

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1029/2014

Date of Institution ... 11.08.2014

Date of Decision ... 12.12.2018

Mr. Shaukat Ullah, Ex-J/Clerk, Office of the Board of Revenue, Khyber Pakhtunkhwa, Peshawar. ... (Appellant)

VERSUS

1. The Senior Member Board of Revenue, Govt: of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and two others. ... (Respondents)

MR.M. ASIF YOUSAFZAI,  
Advocate

--- For appellant.

MR.USMAN GHANI,  
District Attorney

--- For respondents.

MR. AHMAD HASSAN,  
MR. HAMID FAROOQ DURRANI

--- MEMBER(Executive)  
--- CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. After conducting departmental proceedings major penalty of compulsory retirement was imposed on the appellant vide impugned order dated 27.05.2014. Feeling aggrieved, he filed departmental appeal on 02.06.2014 and was rejected on 14.07.2014, hence, the present service appeal.

ARGUMENTS

3. Learned counsel for the appellant argued that while serving as Junior Clerk in the Revenue Department, he was nominated for Registration Moharrar training vide

order dated 03.11.2010. That through letter dated 11.11.2010, he was allowed to undergo the above training. After completion of training he was transferred as Registration Moharrar in the office of Sub-Registrar Chitral vide order dated 21.01.2012. Subsequently, this order was withdrawn on 17.12.2013 and the appellant was directed to report to the Board of Revenue, Peshawar on 24.12.2013. Based on the allegations contained in the charge sheet and statement of allegations, he was proceeded departmentally and upon culmination major penalty of compulsory retirement was awarded to him. Enquiry was not conducted in the mode and manner prescribed in the service rules. Charge sheet and statement of allegations were served on him on 27.05.2014 and on the same day impugned order was also passed by the respondents. Speaking order was not passed, while rejecting his departmental appeal, hence, Section-24-A of General Clauses Act was violated.


4. On the other hand learned Deputy District Attorney argued that Registration Moharrar was a district cadre post and the appellant was not eligible for appointment as Registration Moharrar. Later on recommending his name for training had no legal backing. Resultantly, transfer order dated 21.01.2012 was not only illegal but fake/bogus, as nothing was available in the office record maintained in the office of Director Land Record. The Director had also denied issuance of any such order. After submitting arrival report in the Board of Revenue department on 14.02.2014, he remained absent from duty. The respondents had no other option but to proceed him under the invogue rules and after fulfillment of codal formalities major penalty of compulsory retirement was awarded to him.

### CONCLUSION

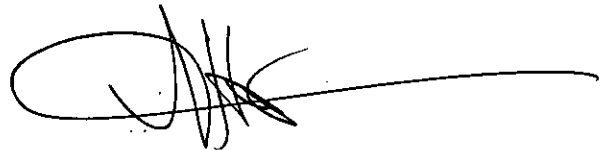
5. A cursory glance at the enquiry report revealed that it was conducted in a perfunctory manner. Many charges were leveled against the appellant in the charge

sheet/statement of allegations. The enquiry officer was bound to minutely examine these and on the basis of that recommendations should have been given. Moreover, procedure contained in Rule-11 of E&D Rules 2011 was not followed by the enquiry officer. One page enquiry report submitted by the enquiry officer did not contain any details about recording of statement of accused/witnesses and whether opportunity of cross examination was afforded to the appellant? The aforementioned discrepancies, led us to conclude that opportunity of fair trial was not afforded to the appellant. In addition to that we were unable to solve the riddle how, it was possible to issue the charge sheet and impugned order on the same day? Suffice it to say that the case was badly handled by the respondents leaving numerous flaws.

6. As a sequel to above, the appeal is accepted and the impugned order dated 27.05.2014 and 14.07.2014 are set aside. Respondents are directed to conduct de-novo enquiry strictly in accordance with the invogue rules within a period of ninety days from the date of receipt of this judgment. The issue to reinstatement of the appellant shall be subject to final outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.



(HAMID FAROOQ DURANNI)  
CHAIRMAN



(AHMAD HASSAN)  
MEMBER

ANNOUNCED  
12.12.2018

20.11.2018

Appellant with counsel present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Airf, Supdt for respondents present. Arguments heard. Adjourned to 12.12.2018 for order before D.B.

  
Member

  
Chairman

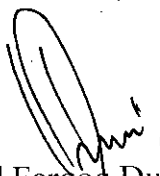
Order

12.12.2018

Appellant with counsel present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Arif, Supdt for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is accepted and the impugned order dated 27.05.2014 and 14.07.2014 are set aside. Respondents are directed to conduct de-novo enquiry strictly in accordance with the invogue rules within a period of ninety days from the date of receipt of this judgment. The issue to reinstatement of the appellant shall be subject to final outcome of the de-novo enquiry. Parties are left to bear their own cost. File be consigned to the record room.


Announced:  
12.12.2018


  
(Hamid Farooq Durrani)  
Chairman

  
(Ahmad Hassan)  
Member

04.09.2018


Appellant in person and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Javid Iqbal senior clerk for the respondents present. Representative of the respondents submitted record which is placed on file and copy of which is also handed over to the appellant. Adjournment requested. Adjourned. To come up for arguments on 05.10.2018 before D.B.

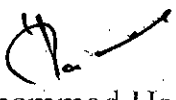
  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

05.10.2018


Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Atta Ullah Assistant Secretary for the respondents present. Learned counsel for appellant seeks adjournment. Adjourned. To come up for arguments on 09.11.2018 before D.B.

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

18.10.2018

Junior to counsel for the appellant Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Javed Assistant for the respondents present. Junior to counsel for the appellant seeks adjournment that his senior counsel is not in attendance. Adjourned. To come up for arguments on 20.11.2018 before D.B.

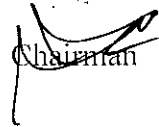
  
(Hussain Shah)  
Member

  
(Ahmed Hassan)  
Member

24.01.2018

Clerk of the counsel for appellant present and Mr. Muhammad Jan, DDA for the respondents present. Clerk of the counsel for appellant seeks adjournment as his senior counsel is not in attendance today. Adjourned. To come up for arguments on 28.03.2018 before D.B.

  
Member

  
Chairman

28.03.2018

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available. Adjourn. To come up for arguments on 22.05.2018 before D.B

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member


22.05.2018 Junior counsel for the appellant and Mr. Zia Ullah, DDA for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments. 13.07.2018 before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

13.07.2018

Learned counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney alongwith Mr. Javid J.C for the respondents present. Representative of the respondents directed to provide inquiry report on the next date i.e. 04.09.2018. Adjourned. To come up for inquiry report and arguments on the date fixed before D.B

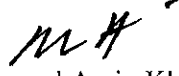
  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

06.06.2017

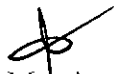
Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 04.10.2017 before D.B.


(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

04.10.2017


Junior to counsel for appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Junior to counsel for appellant seeks adjournment. Adjourn. To come up for arguments 05.12.2017 before D.B.


  
Member  
(Executive)

  
Member  
(Judicial)

05.12.2017

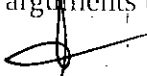
Junior counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 24.01.2018 before D.B.

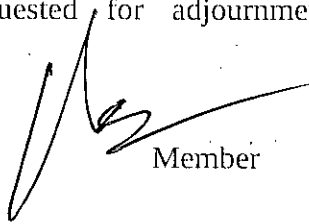
  
(Ahmad Hassan)  
Member (E)

  
(Muhammad Amin Khan Kundi)  
Member (J)

27.5.2016

Counsel for the appellant and Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. Adjourned for arguments on 25.7.2016.

  
Member

  
Member

25.07.2016

Agent of counsel for the appellant and Additional AG for respondents present. Agent of counsel for the appellant requested for adjournment. Adjourned for arguments to 29-11-16 before D.B.

  
MEMBER

  
MEMBER

29.11.2016

Counsel for the appellant and Additional AG for respondents present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 20.3.17 before D.B.

  
(ABDUL LATIF)  
MEMBER

  
(PIR BAKHSH SHAH)  
MEMBER

20.03.2017

Counsel for the appellant and Addl: AG alongwith Mr. Muhammad Ibrar, Asst: Secretary for respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 06.06.2017 before D.B.

  
(AHMAD HASSAN)  
MEMBER



6 24.02.2015

Counsel for the appellant and Addl: A.G for respondents present. Application for deleting the name of respondent No. 3 from the panel of respondents submitted. In view of the application, respondent No. 3, Sub-Registrar, Board of Revenue, Chitral is deleted from the panel of respondents. Entries be made. Para-wise comments on behalf of respondents No. 1 and 2 submitted. The case is assigned to D.B for rejoinder and final hearing for 28.08.2015.

  
Chairman

28.08.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ahmad, Supdt. for the respondents present. Rejoinder received on behalf of the appellant, copy whereof handed over to the learned GP. Representative of the respondents is directed to produce relevant record of the enquiry. To come up for arguments on 24-12-2015

  
MEMBER

  
MEMBER

24.12.2015

Since 24.12.2015 has been declared as public holiday therefore case is adjourned to for the same 27.5.2016.


  
Reader

Appeal No. 1029/2014.  
Mr. Shaukatullah.

3. 07.11.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 27.05.2014, vide which the major penalty of compulsory retirement was imposed upon the appellant. Against the above referred impugned order appellant filed departmental appeal on 02.06.2014 which was rejected vide order dated 14.07.2014, hence the instant appeal on 11.08.2014.

Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 29.01.2015.

  
Member

4. 07.11.2014

This case be put before the Final Bench I for further proceedings.

