


17.05.2022

Petitioner in person present. Mr. Muhammad Asif Masood, Deputy District Attorney for respondents present.

Implementation report not submitted. Notices be issued to the respondents for submission of implementation report on 15.06.2022 before S.B at camp court Abbottabad.


  
(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

13.06.2022

Uman Ayub Advocate learned counsel for the petitioner present and submitted wakalatnama which is placed on filed.

Mr. Muhammad Adeel Butt, Additional AG alongwith Jamil Hussain Shah Superintendent for respondents present.

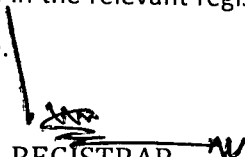


Representative of respondents informed the Tribunal that the respondent department has filed CPLA before august Supreme Court of Pakistan. He admitted at the bar that he shall submit conditional implementation report on the date fixed positively. To come up for implementation report on 19.08.2022 before S.B at Camp Court Abbottabad.

  
(Fareeha Paul)  
Member (E)  
Camp Court A/Abad


Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. 148/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.03.2022	<p>The execution petition of Mr. Naeem Akhter submitted today by Roeda 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-	13.04.2022	<p>This execution petition be put up before to S. Bench at Peshawar on <u>13-04-2022</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the petitioner present. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.</p> <p>Learned AAG requested for adjournment in order to contact the respondents and submit implementation report. Adjourned. To come up for implementation report on 20.06.2022 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

Noted

  
12/4/2022

Naeem Akhtar

13.06.2022

Uman Ayub Advocate learned counsel for the petitioner present and submitted wakalat nama which is placed on filed.

Mr. Muhammad Adeel Butt, Additional AG alongwith Jamil Hussain Shah Superintendent for respondents present.

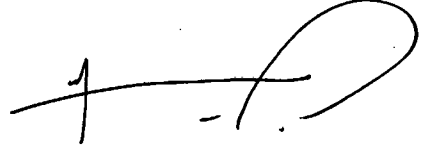
Representative of respondents informed the Tribunal that the respondent department has filed CPLA before august Supreme Court of Pakistan. He admitted at the bar that he shall submit conditional implementation report on the date fixed positively. To come up for implementation report on 19.08.2022 before S.B at Camp Court Abbottabad.

(Fareeha Paul)  
Member (E)  
Camp Court A/Abad

⇒ Pakistan company  
for implementation  
⇒ Expenses  
levy post

**AUTHORITY LETTER**

Mr. Jameel Hussain Shah, Superintendent (BPS-17) DC-Office, Mansehra is hereby authorized to attend the Court of Khyber Pakhtunkhwa, Services Tribunal Peshawar at camp court Abbottabad on behalf of Respondent No.01 (Deputy Commissioner-Mansehra) in appeal No.5401/2020 Naeem Akhter versus Deputy Commissioner, Mansehra and other on 15.6.2022 and each subsequent date of hearing alongwith Establishment Assistant.



Deputy Commissioner,  
Mansehra 13/6/2022

DEPUTY COMMISSIONER  
MANSEHRA

**BEFORE THE KHYBER PAKHTUNKHWASERVICE TRIBUNAL,**  
**PESHAWAR.**

Execution Petition No. 148 /2022

In Service Appeal: 540/2020

Naeem Akhtar Jehangir Son of Mir Awaid Khan, Caste Swati, resident of Mohallah Sadiq Abad Baidra Chowk, Tehsil and District Mansehra, ex-Patwari  
..... ( appellant)

VERSUS


- (1) Deputy Commissioner, Mansehra.  
(2) Commissioner, Hazara Division, Abbottabad

**RESPONDENTS**


Index

S.No.	Description of documents	Annexure	Pages
1.	Copy of petition		1-2
2.	Copy of Judgment	A	3-6
3.	Copy of application	B	7
5.	Wakalat Nama		

Dated 17/03/2022

  
Appellant/Petitioner

Through

  
Rooeda Khan  
Advocate High Court,  
Peshawar.

