

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 277/2020

Date of Institution ... 09.01.2020  
Date of Decision ... 08.09.2021

Mr. Ghulam Nabi, Ex-Superintendent (BPS-17), Directorate of  
Land Record, Khyber Pakhtunkhwa, Peshawar.

... (Appellant)

**VERSUS**

Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar  
and two others.

... (Respondents)

Noor Muhammad Khattak,  
Advocate

... For appellant.

Muhammad Adeel Butt,  
Additional Advocate General

... For respondents.

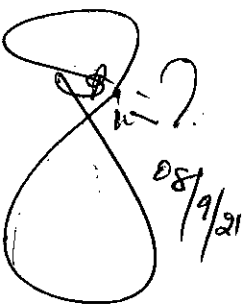
AHMAD SULTAN TAREEN  
ROZINA REHMAN

... CHAIRMAN  
... MEMBER (J)

**JUDGMENT**

ROZINA REHMAN, MEMBER (J): Appellant has filed the instant  
service appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act,  
1974 against the order dated 17.09.2019, whereby, penalty of  
compulsorily retirement from service was imposed upon him.

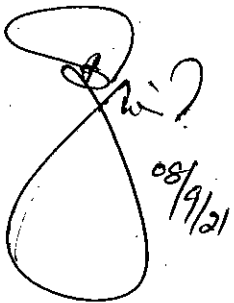
2. Brief facts of the case are that appellant was appointed as  
Junior Clerk. He served the Department for about 39 years. While

  
08/9/21

performing his duties, he was asked for information and certificates of passed candidates for promotion to the post of Naib Tehsildar and accordingly, list with requisite information was forwarded. During preparation of aforesaid list, another letter having the same number and date was forwarded in a hasty manner. A show cause notice was issued to the appellant, wherein five allegations were based for his removal from service and vide order dated 17.09.2019, appellant was compulsorily retired from service. Feeling aggrieved, he preferred review petition but to no avail, hence, the present service appeal.

3. Learned counsel for appellant contends that the impugned order is against law, facts and norms of natural justice, hence, not tenable. He argued that the appellant was not treated in accordance with law and rules on the subject and as such, the respondents violated Article-4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973. It was further submitted that the candidates who did not pass their departmental examination of Naib Tehsildar, were shown in the list of letter dated 03.06.2019 at Serial No.14 & 15 and the appellant was made a scapegoat on the fake & bogus letter having the same number and date which bogus letter was withdrawn/cancelled. Learned counsel submitted that no charge sheet and statement of allegations was served on appellant before issuance of the impugned order and he was condemned unheard.

4. Conversely, learned A.A.G submitted that the appellant deliberately issued bogus certificate, whereby, two Kanungos of


A handwritten signature in black ink, followed by the date '08/9/21' written vertically.

District Peshawar were shown to have passed the departmental examination for promotion to the post of Naib Tehsildar despite the fact that those two Kanungos had not even appeared in the examination. That it was an attempt on the appellant's part to get their unjustified promotion through backdoor with malafide. He submitted that appellant got the clue that his conduct was detected and that a show cause notice was served on him, he, therefore, preferred to withdraw/cancel his earlier letter which proved to be a futile attempt on his part to bluff the Department and in the meanwhile, he requested for early retirement and lastly, he submitted that the appellant has already attained the age of superannuation i.e. 60 years, therefore, any decision in his favor would not accrue any financial gains at this stage.

5. From the record, it is evident that appellant was served with a show cause notice for issuing bogus certificate with regard to passing of departmental examination of Naib Tehsildar in respect of Inayat ur Rehman and Muhammad Nadeem Kanungos of District Peshawar to get their accelerated promotion as Naib Tehsildar, whereas, one of the Kanungo even did not appear at all in the departmental examination of Naib Tehsildar, whereas, Inayat ur Rehman had recently appeared in the departmental examination the result of which was yet to be announced but they were shown as passed and when the appellant came to know about all the facts, then both the letters issued by him were canceled and the certificates were

SR  
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08/9/21


provided without any approval of the competent authority and were issued at his own risk tantamount to misconduct. Reply to this show cause notice was submitted <sup>on</sup> 26.07.2019 and the impugned order was passed on 17.09.2019, whereby, major penalty of compulsorily retirement was imposed upon him. It is settled law that when a major penalty is to be imposed on a civil servant, a regular inquiry is to be held to determine the factual basis of the allegations which are required to be proved in accordance with the law. The appellant was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 which explicitly ordains a regular inquiry before taking any action which can in the relevant context only be dispensed with under Section-5(1) (a) of the Rules ibid in the event of sufficient documentary evidence being available against the civil servant or for reason to be recorded in writing showing satisfaction of the competent authority as to absence of need for holding an inquiry. In the instant case, most of the allegations required explicit proof and no reason for dispensing with the requirement of an inquiry appear to have been recorded. Reliance is placed on Chief Election Commissioner of Pakistan and others Vs. Miss Nasreen Parvez reported in 2009 S.C.M.R 329 and Abdul Ghaffar Vs. Superintendent of Police, South Zone, Karachi reported in 2011 P.L.C (C.S) 387. It is also on record that the appellant also submitted an application seeking retirement from service on 30.07.2019. As per his Secondary School Certificate Examination and his CNIC, his date of birth is 10.12.1960 as such, was due for retirement on 09.12.2020.

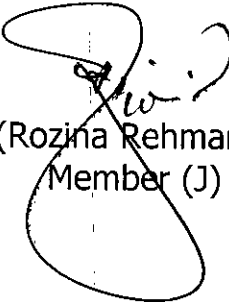
  
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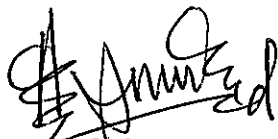

The impugned order was passed on 17.09.2019 while he himself requested for retirement w.e.f 01.09.2019.

6. The offshoot of the above discussion is that this appeal is partially allowed and the compulsory retirement is converted into voluntary retirement w.e.f 17.09.2019. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
08.09.2021

  
(Ahmad Sultan Tareeh)  
Chairman

  
(Rozina Rehman)  
Member (J)

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1.	2	3
	08.09.2021	<p><u>Present:</u></p> <p>Noor Muhammad Khattak, Advocate ... For Appellant</p> <p>Muhammad Adeel Butt, Additional Advocate General ... For respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, this appeal is partially allowed and the compulsory retirement is converted into voluntary retirement w.e.f 17.09.2019. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 08.09.2021</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">               (Ahmad Sultan Tareen)              Chairman         </div> <div style="text-align: center;">               (Rozina Rehman)              Member (J)         </div> </div>

03.03.2021

Due to COVID-19, the case is adjourned for the same on 07.05.2021 before D.B

  
READER

7.5.2021

*Due to COVID-19, the case is adjourned to 7.9.2021 for the hearing.*

07.09.2021

Appellant with counsel present.

Muhammad Adeel Butt learned Additional Advocate General alongwith Afsar Jan Assistant for respondents present.

Arguments heard. To come up for order on 08.09.2021 before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

277/20

13.08.2020

Counsel for the appellant and Addl. AG alongwith Wisal Muhammad; Assistant for the respondents present.

Representative of the respondents seeks further time to furnish the reply/comments. Adjourned to 06.10.2020 on which date the requisite reply/comments shall positively be furnished.

  
Chairman

06.10.2020

Junior to counsel for the appellant and Addl. AG alongwith Afsar Jan, Assistant for the respondents present.

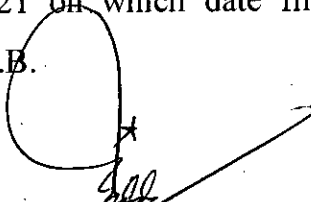
Representative of respondents has furnished parawise comments on behalf of respondents No. 1, 2 & 3. Placed on record. The matter is assigned to D.B for hearing on 07.12.2020. The appellant may furnish rejoinder, within one month, if so advised.

  
Chairman

07.12.2020

Appellant in person present. Addl: AG for respondents present.

Since the Members of the Peshawar High Court, Peshawar as well as of the District Bar Associations, Peshawar, are observing strike today, therefore, learned counsel for the appellant s not available today. Adjourned to 03.03.2021 on which date file to come up for arguments before D.B.

  
(Mian Muhammad)  
Member (E)

  
(M. Jamal Khan)  
Member(J)



10.02.2020

The appellant (Ex-Superintendent) has filed the present service appeal against the order dated 17.09.2019 whereby major penalty of compulsory retirement from service was imposed upon him.

Submissions made by learned counsel for the appellant need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security process. Thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 03.04.2020 before S.B.

Appellant Deposited  
Security & Process Fee

10/2

  
Member

03.04.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 26.06.2020 before S.B.


  
Reader

26.06.2020

Appellant in person and Addl: AG for respondents present.

Written reply not submitted. Learned AAG seeks time to submit the same on the next date of hearing.

Adjourned to 13.08.2020 before S.B.



  
MEMBER

Form- A

FORM OF ORDER SHEET

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

Case No.- 277/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/01/2020	<p>The appeal of Mr. Ghulam Nabi presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 09/01/2020</p>
2-	10/01/20	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/02/2020</u></p> <p> CHAIRMAN</p>

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

APPEAL NO. 277 /2020

**GHULAM NABI**

**VS**

**GOVT: OF KP & OTHERS**

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9.	Order dated 03.06.2019	<b>H</b>	14.
10.	vakalatnama	.....	15.

**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

**APPEAL NO. 277 /2019**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 297

Dated 09/11/2020

Mr. Ghulam Nabi, Ex-Superintendent (BPS-17),  
Directorate of Land Record, Khyber Pakhtunkhwa, Peshawar.

