

18.07.2022

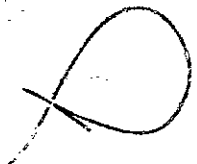
Nemo for the appellant. Mr. Muhammad Afzal, Litigation Assistant alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Para-wise comments on behalf of respondents submitted, which are placed on file. Adjourned. To come up for rejoinder, if any, as well as arguments on 17.10.2022 before the D.B at Camp Court Abbottabad.

Notice for prosecution of the appeal also be issued to the appellant as well as his counsel through registered post for the date fixed.


(Salah-Ud-Din)
Member (J)

Camp Court Abbottabad



24.02.2022

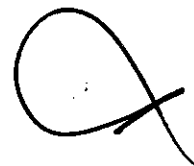
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 13.05.2022 for the same as before.


Reader

13.05.2022

Nemo for the appellant. Mr. Naseer-ud-din Shah, Assistant Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Assistant Advocate General requested for time to submit reply/comments. Last opportunity is granted to respondents to submit reply/comments within 03 days, failing which the right of respondents to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 18.07.2022 at Camp Court, Abbottabad. Notice be also issued to the appellant and his counsel for the date fixed.



(Kalim Arshad Khan)
Chairman

Ghulam Dastagir 7347/2021

22.10.2021 Learned Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant is aggrieved of impugned order dated 28.04.2021 whereby minor penalty of "withholding of two annual increments", was awarded to the appellant. His departmental appeal dated 26.05.2021 was not responded within the stipulated statutory period, hence, the instant service appeal submitted in the Service Tribunal on 26.08.2021. Moreover, the impugned order dated 28.04.2021 is uncalled for, contrary to law and well settled jurisprudence and smacks malice and ill will on part of the respondents, therefore, it may graciously be set aside.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 24.02.2022 before the D.B.

Appellant Deposited
Security & Process Fee

22/10/21




(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7347/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/08/2021	<p>The appeal of Mr. Ghulam Dastagir presented today by Mr. Ali Azeem Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>22/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: _____

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?		
3	Whether appeal is within time?		
4	Whether the enactment under which the appeal is filed mentioned?		
5	Whether the enactment under which the appeal is filed is correct?		
6	Whether affidavit is appended?		
7	Whether affidavit is duly attested by competent Oath Commissioner?		
8	Whether appeal/annexures are properly paged?		
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10	Whether annexures are legible?		
11	Whether annexures are attested?		
12	Whether copies of annexures are readable/clear?		
13	Whether copy of appeal is delivered to AG/DAG?		
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?		
15	Whether numbers of referred cases given are correct?		
16	Whether appeal contains cutting/overwriting?		
17	Whether list of books has been provided at the end of the appeal?		
18	Whether case relate to this court?		
19	Whether requisite number of spare copies attached?		
20	Whether complete spare copy is filed in separate file cover?		
21	Whether addresses of parties given are complete?		
22	Whether index filed?		
23	Whether index is correct?		
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Signature: _____

Dated: _____

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR
 Service Appeal No. /2021

7347/2

Ghulam Dastagir

.....Appellant

Versus

The Commissioner Hazara Division & another

.....Respondent(s)

INDEX

Sr No	Particulars	Page No
1.	Service Appeal with Affidavit	1-7
2.	Memo of Address of Parties	8
3.	Copy of the show-cause notice dated 20.04.2021 along-with relevant details are annexed as Annexure "A" and "A-1"	9-13
4.	Copy of the statement of allegations; reply dated 21.04.2021 and impugned order dated 28.04.2021 is annexed as Annexure "B" and "B-1"	14-16
5.	Copy of the Departmental Appeal dated 26.05.2021 is annexed as Annexure "C"	17-21
6.	Vakalatnama	22

Appellant

Through

Ali Azim Afridi

Advocate High Court

Contact # 0333-9555000

[Handwritten Signature]
26.08.2021

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2021

Ghulam Dastagir, Patwari Halqa Ghazi, District Haripur
.....Appellant

Versus

1. The Commissioner Hazara Division, Abbottabad
2. Deputy Commissioner, Haripur, Khyber Pakhtunkhwa

.....Respondent(s)

**APPEAL UNDER SECTION 4 OF THE KP
 SERVICE TRIBUNAL ACT, 1974
 IMPUGNING THEREIN THE ORDER DATED
 28.04.2021; WHEREIN MINOR PENALTY
 OF WITHHOLDING TWO ANNUAL
 INCREMENTS IS IMPOSED UPON THE
 APPELLANT; CONTRARY TO THE LAW AND
 JURISPRUDENCE**

Respectfully Sheweth,

1. That the Constitution of Islamic Republic of Pakistan aims at protecting civil servants in order to ensure smooth running of affairs of the Government and Institutions so as to benefit the public citizenry.
2. The Constitution of Islamic Republic of Pakistan equally beshields civil servants from being treated otherwise than in accordance with law.