**BEFORE THE KHYBER PAKHTUNKHWASERVICE TRIBUNAL,**  
**PESHAWAR.**

Khyber Pakhtunkhwa  
Service Tribunal

Execution Petition No. 148 /2022

Diary No. 393

In Service Appeal: 540/2020

Dated 17-3-2022

Naeem Akhtar Jehangir Son of Mir Awaid Khan, Caste Swati, resident of Mohallah Sadiq Abad Baidra Chowk, Tehsil and District Mansehra, ex-Patwari  
..... appellant/Petitioner

VERSUS

- (1) Deputy Commissioner, Mansehra.
- (2) Commissioner, Hazara Division, Abbottabad

**RESPONDENTS**

.....

**EXECUTION PETITION FOR DIRECTING THE**  
**RESPONDENTS TO IMPLEMENT THE JUDGMENT**  
**DATED: 15/10/2021 OF THIS HONOURABLE**  
**TRIBUNAL IN LETTER AND SPIRIT.**

.....

**Respectfully Sheweth:**

1. That the appellant/Petitioner filed Service Appeal No.5401/2020 before this Hon' able Tribunal which has been accepted by this Hon' able Tribunal vide Judgment dated 15/10/2021. (Copy of Judgment is annexed as Annexure-A).
2. That the Petitioner after getting of the attested copy approached the respondents several times for implementation of the above mention Judgment and properly moved an application to respondent Department. However they using delaying and reluctant to implement the Judgment of this Hon' able Tribunal. (Copy of application is attached as annexure-B).
3. That the Petitioner has no other option but to file the instant petition for implementation of the Judgment of this Hon' able Tribunal.
4. That the respondent Department is bound to obey the order of this Hon' able Tribunal by implementing the said Judgment.

It is therefore requested that on acceptance of this  
Petition the respondents may kindly be directed to implement the  
Judgment of this Hon' able Tribunal.

*[Handwritten signature]*

Petitioner

Through

*[Handwritten signature]*

Rooeda Khan Advocate  
High Court Peshawar

AFFIDAVIT

I, Naeem Akhtar Jehangir Son of Mir Awaid Khan, Caste Swati, resident of  
Mohallah Sadiq Abad do Baidra Chowk, Tehsil and District Mansehra do here by  
solemnly affirm and declare on oath that all the contents of the above petition are  
true and correct to the best of my knowledge and belief and nothing has been  
misstated or concealed from this Hon' able Tribunal,

Dated: 17/03/2022

*[Handwritten signature]*

DEPONENT

**ATTESTED**



17-03-2022

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K. PESHAWAR**

①

Appeal No. 5401 of 2020

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 4847

Dated 8/6/2020

Naeem Akhtar Jehangir son of Mir Awaid  
Khan, Caste Swati, resident of Mohallah  
Sadiq Abad Baidra Chowk, Tehsil and  
District Mansehra, Ex-Patwari....Appellant

**Versus**

- 1) Deputy Commissioner, Mansehra
- 2) Commissioner, Hazara Division,  
Abbottabad.....Respondents

**APPEAL AGAINST THE ORDER OF  
DEPUTY COMMISSIONER, MANSEHRA  
DATED 13.02.2020 VIDE WHICH THE  
APPELLANT HAS BEEN DISMISSED  
FROM SERVICE.**

**Respectfully Sheweth!**

The brief facts leading to the instant  
appeal are arrayed as follows: -

Filed to day  
08/6/2020  
Registrar

- 1) That, the appellant was serving as  
Patwari in Revenue Department since  
2012 with great devotion and  
dedication. The appellant remained  
posted in different halqas during his  
service.



