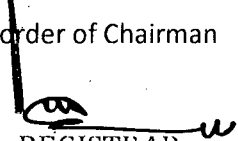


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1290/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/09/2022	<p>The appeal of Mr. Faheem Ullah resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Faheemullah Computer Operator Office of the Service Delivery Center Peshawar received today i.e. on 19.08.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of the appeal^{ant} is incomplete.
- 2- Last prayer page of grounds of appeal is not attached with the appeal.

No. 2422 /S.T,

Dt. 19/08 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Noor Muhammad Khattak Adv. Peshawar.

R/Si,

Resubmitted after necessary
completion.

aj.
/05/8/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

A. No. 1290/22

Mr Faheem Ullah

V E R S U S

The Senior Member Board of Revenue

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Copies of the Notification regarding inquiry committee, charge sheet and statement of allegation	A, B & C	7-10
4.	Copy of the reply	D	11
5.	Copies of the show cause notice and reply	E & F	12-14
6.	Copy of the Impugned Original Order	G	15
7.	Copies of the Departmental Appeal and Appellate order dated 20.07.2022	H & I	16-18
8.	Wakalat Nama		19

Appellant

Through

NOOR MUHAMMAD KHATTAK
Advocate, Supreme Court
Add: Off TF-291, 292
Deans Trade Centre
Peshawar Cantt

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

SERVICE APPEAL NO 1290 /2022

Mr. Faheem Ullah, Computer Operator (BPS-16),
O/O Service Delivery Center, (Land Computer Section),
Tehsil Building, D.C office Peshawar..... APPELLANT

VERSUS

- 1- The Senior Member Board of Revenue, Khyber Pakhtunkhwa,
Peshawar.
- 2- The Director Land Record, Board of Revenue, Peshawar.

..... RESPONDENTS

KP

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE
TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
APPELLATE ORDER DATED 22.7.2022 WHEREBY THE
MAJOR PENALTY OF COMPULSORY RETIREMENT
FROM SERVICE HAS BEEN CONVERTED INTO MINOR
PUNISHMENT OF STOPPAGE OF THREE ANNUAL
INCREMENTS WITH CUMULATIVE EFFECT HAS BEEN
IMPOSED ON THE APPELLANT AND AGAINST THE
ORIGINAL IMPUGNED ORDER DATED 8.6.2022
WHEREBY MAJOR PENALTY OF COMPULSORY
RETIREMENT FROM SERVICE HAS BEEN IMPOSED ON
THE APPELLANT

PRAYER: That on acceptance of the instant appeal the impugned appellate order dated 20.7.2022 may very kindly be rectified/modified by directing the respondents to restore the three annual increments of the appellant with all back benefits. That the respondents may further please be directed to treat the intervening period w.e.f. 8.6.2022 to 20.7.2022 as period spent on duty. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

RESPECTFULLY SHEWETH:

1. That the appellant was appointed in the year 2014 and since his appointment the appellant was working with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed regarding his performance.
2. That the appellant while serving as computer operator at Service Delivery Centre, Peshawar a charge sheet along with statement of allegation were issued to the appellant in which following charges were leveled against the appellant.

i. That the appellant has deliberately contradictory Fardat in violation of law & rules with the consent, knowledge & authority of land owners.

ii. That he deliberately did not verify the CNIC of the land owners, hence an embarrassment situations were created. Resultantly, a fake Power of Attorney was issued and registered involving of prevailing Rules and procedure.

Copies of the Notification regarding inquiry committee, charge sheet and statement of allegation are attached as annexure A, B and C.

3. The appellant submitted his detail reply to the charge sheet and denied the entire allegation and clearly mentioned in his reply that he did not commit any misconduct and mentioned in his reply that on 26.04.2021 Sabz Ali S/O Abdul Hameed R/O of Sara sang came to the office of SDC and he has original CNIC of the land owner and the land owner also gave him power of attorney and after all the codal formalities the appellant issued Fardat to Sabz Ali and in this respect he requested to the registrar to verify original CNIC, actual land owner before registration of deed/power of attorney per job description of the sub registrar. It is pertinent to mention here that the appellant has also issued the 23 fardats measuring 1863 Kanal to the complainant party through the same process but no objection has been raised by the authorities. **Copy of the reply is attached as annexure D.**
4. That later on show cause notice was issued to the appellant which was replied by the appellant in which the appellant again denied the allegations and gave the real facts about the matter. **Copies of the show cause notice and reply are attached as annexure E and F.**
5. That on the basis of above baseless allegations, punishment of compulsory retirement has been imposed upon the appellant vide order dated 08.06.2022, despite the fact that he has not completed the qualifying service for pension. Copy of the impugned original order is attached as annexure G.
6. That feeling aggrieved the appellant filed departmental appeal before the appellate authority i.e. respondent No.1 and upon the ibid departmental appeal the respondent No.1 issued the impugned appellate order dated 20.7.2022 whereby the major penalty of compulsory retirement from service has been converted to minor penalty of stoppage of three annual increments with cumulative effect and also treated the intervening period as leave without pay. Copies of the Departmental appeal and appellate order dated 20.7.2022 are attached as annexure H and I.