  
Chairman

5 29.01.2015



Counsel for the appellant and Mr. Mir Qasim, Assistant Secretary for respondents No. 1 and 2 alongwith Addl. AG for all respondents present. Comments on behalf of respondents No. 1 and 2 submitted while learned Addl. AG requested for adjournment on behalf of respondent No. 3 due to blockage of road of Chitral. Adjourned for written reply of respondent No. 3 to 24.02.2015.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1029/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/08/2014	<p>The appeal of Mr. Shaukatullah presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	20-8-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>7-11-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

Appeal No. 1029 /2014

Mr. Shaukat Ullah,

V/S

SMBR Department,

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3.	Copy of Order (11.11.2010)	- B -	07
4.	Copy of Order (21.01.2010)	- C -	08
5.	Copy of Withdrawal Order (17.12.2013)	- D -	09
6.	Copy of Charge sheet (27.5.2014)	- E -	10
7.	Copy of Statement of Allegations (27.5.2014)	- F -	11
8.	Copy of Reply to Charge sheet	- G -	12
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APPELLANT  
Shaukat Ullah

THROUGH:



( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR

And



( TAIMUR ALI KHAN )  
ADVOCATE PESHAWAR

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

Appeal No. 1029 /2014

Mr. Shaukat Ullah, Ex-J/Clerk,  
Office of the Board of Revenue,  
Khyber Pakhtunkhwa, Peshawar.

**[Stamp]**  
1064  
11/8/2014

**APPELLANT**

**VERSUS**

1. The Senior Member Board of Revenue, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director Land Record/Inspector General Registration, Directorate of Record, Khyber Pakhtunkhwa, Peshawar.
- (3.) The Sub-Registrar, Board of Revenue, Chitral.

keyfledab no 3  
is deleted vid  
orders dt 24/2  
15

Recd

**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDERS DATED 27.5.2014 WHEREBY THE PENALTY OF COMPULSORY RETIREMENT WAS IMPOSED UPON THE APPELLANT AND AGAINST THE REJECTION ORDER DATED 14.7.2014 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

**[Stamp]**  
11/8/14

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 27.5.2014 AND 14.7.2014 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF

**RESPECTFULLY SHEWETH:**

1. That the appellant had been serving in the Revenue Department for 31 years service as Junior Clerk with satisfactory service record throughout.
2. That while serving as Junior Clerk, the appellant was nominated for Registration Muharrir training vide order dated 3.11.2010 in pursuance of that nomination, the appellant was allowed to undergo training vide order dated 11.11.2010. Copies of Orders are attached as Annexure-A and B.
3. That after completion of training, the appellant was transferred as Registration Muharrir in the Sub Registrar Office, Chitral vide order dated 21.01.2012 because no other Registration Muharrir was ready for posting in Chitral. The appellant joined his service at Chitral and performed his duties upto the entire satisfaction of his superior. Copy of Order is attached as Annexure-C.
4. That on 17.12.2013, the order dated 21.1.2012 was withdrawn by the respondent No.2 without showing any reasons and resultantly the appellant reported back to BOR, Peshawar on 24.12.2013. Copy of Withdrawal Order is attached as Annexure-D.
5. That on 27.5.2014, the appellant was charge sheeted and statement of allegations wherein the charges of :
  - (i) That after cancellation of your adjustment order as Registration Moharrir / Clerk in District Chitral dated 21.01.2012 and repatriated to your parent Department on 17.12.2013. You were required to report to Board of Revenue, Revenue and Estate Department within due time, but you submitted your arrival report on 13.02.2014 whereas it was signed by your on 24.12.2013.
  - (ii) That instead of submitted your arrival report to the parent Department (BOR) in time your intentionally remained absented from duty from

the date of cancellation of your adjustment order till date.

(iii) That you come to the office once or twice in a week like a private visitor and do not join your duty neither you mark your presence in the attendance register and after wondering a while left the office at your own risk.

(iv) That the attendance register shows your absence with effect from 17.12.2013, till date.

Were leveled against the appellant which were though not correct according to the office record. It is also worth to mention here that the period of 30 days was given to the Enquiry Officer for completion of enquiry proceedings. Copies of Charge sheet and Statement of Allegations are attached as Annexure-E and F.

6. That the appellant, however, submitted his statement to the Enquiry Officer whereas no other record was examined in the presence of appellant. The appellant denied all the allegations in his reply to the charge sheet. Copy of Reply to the Charge sheet is attached as Annexure-G.
7. That on 27.5.2014 on the date when the charge sheet and statement of allegations were issued to the appellant and 30 days were given to the Enquiry Officer for proceedings, the penalty of compulsory retirement was imposed upon the appellant which proves that the order was based on malafide and passed without observing proper legal and codal formalities. Copy of Order is attached as Annexure-H.
8. That, however, the appellant filed Departmental Appeal on 2.6.2014 which was rejected on 14.7.2014 for no good grounds. Hence, the present appeal on the following grounds amongst the others. Copies of Appeal and Rejection Order are attached as Annexure-I and J.

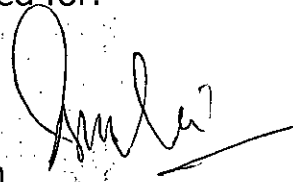
## **ROUNDS:**

- A) That the orders dated 27.5.2014 and 14.7.2014 is against the law, facts, rules, norms of justice and material on record, therefore, not tenable.
- B) That the appellant has not been treated according to law and rules and has been penalized for no fault on his part.
- C) That the malice of the respondents is evident from the fact that the charge sheet and statement of allegations were issued on 27.5.2014 which was replied by the appellant on 2.6.2014 and the same very date i.e. 27.5.2014 the penalty of compulsory retirement was imposed upon the appellant, this proves that how much the principle of justice and fair play had been observed by the respondents.
- D) That the appellant reported back to the BOR Peshawar on 24.12.2013 but till-date, from issuance of charge sheet and statement of allegations, the appellant was not assigned any duty/given any post due to which the appellant was unable to mark his attendance against any particular post/seat and that aspect has totally been ignored by the respondents and the appellant has been punished for no fault on his part. Moreover, even other charges have not been proved from the record or statements of other employees of BOR nor such statements have been taken in the presence of appellant. Thus, the authority has misused his power for penalizing the appellant just for nothing.
- E) That the appellant has more than 31 years with good record throughout but despite that illegal action has been taken against the appellant.
- F) That even the final rejection order is not a speaking order which is violation of the Section 24-A of the General Clauses Act and also of judgment of the apex Court reported as 1991 SCMR – 2330.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.



It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT  
Shaukat Ullah



THROUGH:



( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

And



( TAIMUR ALI KHAN )  
ADVOCATE, PESHAWA

A ~~B~~  
6

REVENUE & ESTATE DEPARTMENT

To

Peshawar Dated 3/11/2010

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE

The Director Land Record,  
Khyber Pakhtunkhwa.

REVENUE & ESTATE DEPARTMENT

Peshawar Dated 3/11/2010

SUBJECT: REGISTRATION MOHARRIR TRAINING

The Director Land Record,  
Khyber Pakhtunkhwa.  
Please refer to the subject noted above.

SUBJECT: REGISTRATION MOHARRIR TRAINING

Mr. Shaukatullah Junior Clerk of this office is recommended for Registration  
Moharrir Training please.

Please refer to the subject noted above.

Mr. Shaukatullah Junior Clerk of this office is recommended for Registration

Moharrir Training please.

Assistant Secretary (Admin.)  
Board of Revenue Khyber Pakhtunkhwa

Assistant Secretary (Admin.)  
Board of Revenue Khyber Pakhtunkhwa

ATTESTED

A

B.  
7

**INSPECTOR GENERAL REGISTRATION  
KHYBER PAKHTUNKHWA**

No. \_\_\_\_\_ LR-IV/RM (T&E)  
Peshawar dated the 11 /11/2010

**OFFICE ORDER**

No. \_\_\_\_\_ /LR-IV/RM (T&E) Mr. Shaukat Ullah, Junior Clerk Board of Revenue is hereby allowed to undergo six months Registration and Revenue training as per following scheduled. On completion of training he will obtain certificates of Registration and Revenue training from the concerned offices and submit to this office.

**SCHEDULED**

**SIX MONTHS TRAINING PROGRAM IN RESPECT OF REGISTRATION MUHARRIR WITH EFFECT FROM 11.11.2010 TO 10.05.2011**


1. Two months Registration training with Sub Registrar-I, Peshawar (with effect from 11.11.2010 to 10.01.2011)
2. Two months Registration training with Sub Registrar-II, Peshawar (with effect from 11.01.2011 to 10.03.2011)
3. Two months Revenue Training with Patwari Halqa as arranged by the office Kanungo Peshawar. (with effect from 11.03.2011 to 10.05.2011)

  
INSPECTOR GENERAL REGISTRATION,  
KHYBER PAKHTUNKHWA

Endst: No. 9093-57 /LR-IV/RM (T&E)

Copy forwarded to the:-

1. District Officer (R&E)/Collector, Peshawar
2. Sub Registrars-I and II, Peshawar.
3. Office Kanungo, Peshawar.
4. Official concerned.
5. Office order file.

**ATTESTED**  
  
INSPECTOR GENERAL REGISTRATION,  
KHYBER PAKHTUNKHWA

G  
⑧ 5

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**INSPECTOR GENERAL OF REGISTRATION**

Peshawar dated the. 21/10/2018

12.

**OFFICE ORDER.**

No.DLR/Estab:/2012 \_\_\_\_\_ / In exercise of the power under Section-3 of West Pakistan Registration Departmental Ministerial Recruitment Rules-1963 read with Appointment, promotion and Transfer Rules-1989 Mr. Shaukatullah being qualified Registration Muharrir Candidate is hereby transferred and posted / adjusted as Registration Muharrir / Registration Clerk in the office of Sub-Registrar, Chitral against the vacant post with immediate effect.


He will remain on probation for a period of one year.

**INSPECTOR GENERAL OF REGISTRATION,**  
**KHYBER PAKHTUNKHWA**

Endst: No.DLR/Estab:/2012 168-73

Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Deputy Commissioner/District Registrar, Chitral.
3. District Accounts Officer, Chitral.
4. Assistant Secretary (Admn:), Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
5. Sub-Registrar, Chitral.
6. Officials Concerned.
7. Personal File.
8. Office order file.

  
**INSPECTOR GENERAL REGISTRATION**  
**KHYBER PAKHTUNKHWA**

REGISTERED

A

D


9

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF LAND RECORDS /  
INSPECTOR GENERAL REGISTRATION

Peshawar dated the 17 /12/2013.

