa Patwari, in which it has been mentioned that the said mutation was gift mutation. Mst: Nusrat Shaheen was not purchaser of such property as Mst: Nusrat Shaheen wife of Malik Abdul Qayyum was entered as "donee" so as the impugned mutation was attested as gift mutation. Although when facts were brought into the notice of undersigned, recovery notices were issued to Mst: Nusrat Shaheen and recovered all taxes regarding impugned mutation No. 11223 dated 19.03.2015 as well as taxes of mutations No. 3465, 3466, 3517 & 3693 attested in the year 1997-98 have also been recovered by the undersigned and deposited in Government treasury. (Copies enclosed).
- iii) The then Deputy Commissioner Haripur (Mr. Tasleem Khan) issued directions on the application submitted by Mr. Ghalib Khan "to avoid attestation of mutation for want of further complication" on 26.06.2015. In compliance of the said direction of Deputy Commissioner Haripur, no further mutations were entered or attest till date.
- iv) On 16/07/2015, Mr. Ghalib Khan filed suit against decision of the Central Government of Pakistan privatization commission dated 17/10/1991, which was dismissed on 04/5/2016 by Civil Judge-IV, as 24 years time barred. Later on the applicant filed appeal No. 50/13 against the order of Civil Judge-IV, which was also dismissed by the Additional District Judge III, Haripur on 18/05/2017.
- v) The owner (Mr. Malik Abdul Qayyum and his wife Mst: Nusrat Shaheen) in khasra No. 1731/1232 also filed writ petition no. 1111-A/2015 on 28/11/2015 in Peshawar High Court (Abbottabad Bench) against the cancellation of Gift mutation and report of the Enquiry Officer. Peshawar High Court (Abbottabad Bench) directed that the instant writ petition is not maintainable being premature case."

In view of above mentioned facts as the undersigned recovered all Government taxes including those taxes pertaining to the year 1997, no loss has been sustained to Government exchequer.

Therefore it is humbly requested that the undersigned may be exonerated from the charges.


Ali Sher Khan
Tehsildar Haripur
04/01/2018

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

CHARGE SHEET

I, Zafar Iqbal, Senior Member, Board of Revenue Khyber Pakhtunkhwa as Competent Authority, hereby charge you Mr. Ali Sher Tehsildar as follow:

That you, while posted as Tehsildar Haripur committed the following irregularities.

- a) That you while posted as Tehsildar Haripur, were directed by Deputy Commissioner Haripur not to attest mutation No. 11223 till clarification of the case, but you in violation of clear cut instructions issued by Deputy Commissioner Haripur attested the said mutation on 26.06.2015.
- b) That during attestation of mutation, it has also been found that purchasers have not deposited the Government fee but despite the facts you attested the mutation in violation of rules 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

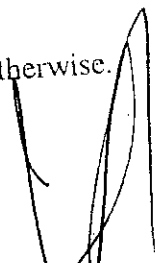
2. By reason of the above, you appear to be guilty of misconduct and in subordination under rules - 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rules 4 of the rules ibid.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the Inquiry Officer.

4. Your written defense, if any should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5. Intimate as to whether you desire to be heard in person or otherwise.

6. Statement of allegations is enclosed.


(Zafar Iqbal) 21/1 X
Senior Member

**GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT**

DISCIPLINARY ACTION

I, Zafar Iqbal, Senior Member, Board of Revenue as Competent Authority, am of the opinion that Mr. Ali Sher, Tehsildar Haripur has rendered himself liable to be proceeded against, as he committed the following acts / omission within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATION

- a) That he while posted as Tehsildar Haripur, were directed by Deputy Commissioner Haripur not to attest mutation No. 11223 till clarification of the case, but he in violation of clear cut instructions issued by Deputy Commissioner Haripur attested the said mutation on 26.06.2015.
- b). That During attestation of mutation, it has also been found that purchasers have not deposited the Government fee but despite the facts he attested the mutation in violation of rules due to which the Government exchequer sustained heavy loss.
- c) This act tantamount to misconduct and make him liable to be proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011

2. For the purpose of inquiry against the said accused with reference to the above allegations **Mr. Saiful Islam, Additional Deputy Commissioner Haripur** is appointed as Enquiry Officer under Rule 10(1)(a) of the rules ibid.

3. The Inquiry Officer shall, in accordance with the provisions of the rules, ibid provide reasonable opportunity of hearing to the accused record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant, representative of the Deputy Commissioner Office Chitral shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

734/MM
21/3/18
APPEAL No. 576 of 2018

Ali Sher Khan S/o Jahangir Khan.....Appellant/Petitioner.

Versus.

Chief Secretary, Govt: of KPK and others.....Respondents.

INDEX

S. No.	Description of Documents	Annex	Pages
1.	Para wise Reply / Comments		01-03
2.	Affidavit		04
3.	Copy of preliminary enquiry submitted to Commissioner, Hazara Division Abbottabad.	A	05-35


Deputy Commissioner,
Haripur.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL No. 576 of 2018

Ali Sher Khan S/o Jahangir Khan.....Appellant/Petitioner.

Versus.

Chief Secretary, Govt: of KPK and others..... Respondents.


Subject:- PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 4.

Respectfully Sheweth:

Preliminary Objections:


1. That the appellant has got no cause of action.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant is bad in its present form.
4. That the appellant is stopped by its own conduct.
5. That the appeal is not maintainable for mis-joinder and non-joinder of necessary parties.