3

7. That having no other remedy the appellant preferred the instant appeal on the following grounds amongst the others.


GROUND:

- A. That the impugned orders dated 08.06.2022 and 20.7.2022 are against the law, facts, norms of justice and material on record, therefore, not tenable and are liable to be set aside/rectified.
- B. That inquiry conducted against the appellant was not according to the prescribed procedure as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross-examination, which is violation of law and rules and as such the impugned orders are liable to be set aside on this ground alone.
- C. That no opportunity of defense was provided to the appellant during inquiry proceeding, which is violation of Article-10A of the Constitution of Pakistan.
- D. That the inquiry office did not conduct regular inquiry in order to dig out the reality about the matter by observing the reply to the charge sheet, even the inquiry report was not provided to the appellant, which is violation of law and rules.
- E. That the appellant has duty to issue Fardat to the land owner or the person nominated by the land owner through power of attorney and on 26.04.2021 Sabz Ali S/O Abdul Hameed R/O of Sara sang came to the office of SDC and he has original CNIC of the land owner and the land owner also gave him power of attorney and after all the codal formalities the appellant issued the Fardat to Sabz Ali and in this respect he requested to the Sub Registrar to verify the actual owner of the land before registration of deed/power of attorney as per job description of the sub registrar, which shows that the appellant did not commit any misconduct and he has performed his duty as per rule and has been punished for no fault on his part.
- F. That it is the duty of the concerned Patwari to verify the concerned site and other issue about the property as court proceeding and after verification by the Patwari it is duty of concerned Sub Registrar to verify original CNIC, actual land owner before registration of deed/power of attorney and the appellant after issuing the fardat to Sabz Ali requested to the Sub Registrar to verify the owner of the land before registration of deed/power of attorney as per job description of the sub registrar, which shows that the appellant has performed his duty as per rules and has no malafide intention in the respect of issuing fardat to Sabz Ali.

- G. That the Sub Registrar-I has jurisdiction in the area of Kafoor Dheri, but Sub Registrar-II has registered the fake power of attorney but despite minor punishment has been imposed upon the sub registrar -II and sub registrar has transferred, while major punishment has been imposed upon the appellant by him as scope goat.
- H. That Patwari has continue contact with the Sbaz Ali through Cell Phone in this respect 223 outgoing calls and 221 incoming calls are traced through CDR by the Inquiry officer, which is evident from the inquiry report conducted by ADC Peshawar, but no action has taken against the patwari.
- I. That the power of attorney was canceled by the competent authority verification of power of attorney as the power of attorney was found fake and no loss was occurred to the Government Exchequer.
- J. That the appellant has also issued 23 Fardats measuring 1863 Kanal to the complainant party on the same way, but no objection has been raised by the authorities and all of them were approved by the authorities.
- K. That it is also the duty of the concerned Patwari and sub registrar to verify the fardat, but no action has taken against the Patwari and minor punishment of stoppage of increments has been imposed upon the registrar, while the appellant has been discriminated by imposing major punishment of compulsory retirement from service has been imposed upon the appellant which is clear violation of Article-25 of the Constitution of Islamic Republic of Pakistan.
- L. That the appellate order dated 20.7.2022 is violative of E&D Rules, 2011 as well violative of FR 29, therefore the impugned appellate order is liable to be modified/rectified.
- M. That the appellant has condemned unheard throughout been and has been treated in accordance with law and rules.
- N. That appellant seeks permission to advance other grounds and proofs at the time of hearing.