OFFICE ORDER

No.J.R-IV/P.F/Shaukatullah 5340 In pursuance of the directions of Competent Authority, the adjustment order No.DLR/Estab:/168-73, dated 21/01/2012 in respect of Mr. Shaukatullah as Registration Moharrir/Registration Clerk office of the Sub-Registrar, Chitral is hereby withdrawn.

  
INSPECTOR GENERAL OF REGISTRATION,  
Ph # 091-9210057.

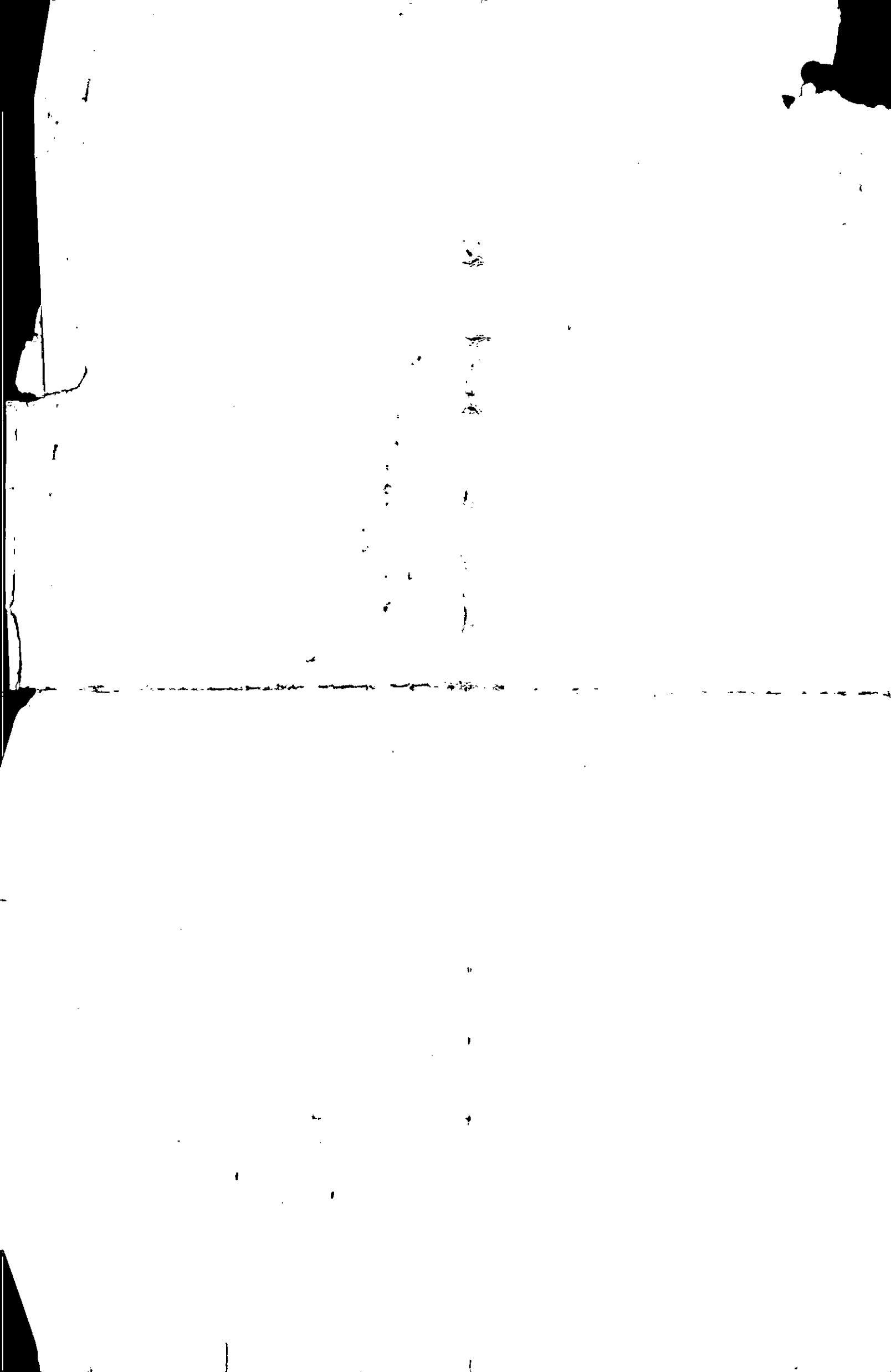
Endst: No.LR-IV/P.F/Shaukatullah 5341-49.

Copy forwarded to the:-

1. Secretry-I, Board of Revenue, Khyber Pakhtunkhwa.
2. Commissioner, Malakand Division, Saidusharif.
3. Deputy Commissioner, Chitral.
4. Assistant Secretary (Admin: ), Board of Revenue.
5. District Account Officer, Chitral.
6. Private Secretary to Senior Member Board of Revenue Khyber Pakhtunkhwa
7. Sub Registrar, Chitral.
8. Official concerned for compliance.
9. Personal files.

  
INSPECTOR GENERAL REGISTRATION  
Ph # 091-9210057.

ATTESTED  

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

No. Admn-IV/II/Shaukat/Enquiry-2/R&E/1/2,70

Dated 27/05/2014.

CHARGE SHEET.

I, Waqar Ayub, Secretary, Revenue & Estate Department, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you Mr. Shaukatullah Junior Clerk, Revenue & Estate Department, Khyber Pakhtunkhwa on the basis of the following acts of omission and commission.

1. That after cancellation of your adjustment order as Registration Moharrir / Clerk in District Chitral dated 21.01.2012 and repatriated to your parent Department on 17.12.2013. You were required to report to Board of Revenue, Revenue and Estate Department within due time, but you submitted your arrival report on 13.02.2014 whereas it was signed by you on 24.12.2013.
2. That instead of submitting your arrival report to the parent Department (BOR) in time you intentionally remained absented from duty from the date of cancellation of your adjustment order till date.
3. That you come to the office once or twice in a week like a private visitor and do not join your duty neither you mark your presence in the attendance register and after wondering a while left the office at your own risk.
4. That the attendance register shows your absence with effect from 17.12.2013, till date.

2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules-2011, and have rendered your self liable to all or any of penalties specified in Section-3 of the Rules ibid.

3. You are therefore, called upon to submit your written defence within seven days of receipt of this charge sheet to the Enquiry Officer.

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

5. Intimate whether you desire to be heard in person.

6. The statement of allegation is enclosed.

*Waqar Ayub*  
Secretary

ATTESTED

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(11)

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**BOARD OF REVENUE**  
**REVENUE & ESTATE DEPARTMENT.**  
No. Admn-IV/II/Shaukat/Enquiry-2/R&E/  
Dated 27/05/2014.

DISCIPLINARY ACTION.

I, Waqar Ayub, Secretary, Revenue & Estate Department Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Shaukatullah Junior Clerk, Revenue & Estate Department, Khyber Pakhtunkhwa, has rendered himself liable to be proceeded against as he committed the following acts of omission and commission within the meaning of Section-3 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules 2011:-

STAMENT OF ALLEGATIONS.

1. That after cancellation of your adjustment order as Registration Moharrir / Clerk in District Chitral dated 21.01.2012 and repatriated to your parent Department on 17.12.2013. You were required to report to Board of Revenue, Revenue and Estate Department within due time, but you submitted your arrival report on 13.02.2014 whereas it was signed by you on 24.12.2013.
2. That instead of submitting your arrival report to the parent Department (BOR) in time you intentionally remained absented from duty from the date of cancellation of your adjustment order till date.
3. That you come to the office once or twice in a week like a private visitor and do not join your duty neither you mark your presence in the attendance register and after wondering a while left the office at your own risk.
4. That the attendance register shows your absence with effect from 17.12.2013, till date.

2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Muhammad Zarif Assistant Secretary (Receipt), Board of Revenue is appointed as Inquiry 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 findings and make, within thirty (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

Sd/-  
Secretary

Endst. No. Admn-IV/II/Shaukat/Enquiry-2/R&E/11272-74.

Copy forwarded for information to: -

1. Mr. Muhammad Zarif Assistant Secretary (Receipt), Board of Revenue, Revenue & Estate Department Enquiry Officer to probe into the above mentioned allegations and submit his findings/recommendation to the Competent Authority, within 30 days on receipt of the statement of allegations.
- ✓ 2. Mr. Shaukatullah Junior Clerk, Revenue and Estate (Board of Revenue), (accused official) with the direction to appear before the Inquiry Officer, on the date, time and place fixed by him.
3. Administration Section with the direction to make available/provision of record if any to assist the Enquiry Officer during the inquiry proceedings.

**ATTESTED**

Assistant Secretary (Admin)



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To,

The enquiry officer

Subject:-


Written Statement

With reference to statement of allegation issued vide letter No.11272, dated 27/05/2014 Para-Wise reply is as under:-

It is submitted that the applicant is compulsory retired from service w.e.f. 27.5.2014. Review application against the said order has already been submitted before, Senior Member Board of Revenue which is pending adjudication. Unless and until my review application is accepted by the Competent Authority. I have ceased my status as Government Servant, therefore it would be appropriate that this enquiry may be conducted after disposal of my review application on its own merit. However, Parawise reply is as under:

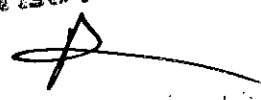
- i). That the applicant submitted arrival report on 24.12.2013 but since, the posting order of applicant was not issued by the Department. Therefore, no attendance was <sup>put</sup> foot in attendance register.
- ii). That the applicant attended the office regularly but in the absence of posting order no attendance was made in attendance register.
- iii). As per Para-I & II.
- iv). The issue of absence in attendance register already explained above.

In view of the above, it is requested that lenient view may be taken at this stage keeping in view that no posting of applicant was made by the Department and no duty was assigned. Therefore, the charges leveled against the applicant may very kindly be exonerated.

  
Shaukatullah,  
Junior Clerk, Board of Revenue

2.6.2014

ATTESTED.



GOVERNMENT OF KHYBER PAKHTUNKHWA.  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT  
Peshawar dated 27/05/2014.