In Sheikh Riaz-ul-Haq's Case¹, it was held that,
"Admittedly, civil servants being citizens of Pakistan have

¹ PLD 2013 SC 501

fundamental rights including the right to access to justice as envisaged under Article 9 of the Constitution”.

3. That the Constitution of Islamic Republic of Pakistan evenly emphasizes on equality for the citizens and by the citizens; aimed at underpinning rule of law.

ON FACTS

4. That the appellant while serving as Patwari Halqa Ghazi was served with a show-cause notice 20.04.2021 premised upon recommendations made and de-novo inquiry conducted dated 08.04.2021. **(Copy of the show-cause notice dated 20.04.2021 along with relevant details are annexed as Annexure "A" and A-1).**
5. That given the statement of allegations and show-cause coupled with reply dated 21.04.2021; minor penalty of withholding two annual increments was imposed upon the appellant. **(Copy of the statement of allegations; reply dated 21.04.2021 and impugned order dated 28.04.2021 is annexed as Annexure "B" and "B-1")**
6. That it is important to note that; the appellant has been performing as Patwari Halqa to the best of his abilities, determination and perseverance; to the entire satisfaction of the competent authority from the date of inception with impeccable service record in the respondent Department.
7. That for the sake of brevity and information; the appellant has preferred a departmental appeal dated 26.05.2021 which remains unattended till date. **(Copy of the Departmental Appeal dated 26.05.2021 is annexed as Annexure "C")**

In Suo Moto Case No. 19 of 2016², it was held that,
"Good governance was not a favour to be bestowed on the people; it was their right".

8. That the appellant beseechs for intervention of the Hon'ble Court given the impugned order 28.04.2021; inter-alia on the following grounds:-

GROUND

- A.** That the impugned order dated 28.04.2021; is uncalled for; contrary to law and well-settled jurisprudence.
- B.** That the impugned order is issued without taking into consideration the relevant record; unblemished service career of the petitioner; malafide floating on the surface; as such the edifice built is liable to crumble down on that score alone.
- C.** That treatment in dissonance with law/rules and jurisprudence smacks malice and ill-will on the part of respondent(s).
- D.** That carte-blanche exercise of power; abdicates the well-entrenched principle of "structured discretion".
- E.** That the purported omission(s) of non-disclosure of the relevant material; taking away right of cross-examination, on the part of respondent(s); itself speaks volumes engraving danger to the notion of good governance, hence requires interference of the Hon'ble Court.
- F.** That the palpable omission(s) stands in violation of the law laid down by Hon'ble the Supreme Court of Pakistan.

² 2017 SCMR 683

In Qaiser Iqbal's Case³, it was held that, "Rule of Law meant supremacy of law as opposed to arbitrary authority of the Government; said supremacy guaranteed three concepts; first, the absence of arbitrary power; second, equality before law and third the rights of a citizen".

G. That it is cardinal principle of law and justice that what cannot be done directly cannot be done indirectly.⁴

H. That public functionary has to reinforce good governance, observe rules strictly and adhere to rule of law in public service; public functionaries were not obliged to follow illegal orders of higher authorities⁵.

I. That "Expressio Unis Est Exclusio Alterius", commanding that when law requires a thing to be done in particular manner then, it should be done in that manner as anything done in conflict of the command of law shall be unlawful being prohibited.

J. That "Ignorantia juris non excusat", commanding that ignorance of the law excuses not.

K. That further necessary grounds will be raised during the course of arguments.

PRAYER

It is therefore humbly prayed that on acceptance of this Service Appeal: -

- 1.** The impugned order dated 28.04.2021; allowing imposition of withholding two annual increments upon the

³ 2018 PLD Lahore 34

⁴ PLD 1993 SC 473 at Page 687

⁵ 2015 SCMR 456; PLD 2013 SC 195

appellant may please be set-at-naught; being uncalled for; against law and jurisprudence.

2. Any such order be passed which this Hon'ble Tribunal deems fit and appropriate as the circumstances may require for determination of the subject at hand.