It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

DATED: 18.8.2022


APPELLANT


FAHEEM ULLAH

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT


UMAIR FAROOQ

KHANZAD GULL


WALEED KHAN
ADVOCATES HIGH COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Mr Faheem Ullah
V E R S U S
The Senior Member Board of Revenue

AFFIDAVIT

I, Mr Faheem Ullah, Computer Operator (BPS-16),
O/O Service Delivery Center, Shami Road, Peshawar,
do hereby solemnly affirm and declare on oath that the
contents of the accompanying **Service Appeal** are true and
correct to the best of my knowledge and belief and nothing
has been concealed from this Hon'ble Court.


DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

A-7

Phone: 091-9210057
E-Mail: landrecord.kpk@gmail.com

fb.com/landrecord.kpk
@LandrecordKP

Page - ①

Peshawar dated the 10/03/2022

NOTIFICATION

No. LR-IV/Inquiry/Kafoor-Dheri/ 2121-29 The Competent Authority is pleased to order inquiry as per provision contained in Rule-5 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 for the act of omission and commission defined in terms of Rules-3 of Rules ibid against Mr. Saleem Ahmad, Ex-Sub Registrar-II Peshawar (now waiting for posting in Director Land Records office), Mr. Faheem Ullah, Computer Operator, Service Delivery Center Peshawar and Mr. Abdul Ghaffar, Patwari Halqa Behlpoolzai Deputy Commissioner Officer Peshawar.

2. Consequent upon the above and for the purpose of inquiry against the aforementioned accused with reference to enclose allegations. in term of Rule-10(1)(a) of the Rules ibid; the Competent Authority has been pleased to appoint Mr. Fazal Hussain, Secretary-II, Board of Revenue, Khyber Pakhtunkhwa as Inquiry Officer to conduct the inquiry under Rules ibid and submit report within 30 days.

Approved By
Senior Member, Board of Revenue
Khyber Pakhtunkhwa

Encls: No. & Date even:-

Copy forwarded to the:-

1. Mr. Fazal Hussain, Secretary-II, Board of Revenue, Khyber Pakhtunkhwa. Charge Sheet and Statement of Allegations in respect of the accused are enclosed. The Charge Sheet and Statement of Allegations may be served upon the accused duly acknowledged receipt.
2. Deputy Commissioner, Peshawar with the request to direct the concerned officials to appear before the inquiry officer as and when called for. He may also depute a well versed representative of his office to attend the inquiry proceedings and produce relevant record before the inquiry officer.
3. Additional Deputy Commissioner (General), Peshawar.
4. Deputy Director (Database) Peshawar.
5. Mr. Mikhhar Hussain, Superintendent Land Records is deputed as Departmental representative to assist the Inquiry Officer.
6. PS to Deputy Speaker, Provincial Assembly, Khyber Pakhtunkhwa.
7. PS to SMBR/Secretary Revenue & Estate Department Khyber Pakhtunkhwa.
8. Officials concerned with the direction to appear before the Inquiry Officer as and when called for inquiry proceedings.

1/3/22
SDC Peshawar

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE AND ESTATE DEPARTMENT
(Revenue Section)

Ph: 091-9212319 | Fax: 091-9213989, 9210810

Rev: Secy-II/Inquiry/2022/10540-44
Peshawar the 28 March, 2022

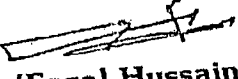
Page - (4)

Mr. Faheem Ullah
Computer Operator
Service Delivery Centre, Peshawar

Subject:

INQUIRY UNDER KHYBER PAKHTUNKHWA GOVERNMENT
SERVANTS (EFFICIENCY & DISCIPLINE) RULES 2011 AGAINST MR.
FAHEEMULLAH COMPUTER OPERATOR, SERVICE DELIVERY
CENTER PESHAWAR.

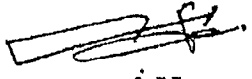
Enclosed find herewith statement of allegations and charge sheet (02 pages)
both dated 10.03.2022. You are directed to furnish your written defence (if any) within 15
days on or before 14 April 2022. You are further directed to attend the office of the
undersigned for personnel hearing on 15 April 2022 at 02 PM.


(Fazal Hussain)
Secretary-II

Endorsement No. & Date Even

Copy forwarded to the:

1. Deputy Commissioner Peshawar with the request to depute a representative of his office to attend the office of the undersigned on the above mentioned date and time to assist in the inquiry proceedings.
2. Director Land Record's, Khyber Pakhtunkhwa with the request to depute a representative of his office to attend the office of the undersigned on the above mentioned date and time to assist in the inquiry proceedings.
3. PS to Senior Member, Board of Revenue.
4. PA to Secretary-II, Board of Revenue.