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ORDER.

No. Admn:IV/II/Inquiry/Shaukat/2014/\_\_\_\_\_. WHEREAS, Mr. Shaukatullah Junior Clerk (Board of Revenue) Revenue and Estate Department Khyber Pakhtunkhwa was proceeded against under Rule-3(b) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011 for the charges mentioned in the Statement of Allegations and Charge Sheet dated 03.03.2014.

AND WHEREAS, Mr. Muhammad Zarif Assistant Secretary, Board of Revenue, was appointed Inquiry Officer to conduct inquiry against the said official under the rules ibid.

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 of compulsory retirement from service to be imposed upon accused official.

AND WHEREAS, the accused official was served with show cause notice on 18.04.2014 and was heard in person by the Competent Authority on 24.04.2014.

AND WHEREAS, after having considered the charges, reply of accused official, evidence on record, findings of the inquiry officer, and after personal hearing of the accused official, am satisfied that the accused official after having failed to get the desired posting by use of repeated political pressures connived with ministerial staff of Directorate of Land Records, fraudulently obtain forged transfer / adjustment orders as Registration Moharrir, of which he did not have eligibility nor was record of transfer / adjustment available in Directorate of Land Records. The accused is held guilty of misconduct as defined in Rule-2(L)(i), (ii) and (iii) of rules ibid.

NOW THEREFORE, in exercise of powers under Rules 14 (5) (ii) read with 4 (b) (ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, I, Waqar Ayub Senior Member, Board of Revenue, as Competent Authority impose penalty of compulsory retirement on the said Mr. Shaukatullah Junior Clerk, Board of Revenue, Revenue and Estate Department Khyber Pakhtunkhwa, and order his compulsorily retirement from Government Service with immediate effect.

Sd/-  
Senior Member,  
Board of Revenue.

Ends: No. Admn:IV/II/Inquiry/Shaukat/2014/ 11321-27  
Copy of the above is forward to the: -

1. Accountant General, Khyber Pakhtunkhwa.
2. Budget & Accounts Officer Revenue and Estate Department Khyber Pakhtunkhwa.
3. Drawing and Disbursing Officer Revenue and Estate Department Khyber Pakhtunkhwa.
4. Bill Assistant Revenue and Estate Department, Khyber Pakhtunkhwa.
5. Accused Concerned.
6. Personal file.
7. Office Order file.

ATTESTED

Secretary-I,  
Board of Revenue.

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14


**BEFORE THE SENIOR MEMBER, BOARD OF REVENUE**

Review against order dated 27.5.2014 whereby the applicant is compulsorily retired from Government Service with immediate effect:


Respectfully Sheweth:

1. That the applicant was appointed as Junior Clerk and rendered 31 years of satisfactory service which evident from service record.
2. That the applicant successfully completed 6 month Registry Muharrir in accordance with rules.
3. That applicant was accordingly recommended by the Board of Revenue for adjustment as Registry Muharrir.
4. That the post of Registry Muharrir in Chitral was lying vacant and no candidate was willing to be posted as Registry Muharrir in Chitral, therefore, the Inspector General of Registration being Competent Authority accordingly posted the applicant as Registry Muharrir in Chitral.
5. That applicant in compliance with official orders of Competent Authority relinquished the charge of the post of Junior Clerk in Board of Revenue and assumed the charge of the post of Registry Muharrir in Chitral.
6. That the post of Junior Clerk and Registry Muharrir contained the same pay & scale of BS-07, hence the applicant has got no benefits of increase in salary rather the salary was reduced, on account of House Rent /conveyance allowance and Secretariat allowance etc.
7. That the applicant is not entrusted in particular posting and willing for performance of duty against any post and anywhere in compliance with orders of high ups.
8. That the major penalty imposed on the applicant is against the norm of justice and principal of equity, whereby the entire family of applicant would suffer irreparable loss.

In view of the above, it is humbly prayed that the major penalty imposed upon, the applicant may kindly be exonerated.

  
2.6.2014  
Shaukatullah,

Junior Clerk, Board of Revenue

**ATTESTED**  


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

No. Admn-IV/II/Shaukat/Enquiry/R&E/2014/14924

Dated 14 /07/2014.

To

Mr. Shaukatullah,  
Ex: Junior Clerk, Board of Revenue Khyber Pakhtunkhwa.

Postal address:- Village Achar Ghari Qamar Din,  
Kohat Road Tehsil and District Peshawar.

SUBJECT: APPEAL DATED 02.06.2014.

I am directed to refer to the subject and to inform that your appeal has  
been examined and dismissed by the Competent Authority.

Assistant Secretary (Admn).

ATTESTED

**BEFORE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.**

SERVICE APPEAL NO: 1029/2014

Shaukatullah,  
Ex: Junior Clerk, Board of Revenue,  
Khyber Pakhtunkhwa Peshawar .....Appellant

VERSUS

1. Senior Member,  
Board of Revenue, Government of  
Khyber Pakhtunkhwa .....Respondent No.1.
2. Inspector General of Registration /  
Director Land Record  
Khyber Pakhtunkhwa.....Respondent No.2.

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS  
NO.1&2 ARE AS UNDER.**

**PRELIMINARY OBJECTIONS.**

1. That the appeal is not maintainable in its present form.
2. That the appellant has concealed material facts from the Honourable Tribunal.
3. That the appeal is time barred.
4. That the appellant has not come to the Honourable Tribunal with clean hands.

**ON FACTS**

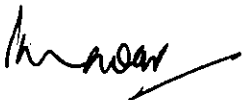
1. Incorrect. Though the appellant has served in Revenue & Estate Department as Junior Clerk for years but his overall performance in the department was unsatisfactory.
2. Incorrect. The Junior Clerks of Revenue & Estate Department/Board of Revenue are not eligible for appointment as Registration Moharrir, which is a district cadre post, therefore training recommendation made vide letter dated: 03/11/2010 and order dated: 11/11/2010 are void abinitio.
3. Incorrect. The recommendation letter dated: 03.11.2010 and order dated: 11.11.2010 are illegal as explained in Para-2 above, therefore, the transfer order dated: 21.01.2012, if any issued, was also illegal. The same is fake, and forgedly got issued as there is no record of the letter with Office of Director Land Record. The then Director Land Record has denied approving the transfer or issuing the transfer letter (copy enclosed). There is no letter on record to show that the appellant was appointed/absorbed as Registration Moharrir.


4. As stated earlier, the order dated: 21/01/2012 was fake, therefore the Competent Authority withdrew the same. Moreover, the appellant submitted arrival report to Board of Revenue on 14.02.2014 back dating it as 24.12.2013, and remained absent.
5. Admitted to the extent of charge sheet and allegation therein which were correct according to the office record.
6. Incorrect. The Inquiry Officer enquired into the matter; the appellant was also given opportunity of defence and reply to the charge sheet dated 04.03.2014 which he did.
7. Incorrect. Upon completion of enquiry, the appellant was given personal hearing by the Appointing Authority on 24.04.2014. After examining contents of inquiry report and hearing the appellant, the Appointing Authority passed orders of compulsory retirement.
8. Incorrect. His appeal addressed to SMBR was treated as Departmental appeal and submitted to the Appellate Authority i.e. Chief Secretary who dismissed the same.

#### GROUND.

- A. Incorrect. Order dated 27.05.2014 (Compulsory retirement) and letter dated 14.07.2014 (intimation of dismissal of Departmental appeal) were made in accordance with law and rules.
- B. Incorrect. The appellant has been given proper opportunity to defend; impugned orders were passed when committal of fraud was proved against the appellant.
- C. Incorrect. The statement of Allegations and Charge Sheet were served upon appellant vide letter dated 04.03.2014; the appellant appeared before the Inquiry Officer and submitted reply on 24.03.2014, while the report was finalized on 09.04.2014. The appellant was given personal hearing on 24.04.2014; order of compulsory retirement was made on 27.05.2014. The departmental appeal was received on 02.06.2014, submitted to Chief Secretary (Appellate Authority) on 18.06.2014 who decided the same on 06.07.2014. Therefore the assertions made by appellant are false and misleading.
- D. Incorrect. The appellant after submitted arrival in Board of Revenue willfully absented himself. Charges against the appellant were proved. All legal formalities were completed before passing impugned orders.
- E. Incorrect. Mere length of service is no criterion of satisfactory discharge of duties assigned.
- F. Incorrect. Proper order of rejection of appeal was passed by the Appellate Authority after obtaining views of Establishment Department.
- G. That the respondents seek permission to advance other grounds and proofs at the time of arguments.

The appellant has failed to bringout any infirmity in the inquiry proceedings or impugned order, therefore it is requested that the appeal may be dismissed with costs.

  
Senior Member,  
(Respondent No.1)  
✓

  
Inspector General of Registration /  
Director Land Record  
Khyber Pakhtunkhwa.  
✓ (Respondent No.2)

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

SERVICE APPEAL NO: 1029/2014.

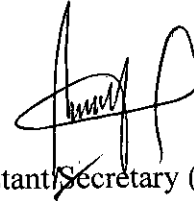
Shaukatullah,  
Ex: Junior Clerk, Board of Revenue Khyber Pakhtunkhwa ..... Appellant

**VERSUS**

1. Senior Member,  
Board of Revenue, Government of  
Khyber Pakhtunkhwa and others..... Respondent No.1.

**COUNTER AFFIDAVIT.**

I, Mir Qasim Khan, Assistant Secretary (Litigation-II), Board of Revenue, Khyber Pakhtunkhwa do hereby solemnly affirm that the contents of the written reply are true and correct to the best of my knowledge, belief and information provided to me, and nothing has been deliberately concealed from this Court.



Assistant Secretary (Litigation-II)

23 6

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar Dated 3/11/2010

No. 21324/Adm

To

The Director Land Record,  
Khyber Pakhtunkhwa.

SUBJECT: REGISTRATION MOHARRIR TRAINING

Please refer to the subject noted above.

Mr. Shaukatullah Junior Clerk of this office is recommended for Registration  
Moharrir Training please.