**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**  
**AT CAMP COURT ABBOTTABAD.**

Service Appeal No. 5401/2020

Date of Institution ... 08.06.2020

Date of Decision ... 15.10.2021



Naeem Akhtar Jehangir S/O Mir Awaid Khan, Caste Swati,  
R/O Mohallah Sadiq Abad Baidra Chowk, Tehsil and District  
Mansehra, Ex-Patwari. ... (Appellant)

**VERSUS**

Deputy Commissioner, Mansehra and one other. ... (Respondents)

MR. SHAD MUHAMMAD KHAN,  
Advocate

For appellant.

MR. MUHAMMAD ADEEL BUTT,  
Additional Advocate General

For respondents.

MR. AHMAD SULTAN TAREEN  
MR. SALAH-UD-DIN


CHAIRMAN  
MEMBER (JUDICIAL)

**JUDGMENT:**

**SALAH-UD-DIN, MEMBER:-**

Precise facts giving rise to filing of instant service appeal are that complainant Naseer Khan S/O Gohar Rehman R/O of Akbar Khan Colony Chitti Dheri District Mansehra had filed complaint against the appellant to Deputy Commissioner Mansehra, which led to initiation of disciplinary proceedings against the appellant. On conclusion of the inquiry, the competent Authority awarded major penalty of dismissal from service to the appellant, which was challenged by the appellant through filing of departmental appeal,

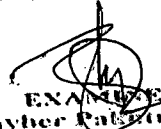
**ATTIESTED**

  
CHAIRMAN  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

by the inquiry officer as gospel truth and has not even bothered to ascertain as to whether the copy of *Perth Patwar*, relied upon by the complainant was issued from any official record or not. The findings of the inquiry officer that the appellant had issued two *Perth Patwars* of the same sale mutation are not supported through any cogent evidence.

9. Now the charge against the appellant that he had himself entered into sale transaction with the brother of the complainant is taken into consideration. In this respect, the findings of the inquiry officer would show that reliance has been placed by him on an agreement to sell which has been written on a plain paper. The inquiry report, however does not show that the witnesses of the said document were examined by the inquiry officer. The inquiry report also does not show that the above mentioned document was tendered to the appellant as well as complainant brother namely Shabbir Khan at the time of recording of their statements by the inquiry officer. Moreover, the inquiry officer in his inquiry report had initially not given any finding that above mentioned charge was proved against the appellant. On receipt of the inquiry report, the competent Authority vide order dated 10.01.2020 returned the inquiry file to the inquiry officer with the directions to recommend penalty to be awarded to the appellant and also to take into consideration the instant charge as leveled against the appellant in charge sheet/statement of allegations. Under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, it is not the domain of the inquiry officer to recommend penalty to be awarded to the delinquent official, therefore, the directions issued by the competent Authority to the inquiry officer in this respect are not in accordance with Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Similar, it appears from the inquiry report that the inquiry officer in respect of the instant charge has relied upon the fact finding report initially submitted by Assistant Commissioner Oghi. It is evident from the record that no cogent and convincing evidence has been collected by the inquiry officer, regarding the instant charge,

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

therefore, the inquiry officer has wrongly held that the said charge was proved against the appellant.


10. Furthermore, the inquiry officer in his recommendations has observed as below:-

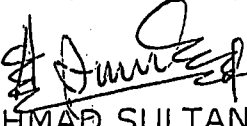
*"There is contradiction in the complaint/statement of Mr. Naseer Khan S/O Gohar Rehman Khan as the complainant claimed that he did not receive a single penny on one hand while on the other hand he admitted/agreed in Jirga as well as in the civil court to return the amount of Rs. 29,00,000/- to Mr. Naseem Akhtar S/O Mir Awaid Khan detail of which has already been explained in findings section of inquiry report vide this office No. 94/P-2/AC (M) dated 03.01.2020. Thus the plea of complainant is not based on facts, therefore, he may be also proceeded under the law on account of above contradictory statements and non-compliance of Jirga and civil courts decisions".*


It is thus clear from the inquiry report that the inquiry officer has observed that the plea of complainant was not based on facts. In this view of the matter, the impugned orders are not sustainable in the eye of law and are liable to be set-aside.