Appellant

Through

Ali Azim Afridi

Advocate High Court

Contact # 0333-9555000

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR
Service Appeal No. /2021

Ghulam Dastagir

.....Appellant

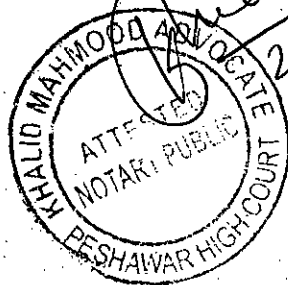
Versus

The Commissioner Hazara Division & another

.....Respondent(s)

AFFIDAVIT

I, **Ghulam Dastagir, Patwari Halqa Ghazi, District Haripur,** appellant do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge, belief and nothing has been concealed therefrom the Hon'ble Tribunal.




Deponent

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2021

Ghulam Dastagir

.....Appellant

Versus

The Commissioner Hazara Division & another

.....Respondent(s)

MEMO OF ADDRESS OF PARTIES**Appellant**

Ghulam Dastagir, Patwari Halqa Ghazi, District Haripur

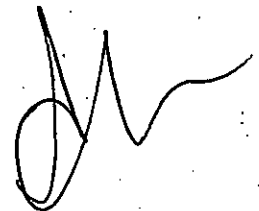
Respondent(s)

1. The Commissioner Hazara Division, Abbottabad
2. Deputy Commissioner, Haripur, Khyber Pakhtunkhwa

Appellant**Through**

Ali Azim Afridi

Advocate High Court

Contact # 0333-9555000

(9)

Annexure Aⁿ

SHOW-CAUSE NOTICE

I, Capt. (R) Nadeem Nasir, Deputy Commissioner Haripur under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules-2011 serve you Mr. Ghulam Dastagir the then Patwari Halqa Ghazi Show-cause Notice on the basis of De-novo inquiry report submitted by Additional Deputy Commissioner (Relief/HR), Haripur vide No. Inquiries/1262/ADCHR(H) dated 08.04.2021.

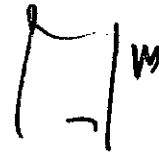
After examining the inquiry report referred above, I am satisfied that you have committed the following gross misconduct: -

- i. *That during the surprise visit of Assistant Commissioner Ghazi on 04.01.2021, a private person namely Sader Shah S/o Mardan Shah was present in your Patwar office personating / working as revenue official & dealing with general public in violation of the standing instructions of the Board of Revenue Khyber Pakhtunkhwa Peshawar.*
- ii. *That in-spite of written as well as verbal warning by Assistant Commissioner, Ghazi you did not bother to comply with the instruction issued by visiting officer as the said person was again found present with same state during another surprise inspection on 07.01.2021. This act shows gross inefficiency and negligence on your part and tantamount to misconduct.*

You are, therefore, directed to show cause as to why any of the minor penalties should not be imposed upon you. Furthermore, you are directed to appear on 21.04.2021 at 11:00am before the undersigned for personal hearing.

If no reply to this Notice is received within 07 days of its delivery, it shall be presumed that you have no defense to put in and, in that case, ex-parte action shall be taken against you.

A copy of aforementioned enquiry report is attached.



Deputy Commissioner
Haripur

20/4/21

No. 3510 /HCR/DC (H)
Dated Haripur the 20 / 04 / 2021
Mr. Ghulam Dastagir the then Patwari Halqa Ghazi,
Through Tehsildar Ghazi.

~~ATTESTED~~



10

Annexure A-1

Office Of The Deputy Commissioner, Haripur.

Phone No. 0995 - 920200 / 920202, FAX 0995 - 615412

No. 2328 /P.F/HCR/DC(H)

Dated: 19/03/2021

To

✓
Additional Deputy Commissioner (Relief & HR),
Haripur.

Subject

**DE-NOVO ENQUIRY AGAINST MR. GHULAM DASTAGIR, EX-PATWARI
HALQA GHAZI, TEHSIL GHAZI DISTRICT HARIPUR.**

Memo;

Enclosed please find herewith Charge Sheet and Statement of Allegation to be served upon Mr. Ghulam Dastagir, Patwari previously posted at Patwar Halqa Ghazi, Tehsil Ghazi District Haripur. A copy of the enquiry report initially conducted and submitted by Assistant Commissioner, Haripur vide No. Inquiry/2030/AC(H) dated: 04.02.2021 is also attached herewith.