The Para-wise comments in the above petition are submitted as under:-

1. Correct.
 2. Pertains to record.
 3. Incorrect. He blindly attested mutation No. 11223 of the acquired land measuring to 45K-03M in violation of the section 43A of the Land Acquisition Act-1894, which stipulates that acquired land cannot be disposed off without previous sanction of Provincial Government. He also caused heavy loss to Government exchequer in terms of Government taxes of mutation of gift deed because Govt: taxes are not applicable on gift mutation if it is attested amongst the legal heirs, whereas in the instant case the acquired land was transferred from Friends Vegetable Ghee Pvt: Ltd. in the name of Mst. Sadia Qayyum. The taxes were deposited under the relevant head of account in back dates after initiation of preliminary enquiry against the appellant. (A copy of the preliminary enquiry conducted by the then Deputy Commissioner, Haripur placed at "**Annexure-A**").
 4. Pertains to record.
 5. Correct to the extent that enquiry under E&D Rules was conducted and the appellant was found guilty of misconduct.
 6. Correct.
 7. Incorrect. He was not supposed to attest the mutation to transfer the acquired land without previous sanction of the Provincial Government.
- 

8. The appeal was rightly dismissed on the basis of guilt found on his part due to illegal transfer of acquired land in disregard of Section 43A of the Land Acquisition Act-1894.
9. No comments.

Grounds:-

- A. Incorrect. Additional Deputy Commissioner, Haripur was appointed to conduct enquiry under E&D Rules and the appellant was provided proper opportunity to defend himself against the charges mentioned in the charge sheet but he failed to prove himself innocence.
 - B. Incorrect. He was given proper opportunity both in preliminary and formal enquiry conducted by Deputy Commissioner, Haripur as well as Additional Deputy Commissioner Haripur respectively.
 - C. Incorrect. As per Paras above.
 - D. Incorrect. He was not innocent. He was found guilty of misconduct by the Inquiry Officer, hence penalty was imposed upon him.
 - E. Incorrect.
 - F. Incorrect. He committed serious irregularity which was proved during the enquiry proceedings by the Inquiry Officer.
 - G. Incorrect. He was more responsible than others by holding the powers of Assistant Collector of 2nd Grade by virtue of his post as Tehsildar.
 - H. Incorrect. He attested the gift mutation of acquired land with malafide intention in connivance with the beneficiary. The preliminary enquiry placed at "Annexure-A" above is worth perusal in the behalf.
 - I. Incorrect. As per finding of the Inquiry Officer he has been found guilty of misconduct and minor penalty of withholding two annual increments was imposed upon him.
 - J. Incorrect. He is responsible to ensure timely collection of Government taxes and duty bound to check fee deposit challan presented by vendee before attestation of mutation. Hence, he cannot absolve himself of his primary duties.
 - K. Incorrect. The minor penalty of stoppage of 02 increments was imposed upon him after proper enquiry and personal hearing of the appellant in which he failed to satisfy the competent authority regarding the transfer of acquired land in violation of Section 43A of the Land Acquisition Act-1894.
 - L. Incorrect. The order passed was legal as the minor penalty was imposed upon him after proper enquiry.
 - M. Explained in Para-J mentioned above.
- 

N. Incorrect. He not only transferred the acquired land illegally but also caused heavy loss to the Government Exchequer. Later on he managed to deposit the Government taxes in back dates after the initiation of preliminary enquiry against him.

O. Incorrect.

P. No comments.

In view of above submissions it is requested that the appeal of the appellant being not based on facts may be dismissed with cost in liminie, please.


**Deputy Commissioner,
Haripur (respondent No. 4)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR BENCH

APPEAL No. 576 of 2018

Ali Sher Khan S/o Jahangir Khan.....Appellant/Petitioner.

Versus.

Chief Secretary, Govt: of KPK and others.....Respondents.

AFFIDAVIT

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


Deputy Commissioner,
Haripur

CONFIDENTIAL.

OFFICE OF THE DEPUTY COMMISSIONER HARIPUR.

No. 10348-52 /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 marla. These 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.

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,

in case 29/6/15

With due respect and profound regards, it is submitted that on 26.06.2015 I have lodged and 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).

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

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**

To be true copy

EXAMINER

10/8/58

سلسلہ	نمبر	نام	پتہ	مقام	تاریخ	مختصر	تفصیلی	نمبر	مقام	تاریخ	مختصر	تفصیلی
1061	1061	محمد رفیع صاحب	لاہور	پروفیسر	1957	پروفیسر	پروفیسر	1061	لاہور	1957	پروفیسر	پروفیسر
1061	1061	محمد رفیع صاحب	لاہور	پروفیسر	1957	پروفیسر	پروفیسر	1061	لاہور	1957	پروفیسر	پروفیسر
1061	1061	محمد رفیع صاحب	لاہور	پروفیسر	1957	پروفیسر	پروفیسر	1061	لاہور	1957	پروفیسر	پروفیسر
1061	1061	محمد رفیع صاحب	لاہور	پروفیسر	1957	پروفیسر	پروفیسر	1061	لاہور	1957	پروفیسر	پروفیسر
1061	1061	محمد رفیع صاحب	لاہور	پروفیسر	1957	پروفیسر	پروفیسر	1061	لاہور	1957	پروفیسر	پروفیسر
1061	1061	محمد رفیع صاحب	لاہور	پروفیسر	1957	پروفیسر	پروفیسر	1061	لاہور	1957	پروفیسر	پروفیسر

ریپورٹ و حکم

دستخط محمد رفیع صاحب

محمد رفیع صاحب

محمد رفیع صاحب

اندرج مزید جواب قائم کیا جائیگا

اندرج مزید جواب قائم کیا جائیگا

Handwritten notes and signatures in the table columns, including 'پروفیسر' and 'محمد رفیع صاحب'.