11. In light of the above discussion, the appeal in hand is allowed by setting aside the impugned orders and the appellant is reinstated in service with all back benefits. Findings in this judgment shall, however have no bearing upon the civil litigation regarding the Mutation No. 88682 dated 31.12.2015. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
15.10.2021

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN  
CAMP COURT ABBOTTABAD

*Confirmed to be true copy*  
  
Service Tribunal,  
Peshawar

~~Date of Presentation of Application~~ 17/3/22  
~~Number of Words~~ 2452  
~~Copying Fee~~ 26/-  
~~Urgent~~ 4/-  
~~Total~~ 30/-  
~~Name of Copystor~~ -  
~~Date of Completion of Copy~~ 17/3/22  
~~Date of Delivery of Copy~~ 17/3/22

بند مست: نائب ڈپٹی کمشنر صاحب مانسہرہ

تذکرہ: درخواست بمراد، عالی سروس / نوکری۔

بناوب عالی

یہ کہ سائل نے بحوالہ اپیل نمبری: 5401/2020 عدالت سروس ٹریبونل خیبر  
پختونخواہ پشاور دائر کی تھی۔ جس میں مورخہ 15.10.2021 کو سائل کے حق میں عدالت ہذا  
نے فیصلہ صادر کر کے دوبارہ سروس / نوکری میں سابقہ مراعات کے ساتھ بحال کر دیا ہے (کاپی  
فیصلہ عدالت سروس ٹریبونل خیبر پختونخواہ پشاور لف ہے)۔


لہذا استدعا ہے کہ بروئے فیصلہ سروس ٹریبونل خیبر پختونخواہ پشاور مورخہ  
15.10.2021 کی رو سے سائل کا سروس / نوکری میں دوبارہ بحالی کا حکم صادر فرمایا جائے۔  
سائل آج مورخہ 15.11.2021 کو دفتر میں رپورٹ حاضری پیش کرتا ہے۔

عین نوازش ہوگی۔


العارض

نعیم اختر پٹواری

11978  
17/11/21  
A.E  
15/11/2021

قیمت 50 روپے	116743			
ایڈوکیٹ:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر:				
رابطہ نمبر:				

بعدالت جناب: محمد صہب اللہ صاحب پشاور ہائی کورٹ

منجانب: <u>امداد علی صاحب</u>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
	<b>باعث تحریر آنکہ</b>

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

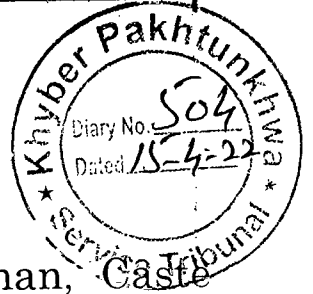
آن مقام پشاور ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز ذیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جو اب دعویٰ اقبال و دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل اگرانی 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 مانگنے کے لئے اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور ان کا سزاختمہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جاندا تو انے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دولہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

مقام پشاور ہائی کورٹ کے لیے منظور ہے۔

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

Accepted  
By  
PC

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



Naeem Akhtar Jehangiri S/o Mir Awaid Khan, Caste  
Swati, R/o Mohallah Sadiq Abad Baidar Chowk, Tehsil &  
District Mansehra.

Petitioner

**VERSUS**

- Put up to the worthy chair - as  
with execution petition.*
- 15/4/2022*
- Reader*
1. Deputy Commissioner Mansehra.
  2. Commissioner Hazara Division Abbottabad.