..... **APPELLANT**

**VERSUS**

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

..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 17.09.2019 WHEREBY THE APPELLANT HAS COMPULSORILY BEEN RETIRED FROM SERVICE AND AGAINST THE INACTION OF THE RESPONDENT BY NOT DECIDING THE REVIEW PETITION OF THE APPELLANT WITH IN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 17.09.2019 may very kindly be set aside and the respondents may kindly be directed to re-instate the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That appellant was initially appointed as Junior Clerk on 24.06.1981 and joined the present Department in 1984. Since then performing his duties in this Department quite efficiently, whole heartedly and up to the entire satisfaction of his superior for about 39 long years.
- 2- That while performing my duties the board of revenue asked for the information and certificates of passed candidates for promotion to

Filed to-day  
Registrar  
09/01/2020

the post of Naib Tehsildar; the appellant duly complying with the direction of the Board of Revenue forwarded list of the passed candidates with requisite information vide letter No.2851/LR-I/20-DENT dated 08-05-2018. Copy of the letter dated 08-05-2018 is attached as annexure ..... **A.**

**3-** That during the preparation of the aforesaid list another letter having the same number and date was also forwarded in a hasty manner and without any mala fide on the part of the appellant as the final list was the one which is mentioned in the above Para as Annexure A and the letter mentioned in above Para was also forwarded to the Board of Revenue. Copy of the second letter dated 08-05-2018 attached as annexure .....**B.**

**4-** That letter mentioned in Para 3 i.e. annexure B was based on and a show cause notice was issued to the appellant wherein five allegations were based for my removal from service. It is pertinent to mention here that the allegations were based on the incomplete list as the final and correct list was not taken in to consideration. Copy of the show cause notice is attached as annexure.....**C.**

**5-** That the appellant replied to the show cause notice, and clearly and categorically stated therein that the letter which is based for the show cause notice is a fake and bogus. The appellant had no concern with that fake and bogus letter. Similarly that fake and bogus letter was later on withdrawn/ cancelled will within time. Copy of reply to the show cause notice is attached as annexure.....**D.**

**6-** That astonishingly vide impugned order dated 17-09-2019 the appellant was compulsorily retired from service irrespective of the fact that the case of the appellant was a clear one and there were no illegality/ irregularity on the part of the appellant. Furthermore, the correct and legal letter was kept a side in the whole departmental proceeding. Copies of the impugned order dated 17-09-2019 is attached as annexure.....**E.**

**7-** That feeling aggrieved from the impugned order dated 17-09-2019 the appellant preferred review petition on 25-09-2019 before the competent authority. Copy of the review petition is attached as annexure.....**F.**

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

**GROUNDS:**

- A- That the impugned order dated 17.09.2019 is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 17.09.2019 which is not tenable and liable to set aside.
- D- That it is worth to mention here that the candidates who did not passed their departmental examination of Naib Tehsildar were shown in the list of letter dated 03-06-2019 on serial No. 14 and 15 respectively. So it is evident from this letter that correct letter dated 08-05-2018 were taken in to consideration for the necessary and needful actions but the appellant was made a scapegoat on the fake and bogus letter having the same number and date. Copy of the letter dated 03-06-2019 is attached as annexure.....**G.**
- E- That it is important to mention here that the fake and bogus letter dated 08-05-2018 was withdrawn/ cancelled being containing clerical mistakes vide order dated 03-07-2019. Copy of the order dated 03-07-2019 is attached as annexure.....**H.**
- F- That no charge sheet and statement of allegation has been served on appellant before the issuance of the impugned order dated 17-09-2019 hence the respondents had violated the principle of natural justice and the rules enumerated in the Khyber Pakhtunkhwa Civil Servants (Efficiency and Disciplinary) Rules, 2011.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF LAND RECORDS.

No. 2251 /LR-I/20-DENT  
Peshawar dated the 08 /05/2018

To,

The Assistant Secretary (Estt.),  
Board of Revenue, Khyber Pakhtunkhwa.

SUBJECT: PROVISION OF CERTIFICATE OF DEPARTMENTAL EXAMINATION OF  
NAIB TEHSILDAR.

Memo:

Reference your letter No.Estt.V/PF/Dep:Exa/Kgo/Naib Tehsildar/20601, dated,  
26/04/2018, on the subject noted above.

The requisite information is as under:-

S.No.	R.No with year	Name of Official.	Remarks
1	182/2010	Hazrat Hussain, Mardan	Passed
2	225/2010	Sadiq Akbar, Peshawar	Passed
3	184/2010	Habib ur Rehman	Passed
4	-	Muhammad Nadeem, Peshawar	Not traceable
5	-	Inayat ur Rehman, Peshawar	Not traceable
6	-	Abdul Jabbar	Not traceable
7	-	Saeedullah Khan	Not traceable
8	52/1996	Gohar Ali, Kanungo Nowshera	Passed
9	-	Muhammad Hamayun, Peshawar	Not traceable
10	-	Fazal Rabi, Kanungo, Peshawar	Not traceable
11	131/2010	Said Amin, Kanungo, Swabi	Passed
12	-	Sabz Ali, Kanungo, Mardan	Not traceable

ATTESTED

SUPERINTENDENT  
LAND RECORDS, KHYBER  
PAKHTUNKHWA

The Assistant Secretary Estt:  
Board of Revenue, Khyber Pakhtunkhwa.

Subject: **PROVISION OR CERTIFICATE OF DEPARTMENTAL EXAMINATION OF NAIB TEHSILDAR**

Memo:

Reference your letter No. Estt:/V/PF/Dep: Exa/Kgo/Naib Tehsildar 20601, dated 26.04.2018, on the subject above.

The requisite information is as under:-

S. No.	R. No with year	Name of Official	Remarks
1	182/2010	Hazrat Hussain, Mardan	Passed
2	225/2010	Sadiq Akbar, Peshawar	Passed
3	184/2010	Habib Ur Rehman	Passed
4	530/2008	Muhammad Nadeem, Peshawar	Passed
5	563/2008	Inayat Ur Rehman, Peshawar	Passed
6	-	Abdul Jabbar	Not traceable
7	-	Saeed Ullah Khan	Not traceable
8	52/1996	Gohar Ali, Kanungo Nowshera	Passed
9	-	Muhammad Hamayun, Peshawar	Not traceable
10	-	Fazal Rabi, Kanungo, Peshawar	Not traceable
11	131/2010	Said Amin, Kanungo, Swabi	Passed
12	302/2007	Sabz Ali, Kanungo, Mardan	Passed

ATTESTED

M

SUPERINTENDENT  
LAND RECORDS, KHYBER  
PAKHTUNKHWA



B-6

To

PROVISION OF PUBLIC HEALTH OFFICERS

MEMO

PROVISION OF PUBLIC HEALTH OFFICERS

MEMO

Reference your letter No. 87/13 dated 26/04/2018 on the subject noted above.

The requisite information is as under:-

S.No.	R.No with year	Name of Officer	Remarks
1	182/2010	Hazrat Hussain, Mardan	Passed
2	225/2010	Sadiq Akbar, Peshawar	Passed
3	184/2010	Habib ur Rehman	Passed
4	530/2008	Muhammad Nadeem, Peshawar	Passed
5	563/2008	Inayat ur Rehman, Peshawar	Passed
6	-	Abdul Jabbar	Not traceable
7	-	Saeedullah Khan	Not traceable
8	52/1996	Gohar Ali, Kanungo Nowshera	Passed
9	-	Muhammad Hamayun, Peshawar	Not traceable
10	-	Fazal Rabi, Kanungo, Peshawar	Not traceable
11	131/2010	Said Amin, Kanungo, Swabi	Passed
12	302/2007	Sabz Ali, Kanungo, Mardan	Passed

8/5/18

8/5/18

M.D.

SECRETARY  
PESHAWAR  
PACIFIC



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE AND ESTATE DEPARTMENT

SHOW CAUSE NOTICE.

C-7

I, Muhammad Salim, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve upon you, Mr. Ghulam Nabi, Superintendent, Director Land Records, Board of Revenue, as follow:

- i) That you, issued fake/bogus certificate with regard to passing of Departmental Examination of Naib Tehsildar in respect of Mr. Inayat-ur-Rehman and Muhammad Nadeem, Kanungos of District Peshawar vide letter No.2851/LR-I/20-DENT, dated 08.05.2018 duly endorsed vide letter No:DENT/3138, dated 24.06.2019 to get their accelerate promotion as Naib Tehsildar.
- ii) That one Muhammad Nadeem Kanungo even did not appear at all in the Departmental Examination of Naib Tehsildar, but you in connivance to him, issued fake & bogus certificate to which no such record exists.
- iii) That while Mr.Inayat-ur-Rehman Kanungo recently appeared in the Departmental Examination of Naib Tehsildar under R.No.NT19-340, the result of which is yet to be announced, but you in connivance to him, showed him as passed vide letters as referred to above to which no such record exists.
- iv) That when you came to know about all these facts, you withdrawn/cancelled both the letters quoted above.
- v) That you provided such certificates/passed clarity information without any permission/approval of the competent authority and issued at your risk, hence tantamount to be misconduct, inefficient & guilty of corruption.

2. I am satisfied that your these acts and omissions come under the purview of misconduct, inefficiency & corruption as such make you liable to be proceeded against under Rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you penalty of Removal from service under Rule-4 of the rules ibid.

4. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desired to be heard in person.

5. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

ATTESTED

M

*Muhammad Salim*

Muhammad Salim  
Chief Secretary, Khyber Pakhtunkhwa  
COMPETENT AUTHORITY

Mr. Ghulam Nabi, Superintendent  
Director Land Records, Board of Revenue.

To,

**THE HONOURABLE CHIEF SECRETARY**  
Khyber Pakhtunkhwa Peshawar

**Subject:- REPLY TO THE SHOW CAUSE NOTICE**

R/Sir,

Reference to your Show Cause Notice with no issue no. and date issued against me with certain allegation of malpractice against me, in this connection it is stated that.

1. I was appointed as junior Clerk 24.06.1981 and joined the present Department in 1984 and since performing my duties in the said Department quite efficiently, whole heartedly and upto the entire satisfaction on my high ups and as such have served the Department with an unblemished service record of 39 years.
2. In the show cause notice one of the allegation is regarding a letter dated 08.05/2018 which was forwarded/issued other official of the Department in very hap hazard manner and had created a misconception regarding the said information that the candidates who did not appeared in the examination the record of which shown as untraceable. (Flag-A)
3. Another fake & bogus letter with the same number & dated i.e 08/05/2018 is shown where the two candidate that were shown untraceable in the original letter dated 08.05.2018 are shown as passed the said letter is neither issued from my office nor has been signed by me rather issued with fake and bogus signature. Copy of the letter is attached. (Flag-B)
4. The Board of Revenue again asked information about the candidates that the said candidate shown as untraceable that candidates are shown as "NOT PASSED" which was clarified vide letter dated 03.06.2019. Copy of the letter date 03.06.2019 is attached.(Flag-C).
5. The Board of Revenue again issued another letter while requisitioning information about the first letter issued on 08.05.2018 and accordingly the Board of Revenue was properly assisted vide letter dated 24.06.2019 Copy of the letter dated 24.06.2019 is attached.(Flag-D).