(Fazal Hussain)
Secretary-II

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
(INSPECTOR GENERAL OF REGISTRATION)
REVENUE AND ESTATE DEPARTMENT

B-9

Peshawar dated the 10/03/2022.

Page- 3

CHARGE SHEET

I, Ijaz ur Rehman, Director Land Records/Inspector General of Registration, Khyber Pakhtunkhwa, as Competent Authority hereby charge you Faheemullah, Computer Operator, Service Delivery Centre, Peshawar as follows:-

That you while posted as Computer Operator, Service Delivery Centre, Peshawar committed the following irregularities:-

- i. That you deliberately issued contradictory Fardat in violation of Rules & without consent of Land Owners, which are illegitimate.
 - ii. That you deliberately did not verify the CNIC of the Land Owners, hence, an embarrassment situations were created. Resultantly, a fake Power of Attorney was issued and registered involving violation of prevailing Rules and procedure.
 - iii. That this act on your part tantamount & liable to be against under the rules.
2. By reason of the above you appeared to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.
 3. You are therefore required to submit your written reply in your defence within 15 days of the receipt of this charge sheet direct to the Enquiry Officer.
 4. Your written defence, if any, should reach the Enquiry Officer, within the specified period, failing which it shall be presumed that you have no defence 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.


Director Land Records/
Inspector General of Registration

Mr. Faheemullah,
Computer Operator, SDC, Peshawar.

ATTEST

GOVERNMENT OF KHYBER PAKHTUNKHWA
(INSPECTOR GENERAL OF REGISTRATION)
REVENUE AND ESTATE DEPARTMENT

Peshawar dated the 10/02/2022.

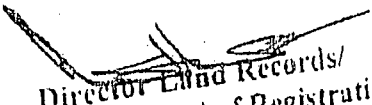
DISCIPLINARY ACTION

Page-3

I, Ijaz ur Rehman, Director Land Records/Inspector General of Registration, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Faheemullah, Computer Operator, Service Delivery Centre, Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/omission, within the meaning of Rules-3 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS.

- i. That he deliberately issued contradictory Fardat in violation of Rules & without consent, knowledge & authority of Land Owners, which are illegitimate.
 - ii. That he deliberately did not verify the CNIC of the Land Owners, hence, an embarrassment situations were created. Resultantly, a fake Power of Attorney was issued and registered involving violation of prevailing Rules and procedure.
 - iii. That this act on his part tantamount & liable to be against under the rules.
2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Fazal Hussain, Secretary-II, Board of Revenue, Khyber Pakhtunkhwa is appointed as Enquiry Officer under Rule-10 (1) (a) of the rules ibid.
3. The Enquiry Officer shall, in accordance with the provisions of the rules ibid provide reasonable opportunity of hearing to the accused, record its findings and made, 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 representatives of, Director Land Records, Khyber Pakhtunkhwa and Additional Deputy Commissioner, Peshawar shall join the proceedings on the date, time and place fixed by the Enquiry Officer.
5. Statement of allegations is enclosed.


Director Land Records/
Inspector General of Registration

Enquiry Officer.

ATTESTED

D-11

بخدمت جناب سیکرٹری۔ البورڈ آف ریونیو چیئرپرسنٹو خواہ

وضاحت بابت انکوائری موضع کارڈ ڈھیری

عنوان:


جناب عالی!

نہایت ادب سے گزارش ہے کہ مورخہ 26/04/21 کو سبزی و لد عبدالحمید خان سکندہ سارا سنگ کارڈ ڈھیری پشاور ایس ڈی سی آفس بذات خود آیا تھا؟ کے پاس مالکان کے اصل شناختی کارڈ اور کچھ شناختی کارڈ کی کاپیاں تھی جس پر **For Power Of Attorney only** لکھا ہوا تھا۔ جس کے بعد میں نے اصل شناختی کارڈ اور شناختی کارڈ کی کاپیاں لے کر ایک ایک نام کی تصدیق سسٹم میں موجود **Data** سے کی اور ساتھ ہی شناختی کارڈ پر **Date Of Expiry** تصدیق بھی کی۔ کچھ مالکان کے کارڈ نہ ہونے پر بتایا گیا۔ کہ بہ مالکان موجودہ ڈپٹی سیکرٹری محمود جان صاحب کے فیملی سے ہیں۔ اور ان کا ہمارے ساتھ معاہدہ ہوا ہے۔ جس کے بعد اس نے ایک سٹامپ پیپر دیکھا یا جس پر ان تمام مالکان کا معاہدہ بیج ہوا تھا۔ اور سبزی و لد عبدالحمید کو مالکان کی طرف سے مختیار سرپرست بنایا گیا تھا۔ جس کے بعد میں نے سبزی و لد سے اس کا اصل شناختی کارڈ اور موبائل نمبر لے کر کمپیوٹر میں اندراج کیا۔ اور فرد برائے مختیار نامہ حوالہ کیا جس پر سب رجسٹرار صاحب سے مکمل تفصیل مالکان بمعہ اصل شناختی کارڈ حاصل کرنے کے لیے نوٹ درج کیا گیا۔