Handwritten notes and signatures in the table columns, including 'پروفیسر' and 'محمد رفیع صاحب'.

فصل اول در بیان کلیات

بند	نام مالک و احوال	نام مالک و احوال	رقبه و قسم زمین	رقبه و قسم زمین	رقبه و قسم زمین	رقبه و قسم زمین
1091	سید نورمحمد افشار	فریدون و همسرش	1200	1422	1591	1091
2200						
1091						
2200						
1091						
2200						

Handwritten notes and signatures on the left margin, including dates like 22/8/97 and 25/8/97.

Attested to be true copy
 EXAMINER
 10/10/97

تقریر شده

نام مالک و احوال	رقبہ و قسم زمین	تعداد و احوال	رقبہ و قسم زمین	نام مالک و احوال	رقبہ و قسم زمین	تعداد و احوال
کلی (2000)	بیستور	950	1287	فرید و محسن کھی ملنگ کھسب پیر کور پیر احمد شہریت نمبر 31 سکس F-7/1 السطار	1200	11-79
سنگل و ریگ آف پاکستان (109) فرینڈ شپ سٹیٹل گیس سنگل پیر کھی ملنگ پیر اشفاق پیر لا	بیستور	999	1280	سنگل کورنگ آف پاکستان	1200	6-40
اسلام آباد (109)	بیستور	168	97			

3464

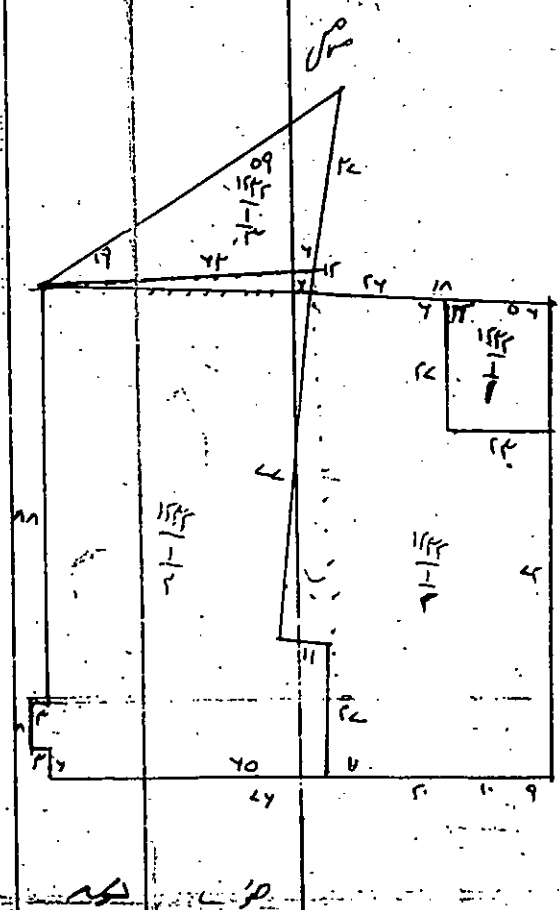
درخواست تقسیم زمین
مستحقان
اختر محمد صاحب
محمد سعید خان

90/10/96

15/10/87
1375

Attested to be true copy
1978/201

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
					استخوان رینه	نور	نور							
		3	9	22	22	24	23	27	24	22	22	22	22	
		29	2	22	22	9	23	27	24	22	22	22	22	
				22	22	22	22	22	22	22	22	22	22	



3465
 بدستور استغفار
 فرزند و محمد...
 88

تعداد	نام مالک و احوال	اول	قسم زمین	لگان	داحوال	قسم زمین	لگان	رقبہ و احوال
38	فریند و جمیل کوٹلی	پستور	۱۳۴ ۱	۹۵۱	نسرت حسن زوہر	۱۳۴ ۱	۹۵۱	دربند و احوال
۳۶	محمد رفیق اور بیگم		۲	۱۲۸۸	محمد عبدالقادر خور	۲	۱۲۸۸	قسم زمین
۴۲	محمد رفیق اور بیگم		۲	۹۵۱	محمد رفیق اور بیگم	۲	۹۵۱	قسم زمین
۴۳	محمد رفیق اور بیگم		۲	۱۲۸۷	محمد رفیق اور بیگم	۲	۱۲۸۷	قسم زمین
۴۴	محمد رفیق اور بیگم		۲	۱۲۸۸	محمد رفیق اور بیگم	۲	۱۲۸۸	قسم زمین
۴۵	محمد رفیق اور بیگم		۲	۱۲۸۸	محمد رفیق اور بیگم	۲	۱۲۸۸	قسم زمین

Memorandum of Association and Articles
Association of ...

