


15.07.2022

Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Wali Muhammad, Reader for the respondents present.

02. Respondent department produced office order No. 370/DC/AE/F.26 dated 13.07.2022 which shows that the Service Tribunal judgement delivered in service appeal No. 15793/2020 dated 11.11.2021, has been implemented in accordance with the spirit of said judgement. Copy of the office order was also provided to learned counsel for the petitioner, who apprised that as the office order has been issued just two days back, the petitioner would submit arrival report, in pursuance of that order on the next working day i.e. 18.07.2022. As such, the Service Tribunal judgement dated 11.11.2021 stands implemented. Consign.


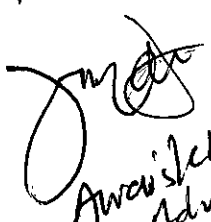


03. Pronounced in open court at Peshawar and given under my hands and seal of the Tribunal this 15th of July, 2022.


(MIAN MUHAMMAD)
MEMBER (E)

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 156/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	22.03.2022	<p>The execution petition of Mr. Hanif Ullah submitted today by Mr. Awais Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	<p><i>Noted</i></p> <p> Awais Khan Adv</p> <p><i>5/4/22</i> 25.04.2022</p>	<p>This execution petition be put up before to Single Bench at Peshawar on <u>26.04.2022</u>. Original file be requisite. Notices to the appellant and his counsel be also issued for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.</p> <p>Implementation report not submitted. Notices be issued to the respondents for implementation report. To come up for implementation report on 15.07.2022 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER(E)</p>

“in view of the foregoing discussion, the instant appeal is accepted. The impugned order dated 13/07/2020 & 12/11/2020 are set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs”.

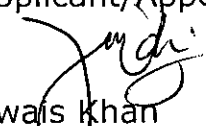
3. *That the respondent have not take any action of the judgment of this Honourable Tribunal till date and in this regard the appellant/applicant also filed an application before the respondent for implementation of the above order dated 11/11/2021, but in vain.*

It is, therefore, most humbly prayed that on acceptance of this application, the respondents may kindly be direct to implement the order/judgment of this Honourable Tribunal dated 11/11/2021.

Dated:- 21/03/2022

Through:-

Applicant/Appellant


Awaiz Khan
Advocate High Court
Peshawar.

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

CM No: - _____/2022

In

Service Appeal No:- 15793 /2020

Hanif Ullah

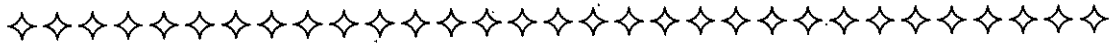
Versus

Commissioner Bannu

Division & anther

..... Petitioner

..... Respondents



AFFIDAVIT

I, Hanif Ullah, Ex-Patwari Office of DC Bannu, (The petitioner) do hereby solemnly affirm and declare on oath that the contents of this accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

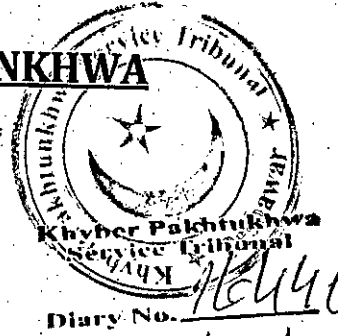


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DEPONENT
CNIC No:-
Cell No:- 0306-8076155

1

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR



S.A. 15793/2020

Diary No. 16446

Mr. Hanifullah, Ex- Patwari, Office of DC. Bannu.

14/12/2020

-----**(Appellant)**

VERSUS

1. Commissioner Bannu Division Bannu.
2. Deputy Commissioner Bannu.

-----**(Respondents).**

SERVICE APPEAL U/S 4 OF THE
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER
DATED 13/07/2020, WHEREBY
THE APPELLANT HAS BEEN
REMOVED FROM SERVICE IN
VIOLATION OF LAW, RULES &
APPELLATE ORDER DATED
12/11/2020 WHEREBY
DEPARTMENTAL APPEAL OF THE
APPELLANT HAS BEEN DISMISSED
WITHOUT ANY SPEAKING ORDER.

rfz
Filed to-day

ow
Registrar

ow
14/12/2020 -

Respectfully Sheweth,

The appellant submits as under:-

1. That the appellant was appointed as Patwari and since his appointment served with great zeal, zest, honesty and to the entire satisfaction of his high-ups.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 15793/2020

Date of Institution ... 14.12.2020

Date of Decision ... 11.11.2021



Mr. Hanifullah, Ex-Patwari, Office of D.C Bannu.

... (Appellant)

VERSUS

Commissioner Bannu Division Bannu and one another.

... (Respondents)

MISS. NAILA JAN,
Advocate

... For Appellant

MR. MUHAMMAD RASHEED,
Deputy District Attorney

... For Respondents

SALAH-UD-DIN
ATIQU-UR-REHMAN WAZIR

... MEMBER (JUDICIAL)
... MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant while serving as Patwari, was proceeded against on the charges of misconduct and was removed from service vide order dated 13-07-2020. Feeling aggrieved, the appellant filed departmental appeal dated 06-08-2020, which was rejected vide order dated 12-11-2020, hence the instant service appeal with prayers that the impugned orders dated 13-07-2020 and 12-11-2020 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned orders are against law, rules and principle of natural justice, hence void ab-initio; that the appellant has been condemned unheard as no opportunity of personal

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

hearing has been afforded; that no regular inquiry has been conducted, as statement of any independent witness has not been recorded, even statement of Tehsildar has been recorded without providing of cross-examination; that the allegation is self-contradictory as one hand the competent authority admit the charge relinquish of the appellant and on the other hand, link son of the appellant with work of the Halqa; that there is no direct charge on the appellant but the appellant has been malafiedly targeted; that no allegations were proved against the appellant, still the appellant was punished for no offense committed by the appellant, which is violation of fundamental rights of the appellant; that the charge sheet so served, was without summery of allegations, which is violation of law and rule.