جناب عالی! سابقہ سینیئر ممبر بورڈ آف ریونیو جناب سید ظفر علی شاہ صاحب کے بھتیجے سید عباس شاہ اس کے علاوہ آیاز، گوہر، قاسم نے بھی ڈپٹی سیکرٹری محمود جان صاحب کے فیملی کے تقریباً 1863 کنال کے فردات برائے رجسٹری و مختیار نامہ لیے ہیں۔ نہ ان کے ساتھ ان کا اصل شناختی کارڈ تھا نہ ہی ٹولو کاپی تھی BOR سے بھی کالز آتی تھی اور ہم عشاء کی نماز تک تمام سٹاف ان کا کام کرتے تھے۔ یہاں تک کہ تحصیلدار کو بھی شام کے وقت SDC آفس طلب کر لیا جاتا تھا۔ اصل مالک طلب کرنے پر ڈپٹی سیکرٹری صاحب کا حوالہ دیتے تھے۔ یا افسران بالاتک رسائی کر کے فرد نکلاتے تھے۔ جس کی وجہ سے ہم موجودہ ڈپٹی سیکرٹری محمود جان صاحب کے فیملی ممبرز کو آفس طلب نہیں کر سکتے تھے۔ کیونکہ اصل مالک طلب کرنے پر افسران بالاتک رسائی کر کے ہم پر پریشر ادا ہوا ڈالتے تھے۔

جناب عالی! جعلی مختیار نامہ کا پتہ چلنے کے بعد افسران بالانے وہ مختیار نامہ کیمنل کر دیا۔ جس کے بعد سابقہ **SMBR** جناب سید ظفر علی شاہ صاحب نے ہمارے ڈپٹی ڈائریکٹر اصغر صاحب کو آفس طلب کیا۔ اور کہاں کہ اگر میرا بھتیجا میرا حوالہ دیں تو اس کا کوئی کام نہیں کرنا۔ جب تک میرے P.S نے کال نہ کی ہوں اور اسکے کچھ دن بعد ڈپٹی سیکرٹری صاحب کے بھائی احتشام صاحب آئے اور مجھے اپنا موبائل نمبر دے دیا کہ ہمارے فردات صرف قاسم نامی بندے کو دیتے ہیں اور اُسے میرے ساتھ لٹوایا۔ جس کے بعد ہم نے ان کے فردات کسی کو نہیں دیئے۔

جناب عالی! میں اللہ کو حاضر ناظر جان کر بیان دیتا ہوں کہ نہ میں نے کسی سے رشوت اپنی لیے ہیں۔ اور نہ مجھے معلوم تھا کہ سبزی و لد عبدالحمید فرد پر کوئی غیر قانونی کام کرے گا۔ مہربانی فرما کر مجھ پر کوئی چارج نہ لگایا جائے بندہ تادم دعا گورے گا۔



رپورٹ بابت انکوائری کارڈ ڈھیری پیش بخشور اور ہے

العارض

نہیم اللہ، کمپیوٹر آپریٹر
ایس ڈی سی پشاور
01054/00000

ATTESTE!





GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE AND ESTATE DEPARTMENT

No. LR-IV/Inquiry/Kafoor-Dheri/ 238
Peshawar dated the 12/05/2022

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SHOW CAUSE NOTICE

I, **Ijaz-ur-Rehman**, Director Land Records, Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you Mr. Faheem Ullah, Computer Operator/ Service Delivery Center Official in Service Delivery Center Peshawar as follows:

- (i) That consequent upon the completion of inquiry conducted against you by the inquiry officer (Mr. Fazal Hussain, Secretary-II, BoR) received vide letters No. PA/Secy-II/1599-600 dated 14.04.2022 and No. PA/Secy-II/13350-51 dated 12.05.2022 for which you were given opportunity of hearing vide communication No. Rev/Secy-II/Inquiry/2022/10540-4, dated 28.03.2022 and:
(ii) On going through the findings and recommendations of the inquiry officer the material on record and other connected papers including your defence before the inquiry officer:-

I am satisfied that you have committed the following acts/ omissions specified in rule 3 of the said rules.