Consequently, you are hereby appointed as Inquiry Officer to conduct de-novo enquiry against the accused Patwari under the provisions contained in Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules-2011 in the light of attached charge-sheet / statement of allegation with the directions to submit your findings / report within a period of 15 days, positively.

Encl: (As above).

Office ADC (Relief & HR)

Haripur

Diary No. 359

Date: 24-03-2021


Deputy Commissioner,
Haripur.

~~ATTESTED~~



11

OFFICE OF THE ADDL: DEPUTY COMMISSIONER, RELIEF & HR HARIPUR

Email: ddmaharipur@yahoo.com

Phone Number: 0995-920206 Fax: 615412

No. Inquiry: 12.62 /ADC HR (H)

Dated Haripur the: 08 /04/2021

DK
As directed
12/04/2021

ADC (G) HARIPUR

ADG

Put up on file

DEPUTY COMMISSIONER
HARIPUR
08/04/21

To

The Deputy Commissioner
Haripur.

SUBJECT: - DE-NOVO ENQUIRY AGAINST MR. GULAM DASSTAGIR EX-PATWARI HALQA GHAZI, TEHSIL GHAZI & DISTRICT HARIPUR.

BACKGROUND.

The undersigned was appointed as Inquiry Officer by the Competent Authority under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 vide Office letter No. 2328/P.E/HCR/DC(H) dated: 02-09-2021-03-2021 (Annexure-A) to investigate the charges / allegations against Mr. Ghulam Dastagir Ex- Patwari Halqa Ghazi, Tehsil Ghazi & District Haripur leveled against him in the Charge Sheet / Statement of Allegations.

GHULAM DASTAGIR
4171
12/14/21

- i. That as per inspection report of Assistant Commissioner Ghazi vide letter No.PA/1-70/AC(G)/1420-23 dated 0-01-2021, a private person namely Sader Shah s/o Mardan Shah was found in Patwari office personating/ working as revenue official & dealing with general public in violation of the standing instructions of the Board of Revenue Khyber Pakhtunkhwa.(Annexure-B).
- ii. Consequently, he was warned by the inspection officer to mend his ways but he did not bother to comply with the instruction issued by Assistant Commissioner Ghazi as the said person was again found present with same state during another surprise inspection. This act shows gross inefficiency and negligence on his part and tantamount to misconduct.

No. 879/ADC(H)
date - 12/04/21

PROCEEDINGS:

In order to probe the above charges / allegations, the undersigned (Inquiry Officer) summoned Mr. Ghulam Dastagir Ex- Patwari Halqa Ghazi, Tehsil Ghazi & District Haripur and private person namely Mr. Sader Shah s/o Mardan Shah r/o Sheikh Chor p/o Mian Dheri, Tehsil Ghazi & District Haripur, for personal hearing on 01-04-2021. Statements of Assistant Commissioner Ghazi and Tehsildar Ghazi have been also been recorded and placed in file.

Statement of Assistant Commissioner Ghazi:

Assistant Commissioner Ghazi in his statement stated that he paid surprise/ inspection of Patwar Halqa Ghazi on 04-01-2021 and found that an unknown private person namely Sader Shah s/o Mardan Shah was dealing with the general public and working as an official instead of

~~ATTESTED~~

Patwari. Assistant Commissioner Ghazi directed the Patwari Halqa to submit an explanation on the gross negligence and incompetence on 05-01-2021. However AC (G) conducted another inspection of Patwar office on 07-01-2021 and found the same violation being repeated with Sader Shah acting as an official. (Annexure- C).

Statement of Tehsildar Ghazi:

Tehsildar Ghazi expressed his complete satisfaction with the accused regarding fulfilment of his official duties as well as his conduct. Tehsildar (G) stated that he did not receive any complaint regarding private person working with accused. (Annexure-D).

Statement of Mr. Ghulam Dastagir Ex- Patwari Halqa Ghazi:

According to the written statement of Mr. Ghulam Dastagir Ex- Patwari Halqa Ghazi, has denied all the allegations and stated that Assistant Commissioner Ghazi paid surprise visits to his Patwar Halqa Ghazi on 04-01-2021 and 07-01-2021, at the time of visit Patwari was present in the his Patwar Khana and some visitors/ landlords were also present. Mr. Sader Shah s/o Mardan Shah was also present alongwith some landlords. AC (G) directed/ ordered Sader Shah to leave the Patwar Khana and also took office key. He also stated that during the visits AC (G) did not express any concern neither did he receive written explanation order till 11-01-20 21 whereby he was informed that he has been suspended. Patwari Halqa further pleaded for exoneration from the charges levelled against him in the above mentioned view. (Annexure-E).