Assistant Secretary (Adm.)  
Board of Revenue Khyber Pakhtunkhwa



24  
45 (2)

INSPECTOR GENERAL REGISTRATION  
KHYBER PAKHTUNKHWA

No. \_\_\_\_\_ LR-IV/RM (T&E)  
Peshawar dated the 11 /11/2010

OFFICE ORDER

No. \_\_\_\_\_/LR-IV/RM (T&E) Mr. Shaukat Ullah, Junior Clerk Board of Revenue is hereby allowed to undergo six months Registration and Revenue training as per following scheduled. On completion of training he will obtain certificates of Registration and Revenue training from the concerned offices and submit to this office.

SCHEDULED

**SIX MONTHS TRAINING PROGRAM IN RESPECT OF REGISTRATION MUHARRIR WITH EFFECT FROM 11.11.2010 TO 10.05.2011**


1. Two months Registration training with Sub Registrar-I, Peshawar (with effect from 11.11.2010 to 10.01.2011)
2. Two months Registration training with Sub Registrar-II, Peshawar (with effect from 11.01.2011 to 10.03.2011).
3. Two months Revenue Training with Patwari Halqa as arranged by the office Kanungo Peshawar. (with effect from 11.03.2011 to 10.05.2011).

  
INSPECTOR GENERAL REGISTRATION,  
KHYBER PAKHTUNKHWA

Endst: No. 9097-57/LR-IV/RM (T&E)

Copy forwarded to the:-

1. District Officer (R&E)/Collector, Peshawar
2. Sub Registrars-I and II, Peshawar.
3. Office Kanungo, Peshawar.
4. Official concerned.
5. Office order file.

  
INSPECTOR GENERAL REGISTRATION,  
KHYBER PAKHTUNKHWA

GOVERNMENT OF KHYBER PAKHTUNKHWA  
INSPECTOR GENERAL OF REGISTRATION

Peshawar dated the 21/01/2013

OFFICE ORDER.

No. DLR/Estab:/2012 \_\_\_\_\_ / In exercise of the power under Section-3 of West Pakistan Registration Departmental Ministerial Recruitment Rules-1963 read with Appointment, promotion and Transfer Rules-1989 Mr. Shaukatullah being qualified Registration Muharrir Candidate is hereby transferred and posted / adjusted as Registration Muharrir / Registration Clerk in the office of Sub-Registrar, Chitral against the vacant post with immediate effect.

He will remain on probation for a period of one year.

INSPECTOR GENERAL OF REGISTRATION,  
KHYBER PAKHTUNKHWA

Enclst: No. DLR/Estab:/2012 16-23

Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Deputy Commissioner/District Registrar, Chitral.
3. District Accounts Officer, Chitral.
4. Assistant Secretary (Admn.), Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
5. Sub-Registrar, Chitral.
6. Officials Concerned.
7. Personal File.
8. Office order file.

INSPECTOR GENERAL REGISTRATIC  
KHYBER PAKHTUNKHWA



**OFFICE OF THE ADDITIONAL DEPUTY COMMISSIONER  
MANSEHRA**

26 (4)

No. 23535 /DC(M)

Dated: 17 /12/2013.

To

The Director Land Records,  
Khyber Pakhtunkhwa, Peshawar.

PS/3MBR
No. <u>6772</u>
<u>26/12/13</u>
of Khyber Pakhtunkhwa

Subject:- POSTING/TRANSFER.

*Ps.*  
*retain copy.*  
*provide copy of enquiry*  
*by*  
*P. n. status of enquiry marked as*  
*marked as*  
*Dr.R.*  
*Provide copy to Enq. Officer.*  
*14/12-2013*

Kindly refer to your letter No. LR.IV/IGR/Shaukatullah 5338, dated 13.12.2013 on the captioned subject.

It is brought into your kind notice that I remained posted as Director Land Records for a short span of 3 months from 1st November 2012 to 31<sup>st</sup> January, 2013. The ministerial staff of Director Land Records Office had rejoined their duty a few days before my posting, when they had been detached from official duty for several months for their being alleged involvement in corruption and malpractices. Keeping in view their ill reputation I had to be extra ordinary cautious and meticulous in each and every act on their part, rather allergic. I would sign any paper/file work after well thought and deliberation and note sheets of various files would corroborate my versions. Without proper note sheet on relevant file I never entertained any letter what-so-ever.

The posting order of Shaukatulla Junior Clerk of Board of Revenue dated 21.01.2013 to Sub Registrar Office Chitral has neither issued by me nor is in my knowledge. By the grace of God I am well aware of the Rules and regulations and had never been at the mercy of my juniors throughout my service. Had any remarks/recommendations in the subject case to Senior Member, Board of Revenue, or approval on my part been coupled with the letter under reference would have facilitated me in ascertaining the factual position of impugned/frivolous posting order as the official concerned was the employee of Board of Revenue and Land Records Directorate had got no concern with him.

During my tenure, the subject matter was being dealt with by Abdur Rehman P.S. to Director Land Records and after a month or so the same task was assigned to Murad Ali Assistant with the approval of Senior Member, Board of Revenue. I would venture to quote some past instances of illegality/irregularity on the part of officials of Directorate land Records such as appointment of registration Muharrirs were made in excess of their prescribed quota by putting aside the rules on the subject, 9 Sub Registrars were promoted with the fake signature

Ex-Senior N rd of Revenue, totally in violation of instructions which inquiry was pending rather I was appointed as not materialize due to my transfer.

Assistant Political Officer, Miran Shah, North Waziristan Agency 5 were posted in the Agency which led to large scale agitation by the Political Agent, North Waziristan Agency obliged to write letter to the Commission of the said order. On my posting as Director Land Records it is a record that the same posting order being in violation of Rules and Regulations signed by lower staff of Director Land Records Office and without the competent authority

done as Director Land Records is fresh in my memory and can count the signed order is either with my fake signature or scanned one, and I can provide evidence if needed.

prayed that a discreet inquiry may kindly be conducted in the instant case that the staff working in the Director Land Records Office could be taken into account for giving bad name to the Directorate as well as seniors by committing irregularities in their interest.



(TASLEEM KHAN)

Additional Deputy Commissioner,  
Mansehra.

The Senior Member, Board of Revenue, Khyber Pakhtunkhwa -  
for information with reference to above.



(TASLEEM KHAN)

Additional Deputy Commissioner,  
Mansehra.

Before The KPK Service Tribunal, Peshawar.  
Appeal No. 1029/14.

Shaukatullah - vs - SMBR etc

Application for deleting  
the name of respondent  
No. 3.

R. Sheweth:

1. That the above noted appeal is pending before this august tribunal.
2. That the respondent No. 3 is not a necessary party, therefore, there is no need of his reply.

Therefore, it is prayed that the name of respondent No. 3 may be deleted from the panel of respondents and the appeal may be fixed for further proceedings.

Counsel for Appellant  
Asif Yousaf

M. Asif Yousaf  
Adv.

Before the KLR Service Tribunal, Hyderabad  
Appar No. 107 A/14

2000/10/14 - 22 - 2000 etc

Application for deletion  
the name of respondent  
No. 3.

R. Srinivas

1. That the above case is pending in pending before this court Tribunal.
2. That the respondent No. 3 is not a necessary party, therefore, there is no need of his name.

Therefore, it is prayed that the name of respondent No. 3 may be deleted from the panel of respondents and the order may be fixed for further processing.

Counsel for Appellant

for

M. A. S. Srinivas

**BEFORE THE KHYBER PAKHTUNKHWA,  
SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 1092/2014

Shaukat Ullah

VS

Revenue Deptt:

.....  
**REJOINDER ON BEHALF OF APPELLANT**  
.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-4) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

1. Incorrect. The appellant showed satisfactory service record during his service carrier.
2. Incorrect. While para 2 of the appeal is correct.
3. Incorrect. The orders dated 3.11.2010 and 11.11.2010 was issued by competent authority, therefore these orders are legal. Moreover the transfer order dated 21.1.2010 was also not illegal and not fake and forgedly issued as it was issued by Inspector General of Registration which is competent authority. Furthermore annexure-C with main appeal shows that the appellant was transferred and posted/ adjusted as Registrar Moharrir.
4. Incorrect. The order dated 21.1.2010 was not fake as it issued by competent authority which was withdrawn on dated 17.12.2013. Moreover the appellant did not remain and reported back to BOR, Peshawar on 24.12.2013.

5. Admitted by the respondents that charge sheet and allegation was served to the appellant, however issuing charge sheet and allegation was not legal as the appellant never remain absent from his duty on basis of which charge sheet and allegation were served to the appellant.
6. Incorrect. While para 6 of the appeal is correct.
7. Incorrect. On dated 27.5.2014 charge sheet and statement of allegations were served to the appellant and 30 days were given to the inquiry officer for inquiry proceeding and on the same date i.e 27.5.2014 penalty of compulsory retirement was imposed upon the appellant which shows that order was based on malafide and passed without observing proper legal and codal formalities.
8. Incorrect. The appellant filed departmental appeal which was rejected for no ground which is violation of Superior Courts judgment.

**GROUND:**

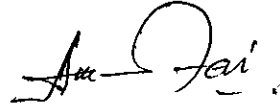
- A. Incorrect. The orders dated 27.5.2014 and 14.7.2014 is against the law, facts, rules norms of justice, material on record, therefore not tenable and liable to be set aside.
- B. Incorrect. The appellant has not given opportunity of defence as charge sheet, statement of allegation and impugned order was issued on the same date.
- C. Incorrect. While para C of the appeal is correct.
- D. Incorrect. While para D of the appeal is correct.
- E. Incorrect. The appellant's service was good throughout his service record, but despite that illegal action has been taken against him.
- F. Incorrect. While para F of the appeal is correct.
- G. Legal.

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



APPELLANT  
Shaukat Ullah

Through:



(M. ASIF YOUSAFZAI)  
ADVOCATE, PESHAWAR.

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



DEPONENT



**BEFORE THE KHYBER PAKHTUNKHWA,  
SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 1092/2014

Shaukat Ullah

VS.