**ATTESTED**

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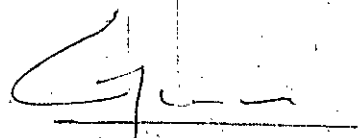
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6. That the above mentioned letter is issued due to miss conception hence the same was withdrawn/ cancelled well in time. Copy of the letter is attached. (Flag-E).
7. No one from the letters issued from the office of the undersigned has been suffered nor has any loss occurred to the Government exchequer hence the allegation of malpractice leveled against me is baseless.
8. While issuing the show cause notice and notice and placing allegation therein against me are baseless and incorrect, I am performing my duty in the last year of my service very honestly I am the only one to support my hole family. I have 14 Children four of them are disable. (Copy of CNIC are attached) an opportunity of personal hearing may kindly be give to me please.

it is, therefore most kindly requested that the show cause notice issued to me may be withdrawn and I may be exonerated from the charges leveled against me.

Dated: 26/07/2019

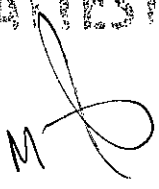
Obediently Yours,



**GHULAM NABI**  
(Superintendent)

Director Land Record,  
Khyber Pakhtunkhwa, Peshawar

**ATTESTED**





GOVERNMENT OF KHYBER PAKHTUNKHWA

BOARD OF REVENUE

REVENUE & ESTATE DEPARTMENT

Phone No. 091- 9210057 FAX No. 0919213989

Facebook ID: [www.facebook.com/landrecord.kpk](http://www.facebook.com/landrecord.kpk) Twitter ID: @Landrecord.kpk

Peshawar dated the 17/09/2019.

**NOTIFICATION**

No.LR-IV/DLR/Estt: /Vol:II/ 9646. WHEREAS, Mr. Ghulam Nabi, Superintendent of the office of Director Land Records, Khyber Pakhtunkhwa was proceeded against under Rules-5 (i)(a) read Rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for charges mentioned in the Show Cause Notice served upon him.

AND WHEREAS; the Secretary to Govt: of Khyber Pakhtunkhwa Auqaf, Hajj, Religious & Minority Affairs Department was nominated by the competent authority to hear the accused officer in person; on his behalf and submit findings/recommendations vide Para-13 of the note.

AND WHEREAS the Secretary to Govt: of Khyber Pakhtunkhwa Auqaf, Hajj, Religious & Minority Affairs Department, after having examined the charges and evidence produced before him, statement of accused official as well as personal hearing submitted report/recommendations, whereby the charges levelled against the accused official stand proved vide Para-15 of the note.

AND WHEREAS; the competent authority (Chief Secretary Khyber) after having examined the charges, evidence produced, statement of accused official, concur with the recommendations of Secretary to Govt: of Khyber Pakhtunkhwa Auqaf, Hajj, Religious & Minority Affairs Department.

NOW THEREFORE, the Competent Authority in exercise of the powers under of Rules-4 (b)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, impose major penalty of "Compulsorily Retirement" from service upon Mr. Ghulam Nabi, Superintendent, office of the Director Land Record, Khyber Pakhtunkhwa with immediate effect.

By order of,  
Competent Authority

End: No. DLR/Estt: Vol:II/ 9647-56

Copy for information / necessary action is forward to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. PS to Chief Secretary-I, Khyber Pakhtunkhwa.
3. Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. PS to Secretary to Govt: of Khyber Pakhtunkhwa Establishment Department.
5. PS to Secretary to Govt: of Khyber Pakhtunkhwa Auqaf, Hajj, Religious & Minority Affairs Department.
6. PA to Director Land Records, Khyber Pakhtunkhwa.
7. PA to Secretary-I, Board of Revenue, Khyber Pakhtunkhwa.
8. Bill Assistant / LR-II, DLR Office, Khyber Pakhtunkhwa.
9. Accused concerned (Ghulam Nabi).
10. Office order file.

ATTESTED

Senior Member  
Board of Revenue

F-11

The Honorable Chief Minister,  
Khyber Pakhtunkhwa.

Subject: **REVIEW PETITION AGAINST THE IMPUGNED  
NOTIFICATION DATED 17.09.2019**

R/Sir,

**Most humbly appellant begs to submit as under:**

1. That appellant was the employee of Revenue Department and has served the concerned Department for more than 39 years quite efficiently and up to the entire satisfaction of his superiors.
2. That during service the appellant was promoted to the post Superintendant (BPS-17) and after promotion the appellant has served the department with all zeal and zest.
3. That during service the appellant was served with show cause notice on the basis of anonymous complaint. That in the aforementioned show cause notice with certain allegations of malpractice against the appellant and appellant properly replied the said show cause notice along with documentary proofs and denied all the allegations leveled against the appellant.
4. That astonishingly the concerned authority without entering into the controversy issued the impugned order dated 17.09.2019 whereby major penalty of compulsory retirement has been imposed on the appellant.
5. That appellant feeling aggrieved from the impugned order dated 17.09.2019 preferred the instant review petition before your good self on the following grounds amongst the others:

**GROUND:**

- 1- That the impugned Notification dated 17.9.2019 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- 2- That appellant has not been treated by the concerned authority in accordance with law and rules on the subject noted above and as such the concerned authority violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- 3- That no charge sheet and statement of allegation has been issued to the appellant before issuing the impugned order dated 17.09.2019.

**ATTESTED**

M

- 4- That the show cause notice so issued to the appellant contain no issue no and also undated, therefore the same is also not tenable in the eye of law and rules.
- 5- That no regular inquiry has been conducted in the matter which is necessary as per Supreme Court judgments.
- 6- That no chance of personal hearing/ defense has been provided to the appellant which is mandatory as per judgment of the apex Court before taking punitive actions against the civil servants.
- 7- That the action has been taken against the appellant on the basis of anonymous complaint. That as per ESTA CODE instruction **"anonymous communications must invariably be filed on their receipt and no action of any kind is to be taken on them"**.

It is therefore, most humbly prayed that on acceptance of this review petition the major penalty of compulsory retirement imposed on the appellant vide impugned Notification dated 17/09/2019 may very kindly be set aside and the appellant may be reinstated with all back benefits. Any other remedy which your good self deems fit that may also be awarded in my favor.


Dated: 25.09.2019

YOUR'S OBEDIENTLY

  
GHULAM NABI

Superintendant (BPS-17),  
Board of Revenue  
Khyber Pakhtunkhwa, Peshawar.

ATTESTED

  
M



GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE AND ESTATE DEPARTMENT

G-13

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

@LandrecordKP

No. 7591 /LR-I/ DENT

Peshawar dated the 03/06/2019

To,

The Assistant Secretary (Estt.),  
Board of Revenue, Khyber Pakhtunkhwa.

SUBJECT:

PROVISION OF CERTIFICATE OF DEPARTMENTAL  
EXAMINATION OF NAIB TEHSILDAR.

Memo:

Reference your letter No. Estt:V/Dep:Exam/KGO/Naib Tehsildar/20162 dated, 23/05/2019 and this office Notification No.1824/LR-I/DENT/2009-2010 dated 20/02/2010 on the subject noted above

The requisite information is as under:-

S.No.	R.No with year	Name of Official.	Remarks
1	146/2010	Sultan Zeb, Swat	Passed
2	157/2010	Mian Gul Hilal, Swat	Passed
3	176/2010	Gul Shahzad s/o Shahzada, Dir Lower	Passed
4	179/2010	Shaukat Ali s/o Abdul Ghaffar , Dir Upper	Passed
5	184/2010	Habib ur Rehman, Dir Lower	Passed
6	186/2010	Dildar Khan s/o Abdur Rehman, Abbottabad	Passed
7	204/2010	Muhammad Roshan s/o Abdur Raziq	Passed
8	268/2010	Ibrar Ahmad, NT, Swat	Passed
9	153/2010	Muhammad Zubair, Swat	Passed
10	154/2010	Muhammad Room, Swat	Passed
11		Fateh Khan, Kanungo, Swat	Not Passed
12		Muhammad Tahir, Kanungo Dir Lower	Not Passed
13		Abdur Rashid, Kanungo Dir Lower	Not Passed
14		Inayat ur Rehman, Kanungo Peshawar	Not Passed
15		Mohammad Nadeem, Kanungo Peshawar	Not Passed
16		Abdul Jabbar, Kanungo Nowshera	Not Passed
17		Saeed ullah Khan, Kanungo, Nowshera	Not Passed
18		Gohar Ali, Kanungo Nowshera	Not Passed
19		Muhammad Hamayun, Kanungo Peshawar	Not Passed
20		Fazal Rabi, Kanungo Peshawar	Not Passed
21		Jehangir Khan, Kanungo Peshawar	Not Passed
22		Tesin Ullah, Kanungo Peshawar	Not Passed
23		Waqif Khan, Kanungo Peshawar	Not Passed

ATTESTED

M

DIRECTOR LAND RECORDS  
KHYBER PAKHTUNKHWA



GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE AND ESTATE DEPARTMENT

Phone: 091-9210057 fb.com/landrecord.kpk

E-Mail: landrecord:kpk@gmail.com

@LandrecordKP

No. 7590 /DENT.

Peshawar dated the 03/07/2019

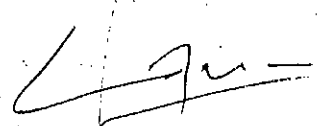
To,

The Assistant Secretary (Estt.),  
Board of Revenue, Khyber Pakhtunkhwa.


SUBJECT: PROVISION OF CERTIFICATE OF DEPARTMENTAL  
EXAMINATION OF NAIB TEHSILDAR.

Memo:

Please refer to the subject noted above and to state this office letter bearing No.2851/LR-I/DENT dated 08/05/2018 and No.3138/DR, dated 24/06/2019 may be treated as withdrawn/cancelled being containing clerical mistakes.