۱۳۳۲ = ۱۲۳۲ / ۲
۱۳۳۱ = ۱۲۳۱ / ۲

۱۳۷۶
۱۳۷۷

۱۳۷۶ = ۱۳۷۶

۱۳۷۶
۱۳۷۷

۱۳۳۲ = ۱۲۳۲ / ۲
۱۳۳۱ = ۱۲۳۱ / ۲
۱۳۳۰ = ۱۲۳۰ / ۲
۱۳۲۹ = ۱۲۲۹ / ۲
۱۳۲۸ = ۱۲۲۸ / ۲

۱۳۳۲ = ۱۲۳۲ / ۲
۱۳۳۱ = ۱۲۳۱ / ۲
۱۳۳۰ = ۱۲۳۰ / ۲
۱۳۲۹ = ۱۲۲۹ / ۲
۱۳۲۸ = ۱۲۲۸ / ۲

3466

۱۳۷۶-۶۸

Handwritten signature

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

بغیر (رہنہ) زمین اور دیگر جائیدادیں جو اس نام کیا جاوے گی۔

Annea H
16

نام مالک و احوال فانی	تاریخ انتقال	نام مالک و احوال فانی	تاریخ انتقال
بغیر مالک و احوال فانی	19/3/15	بغیر مالک و احوال فانی	19/3/15
فریندز و جینیل کمیٹی بدکوٹ	12/15	فریندز و جینیل کمیٹی بدکوٹ	12/15
فرینڈس ٹرسٹ بدکوٹ	12/15	فرینڈس ٹرسٹ بدکوٹ	12/15
افس 7.5 اسکریٹ	12/15	افس 7.5 اسکریٹ	12/15
اسلام آباد	12/15	اسلام آباد	12/15
مسماة کفرت شاہین بدکوٹ	45-3	مسماة کفرت شاہین بدکوٹ	45-3
ذوالحک عبدالقیوم	45-3	ذوالحک عبدالقیوم	45-3
قوم راجپوت مسلمانہ	45-3	قوم راجپوت مسلمانہ	45-3
فارمٹ افس بدکوٹ	45-3	فارمٹ افس بدکوٹ	45-3
ویسٹ آباد	45-3	ویسٹ آباد	45-3
المجد بابر لبر مکن مالکوہ	18553-0778962-5	المجد بابر لبر مکن مالکوہ	18553-0778962-5
المجد پرویز لبر مکن مالکوہ	18552-0529773-5	المجد پرویز لبر مکن مالکوہ	18552-0529773-5

و اب اپنی بیوی و بیٹیوں کے لئے
فنانس مانی
واقع میرا چند ملکیت درکار ہے
میرے اسی کاروبار کے لئے
مخاصہ رقم پیش کی جا رہی ہے

18/2/2015

18/3/2015

Attested to be true Copy
Date: 12/18/15
Authorized u/s 76 PAK

Amra (18)

رجسٹر انتقال موضع یا نزد

نمبر حد بست ۱۰۰۰ تحصیل

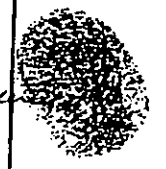
ضلع حیدر پور ورق نمبر 96

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

اندر رجسٹر جمعہ دی گذشتہ یا آخری واقعہ انتقال جن کی ترمیم مطلوب ہے۔ اندراج جدید جواب قائم کیا جاوے گا۔

<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>	<p>تقدیرین گورادار</p> <p>تقدیرین گورادار</p>
<p>۱۵/۰۹/۲۰۱۵</p> <p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>	<p>۱۴۴۴</p> <p>۱۰۹۹۶</p> <p>۱۱۳۳۴</p>

Attested to be true Copy
 Attesting Office
 Date 12/9/15
 A Notarized w/s 74 PAK e/11/15



28/04/15

اندر رجسٹر سابق درجہ

عبدالرحمان خان

۱۳۳۹۲ = ۸۶۱۹۹۵۵

۶۱۱۵۱-۳۹۹۵۳۲۸-۱

۱۳۱۵۱-۶۸۵۹۹۵۵

رجسٹر انتقال موضع

نمبر حد بست

تحصیل و ضلع

حصہ اولی ورق نمبر 97

Annex J(2)

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

اندراج جدید جواب ٹائم کیا جاوے گا۔

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

1731	1732	1733	1734	1735	1736	1737	1738	1739	1740	1741	1742	1743	1744	1745
مظاہر علی	دافعہ حیدر اہمہ ملکیت درہ	اشرفیہ جباری کاٹا تھانہ	حکم پیشش لٹنورا اور	مظاہر علی	دافعہ حیدر اہمہ ملکیت درہ	اشرفیہ جباری کاٹا تھانہ	حکم پیشش لٹنورا اور	مظاہر علی	دافعہ حیدر اہمہ ملکیت درہ	اشرفیہ جباری کاٹا تھانہ	حکم پیشش لٹنورا اور	مظاہر علی	دافعہ حیدر اہمہ ملکیت درہ	اشرفیہ جباری کاٹا تھانہ
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
13302-8919944	13302-8919944	13302-8919944	13302-8919944	13302-8919944	13302-8919944	13302-8919944	13302-8919944	13302-8919944	13302-8919944	13302-8919944	13302-8919944	13302-8919944	13302-8919944	13302-8919944

Handwritten signature and date 12/8/15

13/01-9809988

Nusrat-Shakeen



رجسٹر انتقالات موضع پانڈرک

نمبر حد بست 122

سپین و 15/10/15

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

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

اندراج جدید جواب قائم کیا جاوے گا۔

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	
<p>1731</p> <p>صبا عیوب خان</p> <p>واقعہ حیدرآباد ملکیت درجہ 1</p> <p>کے انتقال صبا عیوب خان</p> <p>مناسبت سے</p> <p>28/04/15</p> <p>اندراج سابق درجہ</p> <p>5/6/215</p>	<p>صبا عیوب خان</p> <p>ملکیت</p> <p>مخوض</p> <p>مبلغ</p> <p>1500000</p> <p>میزرہ لادو</p> <p>بارود</p> <p>بیبائی</p> <p>3 سہول</p> <p>عبدالرحمان سنگھ</p> <p>فونکی صوبی 1301</p> <p>مہر</p> <p>رنگ</p> <p>001</p> <p>2</p>	<p>14</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>	<p>13</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>	<p>12</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>	<p>11</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>	<p>10</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>	<p>9</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>	<p>8</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>	<p>7</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>	<p>6</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>	<p>5</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>	<p>4</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>	<p>3</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>	<p>2</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>	<p>1</p> <p>14-39</p> <p>3176</p> <p>5-0</p> <p>13302-8419955</p>