- Inefficient or has ceased to be efficient for any reason
 - Guilty of Misconduct
- As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the major penalty of compulsory retirement under rules 4 of the said rules.
 - You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
 - If no reply to this notice is received within 07 days or not more than 15 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.
 - A copy of the findings of the inquiry officer is enclosed


(Ijaz-ur-Rehman)
Director Land Records

(Faheem Ullah)
Computer Operator/Service Delivery Center Official in
Service Delivery Center Peshawar

Show Cause received
on 18/05/2022



To

The Director Land Records,
Khyber Pakhtunkhwa

SUBJECT: REPLY TO THE SHOW CAUSE.

1630
25/5/22

F-13
8

R/sir,

Kindly refer to your office letter No.LR-IV/Inquiry/Kafoor Dheri /238 dated 12/05/2022 whereby show Cause has been served upon the applicant. In this context, may I allude to the explanatory application in Urdu version dated 01-04-2022 wherein certain facts have been incorporated for your kind perusal. However, let me put forward some more submissions for your perusal and sympathetic consideration as under:

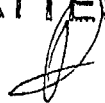
1. That obviously, there is nothing on record to substantiate the charges leveled against me, besides there exists no mala-fide on the part of the applicant with regard to commission of the guilt(s) sufficient to incriminate me.
2. That from perusal of my detailed reply to the inquiry I have explained the whole episode of transaction and provision of Fardat. Copy of reply along with its English version are enclosed.
3. As regard to issuance of contradictory Fardats, reply already submitted to the Inquiry Officers may be considered as reply to this show cause notice as well where no irregularities is committed.
4. That during the entire period of service, I performed duties to the entire satisfaction of the superiors and the high-ups have never noticed about any sort of corruption on the part of the applicant.
5. That the mishap caused in the discharge of duties in public dealings might be result of misunderstanding amongst the complainant and applicant. Moreover, sensing the gravity of the situation, the issue with regard to annulment of Power of Attorney has since been settled and now there is no hitch or harm to any person, as to power of attorney and deed registered have been cancelled.
6. That let me add that the applicant in the capacity of Computer Operator as per his job description was duty bound to issue Fardat of a particular piece of land to the landlords or their representative being deputed for the purpose and such like mishap has never occurred. Pertinent to apprise your kind honor that during my tenure round about 2000 Fardat were issued, however, no complaint has ever been noticed. As regards the instant mishap, in almost 23 mutations measuring 1863 kanals land, Fardat have been issued to the complainant party with no objection at all, detail of which is attached.

UR-IV

DZR

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ATTESTED

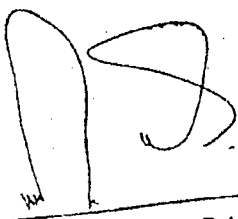


- 7. That instead of repetition, I deem it suffice and expedient to make my previous explanation as part and parcel of reply to the Show Cause.
- 8. That even then, if there is some omission on my part, I humbly request for pardon. I am sure that nothing wrong has been committed with mala-fide intention.
- 9. That I may kindly be heard in person to explain the matter before your good self with proof.

Forgoing in view, it is humbly requested that the show Cause served upon me may kindly be withdrawn and I may be exonerated from the charges leveled against me. I shall be more careful in future.

I implore for justice.

Dated 24/05/2022.


 Your's obediently 03157373780

(Faheem Ullah)
 Computer Operator
 Service Delivery Center office
 Peshawar.

ATTESTED Scanned with CamScanner



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF LAND RECORDS
REVENUE AND ESTATE DEPARTMENT

Fax: 091-9213989
Phone: 091-9210057

@LandrecordKP
fb.com/landrecord.kpk

E-Mail: landrecord.kpk@gmail.com

Peshawar dated the June 28, 2022

NOTIFICATION

No. LR-IV/Kafoor Dheri/Complaints/ 7705-15 WHEREAS, Mr. Faheem Ullah, Computer Operator/ Service Delivery Centre Official, Peshawar, was proceeded under Rule-3(a)(b)(c) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Statement of Allegations and Charge Sheet dated 10.03.2022.