Revenue Deptt:

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

- (1-4) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

1. Incorrect. The appellant showed satisfactory service record during his service carrier.
2. Incorrect. While para 2 of the appeal is correct.
3. Incorrect. The orders dated 3.11.2010 and 11.11.2010 was issued by competent authority, therefore these orders are legal. Moreover the transfer order dated 21.1.2010 was also not illegal and not fake and forgedly issued as it was issued by Inspector General of Registration which is competent authority. Furthermore annexure-C with main appeal shows that the appellant was transferred and posted/ adjusted as Registrar Moharrir.
4. Incorrect. The order dated 21.1.2010 was not fake as it issued by competent authority which was withdrawn on dated 17.12.2013. Moreover the appellant did not remain and reported back to BOR, Peshawar on 24.12.2013.

5. Admitted by the respondents that charge sheet and allegation was served to the appellant, however issuing charge sheet and allegation was not legal as the appellant never remain absent from his duty on basis of which charge sheet and allegation were served to the appellant.
6. Incorrect. While para 6 of the appeal is correct.
7. Incorrect. On dated 27.5.2014 charge sheet and statement of allegations were served to the appellant and 30 days were given to the inquiry officer for inquiry proceeding and on the same date i.e 27.5.2014 penalty of compulsory retirement was imposed upon the appellant which shows that order was based on malafide and passed without observing proper legal and codal formalities.
8. Incorrect. The appellant filed departmental appeal which was rejected for no ground which is violation of Superior Courts judgment.

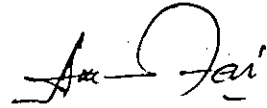
**GROUND:**

- A. Incorrect. The orders dated 27.5.2014 and 14.7.2014 is against the law, facts, rules norms of justice, material on record, therefore not tenable and liable to be set aside.
- B. Incorrect. The appellant has not given opportunity of defence as charge sheet, statement of allegation and impugned order was issued on the same date.
- C. Incorrect. While para C of the appeal is correct.
- D. Incorrect. While para D of the appeal is correct.
- E. Incorrect. The appellant's service was good throughout his service record, but despite that illegal action has been taken against him.
- F. Incorrect. While para F of the appeal is correct.
- G. Legal.

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

APPELLANT  
Shaukat Ullah

Through:



(M. ASIF YOUSAFZAI)  
ADVOCATE, PESHAWAR.

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

  
DEPONENT

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

No. Admn-IV/11/Shaukat/Enquiry-2/R&E/11270

Dated 27/05/2014.

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12

CHARGE SHEET.

1, Waqar Ayub, Secretary, Revenue & Estate Department, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you Mr. Shaukatullah Junior Clerk, Revenue & Estate Department, Khyber Pakhtunkhwa on the basis of the following acts of omission and commission.

1. That after cancellation of your adjustment order as Registration Moharrir / Clerk in District Chitral dated 21.01.2012 and repatriated to your parent Department on 17.12.2013. You were required to report to Board of Revenue, Revenue and Estate Department within due time, but you submitted your arrival report on 13.02.2014 whereas it was signed by you on 24.12.2013.
2. That instead of submitting your arrival report to the parent Department (BOR) in time you intentionally remained absented from duty from the date of cancellation of your adjustment order till date.
3. That you come to the office once or twice in a week like a private visitor and do not join your duty neither you mark your presence in the attendance register and after wondering a while left the office at your own risk.
4. That the attendance register shows your absence with effect from 17.12.2013, till date.

2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules-2011, and have rendered your self liable to all or any of penalties specified in Section-3 of the Rules ibid.

3. You are therefore, called upon to submit your written defence within seven days of receipt of this charge sheet to the Enquiry Officer.

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

5. Intimate whether you desire to be heard in person.

6. The statement of allegation is enclosed.

*Muhammad*

Secretary

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H

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT.  
No. Admn-IV/II/Shaukat/Enquiry-2/R&E/  
Dated 27/05/2014.

DISCIPLINARY ACTION.

I, Waqar Ayub, Secretary, Revenue & Estate Department Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Shaukatullah Junior Clerk, Revenue & Estate Department, Khyber Pakhtunkhwa, has rendered himself liable to be proceeded against as he committed the following acts of omission and commission within the meaning of Section-3 of Khyber Pakhtunkhwa Civil Servants (Recruitment and Discipline) Rules 2011:-

STATEMENT OF ALLEGATIONS.

1. That after cancellation of your adjustment order as Registration Moharrir / Clerk in District Chitral dated 21.01.2012 and repatriated to your parent Department on 17.12.2013. You were required to report to Board of Revenue, Revenue and Estate Department within due time, but you submitted your arrival report on 13.02.2014 whereas it was signed by you on 24.12.2013.
2. That instead of submitting your arrival report to the parent Department (BOR) in time you intentionally remained absented from duty from the date of cancellation of your adjustment order till date.
3. That you come to the office once or twice in a week like a private visitor and do not join your duty neither you mark your presence in the attendance register and after wondering a while left the office at your own risk.
4. That the attendance register shows your absence with effect from 17.12.2013, till date.

For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Muhammad Zarif Assistant Secretary (Receipt), Board of Revenue is appointed as Inquiry Officer under Rule 10(1)(a) of the Rules ibid.

The Inquiry Officer shall, in accordance with the provisions of the Rules ibid provide reasonable opportunity of hearing to the accused, record findings and make, within thirty (30) days of the date of this order, recommendations as to punishment or other appropriate action against the accused.

The accused shall join the proceedings on the date, time and place fixed by the Inquiry

Sd/-  
Secretary

No. Admn-IV/II/Shaukat/Enquiry-2/R&E/11272-74.

Copy forwarded for information to:-

Mr. Muhammad Zarif Assistant Secretary (Receipt), Board of Revenue, Revenue & Estate Department Enquiry Officer to probe into the above mentioned allegations and submit his findings/recommendation to the Competent Authority, within 30 days on receipt of the statement of allegations.

Mr. Shaukatullah Junior Clerk, Revenue and Estate (Board of Revenue), (accused official) with the direction to appear before the Inquiry Officer, on the date, time and place fixed by him.

Administration Section with the direction to make available/provision of record if any to assist the Enquiry Officer during the inquiry proceedings.

Assistant Secretary (Admn)

(40)

32

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

**CHARGE SHEET.**

I, Waqar Ayub, Secretary, Revenue & Estate Department, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you Mr. Shaukat Ullah Junior Clerk, Revenue & Estate Department, Khyber Pakhtunkhwa on the basis fact finding enquiry on account of the following acts of omission and commission.

1. That you being regular employee of Revenue and Estate Department (BOR) were not eligible under the relevant rules to undergo training as Registration Moharrir / Registration Clerk, but you had managed to get the said training without permission / approval of the Competent Authority.
2. That you produced fake orders of your adjustment as Registration Moharrir / Registration Clerk and posting as Registration Moharrir / Registration Clerk in the office of Sub-Registrar Chitral.
3. That no record pertaining to your case for adjustment as Registration Moharrir/ Registration Clerk was available in the office of Director Land Record and the dealing staff has also refused to own processing of your case posting as such to the Competent Authority.
4. That Inspector General of Registration has withdrawn your fake / illegal adjustment orders bearing No. DLR/Estab:/2012/168-73 dated 21.01.2012 and repatriated you.
5. That instead of submitting your arrival report to the parent office (Board of Revenue) in due time, you intentionally absented from duty from the date of cancellation of your adjustment order till date.
6. That you have also tried to influence the Competent Authority and used political pressure in order to keep your posting order dated 21.01.2012 intact.
7. That you submitted arrival report on 19.01.2014 while it was signed by you on 24.12.2013 which shows malafide intention to get unlawful benefit of your desire in the case.
8. That the then Director Land Records has also refused to have issued your posting orders under his signatures.

2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules-2011, and have rendered your self liable to all or any of penalties specified in Section-3 of the Rules ibid.

33 ~~33~~ (11)

2. You are therefore, called upon to submit your written defence within seven days of receipt of this charge sheet to the Enquiry Officer.

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

5. Intimate whether you desire to be heard in person.

6. The statement of allegation is enclosed.

*M. Anwar*  
3-3-2014  
Secretary



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

**DISCIPLINARY ACTION.**

I, Waqar Ayub, Secretary, Revenue & Estate Department Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Shaukatullah Junior Clerk, Revenue & Estate Department, Khyber Pakhtunkhwa, has rendered himself liable to be proceeded against as he committed the following acts of omission and commission within the meaning of Section-3 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules 2011:-

**STATEMENT OF ALLEGATIONS.**

1. That he being regular employee of Revenue and Estate Department (BOR) were not eligible under the relevant rules to undergo training as Registration Moharrir / Registration Clerk, but he had managed to get the said training without permission / approval of the Competent Authority.
2. That he produced fake orders of his adjustment as Registration Moharrir / Registration Clerk and posting as Registration Moharrir / Registration Clerk in the office of Sub-Registrar Chitral.
3. That no record pertaining to his case for adjustment as Registration Moharrir/ Registration Clerk was available in the office of Director Land Record and the dealing staff has also refused to own processing of his case posting as such to the Competent Authority.
4. That Inspector General of Registration has withdrawn his fake / illegal adjustment orders bearing No. DLR/Estab:/2012/168-73 dated 21.01.2012 and repatriated him.
5. That instead of submitting his arrival report to the parent office (Board of Revenue) in due time, he intentionally absented from duty from the date of cancellation of his adjustment order till date.
6. That he has also tried to influence the Competent Authority and used political pressure in order to keep his posting order dated 21.01.2012 intact.
7. That he submitted arrival report on 19.01.2014 while it was signed by him on 24.12.2013 which shows malafide intention to get unlawful benefit of his desire in the case.
8. That the then Director Land Records has also refused to have issued his posting orders under his signatures.

For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Muhammad Zarif Assistant Secretary (Receipt), Board of Revenue is appointed as Inquiry 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 findings and make, within fifteen (15) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

*M. Anwar*  
Secretary

36

(15)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

No. 7655 / Enquiry/ Shaukat  
Peshawar, dated the 09/14/2014

To,

The Assistant Secretary (Admn),  
Board Of Revenue,  
Khyber Pakhtunkhwa.