Witnessed to be true Copy

Notary Office

Date: 12/4/15

Authorised u/s 74 PAK evd

13101-7809956-7

نور علی

Nusrat shah eem.



رجسٹر انتقالات موضع بارگرس

نمبر حد بست 121 تحصیل

ضلع صیدی پروردق نمبر 99

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

اندراج جدید جواب نام کیا جاوے گا۔

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

1731	1730	1729	1728	1727	1726	1725	1724	1723	1722	1721	1720	1719	1718	1717
میرزا محمد علی	میرزا محمد علی	میرزا محمد علی	میرزا محمد علی	میرزا محمد علی	میرزا محمد علی	میرزا محمد علی	میرزا محمد علی	میرزا محمد علی	میرزا محمد علی	میرزا محمد علی	میرزا محمد علی	میرزا محمد علی	میرزا محمد علی	میرزا محمد علی
11449	11449	11449	11449	11449	11449	11449	11449	11449	11449	11449	11449	11449	11449	11449
39-15	39-15	39-15	39-15	39-15	39-15	39-15	39-15	39-15	39-15	39-15	39-15	39-15	39-15	39-15
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
13307-8418948-7	13307-8418948-7	13307-8418948-7	13307-8418948-7	13307-8418948-7	13307-8418948-7	13307-8418948-7	13307-8418948-7	13307-8418948-7	13307-8418948-7	13307-8418948-7	13307-8418948-7	13307-8418948-7	13307-8418948-7	13307-8418948-7
13/01-9803550-4	13/01-9803550-4	13/01-9803550-4	13/01-9803550-4	13/01-9803550-4	13/01-9803550-4	13/01-9803550-4	13/01-9803550-4	13/01-9803550-4	13/01-9803550-4	13/01-9803550-4	13/01-9803550-4	13/01-9803550-4	13/01-9803550-4	13/01-9803550-4
10/01/10	10/01/10	10/01/10	10/01/10	10/01/10	10/01/10	10/01/10	10/01/10	10/01/10	10/01/10	10/01/10	10/01/10	10/01/10	10/01/10	10/01/10

Attested to be true Copy

[Signature]

Attending Officer

Date 12/8/18

Authorised by 76 PAK evidence

Nisad shahaen

رجسٹر انتقالات موضع باندوٹ
نمبر حدیست ۱۷۷۷
حصیل ۹
تعلقہ حیدرآباد وفاق ممبر

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

اندراج تصدیق شدہ یا گزشتہ یا آخری واقعہ انتقال جس کی ترمیم مطلوب ہے۔۔۔
اندراج جدید جواب نام لکھا جائے گا

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
1731	1232													
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
1425000	1425000	1425000	1425000	1425000	1425000	1425000	1425000	1425000	1425000	1425000	1425000	1425000	1425000	1425000
39-14	39-14	39-14	39-14	39-14	39-14	39-14	39-14	39-14	39-14	39-14	39-14	39-14	39-14	39-14
11223	11223	11223	11223	11223	11223	11223	11223	11223	11223	11223	11223	11223	11223	11223
13801-9809885	13801-9809885	13801-9809885	13801-9809885	13801-9809885	13801-9809885	13801-9809885	13801-9809885	13801-9809885	13801-9809885	13801-9809885	13801-9809885	13801-9809885	13801-9809885	13801-9809885
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

Attested to be true
Date: 2/8/15
PAKISTAN

اندرج سابق درجہ
5/6/2015

گزارہ
326-3995-1101
نمبر حدیست 1777
حصیل 9
تعلقہ حیدرآباد وفاق ممبر

رجسٹر انتقالات موثق بازرگت

نمبر حدیست ۱۲۲ تحصیل

صالح ہیری پور درن سیر

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

اندران تصدیق گذشتہ یا آخری واقع انتقال جس کی ترمیم مطلوب ہے۔
اندران ہیری پور جواب نام کیا جاوے گا۔

3115	39	3177	1200000	1241	1842	39-14	24	3176	1105	1105	1127	1127	1105	1127
نور احمد	کلیہ علی	سید محمد	عقیل احمد ولد عبدالعزیز	عقیل احمد ولد عبدالعزیز	عقیل احمد ولد عبدالعزیز	عقیل احمد ولد عبدالعزیز	عقیل احمد ولد عبدالعزیز	عقیل احمد ولد عبدالعزیز	عقیل احمد ولد عبدالعزیز	عقیل احمد ولد عبدالعزیز	عقیل احمد ولد عبدالعزیز	عقیل احمد ولد عبدالعزیز	عقیل احمد ولد عبدالعزیز	عقیل احمد ولد عبدالعزیز
39	39	39	39	39	39	39	39	39	39	39	39	39	39	39
12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
12	12	12	12	12	12	12	12	12	12	12	12	12	12	12