Respondents

*Dear Sir,*

**APPLICATION FOR TRANSFER TITLED CASE**  
**EXECUTION NO. 148/22 NAMELY NAEEM**  
**AKHTAR VS DC MANSEHRA & OTHER FROM**  
**DISTRICT PESHAWAR BENCH TO**  
**ABBOTTOABAD BENCH**

***Respected Sir,***

1. That the above mentioned execution petition No. 148/22 is pending adjudication before the Hon'ble Court of which is fixed for 20.06.2022.
2. That the appellant as well as respondents belongs to Abbottabad that's why the appellant wants to transfer

the above titled case from Distinct Peshawar bench to District Abbottabad Bench.

3. That for proper disposal of the above mentioned case it is mandatory that the case in hand is to be transferred from Peshawar Bench to Abbottabad Bench.

*It is therefore, most humbly prayed that by acceptance of the instant application the titled case in hand may kindly be transferred from District Peshawar bench to Abbottabad bench.*

Dated: 15/04/2022

  
Petitioner

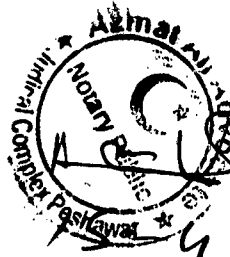
Through  
Roeda Khan Advocate

Affidavit:

I, Naeem Akhtar Jehangiri S/o Mir Awaid Khan, Caste Swati, R/o Mohallah Sadiq Abad Baidar Chowk, Tehsil & District Mansehra, do hereby solemnly affirm and declare on oath that all the contents of **instant application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

DEPONENT

**ATTESTED**







“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

Appeal No.....5401..... of 20 20

.....Naem Akhtar.....Appellant/Petitioner  
Versus

.....DL Manshera.....Respondent

Respondent No.....2.....

Notice to: - Commissioner Hazara Division

A/Abad

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....15/6/22.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.


Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....30.....

Day of.....5.....2022

at camp court  
A/Abad.

  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

cc B 22

APPELLATE TRIBUNAL, PESHAWAR  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

Appeal No. 201 of 20 20

Appellant/Petitioner  
Nasir Akhtar

Respondent  
Dr. Mansoor

Respondent No. 5

Commissionary  
Hazarvi Division

A. A. B. Q.

12-2-22  
This is an appeal petition under the provision of the Khyber Pakhtunkhwa  
Appeal Act, 1974, has been presented registered for consideration in  
this Court and notice has been issued to issue. You are  
informed that the said appeal petition is fixed for hearing before the Tribunal  
at 8.00 A.M. If you wish to urge anything against the  
order, you are at liberty to do so on the date fixed, or any other day to which  
it may be postponed either in person or by authorized representative or by  
power of Attorney. You may, if desired, be permitted to file in  
at least seven days before the date of hearing 4 copies of written statement  
and other documents upon which you rely. Please also take notice that in  
your appearance on the date fixed and in the manner aforementioned, the  
petition will be heard and decided by your absence.

Notice of any alteration in the date fixed for hearing of this appeal petition will be  
given to you by registered post. You should inform the Registrar of any change in your  
address. If you fail to furnish such address as your address contained in this notice which the  
Registrar in the appeal petition will be deemed to be your correct address and further  
noted to this address by registered post will be deemed sufficient for the purpose of  
this appeal petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this  
Notice No. dated .....

Given under my hand and the seal of this Court at Peshawar this 30

2 22

A. A. B. Q.  
of court

Registrar  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
 JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
 PESHAWAR.

No.

TB AIA

Appeal No. 5401 of 2020

Naema Akhtar Appellant/Petitioner

Versus

D C Mansehra Respondent

Respondent No. 1

Notice to: Deputy Commissioner Mansehra

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 15-6-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 30 .....

Day of 5 2022

at Camp Court  
 AIAbad.



Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

- Note: 1. The hours of attendance in the court are the same to that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.

DEPARTMENT OF THE ARMY  
SIGNAL CENTER (C/O) KHAYBER ROAD  
RAWALPINDI

TB AIA

Recd

2nd

Major Akhtar

D C

1

Deputy Commissioner Rawal

12-2-55

30

2 2

of camp (out)  
At Akbar

CP