2. AND WHEREAS, Mr. Fazal Hussain, Secretary-II, Board of Revenue, Khyber Pakhtunkhwa was appointed as Inquiry Officer to conduct enquiry against the said official under the rules ibid.

3. AND WHEREAS, the Inquiry Officer, after having examined the charges, evidence on record, and explanation of the accused official, submitted Inquiry Report, recommending major penalty to be imposed upon the accused.

4. AND WHEREAS, accused official took the confidentiality, safety, and secrecy of the Land Record of the public very lightly and in the instant case the accused provided Land Records to irrelevant people. Due to this action a big fraud took place which created mental agonies for many people and embarrassment for the Department, hence the charges stands proved.

5. NOW THEREFORE, I, Ijaz Ur Rehman, Director Land Records, Khyber Pakhtunkhwa, being Competent Authority after having examined the charges, evidences produced, statement of the accused official, findings of the Inquiry Officer and after personal hearing of the accused official concurred with findings and recommendations of the Inquiry Officer.

6. NOW THEREFORE, in exercise of powers conferred under Rules 14(5)(ii) read with 4-1(b)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, I, as Competent Authority impose major penalty of "Compulsory Retirement" upon Mr. Faheem Ullah, Computer Operator, Service Delivery Centre, Peshawar, with immediate effect.

[Signature]
Director Land Records/
Inspector General of Registration
Khyber Pakhtunkhwa

Endst: No. & Date Even.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
 2. Commissioner Peshawar Division, Peshawar.
 3. Project Director, Computerization of Land Records Project, Khyber Pakhtunkhwa.
 4. Secretary-II, Board of Revenue & Estate Department, Khyber Pakhtunkhwa.
 5. Deputy Commissioner, Peshawar.
 6. Additional Deputy Commissioner/Project Manager, Peshawar.
 7. Deputy Director (Database), Service Delivery Centre, Peshawar.
 8. PS to Secretary to Govt; of Khyber Pakhtunkhwa, Revenue & Estate Department.
 9. PA to Director Land Records, Khyber Pakhtunkhwa.
 10. Official Concerned.
- ✓ Office order file.

[Signature]
Director Land Records/
Inspector General of Registration
Khyber Pakhtunkhwa

ATTESTED

REVIEW APPEAL BEFORE SENIOR MEMBER BOARD OF REVENUE, KHYBER
PAKHTUNKHWA.

H-16

Subject: REVIEW APPEAL AGAINST THE IMPUGNED ORDER DATED
08/06/2022.

Dear Sir,

With profound veneration, it is submitted that the appellant was working as Computer Operator under your kind control since 04/08/2014 to the entire satisfaction of the immediate superior. On 26/04/2021, the appellant issued a Fard after fulfilling the following standard operating procedures.

"Fard for Registry, Bank Loan, Court Guarantee or any other transaction can only be obtained by the land owner or his authorized representative, after completion of the codal formalities i.e."

- a. **Production of Computerized National identity Card (CNIC)**
- b. **Requisite Fee deposition in Bank.**

A fact finding inquiry was conducted against the appellant on the ground of violating the rules and regulation. While issuing the aforementioned Fard, no SOPs was violated by the appellant, whereas the appellant has been awarded Major Penalty of compulsory retirement and the others prime accused has been exonerated, while some of other has been awarded Minor penalty.

It is pertinent to mention that the appellant has rendered meritorious services and never involved in any such activity that leads to misconduct. Further, the appellant issued the Fard after fulfilling the standard operating Procedure issued by the Government of Khyber Pakhtunkhwa, Board of Revenue (Revenue & Estate) Department.

It is worth to mention here that the computerized Fard was issued on the request of Land owners and production of original CNIC of Land owner & Mukhtiar -e- Sarparast duly acknowledge receipts.

The Fard was issued subject to the condition that: (Fard is attached)

"فرد ہذا بذریعہ سبزی علی خان ولد عبد الحمید خان برائے محتیار نامہ حاصل کی گئی ہے ہمراہ شناختی کارڈ باآخان۔ جناب سب رجسٹرار صاحب مالک و ملکیت کی تصدیق موقع پر کرنے۔ پٹواری حلقہ سے ناڈن شپ / ہاؤسنگ سوسائٹیز جاری کردہ فردات برائے رجسٹریز و نظر ثانی انتقالات و فرد بد رات اور خانہ کاشت پر بیج مالکان کی مکمل تفصیل حاصل کریں۔ کھاتہ یا مالک پر اس کے بعد سے کی تصدیق کریں۔ مالک کے زندہ مردہ اور شناختی کارڈ کی مکمل تصدیق کریں"

Hence, such a harsh penalty against no fault is injustice and would cause great hardship for the appellant.