خواجه علی
و اعم محمد علیہ ملکیت درن ہیری پور
رشتہ دار فارسی نام محمد علی ہیری پور
مناسبت محمد علی ہیری پور

88/4/15

اندران سابق حدیست
5/6/25

0321/5565457

Attesting Office
Date: 12/8/18
Nusrat Shabeen

رجسٹر انتقالات موحد پالڈی

نمبر حد بست نمبر 12 تحصیل و ضلع پیر پور اور ورق نمبر

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

اندر ان جمعیگی گذشتہ یا آخری واقعہ انتقال جس کی ترمیم مطلوب ہے۔ اندراج جدید جواب قائم کیا جاوے گا۔

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>	<p>محمد علی صاحب</p> <p>11350</p>

ضلع پیر پور
 واقعہ انتقال
 رجسٹریشن نمبر
 28/4/15

اندر ان جمعیگی
 رجسٹریشن نمبر
 5/6/25

Attested to be true Copy

Attesting Officer

Date

Subscribed w/s 76 PAK EVIDENCE ACT



Mus. rat. shah eem

0327-5565457

61101-3995326-1

13302-848944-7

13101-9849950-4

پانڈیچ میں بھرحدیقت 1915ء میں تصدیق و توثیق کے لئے جاری شدہ سرکاری نوٹس
 انشعالات موافقہ

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

اندراج جدید جواب قائم کیا جاوے گا۔

Annex J (8)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
11442	949	1124	1174	124	1731	176	176	176	176	176	176	176	176	176
سماۃ لغت شاہین	زوجہ ملک عبدالقیوم	قوم راجپوت سالانہ	فارسیٹ آفس روز	ایبٹ آباد	بیسٹور	بیسٹور	بیسٹور	بیسٹور	بیسٹور	بیسٹور	بیسٹور	بیسٹور	بیسٹور	بیسٹور
1124	1124	1124	1124	1124	1124	1124	1124	1124	1124	1124	1124	1124	1124	1124
1124	1124	1124	1124	1124	1124	1124	1124	1124	1124	1124	1124	1124	1124	1124
1310	98	95	50											

دفعہ 1124
 عام شہزادہ گل خان بیسٹور
 سماء سعیدہ عامر
 زوجہ عامر شہزاد
 قوم آروان سالکان
 ولدنی آجاری ریلو اسٹیشن
 دافلیہ کبھیہ

25/05/015

اندراج سابقہ دستاویز
 سند

576/2015

Attested to be true Copy

Attesting Office
 Date

Attested by 74 PAA evidence

1310-989950-5

سماۃ لغت شاہین

Subst. kuseen

رجسٹر انقالات موت

ممبر عدلیت

مجلس جدید اور درج نمبر

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
اندرج جمعہ کی گذشتہ یا آخری واقعہ انتقال جس کی ترمیم مطلوب ہے۔														
اندرج جدید جواب قائم کیا جاوے گا۔														
15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
<p>مجلس جدید اور درج نمبر</p> <p>15</p>	<p>مجلس جدید اور درج نمبر</p> <p>14</p>	<p>مجلس جدید اور درج نمبر</p> <p>13</p>	<p>مجلس جدید اور درج نمبر</p> <p>12</p>	<p>مجلس جدید اور درج نمبر</p> <p>11</p>	<p>مجلس جدید اور درج نمبر</p> <p>10</p>	<p>مجلس جدید اور درج نمبر</p> <p>9</p>	<p>مجلس جدید اور درج نمبر</p> <p>8</p>	<p>مجلس جدید اور درج نمبر</p> <p>7</p>	<p>مجلس جدید اور درج نمبر</p> <p>6</p>	<p>مجلس جدید اور درج نمبر</p> <p>5</p>	<p>مجلس جدید اور درج نمبر</p> <p>4</p>	<p>مجلس جدید اور درج نمبر</p> <p>3</p>	<p>مجلس جدید اور درج نمبر</p> <p>2</p>	<p>مجلس جدید اور درج نمبر</p> <p>1</p>
<p>مجلس جدید اور درج نمبر</p> <p>15</p>	<p>مجلس جدید اور درج نمبر</p> <p>14</p>	<p>مجلس جدید اور درج نمبر</p> <p>13</p>	<p>مجلس جدید اور درج نمبر</p> <p>12</p>	<p>مجلس جدید اور درج نمبر</p> <p>11</p>	<p>مجلس جدید اور درج نمبر</p> <p>10</p>	<p>مجلس جدید اور درج نمبر</p> <p>9</p>	<p>مجلس جدید اور درج نمبر</p> <p>8</p>	<p>مجلس جدید اور درج نمبر</p> <p>7</p>	<p>مجلس جدید اور درج نمبر</p> <p>6</p>	<p>مجلس جدید اور درج نمبر</p> <p>5</p>	<p>مجلس جدید اور درج نمبر</p> <p>4</p>	<p>مجلس جدید اور درج نمبر</p> <p>3</p>	<p>مجلس جدید اور درج نمبر</p> <p>2</p>	<p>مجلس جدید اور درج نمبر</p> <p>1</p>

مجلس جدید اور درج نمبر

15

مجلس جدید اور درج نمبر

14

مجلس جدید اور درج نمبر

13

مجلس جدید اور درج نمبر

12

مجلس جدید اور درج نمبر

11

مجلس جدید اور درج نمبر

10

مجلس جدید اور درج نمبر

9

مجلس جدید اور درج نمبر

8

مجلس جدید اور درج نمبر

7

مجلس جدید اور درج نمبر

6

مجلس جدید اور درج نمبر

5

مجلس جدید اور درج نمبر

4

مجلس جدید اور درج نمبر

3

مجلس جدید اور درج نمبر

2

مجلس جدید اور درج نمبر

1

11223

11223

Attesting Office

Date: 13/01/2015

Witnessed by: 76 PA

wasnet shahen

(10) Annex
(27)