03. Learned Deputy District Attorney for the respondents has contended that the appellant was transferred, who handed over charge to another Patwari on 15-11-2019. During inspection by Additional Assistant Commissioner Bannu of the said patwar Halqa on 27-11-2019, it was found that son of the appellant was present in the patwar khana and one Mr., Gul Marjan complained about his son charging extra amount for mutation, which shows that his son was dealing with public for his father; that the inspection further noted that the appellant had tempered the report in roznamcha; upon submission of inspection report, the competent authority initiated disciplinary proceedings against the appellant in accordance with law and was awarded major punishment of removal from service vide order dated 13-07-2020.

04. We have heard learned counsel for the parties and have perused the

record.

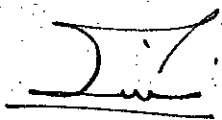
05. Record reveals that upon transfer, the appellant handed over the charge of patwar Halqa Mumbati Barakzai to Patwari Mr. Abid Ullah on 15-11-2019. On 27-11-2019, Additional Assistant Commissioner Bannu during an inspection of that particular Halqa found that son of the appellant was present there and allegedly had


ATTESTED
 EX-MEMORANDUM
 Kaymer Pakatukhwa
 Service Tribunal
 Peshawar

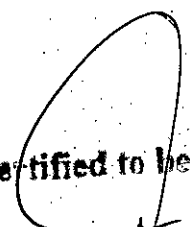
got some illegal gratifications from one Mr. Gul Marjan. The appellant was charge sheeted with the same allegations and was ultimately removed from service. In the first place, it is a well established legal proposition that nobody shall suffer for the follies of others, hence it was unlawful on part of the respondents proceeding against the appellant on such charges and on this score alone, the impugned orders are liable to be set at naught. The appellant left the charge on 15-11-2019 having no concern with affairs of that patwar khana and charging him for presence of his son in that patwar khana is illogical. The charges so leveled against the appellant are flimsy in nature, which has not been proved by the inquiry officer. The inquiry so conducted is replete with deficiencies, as the inquiry officer did not bother to record statement of the main complainant Mr. Gul Marjan, hence deprived the appellant of the opportunity to cross-examine such witness. We are of the considered opinion that the appellant has been treated discriminately and unlawfully removed from service.

06. In view of the foregoing discussion, the instant appeal is accepted. The impugned orders dated 13-07-2020 and 12-11-2020 are set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
11.11.2021


(SALAH-UD-DIN)
MEMBER (J)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Appeal: 29/11/2021
 No. 2000
 22 -
 4 -
 26 -
 Date of Decision: 29/11/2021
 Date of Presentation of Appeal: 29/11/2021

قیمت
50 روپے

113724



ایڈوکیٹ: Anais Khan

بار کونسل/ایسوسی ایشن نمبر: BC-13-4196

رابطہ نمبر: 0307-7147862

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: حشر علی سرویس سٹریٹ، صہبہ کھٹو کھانا

منجانب: سائل	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

صہبہ کھٹو کھانا
صہبہ کھٹو کھانا
صہبہ کھٹو کھانا

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام صہبہ کھٹو کھانا اور سائل کے درمیان کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرہے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از جرم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل انگریزی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لے جائے بغیر رکھا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور ان کا ساختہ پر اختیار منظور و قبول ہوگا دوران مقدمہ میں جو چیز چاہے جانے اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 21-03-2022
PESHAWAR BAR ASSOCIATION
KHAYBER PAKHTUNKHA

مقام Peshawar کے لیے منظور ہے۔

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نوٹ: اس وکالت نامہ کی نوٹو کاپی ناقابل قبول ہوگی۔



THE DEPUTY COMMISSIONER, BANNU

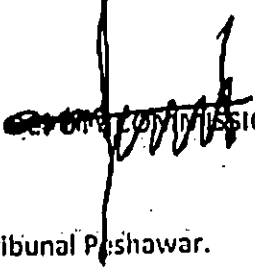
Tel: 0928-9270032, Fax: 0928-9270079, [F]dcbannu

No. 370 /DC/AE/F.26

Dated Bannu the 13 /07/2022

OFFICE ORDER

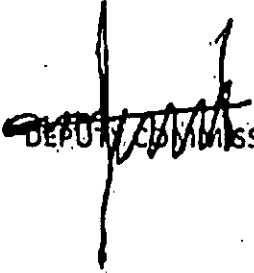
In pursuance of Khyber Pakhtunkhwa Service Tribunal Peshawar wide Judgement order dated 11.11.2021 in a Service Appeal No.157932020, the services of Mr. Hanifullah the then Patwari Halqa Mumbati Barakzai Bannu is hereby re-instated with all back benefits.


DEPUTY COMMISSIONER

Even No. & Date

Copy of the above is forwarded to:-

1. Chairman, Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Commissioner Bannu Division.
3. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
4. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal.
5. Additional Deputy Commissioner (Gen) Bannu.
6. District Comptroller of Accounts Bannu.
7. PS to SMBR Khyber Pakhtunkhwa.
8. Additional Assistant Commissioner (Rev) Bannu
9. Tehsildar Miryan
10. Bill Clerk DC office for necessary action.
11. Patwari concerned.


DEPUTY COMMISSIONER