  
SUPERINTENDENT  
LAND RECORDS, KHYBER  
PAKHTUNKHWA

ATTESTED



**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

\_\_\_\_\_ OF 2019

Ghulam Nabi

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Govt. of KP & Others

(RESPONDENT)  
(DEFENDANT)

I/We Ghulam Nabi

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

Dated. \_\_\_\_/\_\_\_\_/2018

Ghulam Nabi  
CLIENT

Noor Mohammad Khattak  
**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH YOUSAFZAI**

&

Mir Zaman Safi  
**MIR ZAMAN SAFI**  
ADVOCATES

**OFFICE:**

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Phone: 091-2211391  
Mobile No. **0345-9383141**

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

**Service appeal No.277 of 2020.**

Ghulam Nabi, Ex-Superintendent  
Office of the Director Land Records,  
Khyber Pakhtunkhwa.....

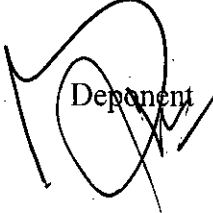
**Appellant**

**VERSUS**

1. The Chief Secretary, Khyber Pakhtunkhwa Peshawar.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. The Director Land Records, Khyber Pakhtunkhwa, Peshawar ..... **Respondents**

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Deponent

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

**Service appeal No.277 of 2020.**

Ghulam Nabi, Ex-Superintendent office of the Director Land Records, Khyber Pakhtunkhwa .....**Appellant**

**VERSUS**

- 1. The Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 3. The Director Land Records, Khyber Pakhtunkhwa, Peshawar ..... **Respondents**

**PARAWISE REPLY/COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 & 3**

**PRELIMINARY OBJECTIONS:**

- a. That the Appellant has already attained the age of superannuation for retirement i.e. 60 years as according to his CNIC his date of birth is 20.09.1959, as such was due for retirement on 19.09.2019. The appellant had also requested for retirement vide application dated 30/07/2019 (**Annexure-A**).
- b. That the Appellant was earlier compulsorily retired from service on the ground of his misconduct and inefficiency. However, on the directions of this Hon'able court was conditionally reinstated subject to any contrary order of Supreme Court of Pakistan as CPLA has been filed, which is still adjudicated.
- c. That the Appellant has got no cause of action.
- d. That the Appellant has not come with clean hands to this Honourable court.
- e. That the Appellant has no locus standi to bring the present appeal.
- f. That the Appellant has no legal grounds in support of his appeal.
- g. That the appeal is bad on account of non-joinder and mis-joinder of un-necessary parties.

**ON FACTS:**

- 1. That the contents of Para 1 are admitted to the extent that the Appellant joined the respondent Department in the year, 1984 and continued to serve there till the date of his compulsory retirement on account of misconduct and inefficiency till 17.09.2019.

Though it may not have any bearing on the fate of the instant appeal, yet in order to keep the record straight, it is submitted that during his stay in this department, a number of adverse reports/ complaints of corruption, inefficiency & misconduct were registered against the Appellant which are part of his personal record.

- 2. That the contents of Para 2 are misleading, mischievous and hence denied. In fact, vide his letter No. 2851/LR-I/20-DENT dated 08.05.2018 (**Annexure-B**), addressed to Assistant Secretary (Estt), BoR, KP, duly endorsed vide his letter No. DENT/3138 dated 24.06.2019 (**Annexure-C**), the Appellant deliberately issued fake/bogus certificates, whereby two Kanungos of District Peshawar viz; M/s Inayat-ur-Rehman and Muhammad Nadeem, were shown to have passed the Departmental Examination for promotion to the post of Naib Tehsildar despite the fact that these two Kanungos had not even appeared in the examination in question. It was an attempt on the Appellant's part to get their unjustified promotion through back door with malafide.

3. That the contents of Para 3 are misleading and hence vehemently denied. In fact the Appellant got the clue that his conduct was detected and that a 'Show Cause Notice' was served on him, he preferred to withdraw/cancel his earlier letters vide another letter No.7590/DENT dated 03.07.2019 (**Annexure-D**). This, however, proved to be a futile attempt on his part to hoodwink the department.

In the meantime, he requested for early retirement vide his application dated 30/07/2019 (**Annexure-A**).

4. That the contents of Para 4 are not correct, hence denied. The 'Show Cause Notice' was served upon the Appellant for his willful acts of misconduct, inefficiency and corruption (**Annexure-E**) as defined in the Government of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules 2011.

5. That the contents of Para 5 are incorrect, mischievous and misleading, hence denied. His reply was duly examined but was found unsatisfactory as the Appellant, vide his letter dated 08.05.2018, mentioned the names of two Kanungos of Peshawar (M/s Inayat-ur-Rehman and Muhammad Nadeem) in the list of successful candidates for promotion to the post of Naib Tehsildar for which he was asked to 'Show Cause' (**Annexure-E**).

6. That the contents of Para 6 are incorrect, hence denied. It may please be appreciated that, in order to serve the norms of justice and with a view to afford him a fair chance of defending himself, the Appellant was served with the 'Show Cause Notice'. In this connection, the following points deserve to be noted:

i. That the Appellant submitted his reply vide his letter dated 26.07.2019 (**Annexure-F**) which was duly examined.

ii. That the Secretary to Government of Khyber Pakhtunkhwa, Auqaf, Hajj, Religious & Minority Affairs Department, was nominated by the competent authority (Chief Secretary) to hear the accused officer in person and submit his recommendations/findings (**Annexure-G**).

iii. That the Appellant appeared in person before the authorized officer mentioned in sub-para ii above and could not present any convincing arguments in his defense. (**Annexure-H**).

iv. That the authorized officer mentioned in sub-para ii above, after having examined the charges and evidence produced before him, statement of the accused official as well as personal hearing, submitted report/recommendations whereby the charges levelled against the accused official were found established (**Annexure-I**).

v. That thereafter, the competent authority, in exercise of the powers vested on him under Rule 4(b)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, decided to impose the penalty of "Compulsory Retirement" from service on the Appellant with immediate effect i.e. 17.09.2019 (**Annexure-J**).

vi. That in the meantime, the Appellant requested for early retirement vide his letter dated 30/07/2019 (**Annexure-A**).

7. It is important to mention that the date of birth of the Appellant, as per his CNIC, is 20.09.1959 (**Annexure-K**). As such, he has already attained the age of superannuation i.e. 60 years, on 19.09.2019. Therefore, any decision in his favour would not accrue him any financial gains at this point of time.

8. That the contents of Para 8 are incorrect, hence denied. As explained vide para 2 of the Facts

**GROUNDS:**

A- That the contents of Para- A are unreasonable and incorrect, hence vehemently denied. As sufficiently explained in the preceding paras, all actions have been taken in accordance with the requirements of standard Rules and the codal formalities were duly fulfilled and all fair chances of defending himself were afforded to the Appellant before arriving to the final decision.

B- That the contents of Para-B are incorrect, hence denied. The Appellant has been treated very judiciously and has always been given full opportunities of defending himself. However, he failed to prove himself innocent.

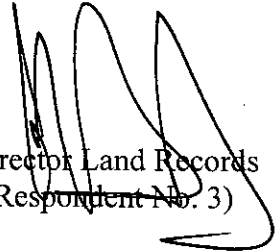
C- That the contents of Para-C are mere rhetoric, having no relevance whatsoever with the facts of the matter, hence denied.


D- That the contents of Para-D are not correct, hence denied. As sufficiently explained in the preceding paras, the Appellant deliberately attempted to extend benefit to candidates who even did not appear in examination. It was unprecedented and definitely for ulterior motives. These dishonest people do not deserve any sympathy.

E- That the contents of Para-E are misleading, hence denied. As explained in the preceding paras, the Appellant is a clever person. When he got the clue that the matter was taken into consideration for initiating action by the authorities and that a 'Show Cause Notice' was being served upon him, he withdrew/cancelled his earlier letters vide another letter No.7590/DENT dated 03.07.2019 (Annexure-D). It was, however, a futile attempt on his part to hoodwink his department.

F- That the contents of Para-F are unrealistic, hence denied. As explained in the preceding paras, the Appellant was given full opportunities of defending himself, as required under the rules but he failed to prove himself innocent. Since charges were admitted by the appellant, hence action was initiated as required under rules 7 of the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules 2011.

G- That the contents of Para-G need no comments/reply. The respondent may be allowed for any additional grounds at the time of hearing.

  
Director Land Records  
(Respondent No. 3)

  
(Respondent No. 1 & 2)

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

**Service appeal No.277 of 2020.**

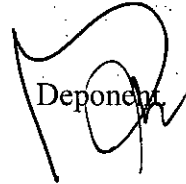
Ghulam Nabi, Ex-Superintendent  
Office of the Director Land Records,  
Khyber Pakhtunkhwa.....**Appellant**

**VERSUS**

1. The Chief Secretary, Khyber Pakhtunkhwa Peshawar.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. The Director Land Records, Khyber Pakhtunkhwa, Peshawar ..... **Respondents**

**AFFIDAVIT**

I, Murad Ali, Superintendent Land Records, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm on Oath that the contents of the attached reply to the Service Appeal No. 277 of 2020 are true and correct to the best of knowledge and believe and that nothing therein has been concealed or withheld from this Honourable Court.

  
Deponent

Identified by

Advocate General,  
Khyber Pakhtunkhwa.

17 (5)

Director Land Records  
Dy No 5638  
Date 26/8/19  
Office of Director Land Records  
Khyber Pakhtunkhwa

To,  
The Director Land Records,  
Board of Revenue, Khyber Pakhtunkhwa.

Subject: **APPLICATION FOR RETIREMENT FROM SERVICE.**

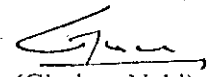
Respected Sir,

With due respect it is submitted that I was appointed as Junior clerk on 26.06.1984 in the office of the Director Land Records and subsequently promoted as Superintendent through Departmental Promotion Committee by Board of Revenue vide order dated, 08.04.2003 and since then I am performing my duties to the entire satisfaction of my superiors.

Sir, I have rendered about 39 years unblamable service in the office of the Director Land Records and is about 58 years of age. Besides, I am suffering from some disease and is sever pain in my back bone. I have also some domestic problems, due to which I can not keep continue my service.

Keeping in view the above, it is humbly requested that I may kindly be allowed to retire from service with effect from 01.09.2019 for which I shall be very thankful sir.