رجسٹر انتقالات موضع

بازنگ

نمبر حدیست 142

تحصیل

ضلع حدیسا اور ورق نمبر

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

اندران جمعہ پوری لکھتے یا آخری واقعہ انتقال جس کی ترمیم مطلوب ہے۔

اندران جدید جواب قائم کیا جاوے گا۔

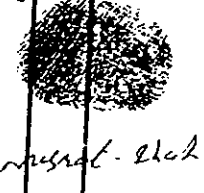
15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>	<p>فدا علی</p> <p>واقعہ حدیسا بندہ ملکیت درج و</p> <p>م کے دستخط و کارکی کیا گیا ہے</p> <p>مناسبت سے کسٹیشن کفوالہ</p> <p>1250000</p> <p>بارہ لکھ پچاس</p> <p>کا پندرہ سو روپے</p> <p>نہ بنانی</p> <p>عبدالغفور</p> <p>عبدالرحمان سنگھ</p> <p>نہالی حدیسا اور</p> <p>4.1</p>

Attested to be true Copy

Assisting Officer

Date: 12/8/15

Authorised w/s 76 PA/...



(28)
Annex 'k'

ADDITIONAL ASSISTANT COMMISSIONER (REVENUE) HARIPUR

Ref. No. 129

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 returned herewith for your further necessary action please.

DK/Avd Imp.
PR/PK reply
ASD

**Additional Assistant Commissioner (Revenue)
Haripur**

Office of D.C. Haripur
28/3/15

ADDITIONAL ASSISTANT COMMISSIONER (REVENUE) HARIPURRef. No. 144Dated 3-8-15

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 عملی) Factory.
 - (iii) In the year 1991 on 17.10.1991, the said Ghair Mumkan (غیر عملی) 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 فلع صری پور مورخہ 14/1/2015 پر درخواست
سائل ملک عبدالقیوم ولد ملک سید علی سائنہ ملک یا دوس فارسٹ روڈ تحصیل وتلع ایبٹ آباد
ہائڈران مال سولج پانڈک ملکہ فلہ کئے گئے عرض ذیل ہے۔

حجیرہ القدران زمین ذیل جائداد سالہ 2007-08 سولج پانڈک کھانہ 969 میں
1328
نمبرات خسرو $\frac{1428}{1322}$ ، $\frac{1428}{1429}$ ، $\frac{1428}{1322}$ ملک لگ عداری 3-45 ملکیت بنام

فرینڈز رجسٹریشن کمی ملنے فریڈم لیسڈ درج ہے قبل ازین رقبہ مذکورہ بالا مکتول تھا
جبکہ بابت انتقال 10997 و اینڈاری ملکیت مورخہ 11/12/2014 تصدیق منظور ہو چکا ہے
اب رقبہ مذکورہ بالا میر کسی ادارے یا کوئی بار زمین وغیرہ ہیں۔

اب اس رقبہ مذکورہ بالا کو کسی اور نام پر منتقل / فروخت / ٹرانسفر کرنا جائز ہے
مردر حسب القدران زمین ذیل جائداد سالہ 2007-08 سولج پانڈک کھانہ

میراہلف ہے۔ سید اوروری میر او مناسب جاہدشی حکم پشیش کنوڑ فور ہے۔

قبضہ سید اوروری مورخہ 11/12/2014
حصہ لوری سولج 9 سولج پانڈک کھانہ
1728 1748 1731
1232 1729 1232
2015

صبا گل دستگیر مورخہ 11/12/2014
مورخہ 11/12/2014

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

باجور آف اتارنی دستبرد
 نہیے تا ایچ سال کا فارم 29
 ڈیٹا موجود ہے۔ یہاں سے
 کہ اگر باڈی کے ذریعے اس کا
 مارک کر دینے کا

ADCC (Haripur) 21/11/15

Tehsildar Haripur

فیس کا ایک پیسہ/صبتا - شولہ (نہا) دیکھ کر
 12 الے سال سے اس فارم 29 کی کاپی موجود ہے
 ایک سٹا 2
 09/12/15

RO 10/02/2015
 Approved as proposed
 09/12/15
 Tehsildar Haripur

ADCC (Haripur)
 خود بخوبی 2015

RO 22/01/2015
 Sub-1
 R/Siv, No 10/2/2015

Documents ADCC
 09/12/2015

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

-ADCC schib, Haripur

Examine the submitted Stamp/authority letter & Commitment

ADCC (Haripur) 29/01/2015

37


Annex- "N"

The LAND ACQUISITION ACT (I OF 1894)

By

MIAN KHURSHID AHMAD NASIM
Advocate

**Mansoor
Book
House-**

 7245991
7355418

2-Katchery Road, Lahore

names and address
set 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 moneys 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.




OFFICE NOTE.