SUBJECT: DISCIPLINARY ACTION AGAINST MR. SHAUKATULLAH  
JUNIOR CLERK, BOARD OF REVENUE.

I am directed to refer to your letter No. Admn-IV/II/ Enquiry/  
Shaukatullah/2014/7383, dated 03/4/2014 on the subject and to enclose enquiry report  
conducted against Mr. Shaukatullah, Junior Clerk for further action

~~Assistant Secretary (Receipt)  
Enquiry Officer~~

iv Adm 9/14/14

37 (15)

## ENQUIRY REPORT

An enquiry under Efficiency & Disciplinary Rules 2011 was entrusted to the undersigned to dig out the facts regarding posting of Mr. Shaukatulla, Junior Clerk, Board of Revenue, as Registration Moharrir.

In this connection Mr. Shaukatullah, Junior Clerk was summoned and his statement was recorded which is available at "Annexure-A".

### BACKGROUND/ HISTORY:

One Mr. Shaukatullah S/O Gul Aman, Resident of village "Achar" Peshawar, working as Junior Clerk in Board Of Revenue for the last 31 years on 11.11.2010 he was sent on six months training for the post of Registration Moharrir on his written request vide DLR/IGR order No.9053/LR-IV/RM(T&E), dated 11/11/2010. On completion of his training he submitted training completion certificate to the Director Land Record/ Inspector General Registration.

Mr. Shaukatullah submitted an application for his posting as Registration Moharrir which was processed by the office of DLR (original application is not available in file. From the perusal of office note it appears that application was properly processed and posting order of Mr. Shaukatullah was made as Registration Moharrir in Chitral without the approval of Competent Authority. Mr. Shaukatullah, Junior Clerk is still absent from his office duty as per attendance register.

In his statement Mr. Shaukatullah, Junior Clerk himself stated that his posting order as Registration Moharrir was issued by the office of DLR and copy of the order was also handed over to him by the staff of DLR Office.

### RECOMMENDATIONS:

As the official make his transfer as Registration Moharrir without the approval of Competent Authority, therefore Mr. Shaukatullah, Junior Clerk held responsible and guilty and is liable to be awarded major penalty of compulsory retirement from service as awarded by the earlier enquiry officer in facts finding enquiry.

Assistant Secretary (Receipt)  
Enquiry Officer

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE,  
REVENUE & ESTATE DEPARTMENT.

No. Admn: IV/II/Enquiry/Shaukatullah/2014/

Dated 18 / 04/2014.

SHOW CAUSE NOTICE.

I, Waqar Ayub, Senior Member, Board of Revenue, under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 serve upon you Mr. Shaukatullah Junior Clerk, show cause notice that an enquiry was conducted against you, wherein an opportunity was given to you to be heard in person and furnish written defence.

2. After going through the findings of the Inquiry Officer, the material placed on record and other connected papers, including your defence before the Inquiry Officer, I am satisfied that you have committed the following gross misconduct:

1. That you being regular employee of Revenue and Estate Department (BOR) were not eligible under the relevant rules to undergo training as Registration Moharrir / Registration Clerk, but you had managed to get the said training without permission / approval of the Competent Authority.
2. That you produced fake orders of your adjustment as Registration Moharrir / Registration Clerk and posting as Registration Moharrir / Registration Clerk in the office of Sub-Registrar Chitral.
3. That no record pertaining to your case for adjustment as Registration Moharrir/Registration Clerk is available in the office of Director Land Records and the dealing staff has also refused to own processing of your posting as such to the Competent Authority.
4. That Inspector General of Registration has withdrawn your fake / illegal adjustment orders bearing No. DLR/Estab:/2012/168-73 dated 21.01.2012 and repatriated you.
5. That instead of submitting your arrival report to the parent office (Board of Revenue) in due time, you intentionally absented from duty from the date of cancellation of your adjustment order till date.
6. That you have also tried to influence the Competent Authority and used political pressure in order to keep your posting order dated 21.01.2012 intact.
7. That you submitted arrival report on 19.01.2014 while it was signed by you on 24.12.2013 which shows malafide intention.
8. That the then Director Land Records has disowned having issued any posting order in your favour.

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As a result thereof, I, as Competent Authority, have decided, on the recommendation of Inquiry Officer, to impose major penalty of compulsory retirement indicated in Rule 4(b)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules- 2011.

4. You are, therefore, called upon to show cause as to why the aforesaid penalty should not be imposed upon you. Furthermore, you are instructed to appear on 24-04-2014 before the undersigned for personal hearing.

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

6. A copy of the inquiry report is enclosed.

*M. Awan*

Senior Member,  
Board of Revenue.

Mr. Shaukatullah, Junior Clerk,  
(Board of Revenue) Revenue & Estate Dept:  
Khyber Pakhtunkhwa.

40 18

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE**

**REVENUE & ESTATE DEPARTMENT.**

No. Admn-IV/II/Shaukat/Enquiry-2/R&E/11270

Dated 23/05/2014.

**CHARGE SHEET.**

I, Waqar Ayub, Secretary, Revenue & Estate Department, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you Mr. Shaukatullah Junior Clerk, Revenue & Estate Department, Khyber Pakhtunkhwa on the basis of the following acts of omission and commission.

1. That after cancellation of your adjustment order as Registration Moharrir / Clerk in District Chitral dated 21.01.2012 and repatriated to your parent Department on 17.12.2013. You were required to report to Board of Revenue, Revenue and Estate Department within due time, but you submitted your arrival report on 13.02.2014 whereas it was signed by you on 24.12.2013.
2. That instead of submitting your arrival report to the parent Department (BOR) in time you intentionally remained absented from duty from the date of cancellation of your adjustment order till date.
3. That you come to the office once or twice in a week like a private visitor and do not join your duty neither you mark your presence in the attendance register and after wondering a while left the office at your own risk.
4. That the attendance register shows your absence with effect from 17.12.2013, till date.

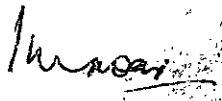
2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules-2011, and have rendered your self liable to all or any of penalties specified in Section-3 of the Rules ibid.

3. You are therefore, called upon to submit your written defence within seven days of receipt of this charge sheet to the Enquiry Officer.

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

5. Intimate whether you desire to be heard in person.

6. The statement of allegation is enclosed.

  
Secretary

41 (B)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE

REVENUE & ESTATE DEPARTMENT.

No. Admn-IV/II/Shaukat/Enquiry-2/R&E/11271

Dated 27/05/2014.

DISCIPLINARY ACTION.

I, Waqar Ayub, Secretary, Revenue & Estate Department Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Shaukatullah Junior Clerk, Revenue & Estate Department, Khyber Pakhtunkhwa, has rendered himself liable to be proceeded against as he committed the following acts of omission and commission within the meaning of Section-3 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules 2011:-

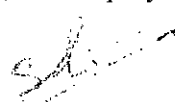
STAMENT OF ALLEGATIONS.

1. That after cancellation of your adjustment order as Registration Moharrir / Clerk in District Chitral dated 21.01.2012 and repatriated to your parent Department on 17.12.2013. You were required to report to Board of Revenue, Revenue and Estate Department within due time, but you submitted your arrival report on 13.02.2014 whereas it was signed by you on 24.12.2013.
2. That instead of submitting your arrival report to the parent Department (BOR) in time you intentionally remained absented from duty from the date of cancellation of your adjustment order till date.
3. That you come to the office once or twice in a week like a private visitor and do not join your duty neither you mark your presence in the attendance register and after wondering a while left the office at your own risk.
4. That the attendance register shows your absence with effect from 17.12.2013, till date.

2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Muhammad Zarif Assistant Secretary (Receipt), Board of Revenue is appointed as Inquiry 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 findings and make, within ~~14~~ (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.


4. The accused shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

  
Secretary

Endst. No. Admn-IV/II/Shaukat/Enquiry-2/R&E/11272 74

Copy forwarded for information to: -

1. Mr. Mr. Muhammad Zarif Assistant Secretary (Receipt), Board of Revenue Revenue & Estate Department Enquiry Officer to probe into the above mentioned allegations and submit his findings/recommendation to the Competent Authority, within 30 days on receipt of the statement of allegations.
2. Mr. Shaukatullah Junior Clerk, Revenue and Estate (Board of Revenue), (accused official) with the direction to appear before the Inquiry Officer, on the date, time and place fixed by him.
3. Administration Section with the direction to make available/provision of record if any to assist the Enquiry Officer during the inquiry proceedings.

  
Assistant Secretary (Admn)



142 (20)

GOVERNMENT OF KHYBER PAKHTUNKHWA.  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT  
Peshawar dated 27/05/2014.

ORDER.

No. Admn:IV/II/Inquiry/Shaukat/2014/\_\_\_\_\_ WHEREAS, Mr. Shaukatullah Junior Clerk (Board of Revenue) Revenue and Estate Department Khyber Pakhtunkhwa was proceeded against under Rule-3(b) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011 for the charges mentioned in the Statement of Allegations and Charge Sheet dated 03.03.2014.

AND WHEREAS, Mr. Muhammad Zarif Assistant Secretary, Board of Revenue, was appointed Inquiry Officer to conduct inquiry against the said official under the rules ibid.

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 of compulsory retirement from service to be imposed upon accused official.

AND WHEREAS, the accused official was served with show cause notice on 18.04.2014 and was heard in person by the Competent Authority on 24.04.2014.

AND WHEREAS, after having considered the charges, reply of accused official, evidence on record, findings of the inquiry officer, and after personal hearing of the accused official, am satisfied that the accused official after having failed to get the desired posting by use of repeated political pressures connived with ministerial staff of Directorate of Land Records, fraudulently obtain forged transfer / adjustment orders as Registration Moharrir, of which he did not have eligibility nor was record of transfer / adjustment available in Directorate of Land Records. The accused is held guilty of misconduct as defined in Rule-2(L)(i), (ii) and (iii) of rules ibid.