Dated 30.07.2019

Yours sincerely,  
  
(Ghulam Nabi)  
Superintendent  
Director Land Records office,  
Khyber Pakhtunkhwa.

*SUR-II*  
*62-12*  
*The*  
*26/8/19*



(6)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF LAND RECORDS.

No. 2251 /L.R-I/20-DEPT  
Peshawar dated the 23 /05/2018

To,

The Assistant Secretary (Estt.),  
Board of Revenue, Khyber Pakhtunkhwa.

SUBJECT: PROVISION OF CERTIFICATE OF DEPARTMENTAL EXAMINATION OF  
NAIB TEHSILDAR.

Memo:

Reference your letter No.Esst:V/PF/Dep:Exa/Kgo/Naib Tehsildar/20601, dated,  
26/04/2018, on the subject noted above.

The requisite information is as under:-

S.No.	R.No with year	Name of Official.	Remarks
1	182/2010	Hazrat Hussain, Mardan	Passed
2	225/2010	Sadiq Akbar, Peshawar	Passed
3	184/2010	Habib ur Rehman	Passed
4	-	Muhammad Nadeem, Peshawar	Not traceable
5	-	Inayat ur Rehman, Peshawar	Not traceable
6	-	Abdul Jabbar	Not traceable
7	-	Saeedullah Khan	Not traceable
8	52/1996	Gohar Ali, Kanungo Nowshera	Passed
9	-	Muhammad Hamayun, Peshawar	Not traceable ✓
10	-	Fazal Rabi, Kanungo, Peshawar	Not traceable
11	131/2010	Said Amin, Kanungo, Swabi	Passed
12	-	Sabz Ali, Kanungo, Mardan	Not traceable

  
SUPERINTENDENT  
LAND RECORDS, KHYBER  
PAKHTUNKHWA



DEPARTMENT OF KHYBER PAKHTUNKHWA  
REVENUE AND ESTATE DEPARTMENT

Phone: 091-9210057 fb.com/landrecord.kpk

E-Mail: landrecord.kpk@gmail.com

@LandrecordKP

No. DENT/ 3138

Peshawar dated the 9/06/2019

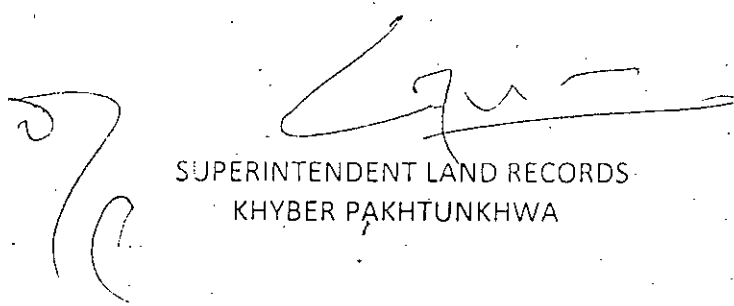
To,

The Assistant Secretary(Estt:),  
Board of Revenue, Khyber Pakhtunkhwa.

SUBJECT: VERIFICATION OF PATWAR PASS EXAMINATION RESULT.

Memo:

Reference your letter No. Estt:V/Dep:Exam/KGO/Naib Tehsildar/19295 dated, 15/05/2019 on the subject and to state the requisite information/confirmation to the extent of M/S Inayat ur Rehman and Nadeem, Kanungos of Peshawar District has already been communicated to you vide this Department letter No.2851/LR-I/20-DENT dated 08/05/2018.

  
SUPERINTENDENT LAND RECORDS  
KHYBER PAKHTUNKHWA

GOVERNMENT  
REVENUE

10  
87  
7  
KHYBER PAKHTUNKHWA  
REVENUE DEPARTMENT

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

@LandrecordKP

No. 7590 / DENT.

Peshawar dated the 03/08/2019

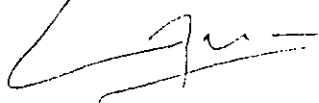
To,

The Assistant Secretary (Estt.),  
Board of Revenue, Khyber Pakhtunkhwa.

SUBJECT: PROVISION OF CERTIFICATE OF DEPARTMENTAL  
EXAMINATION OF NAIB TEHSILDAR.

Memo:

Please refer to the subject noted above and to state this office letter bearing No.2851/LR-I/DENT dated 08/05/2018 and No.3138/DR, dated 24/06/2019 may be treated as withdrawn/cancelled being containing clerical mistakes.

  
SUPERINTENDENT  
LAND RECORDS, KHYBER  
PAKHTUNKHWA

15

9



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE AND ESTATE DEPARTMENT

SHOW CAUSE NOTICE

1. Muhammad Salim, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve upon you, Mr. Ghulam Nabi, Superintendent, Director Land Records, Board of Revenue, as follow:

- i) That you, issued fake/bogus certificate with regard to passing of Departmental Examination of Naib Tehsildar in respect of Mr. Inayat-ur-Rehman and Muhammad Nadeem, Kanungos of District, Peshawar vide letter No.2851/R-1/20-DENT, dated 08.05.2018 duly endorsed vide letter No.DENT/3138, dated 24.06.2019 to get their accelerate promotion as Naib Tehsildar.
- ii) That one Muhammad Nadeem Kanungo even did not appear at all in the Departmental Examination of Naib Tehsildar, but you in connivance to him, issued fake & bogus certificate to which no such record exists.
- iii) That while Mr. Inayat-ur-Rehman Kanungo recently appeared in the Departmental Examination of Naib Tehsildar under R.No.NT19-340, the result of which is yet to be announced, but you in connivance to him, showed him as passed vide letters as referred to above to which no such record exists.
- iv) That when you came to know about all these facts, you withdrawn/cancelled both the letters quoted above.
- v) That you provided such certificates/passed clarity information without any permission/approval of the competent authority and issued at your risk, hence tantamount to be misconduct, inefficient & guilty of corruption.

2. I am satisfied that your these acts and omissions come under the purview of misconduct, inefficiency & corruption as such make you liable to be proceeded against under Rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you penalty of Removal from service under Rule-4 of the rules ibid.

4. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desired to be heard in person.

5. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

Muhammad Salim  
Chief Secretary, Khyber Pakhtunkhwa  
COMPETENT AUTHORITY

Mr. Ghulam Nabi, Superintendent  
Director Land Records, Board of Revenue

10  
3

Handwritten notes in a box:  
K.P. W. 12  
01-08-19

**THE HONOURABLE CHIEF SECRETARY**  
Khyber Pakhtunkhwa Peshawar

PS/Secy E&AD KP  
Diary No. 7448/WF  
Date 31-7-19  
Date 31-7-19

**Subject:- REPLY TO THE SHOW CAUSE NOTICE**

R/Sir,

Reference to your Show Cause Notice with no issue no. and date issued against me with certain allegation of malpractice against me, in this connection it is stated that.

1. I was appointed as junior Clerk 24.06.1981 and joined the present Department in 1984 and since performing my duties in the said Department quite efficiently, whole heartedly and upto the entire satisfaction on my high ups and as such have served the Department with an unblemished service record of 39 years.
2. In the show cause notice one of the allegation is regarding a letter dated 08.05.2018 which was forwarded/issued other official of the Department in very hap hazard manner and had created a misconception regarding the said information that the candidates who did not appeared in the examination the record of which shown as untraceable. (Flag-A)
3. Another fake & bogus letter with the same number & dated i.e 08/05/2018 is shown where the two candidate that were shown untraceable in the original letter dated 08.05.2018 are shown as passed the said letter is neither issued from my office nor has been signed by me rather issued with fake and bogus signature. Copy of the letter is attached. (Flag-B)
4. The Board of Revenue again asked information about the candidates that the said candidate shown as untraceable that candidates are shown as "NOT PASSED" which was clarified vide letter dated 03.06.2019. Copy of the letter date 03.06.2019 is attached.(Flag-C).
5. The Board of Revenue again issued another letter while requisitioning information about the first letter issued on 08.05.2018 and accordingly the Board of Revenue was properly assisted vide letter dated 24.06.2019 Copy of the letter dated 24.06.2019 is attached.(Flag-D).

02  
RECAD. DIARY No. 01-08-19  
Date

30/7

Secy E&AD

Handwritten signature

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE AND ESTATE DEPARTMENT  
PHONE # 091-9210057 FAX # 091-9213989  
E-MAIL: LANDRECORD.KPK@GMAIL.COM

11  
20

**NOTE TO CHIEF SECRETARY, KHYBER PAKHTUNKHWA.**

**Subject: DISCIPLINARY ACTION AGAINST MR.GHULAM NABI,  
SUPERINTENDENT OFFICE OF THE DIRECTOR LAND RECORDS,  
BOARD OF REVENUE, KHYBER PAKHTUNKHWA.**

A complaint received from Mr. Muhammad Humayun, Muhammad Waqif, Saeedullah Khan & Muhammad Jabbar (presently working as Naib Tehsildars in OPS) against the result card of Mr. Inayat-ur-Rehman and Muhammad Nadeem Kanungos of District Peshawar (Annexure-A).

2. After examination of the record, it was found out that Superintendent of the office of the Director Land Records, Mr.Ghulam Nabi has signed contradictory letters and without any approval of the Competent Authority, addressed to Assistant Secretary (Establishment), Board of Revenue, showing Mr.Inayat-ur-Rehman and Muhammad Nadeem Kanungos as passed candidates in the Departmental Examination of Naib Tehsildar. However, the result Notification issued vide No.5916/LR-I/DENT/08, dated 19.04.2008 does not match any of the details provided by Superintendent. As is elaborated under:-

S.No.	Letter No.	Date	Communicated Result of Mr. Inayat-ur-Rehman R.No.563/2008 and Muhammad Nadeem 530/2008 Kanungos.
01	No.2851/LR-I/20-DENT	08.05.2018	Not Traceable (Annexure-B).
02	No.2851/LR-I/20-DENT	08.05.2018	Passed(Annexure-C).
03	DENT/3138	24.06.2019	Passed endorsed (Annexure-D).
04	7590/DENT	03.07.2019	Letters Cancelled/Withdrawn (Annexure-E).