Therefore, it is requested that the penalty imposed may please be reviewed/modified for which the appellant will pray for your long life and prosperity Sir.

Received
23/6/22

Yours obediently,

Mr. Faheem Ullah
Computer Operator
Service Delivery Center Peshawar.

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTOR LAND RECORDS
REVENUE AND ESTATE DEPARTMENT

I-17

E-Mail: landrecord.kpk@gmail.com

Fax: 091-9213989
Phone: 091-9210057

@LandrecordKP
fb.com/landrecord.kpk

Peshawar dated the July 29, 2022

OFFICE ORDER

No. LR-IV/Kafoor Dheri/Complaints/104140-41⁹ WHEREAS, the appellant (Faheem Ullah, Computer Operator/Service Delivery Centre Official, SDC Peshawar) was proceeded against under Rule-3(a) (b)(c) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

2. AND WHEREAS, the Appellant was awarded major penalty of "Compulsory Retirement" under Rule 4-1(b) (ii) of the rules ibid.

3. AND WHEREAS, the Appellant preferred Departmental Review/Appeal dated 16.06.2022 against the awarded penalty of "Compulsory Retirement" issued vide No. LR-IV/Kafoor Dheri/Complaints/8705-15 dated 08.06.2022.

4. AND WHEREAS, on having found infirmity in the order ibid as the accused official having only 07 years & 11 months service at his credit, does not qualify for retirement.

5. NOW THEREFORE, in exercise of powers conferred under Rules 14(5)(ii) read with 4-1(a)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, and Rule 7(13) of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986, the Appellate Authority (Senior Member, Board of Revenue) is pleased to modify the awarded penalty and convert it into minor penalty of "withholding of three increments for a period of three years with cumulative effect" upon Mr. Faheem Ullah, Computer Operator/Service Delivery Centre Official, SDC Peshawar/appellant, with immediate effect. The intervening period, if any, may be treated as on leave.

Approved by
APPELLATE AUTHORITY

Endst. No. & Date Even

Copy forwarded to the: -

1. Project Director, Computerization of Land Records Project, Khyber Pakhtunkhwa.
2. Commissioner Peshawar Division, Peshawar.
3. Accountant General Khyber Pakhtunkhwa, Peshawar.
4. Secretary-II (Inquiry Officer), Board of Revenue, Khyber Pakhtunkhwa.
5. Deputy Commissioner, Peshawar.
6. Additional Deputy Commissioner/Project Manager CLR, Peshawar.
7. Deputy Director (Database), SDC Peshawar.
8. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Revenue & Estate Department.
9. Official Concerned.
10. Office order file.

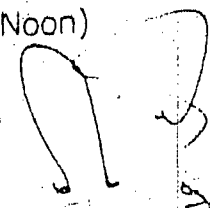
Director Land Records
Khyber Pakhtunkhwa

ATTESTED

18

ARRIVAL REPORT

In compliance of Director Land Records Office Order No. LR-IV/Kafoor Dheri/Complaints/10440-49 Dated July 20, 2022. I. Faheem Ullah, Computer Operator assume the charge at Service Delivery Center Shami Road, Peshawar today on 26/07/2022. (Fore Noon)



FAHEEM ULLAH
COMPUTER OPERATOR
SDC, SHAMI ROAD, PESHAWAR

26/07/2022

Dated: 26/07/2022

No. DLC(P)/SDC/2022/118-121
Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner, Peshawar.
3. The Additional Deputy Commissioner, Peshawar.
4. The Deputy Director (Database) SDC, Peshawar.

ATTESTED

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

APPEAL NO: _____ OF 2022

Faheem Ullah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

The Senior Member Board (RESPONDENT)
(DEFENDANT)

I/We Faheem Ullah

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. _____/_____/2022


CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

&
UMAR FAROOQ

MUHAMMAD MAAZ MADNI

HAIDER KHAN
ADVOCATES

OFFICE:

Flat No.(TF) 291-292 3rd floor
Deans trade centre Peshawar cantt:
Mobile No. 0334-5277323