NOW THEREFORE, in exercise of powers under Rules 14 (5) (ii) read with 4 (b) (ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, I, Waqar Ayub Senior Member, Board of Revenue, as Competent Authority impose penalty of compulsory retirement on the said Mr. Shaukatullah Junior Clerk, Board of Revenue, Revenue and Estate Department Khyber Pakhtunkhwa, and order his compulsorily retirement from Government Service with immediate effect.

Sd/-  
Senior Member,  
Board of Revenue.

Ends: No. Admn:IV/II/Inquiry/Shaukat/2014/11321-27

Copy of the above is forward to the: -

1. Accountant General, Khyber Pakhtunkhwa.
2. Budget & Accounts Officer Revenue and Estate Department Khyber Pakhtunkhwa.
3. Drawing and Disbursing Officer Revenue and Estate Department Khyber Pakhtunkhwa.
4. Bill Assistant Revenue and Estate Department, Khyber Pakhtunkhwa.
5. Accused Concerned.
6. Personal file.
7. Office Order file.

Secretary-I,  
Board of Revenue.

**BEFORE THE SENIOR MEMBER, BOARD OF REVENUE**

Review against order dated 27.5.2014 whereby the applicant is compulsorily retired from Government Service with immediate effect:

Respectfully Sheweth:


1. That the applicant was appointed as Junior Clerk and rendered 31 years of satisfactory service which evident from service record.
2. That the applicant successfully completed 6 month Registry Muharrir in accordance with rules.
3. That applicant was accordingly recommended by the Board of Revenue for adjustment as Registry Muharrir.
4. That the post of Registry Muharrir in Chitral was lying vacant and no candidate was willing to be posted as Registry Muharrir in Chitral, therefore, the Inspector General of Registration being Competent Authority accordingly posted the applicant as Registry Muharrir in Chitral.
5. That applicant in compliance with official orders of Competent Authority relinquished the charge of the post of Junior Clerk in Board of Revenue and assumed the charge of the post of Registry Muharrir in Chitral.
6. That the post of Junior Clerk and Registry Muharrir contained the same pay & scale of BS-07, hence the applicant has got no benefits of increase in salary rather the salary was reduced, on account of House Rent /conveyance allowance and Secretariat allowance etc.
7. That the applicant is not entrusted in particular posting and willing for performance of duty against any post and anywhere in compliance with orders of high ups.
8. That the major penalty imposed on the applicant is against the norm of justice and principal of equity, whereby the entire family of applicant would suffer irreferable loss.

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Sec. reg.  
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In view of the above, it is humbly prayed that the major penalty imposed upon, the applicant may kindly be exonerated.

I treat this as an appeal  
of p.u note for C.S.

Secy-I  
1/10  
2-6-2014

  
2.6.2014

Shaukatullah,  
Junior Clerk, Board of Revenue

iw  
1/10  
3/6/14

114 (29)

**GOVERNMENT OF KHYBER PAKHTUKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT.**

**NOTE FOR CHIEF SECRETARY.**

**SUBJECT: DEPARTMENTAL APPEAL AGAINST ORDER DATED 27.05.2014.**

One Mr. Shaukatullah Ex: Junior Clerk of this Department has filed a departmental appeal (Annexure-A) against compulsorily retirement from Government service (Annexure-B) on the basis of fraudulently obtaining adjustment order as Registration Moharrir in the office of Sub-Registrar Chitral (Annexure-C).

The Official was proceeded under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011. After conducting inquiry in the matter and on the recommendations of Inquiry Officer, the Competent Authority awarded major penalty of compulsory retirement from Government Service on 27.05.2014.

Para-wise Comments on the said departmental appeal are as under:-

1. Correct to the extent that the applicant was appointed as Junior Clerk in Land Commission on 01.02.1982 and adjusted in Board of Revenue on 01.03.1999.
2. Incorrect. Under the rules, staff of Revenue and Estate Department is not eligible for appointment or to undergo training of Registration Moharrir. Only Junior Clerks of Deputy Commissioner office are eligible for appointment as Registration Moharrir.
3. Incorrect. The department has not recommended the appellant for adjustment as Registration Moharrir as there is no provision in the rules for such adjustment.
4. Incorrect. Adjustment of appellant as Registration Moharrir in Sub-Registrar Office Chitral is against the rules. The appellant connived the staff of Director Land Records to obtain fraudulent order. Disciplinary proceedings have been initiated against the staff of Directorate of Land Records.
5. Incorrect. No orders of Competent Authority in Board of Revenue were issued with regard to training or adjustment of appellant as Registration Moharrir. The appellant and the staff of Director Land Records connived to prepare and get issued adjustment / transfer order No. DLR/Estb:/2012/168-73 dated 21.01.2013 fraudulently.
6. Correct. Cadres of Junior Clerks and Registration Moharrir are different and have different prospects of promotion.

MS (23)

- 7. Incorrect. His interest is obvious, because of which he got a fraudulent order for posting / adjustment as Registration Moharrir.
- 8. Incorrect. Cheating and fraud cannot be over looked and need to be punished severely.

In view of the above, the departmental appeal may be dismissed.

*M. Awan*  
18-6-2014

Senior Member  
SENIOR MEMBER  
Board of Revenue  
Khyber Pakhtunkhwa

10. Please examine.

Sd/-  
Chief Secretary  
Dt. 19.06.2014

Secretary Establishment

PS/MSMR  
428  
18-6-2014  
Govt. of Khyber Pakhtunkhwa

Chief Secretary:

3/64  
18-6-14  
686-S  
19-6-14  
Chief Secretary (R&B)  
Establishment  
File No  
Date



CS-1838

Diary No 657  
Dated 20-06-14  
Reg-II Section E&AD

756-S  
18/6/14  
Date  
18/6/14

*20/6/14*

11. The note has been examined. In terms of rule-17(1) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 an accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority. Sub rule (2) of the rules ibid provide that the appellate authority shall call for the record of the case and comments on the points raised in the appeal from the concerned department or office, and on consideration of the appeal or the review petition, as the case may be, by an order in writing:-

- (a) uphold the order of penalty and reject the appeal or review petition; or
- (b) set aside the orders and exonerate the accused; or
- (c) modify the orders or reduce the penalty.

12. The appeal in hand bears no address, however the appeal has been filed within the time limit. The the S.M.B.R converted it into appeal to the appellate authority. He recorded parawise comments on the contents of the appeal and recommended the appeal to be dismissed.

13. Proposal contained at para-9 is endorsed.

*Dr. Akhtar Nazir*  
(Dr. Akhtar Nazir)  
Secretary Establishment  
July 3, 2014

Chief Secretary, Khyber Pakhtunkhwa.

14. *Appeal dismissed.*

*Secy/EST*

*Secy*  
6/7/2014  
Chief Secretary,  
Govt of Khyber Pakhtunkhwa

15. SMBR inform appellant.

*Secy-2*

*Dr. Akhtar Nazir*  
8/2/14  
Secretary Establishment  
Govt of Khyber Pakhtunkhwa

16. AS(B)

*Secy*  
8-7-2014

498-5  
03/7/14  
03-07-14



**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.**

Appeal No. 1029/2014

Shaukat Ullah

V/S

Revenue Deptt:

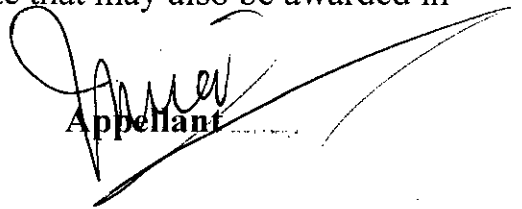
**APPLICATION FOR FIXING IN AN EARLY DATE OF HEARING IN  
THE ABOVE TITLED APPEAL INSTEAD OF 09.11.2018**

.....

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal against the order of compulsory retirement from service.
2. That the instant appeal is in argument stage and next date fixed for arguments is fixed for 09.11.2018 before this Honourable KPK Service Tribunal.
3. That due to compulsory retirement the financial position of the appellant is unbearable and his whole family is effecting and if the instant appeal is still lingered on, the appellant will suffer allot.
4. That it will be in the interest of justice to fix in the instant case at any other nearby possible date.

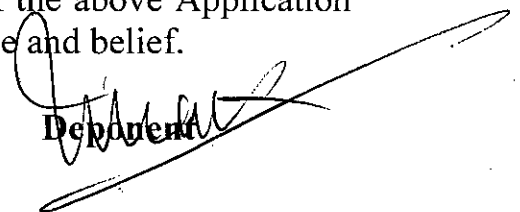
It is, therefore, most humbly prayed that on acceptance of this application, an early date of hearing may kindly be fixed in the above Service Appeal instead of 09.11.2018. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

  
Appellant

*Allowed: By  
an old appeal of 2014-2018  
be fixed in 18.10.2018  
before the DS. Notice be  
given to the respondent for  
the date of 10.10.2018*

**AFFIDAVIT:**

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.

  
Deponent

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 72 /ST

Dated 11-1- 2019

To

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


Subject: -

JUDGMENT IN APPEAL NO. 1029/2014, MR. SHAUKAT ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 12.12.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

o/c

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

16

**VAKALAT NAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar

Shaukatullah (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

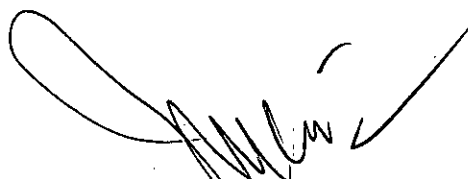
Revenue Dept. (Respondent)  
(Defendant)

I/We, Shaukatullah (Appellant)

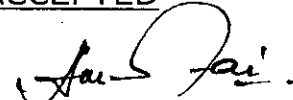
Do hereby appoint and constitute **M. Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs. *§ Taimur Ali Khan (Adv)*

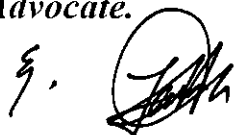
I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

  
(CLIENT)

ACCEPTED

  
M. ASIF YOUSAFZAI  
Advocate.

  
TAIMUR ALI KHAN  
Advocate

**OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar  
Cell: (0333-9103240)