3. Whereas the result Notification No.5916/LR-I/DENT/08, dated 19.04.2008 (Annexure-F), details are as under:-

S.No.	R.No.	Name	Result vide Notification No.5916/LR-I/DENT/08, dated 19.04.2008
01	not allotted	Inayat-ur-Rehman	Neither he appeared nor his name exists in the Result notification. Recently he appeared under R.No.NT-340, the result of which is awaited.
02	not allotted	Muhammad Nadeem	Neither he appeared nor his name exists in the Result notification.

3. Since gross negligence, inefficiency, misconduct and corruption has been committed by the said Superintendent and the charge is proved against the accused.

10/0 Additional Secretary (R-II)  
Establishment Administration



REVD-1394

D.No

Date

516

17-07-08

12

Therefore, Show Cause Notice as required under Section-7 of the Civil Servants (Efficiency & Discipline) Rules-2011 may please be issued.

4. The Chief Secretary, Khyber Pakhtunkhwa is the competent authority in respect of officers in BS-17 as per S.No.1(b) of Rule-4 of the Civil Servants (Appointment, Promotion & Transfer) Rules-1989 (Annexure-G).

5. Draft Show Cause Notice (Annexure-H) is submitted for the perusal & signature of Chief Secretary please.

*M. J. Khan*  
09/07/2019  
SMBR/Secretary,  
Revenue & Estate Department

Senior Member  
Board of Revenue  
Khyber Pakhtunkhwa

Chief Secretary,  
Khyber Pakhtunkhwa.

6.

*P. examine*

*Recd/Estab*

*[Signature]*  
11/7  
CHIEF SECRETARY  
Govt. of Khyber Pakhtunkhwa

PS/SMBR
Dy No 153
FTS/REV 1394
Date 11-7-2019
Govt. of Khyber Pakhtunkhwa

CA/C.S Khyber Pakhtunkhwa  
No: 3065  
Date: 11.7.19

PS/Secy E&AD/KP  
Diary No. 1529  
FTS No. 13768  
Date: 12.7.19

*N.P.P.*

426  
G.O. P.F. IV  
G&AD, Diary No. 127-19  
Date: 12-7-19

7. The Note for Chief Secretary, Khyber Pakhtunkhwa submitted by Revenue & Estate Department regarding disciplinary proceedings against Mr. Ghulam Nabi Superintendent Office of the Director Land Records, has been examined.

8. The Senior Member Board of Revenue has proposed disciplinary proceedings against the accused officer under Rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, as the accused issued fake/bogus certificate with regard to passing of Departmental Examination of Naib Tehsildars in respect of Mr. Inyat-ur-Rehman and Muhammad Nadeem Kanungos of District Peshawar.

9. The Administrative Department has proposed that direct Show Cause Notice be served upon the accused officer in terms of Rule-7 of the Government Servants (Efficiency and Discipline) Rules, 2011 for reasons as mentioned in the Show Cause Notice.

10. Under Rule 5(1)(a) read with Rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the competent authority shall dispense with the inquiry. Therefore, direct show cause notice is to be served upon the accused officer (Annex-J).

11. The Chief Secretary, Khyber Pakhtunkhwa, being competent authority may sign the Show Cause Notice (Annex-H), inserting a penalty from the list of penalties under Rule-4 of rules ibid (Annex-J).

(Syed Jamal-ud-Din Shah)  
Secretary Establishment  
July 18 2019

Chief Secretary  
Khyber Pakhtunkhwa

*[Handwritten Signature]*

*[Handwritten Initials]*

**CHIEF SECRETARY**  
Govt. of Khyber Pakhtunkhwa

S.M.B.R

CA/C.S Khyber Pakhtunkhwa  
No. 3065  
Date: 18/7/19

PS/Secy E&AD\*KP  
Library No. 1539  
FTS No. 18/7/19



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12. In response to the Establishment Department letter No.SOR.IV(E&AD)/14-1/19 dated 2<sup>nd</sup> August, 2019 (Annexure-K), the Para-wise reply to the appeal in respect of the incumbent (Ghulam Nabi, Superintendent Land Record) is hereby forwarded vide (Annexure-L) for further necessary orders please.

*M. J. Khan*  
28/08/2019  
Senior Member

Senior Member  
Board of Revenue  
Khyber Pakhtunkhwa

Chief Secretary  
Khyber Pakhtunkhwa

13

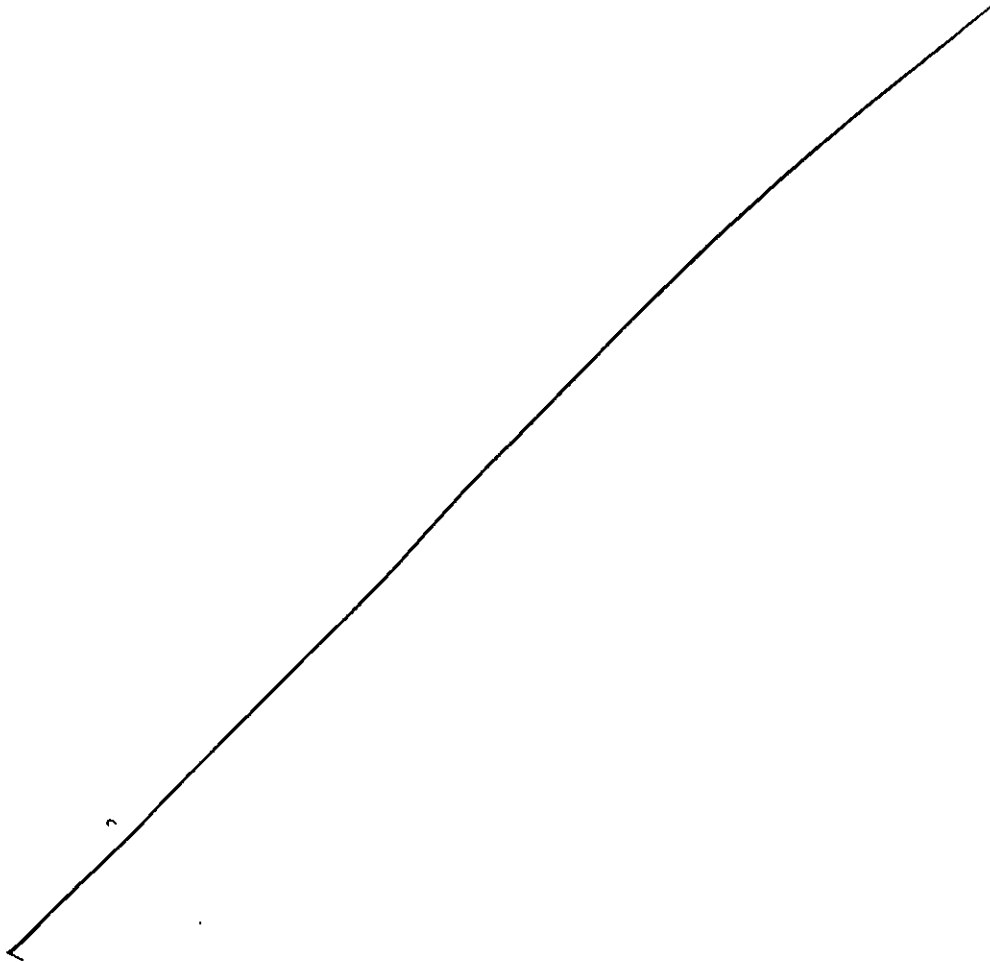
Secretary is directed to  
contact personal hearing &  
provide response

PS/SMR	153
Dy No	
FTS/R/REV/D	1394
Date	27-8-2019
Govt. of Khyber Pakhtunkhwa	

*Secy / Augat*

*S*  
*28/8*  
CHIEF SECRETARY  
Govt. of Khyber Pakhtunkhwa

3065  
27/8/19



Reference Para-13/N

- 14. The accused, Mr. Ghulam Nabi, Superintendent, Directorate of Land Records, Board of Revenue appeared. Departmental representative, Mr. Ajmal also attended the proceedings.
- 15. The accused officer could not present any convincing arguments in his defense. The penalty imposed upon Mr. Ghulam Nabi is in accordance with Law/rules.

*[Signature]*  
 05/09/2019  
 Secretary AHR&MA  
 Department

Chief Secretary,  
Khyber Pakhtunkhwa

16. He be retired compulsarily

*[Signature]*  
 14/9

17. Secy Estab / S.M.B.R.

DUR

*[Signature]*

*[Signature]*  
 SECRETARY ESTABLISHMENT  
 Establishment & Administration  
 Department.

13/09/2019

PS to Secretary (Auqaf)  
 Dairy No. 451  
 Dated 05-9-2019

CA/S Khyber Pakhtunkhwa  
 No. 3085  
 Date: 6/9/19

Dy. No.	PS/SMBR 153
FTS/REVD	1394
Date	13-9-2019
Govt. of	Khyber Pakhtunkhwa

PS/Secy E&AD/KR  
 Dairy No. 1329  
 S.No. 1329  
 Date: 13-9-19



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Phone No. 091- 9210057 FAX No. 0919213989  
Facebook ID: [www.facebook.com/landrecord.kpk](http://www.facebook.com/landrecord.kpk) Twitter ID: @Landrecord.kpk

Peshawar dated the 17/09/2019.

NOTIFICATION

No.LR-IV/DLR/Estt: /Vol:II/ 9646 . WHEREAS, Mr. Ghulam Nabi, Superintendent of the office of Director Land Records, Khyber Pakhtunkhwa was proceeded against under Rules-5 (i)(a) read Rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for charges mentioned in the Show Cause Notice served upon him.

AND WHEREAS; the Secretary to Govt: of Khyber Pakhtunkhwa Auqaf, Hajj, Religious & Minority Affairs Department was nominated by the competent authority to hear the accused officer in person, on his behalf and submit findings/recommendations vide Para-13 of the note.

AND WHEREAS the Secretary to Govt: of Khyber Pakhtunkhwa Auqaf, Hajj, Religious & Minority Affairs Department, after having examined the charges and evidence produced before him, statement of accused official as well as personal hearing submitted report/recommendations, whereby the charges levelled against the accused official stand proved vide Para-15 of the note.

AND WHEREAS; the competent authority (Chief Secretary Khyber) after having examined the charges, evidence produced, statement of accused official, concur with the recommendations of Secretary to Govt: of Khyber Pakhtunkhwa Auqaf, Hajj, Religious & Minority Affairs Department.