1. Reference enquiry report received in this office vide No.129 dated 03.07.2015 was conducted by AAC (Revenue) Haripur on the orders of worthy Deputy Commissioner Haripur recorded on the application /complaint dated 27.06.2015 of Mr. Ghalib Khan s/o Zumarrad Khan r/o village Pandak Tehsil and District Haripur, addressed to Honourable Chief Minister Khyber Pakhtunkhwa. The complaint and enquiry report may please be perused at flag-A. and flag-B.
2. The applicant Mr. Ghlib Khan in his earlier application dated 26.06.2015 at flag-B has stated that the Khasra No. 1232 situated in the estate of village Pandak, which was initially acquired for Post and Telegraph Department was the property of his forefathers. After acquisition the said property was transferred to a private person, whereas, as per law such property should have been returned to the original land owners and a civil suit is being filed in the court of law.
3. As per enquiry report submitted by AAC (Revenue), the applicant is neither owner nor co-sharer in Khasra No. 1232. As per statements of Tehsildar and halqa Patwari referred in the enquiry report, the application of Mr. Ghalib Khan was received after the conduct of tour to village Pandak on 26.06.2015 and restriction was also not received from any civil court.
4. Submitted please.

D.C. Haripur: DISCUS jointly
 DIL. HVC. AAC Rev: 
 DIL DISCUSSED. AAC Rev: guided in 13.7.15
 prepare TORs.

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: 
 Oll. AAC Rev: has already been guided on above line. 14.7.15


D.C. Haripur: DISCUS jointly
D.K. HVC AAC Rev: D.K.
DISCUSSED. AAC Rev: guided in 13.7.15
prepare TORs.

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.

D.K. / AAC Rev

OK. AAC Rev: 
has already been D.K.
guided on above case.
14.7.15

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No...⁵⁷⁶...../2018

Ali Sher Khan S/O Jehangir Khan

APPELLANT

VERSUS

Chief Secretary

Government of Khyber Pakhtunkhawa at Peshawar & others

RESPONDENTS

INDEX OF DOCUMENTS OF REJOINDER

S.NO	Documents	Annexure	Pages
1	Rejoinder		01 - 02
2	Affidavit		03

Appellant

Through:

Ibrahim Shah & Rehman Ullah Shah

M.A, LL.M

Advocates

Ibn e Abdullah Law Associates

11 Azam Tower University Road, Peshawar

Phone & Fax # 091- 570 2021

www.ibneabdullah.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No...../2018

Ali Sher Khan S/O Jehangir Khan

APPELLANT

VERSUS

Chief Secretary

Government of Khyber Pakhtunkhawa at Peshawar & others

RESPONDENTS

REJOINDER ON BEHALF OF APPELLANT

Respectfully Submitted as under:

Reply of Preliminary Objections.

All the preliminary objections raised by set of Respondents are baseless and without any legal footing. And the appellant negates the preliminary objections so raised. The Hon'ble Tribunal has the jurisdiction, and Respondents have concealed the real facts in the instant case.

REPLY OF FACTS.

1. That Para 1 of the reply is admitted correct by the respondents.
2. That Para 2 relates to the service record, and the same has been maintained by the Respondents and has admitted the service of the appellant.
3. Para 3 of the Comments is incorrect, the true facts are clearly mentioned in the appeal. Mutation No. 11223 date March 19, 2015. The said Mutation has been signed being the official on the date referred above, while the direction of the then Deputy Commissioner Distt Haripur was received on June 26, 2015. Hence the act of attestation of Mutation was done in good faith in light of the due process on the subject. It is worth to mention that in Column No. 13 of the Mutation No. 11223 entered by the then Halqa Patwari it was mentioned that it is a gift Mutation. When it came to

appellant's knowledge, all the Taxes levied were recovered, and deposited to the government treasury. Hence there is no fault on the part of the appellant.

4. Contention made by appellant in Para 4 is correct.
5. Contention made in Para 5 is correct.
6. Incorrect and wrong. The Inquiry Officer only recommended warning.
7. Correct.
8. Contention of the appellant is correct.
9. Appeal is maintainable.

REPLY OF GROUNDS.

A- O. The grounds of appeal as mentioned in the memo of appeal are correct, and hence valid grounds for allowing the appeal as the appellant has been penalized for no reasons. The stoppage of 2 increments for the period of 2 years is a penalty which does not proportionate to the allegations so leveled. No justification exists for imposition of minor penalty upon the appellant.

It is, therefore, most humbly prayed that on acceptance of this rejoinder, and grounds of appeal of the appellant may be accepted. And appellant may kindly be granted with back arrears of the said increments.

Appellant

Through

Ibrahim Shah & Rehman Ullah Shah

M.A, LL.M

Advocates

Ibn e Abdullah Law Associates

11 Azam Tower University Road, Peshawar

Phone & Fax # 091- 570 2021

www.ibneabdullah.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No...../2018

Ali Sher Khan S/O Jehangir Khan

APPELLANT

VERSUS

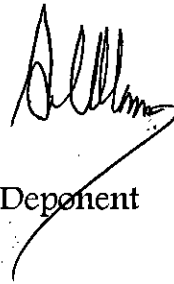
Chief Secretary

Government of Khyber Pakhtunkhawa at Peshawar & others

RESPONDENTS

AFFIDAVIT

I, Ali Sher Khan S/O Jehangir Khan Distt Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.



Deponent

Ali Sher Khan S/O Jehangir Khan



17-6-2007

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1423 /ST

Dated 16 / 8 / 2019

To

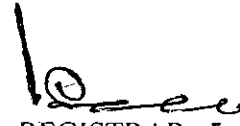
The Senior Member Board Of Revenue,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 576/2018, MR.ALI SHER KHAN.

I am directed to forward herewith a certified copy of Judgement dated 09.07.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above



REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.