NOW THEREFORE, the Competent Authority in exercise of the powers under of Rules-4 (b)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, impose major penalty of "Compulsorily Retirement" from service upon Mr. Ghulam Nabi, Superintendent, office of the Director Land Record, Khyber Pakhtunkhwa with immediate effect.

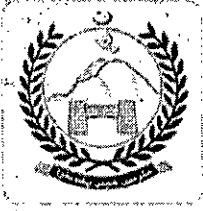
By order of,  
Competent Authority

End: No. DLR/Estt: Vol:II/ 9647-56

Copy for information / necessary action is forward to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. PS to Chief Secretary-I, Khyber Pakhtunkhwa.
3. Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. PS to Secretary to Govt: of Khyber Pakhtunkhwa Establishment Department.
5. PS to Secretary to Govt: of Khyber Pakhtunkhwa Auqaf, Hajj, Religious & Minority Affairs Department.
6. PA to Director Land Records, Khyber Pakhtunkhwa.
7. PA to Secretary-I, Board of Revenue, Khyber Pakhtunkhwa.
8. Bill Assistant / LR-II, DLR Office, Khyber Pakhtunkhwa.
9. Accused concerned (Ghulam Nabi).
10. Office order file.

  
Senior Member  
Board of Revenue



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No. 1909 /ST

Dated: 24/09 /2021

All communications should be  
addressed to the Registrar KPK Service  
Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To

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

Subject: JUDGMENT IN APPEAL NO. 277/2020, MR. GHULAM NABI.

I am directed to forward herewith a certified copy of Judgement dated  
08.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

246929

Roll No. 22719

Board of Intermediate and Secondary Education  
Peshawar

CHECKED AND FOUND CORRECT

Assistant Secretary  
(Certificates SSC)  
BISE Peshawar

14/03/1979  
14/03/1979

Secondary School Certificate Examination  
SESSION 1978 (ANNUAL)

This is to certify that Ghulam Nabi  
Ghulam Akbar  
Son/Daughter of \_\_\_\_\_  
and a student of Govt : High School Badaber (Peshawar)  
has passed the **SECONDARY SCHOOL CERTIFICATE EXAMINATION** of  
the Board of Intermediate and Secondary Education, Peshawar held in April, 1978  
as a Regular candidate. He/She obtained 285 Marks out of 850/800/1000.  
and has been placed in Grade E Representing Satisfactory

The Candidate passed in the following Subjects :

- |              |                      |         |
|--------------|----------------------|---------|
| 1. English   | 4. Pakistan Studies. | 7. Art. |
| 2. Urdu      | 5. General Science.  |         |
| 3. Islamiyat | 6. Islamic Studies.  |         |

He/She has been awarded Grade E on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is Tenth December  
one thousand nine hundred and Sixty Only ( 10-12-1960 )

[Signature]  
Asstt: Secretary

7th August 1978.

[Signature]  
Secretary  
of Revenue  
Pakhtun

[Signature]  
SECRETARY.

This certificate is issued without alteration or transference.

SERVICE BOOK

OF

GHULAM NAIBI

ASSISTANT

BPS-15

*Supdt.*

*Land Records Dept.*

*B-16*

*N.E. 7 8.403*

DIRECTORATE OF

LAND RECORDS

N.W.F.P PESHAWAR.

*AW*  
Assistant Secretary  
Revenue & Estate Dept.  
Khyber Pakhtunkhwa

(For use in Police Department only).

Heirs,

1.

2.

3.

Verification Roll No. \_\_\_\_\_ dated \_\_\_\_\_ received back \_\_\_\_\_

Left thumb-impression.

Qualifications

Date

Qualifications

English

*Metric 3rd division 1978*

First Arts - D. Com.

Pashto

B. L. or B.A. *3rd class*

Urdu

Pleadership examination

Plan-drawing

Training School Final examination

Winger print

Other qualifications—

Drill-instructing

Court duties

Reserve duties

*9/11*  
Assistant Secretary  
Board of Revenue N.W.F.P.  
Peshawar.

*9/11*  
Assistant Secretary  
Board of Revenue N.W.F.P.

N.B.—A line to be drawn under the qualification possessed.

*AW*  
*[Signature]*  
M. A. Khan  
M. A. Khan  
M. A. Khan

Note: The entries in this page should be renewed or re-attested at least every five years and the signature in lines 9 and 10 should be dated.

1. Name .. *Mr. Ghulam Nabi*

2. Race .. *Pakistani (Islam)*

3. Residence .. *village: Mashogagar P.O. Baduber  
Teh: & Dist: Peshawar*

4. Father's name and residence .. *Mr. Ghulam Akbar  
address as above*

5. Date of Birth by Christian era as nearly as can be ascertained .. *10-12-1960 Cutting attested  
10.12.1960 metric photo copy attested*

6. Exact height by measurement .. *5-3*

*[Signature]*  
Assistant Secretary  
Board of Revenue N.W.F.  
Peshawar

7. Personal marks for identification .. *A Cut Mark on the right hand*

8. Left hand thumb and Finger impression of (non-gazetted) officer ..

Little Finger

Ring Finger

Middle Finger

Fore Finger

Thumb

9. Signature of Government servant .. *[Signature]*

10. Signature and designation of the Head of the Office, or other Attesting Officer. ..

*[Signature]*  
*[Signature]*

*[Signature]*  
District Commissioner  
Peshawar

Refugee District Administration  
Peshawar



IN THE COURT OF AJAZ UL HAQ, CIVIL JUDGE-XVI  
PESHAWAR.

*Civil Suit*

Civil Suit No.....97/1  
Date of institution .....17.10.2018  
Date of decision .....27.11.2019

Gulam Nabi S/o Ghulam Akhbar R/o Muhallah  
Shaheed Ghari, Mashogar Tehsil and District  
Peshawar. .... (Plaintiff)

*36*

..... VERSUS .....

1. NADRA, through Registrar General interior Minister Islamabad Hayatabad.
  2. Director General, NADRA, Hayatabad, Phase V Peshawar.
- ..... (Defendants)

**SUIT FOR DECLARATION & PERMANENT  
MANDATORY INJUNCTION.**

**Judgment:**

Precise facts arising out of the plaint are that plaintiff has filed the instant suit for declaration & permanent mandatory injunction against the defendants to the effect that correct date of birth of plaintiff is 10/12/1960 whereas defendants wrongly mentioned the same in their official record as 01.01.1959 which is wrong and ineffective upon the rights of the plaintiff. So plaintiff came to this court for the said correction.

In response to summons, defendants appeared through representative as well as through counsel and submitted written

*A 27/11/19*

RECORDED  
02 DEC 2019  
Civil Court Peshawar

*"Ghulam Nabi VS Nadra"*

statement wherein they flatly denied the contentions of the plaintiff. Divergent views of the parties out of their pleadings, framed into the following issues:

**Issues:**

1. Whether the plaintiff has got a cause of action?
2. Whether this court has got the jurisdiction?
3. Whether the plaintiff is within time?
4. Whether the correct date of birth of the plaintiff is 10/12/1960 and the same is wrongly entered in the record of the defendant as 01.01.1959, which is wrong and the same is liable to correction?
5. Whether the plaintiff is entitled to the decree as prayed for?
6. Relief.

After formulation of issues, parties produced pro and contra evidence of their choice. After perusal of evidence and hearing of arguments my issue wise findings are as under.

**Issue NO. 2**

Burden to prove this issue was upon the plaintiff. He has filed instant suit for correction of his date of birth in the CNIC and official record of defendant/NADRA which is a matter of civil nature. Though it has been admitted by the plaintiff in his plaint as well as court statement recorded as PW-3 that he is government servant as "Senior clerk" in the Board of Revenue, however he has neither made party, the Board of Revenue nor has sought any relief

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Crown Publishers

*"Ghulam Nabi VS Nadra"*

from the said government institution. Although the date of birth in the service book of a government servant comes within the definition of terms and conditions of service and any such change in the date of birth of a government employee can be only made through the order of the Service Tribunal in the service book, however, in the present case plaintiff does not want any change of date of birth in his service record, nor any decree passed against the present defendant will be legally binding against the third party/institution who is not made defendant in the present suit. As such this court alone being competent civil court under Section 9 CPC has jurisdiction to adjudicate upon the matter or pass a decree against the present defendant/NADRA. Consequently it is held that this court has jurisdiction to adjudicate upon the matter between the present parties and any such decision will be binding only on the parties to this case. Hence, this issue is decided in positive.

*Issue NO. 3*

Burden to prove this issue was upon the plaintiff. It has been stated in the written statement of defendants that the instant suit is time barred. Defendants recorded statement through representative as DW-1. In his examination in chief he has not stated a single word regarding the limitation. A fact stated in the pleadings and not supported by the evidence produced by the said party has no legal value in the eye of law. Fresh cause of action arises from each and every wrong entry made in the official record.

In the present case the limitation reckoned from the date

27/11/18

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2018

*"Ghulam Nabi VS Nadra"*

on which plaintiff came to know about the wrong entry of his date of birth in the record of the defendants. It is stated by plaintiff that he approached the defendants for correction but they refused to do so. There is no rebuttal on record from defendants' side of these facts. Therefore, limitation will start from the day, first when he came to know about the wrong entry and then when the defendants refused to correct the same. As such this suit is fully within time. Hence this issue is decided in positive.

*Issue NO. 4*

*A 27/11/18*

Burden to prove this issue was upon the plaintiff primarily. He has filed instant suit for correction of his date of birth. He recorded his statement as PW-3 and produced his secondary school certificate as Ex: PW3/1. He also produced office order for correction of Date of Birth in CNIC as Ex:PW-3/2. He has reiterated the same facts regarding his correct date of birth as already mentioned in the plaint. Plaintiff also produced Record keeper of Board of Revenue as PW-1 in his support. Who stated that according to service book record the date of birth is mentioned as 10/12/1960 and Exhibit service books as Ex; PW1/1 and payroll slip as Ex;PW 1/2 and SSC certificate as Ex; PW 2/3. Further Plaintiff produced Record keeper BISE Peshawar as PW2 who further supported the stance of plaintiff and produced Matric admission form as Ex;PW 2/1 where the date of birth is mentioned as 10/12/1960.

On the other hand defendants have recorded statement through representative as DW-1 who produced computerized record of the

*"Ghulam Nabi VS Nadra"*

plaintiff as Ex; DW1/1 wherein the alleged incorrect date of birth of the plaintiff i.e..01.01.1959 has been mentioned.

All the PWs have been cross examined but nothing adverse has been brought on record from them. Plaintiff has proved his stance through oral and documentary evidence. Hence, this issue is decided in affirmative.

*Issues No.1 & 5:*

Onus to prove these issues was upon the plaintiff. In support of his plaint he has recorded statement as PW-3, and also produced Record keeper of Board of Revenue as PW-1 record Keeper of BISE Peshawar as PW2 in his support with documentary evidences.

On the other hand defendants through representative have recorded statement as DW-1. Plaintiff through reliable and confidence inspiring evidence has proved his claim, while the defendants failed to counter his narrative. Therefore, plaintiff has not only got cause of action, but is also entitled to the decree as prayed for in his plaint. Both these issues are answered in positive.

*Relief:*

From the above issue wise findings plaintiff has been able to prove his claim through reliable and cogent oral and documentary evidence. Consequently, suit of the plaintiff is hereby decreed against the defendants/NADRA as prayed for, subject to condition that the same would not affect the rights of any third person, and also with the observation that any such correction shall be liable to the prevailing government fees/taxes, if any. Parties to

27/11/18

RECORDED

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2019

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2019

1

"Ghulam Nabi VS Nadra"

bear their own costs.

Case file be consigned to the record room after its necessary completion and compilation.

**Announced:**  
27.11.2019

*Ajazulhaq*  
**(AJAZ UL HAQ)** 27/11/18  
Civil Judge-XVI Peshawar.

**CERTIFICATE:**

Certified, that this judgment of mine consists of five (06) pages. Each has been read, signed and verified by me after necessary correction wherever necessary.

*U*

*Ajazulhaq*  
**(AJAZ UL HAQ)** 27/11/18  
Civil Judge-XVI Peshawar.

36077  
27-11-18  
All in order  
p-12  
Qud 9  
0272-10

CERTIFIED TO BE TRUE COPY  
*Ajazulhaq*  
Civil Judge XVI Peshawar

لذالک ملکہ - احجاز الکی پیو ڈریک  
 قعدہ 97/11 و صوی 17/18 منب 27-11-69

Dr. .... 01  
 SCJ Pesh



میں نے ولد علیہ السلام امیر سید محمد علی  
 ماشوہلہ، تحصیل و ضلع کپڑا، مندی

۷۸

- ۱۔ نادرا بڈر لکھہ جسٹس جنرل، وزیر آباد داخلہ اسلام آباد
  - ۲۔ نادرا بڈر لکھہ ڈائریکٹر جنرل نادرا ہاؤس آباد کراچی۔
- فنیہ علیہ السلام ہاؤس آباد کراچی

مذکورہ علیہ السلام

۱۔ دعویٰ مراد صدوی ڈگری استقامت حق بدین منطک مندی کا اصل  
 اور درجہ تازہ شدہ اسٹیٹس برطانیہ تعلیمی ایسٹاڈ اور سرورس ریکارڈ  
 مورخہ 10-12-1960 سے جیدہ مذکور علیہ السلام ریکارڈ میں اور ایسٹاڈ  
 مندی کے 1959-01-01 سے منطک اخصوف واقعات و قانون سپہوا 1959-01-01  
 درجہ و تازہ شدہ اور میں منطک اندر ان مندی مقدم کے خواجہ برطانیہ ڈیڈ و سٹاؤن  
 قابل لکھو ہے۔  
 ۲۔ دعویٰ مراد صدوی کا کلمہ امتیازی دوامی بدین منطک کہ مذکور علیہ السلام کو کلمہ  
 مندی لکھو کرنے سے تادواں باز و مجموعہ رکھا جسٹس۔

ATTESTED  
 02 DEC 2018  
 (Examiner)  
 District Court Peshawar

- 2 - only -

P.O

12/12/19

بنا و عوی ایداز انکار مدعا علیحدہ اندر حدود عدالت حضور خیزا  
سیدانوا امر عدالت حضور خیزا انکو مکمل اختیار سماعت حاصل ہے

مالیہ عدتہ بقضیہ کو درپیش و اختیار سماعت پایتہ خیزا = 12/12/19

مالیہ عدتہ بقضیہ کو درپیش و اختیار سماعت پایتہ خیزا = 12/12/19

جائے عالی! مدعی تہمت عرض رہا ہے

ATTESTED  
02 DEC 2019  
(Examiner)  
Civil Court Peshawar



مقدمہ بتاریخ 17-10-18 کو عدالت حضور میں پیش ہوا اور مورخہ 27-11-19 حکم ہوا۔

Order: - Parties Through Counsel Present.  
 Today The case was fixed for order/Judgment.  
 order/Judgment announced and suit is  
 decreed in favour of Plaintiff as per  
 for.

*(Signature)*



خرچہ نالاش

روپے	پیسے	مذکورہ علیہم	مدعی	روپے	پیسے
			اسٹامپ عرضی دعویٰ		
			اسٹامپ مختیار نامہ		
			خرچہ خورا کہ گواہان		
			فیس الی کمیشن		
			مفرق		
			کل میزان		

حکم آخری آج بتاریخ 27-11-19 کو ثبت دستخط میرے اور مہر عدالت کے جاری ہوا۔

*(Signature)*  
 Civil Judge-XVI, Peshawar

CERTIFIED TO BE TRUE COPY

*(Signature)*  
 Copying Agency Civil Court  
 Peshawar



AG NWFP PESH.



GOVERNMENT OF PAKISTAN  
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA  
DISTRICT AG NWFP PESH  
PAY ROLL SYSTEM

PAYMENT ADVICE

F. Sec: 007 Month: April 2011  
PR4047 - ASST. SECY. REVENUE & ESTATE  
Min: Relief Rehab & settlement  
NTN: 1375922878  
GPF #: GA 011574  
GID #: 99990513166

Pers #: 00015 01 Buckle: 0.  
Name: GHULIA FAD  
Des: SUPERV. TENDRNT  
NIC No: 99901 0202

DEPTT CODE PR4047

PAYS AND ALLOWANCES		7,495.00
1948-Adhoc Allowance 2010@ 50%		
Gross Pay & Allowances		37,285.00
DEDUCTIONS:		
IT Payable	595.30	Deducted 8,709.00
GPF Balance	111,923.00	Subtr:
Total Deductions		8,200.00
NET AMOUNT PAYABLE		29,085.00
QUALIFYING SERVICE	D. O. B.	LFP Quota:
YRS: 26 Years 11 Months 00 Days	10.12.1960	HBL
		PLS 10794-4

*pay Roll*  
*11/04/2011*

GOVERNMENT OF PAKISTAN  
 ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA  
 DISTRICT AG MUFF PESH  
 PAY ROLL SYSTEM

PAYMENT ADVICE  
 F Sec: 007 NOVEMBER 2012  
 PR4047 -ASST: SECY REVENUE&ETA  
 Tit: Relief Rehab & settlement  
 NTN: 1375922878  
 GPF #: GA 011576  
 Old #: 99990513166

Emp # 0001566 Booklet: 0  
 Name: GHULAM NABI  
 Des: SUPERINTENDENT  
 NIC No: 999901000203  
 GPF Interest Applied

DEPTT CODE PR4047

GROSS PAY AND ALLOWANCES		
0001-Basic Pay		26,000.00
1001-House Rent Allowance 45%		2,727.00
1210-Convey Allowance 2005		5,000.00
1947-Medical Allow 15% (14-22)		2,248.00
1948-Adhoc Allowance 2010@ 50%		7,495.00
1970-Adhoc Relief Allow 2011		2,248.00
2118-Adhoc Relief Allow (2012)		5,200.00
		50,918.00
Gross Pay and Allowances		
DEDUCTIONS:		
IT Payable	4,100.70 Deducted	4,716.00
GPF Balance	336,492.00	TAX: (3609)
6505-GPF Loan Principal Instal	Sal: 210,110.00	Subtr:
3501-Benevolent Fund		684.00
3511-Addl Group Insurance		1,780.00
3604-Group Insurance		5,850.00
		250.00
		19.00
		173.00
		8,234.00
Total Deductions		
		NET AMOUNT PAYABLE
		42,182.00

QUALIFYING SERVICE  
 YRS MON  
 26 YEARS 05 MONTHS 00 Days

D.O.B  
 10.12.1960

LIF Quota:  
 HBL  
 PLS 10794-4  
 POLICE ROAD, PESH

November / 2012

SN: 262

AG NWFP PESH

PAYMENT ADVICE

Pers #: 00015466  
Name: GHULAM NABI  
Dsg.: SUPERINTENDENT  
NIC No. 99901000203  
LFP Interest Applied  
16 Active Permanent

Buckle: 0

P Sec: 007 Month: January 2014  
PR4047 -ASSTT. SECY REVENUE&ESTA  
Min: Relief Rehab & settlement  
NTN: 1375922878  
GPF #: GA 011576  
Old #: 99990513166

POST CODE

PR4047

PAYS AND ALLOWANCES:

0001-Basic Pay	27,600.00
1001-House Rent Allowance 45%	2,727.00
1210-Convey Allowance 2005	5,000.00
1947-Medical Allow 15% (16-22)	2,248.00
1948-Adhoc Allowance 2010@ 50%	7,495.00
1970-Adhoc Relief Allow 2011	2,248.00
2118-Adhoc Relief Allow (2012)	5,520.00
2148-15% Adhoc Relief All-2013	4,140.00
<b>Gross Pay and Allowances</b>	<b>56,978.00</b>

DEDUCTIONS:

IT Payable 4,278.48	Deducted 8,035.00	TAX: (3609)	1,070.00
GPF Balance 490,836.00		Subrc:	1,760.00
6505-GPF Loan Principal Instal Bal: 128,210.00			5,850.00
3501-Renevolent Fund			250.00
3511-Addl Group Insurance			19.00
3804-Group Insurance			173.00
<b>Total Deductions</b>			<b>9,122.00</b>

NET CREDIT PAYABLE

47,856.00

D.O.B  
10.12.1960  
29 Years 07 Months 001 Days

LFP Quota:  
HBL  
PLS 10794-4

POLICE ROAD,

January 06 2014