Statement of Mr. Sader Shah (Private Person):-

Mr. Sader Shah s/o Mardan Shah r/o Sheikh Chor p/o Main Dheri in his statement stated that being a trainee at Bar Council Haripur he deals with general public in various cases. He visits offices for resolution of different issues faced by public including Patwar Khanas. On the inspection dates he was there with his clients regarding some civil suit nonetheless he has no connection with Patwar Halqa. (Annexure-F).

Findings:

During the course of inquiry, the following findings surfaced as a result of the personal hearing, perusal of written statements and relevant record.


- During AC (G) surprise visit to Patwar Halqa Ghazi private person Sader Shah s/o Mardan Shah was present alongwith others and Patwari Halqa dated 04-01-2021 and 07-01-2021.
- Although AC (G) issued written explanation as well as verbal warning to Patwari Halqa to abstain from involving private person dealing with public instead of him still in his next surprise visit within 03 days, the same private person was in Patwari Halqa office dealing as an official.
- Written explanation was issued on the very next day of first surprise visit. However, Patwari Halqa has denied receiving the same and hence, being unaware of any explanation/ warning/displeasure of AC (G).
- Tehsildar (G) has expressed full satisfaction regarding discipline and indent of Patwar Halqa.

ATTESTED

Conclusion:-

13

1. In view of the above findings it has been deduced that private person namely Sader Shah s/o Mardan Shah was present in the Patwar Halqa Ghazi office during the surprise visits of AC (G) date 04-01-2021 and 07-01-2021. In spite of written as well as verbal warning by AC (G) same person was found working in Patwar Halqa Office.
2. Therefore, the Patwari Halqa has been found inefficient hence, it is recommended that **Minor Penalty of holding annual increments** for the period of **03 years** as per rule 4(a) (ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) rules 2011, may be imposed on the Patwari so that such like practices may be desisted in future.


Addl: Deputy Commissioner,
Relief & HR, Haripur

~~ATTESTED~~

14

'Annexure B'



Office Of The Deputy Commissioner, Haripur.
Phone No. 0995 - 920200 / 920202, FAX 0995 - 615412

DISCIPLINARY ACTION

I, Capt. (R) Nadeem Nasir, Deputy Commissioner Haripur, as Competent Authority am of the opinion that Mr. Ghulam Dastagir Patwar Halqa Ghazi, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS

- i. That as per inspection report of Assistant Commissioner Ghazi vide No. F. 11-70/AC(G)/1420-23 dated 07.01.2021, a private person namely Sader Shah 3/o Mardan Shah was found in his Patwar office personating / working as revenue official & dealing with general public in violation of the standing instructions of the Board of Revenue Khyber Pakhtunkhwa Peshawar.
- ii. Consequently, he was warned by Inspection Officer to mend his ways but he did not bother to comply with the instruction issued by Assistant Commissioner Ghazi as the said person was again found present with same state during another surprise inspection. This act shows gross inefficiency and negligence on his part and tantamount to misconduct.

For the purpose of inquiry against him with reference to the above allegation, Mr. Hassan Ahsan, Assistant Commissioner, Haripur is appointed as Inquiry Officer under rule 10(1)(a) of the said rules.

The inquiry officer shall, in accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 15 day of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

The accused shall join the proceedings on the date, time and place fixed by the inquiry officer.

Competent Authority

ATTESTED

گدبیت صاحب دینی کتب خانہ صاحبہ

مذہبی

جواب میں کہ جس وقت عبادت فقہاء و علمائے دین سے بہت
 قابل اہم ہے کہ وہ اپنے کتب خانہ صاحبہ غازی سے دفتر تشریف لائے
 اس دوران میں اپنے دفتر میں نہ لائے کہ انہوں نے
 کیا کیا علم سے کہ سہولت کا دفتر پیدا کنند کہ اور لوگوں
 کا رٹا صحت اور فتنہ نہ رہے۔ اس کوئی کام نہیں ہے کہ جو
 میں دفتر سے قسطنطنیہ جو وہ میں خود سرانجام دیتا ہوں اور
 کسی بھی فرد کتب خانہ صاحبہ و دیگر افراد کو اجازت نہ دے کہ میرے کام
 میں مداخلت کرے۔

ضمیمہ سے اس میں کہ میں ازبک و روسی انوار میں سے کسی شخص کو اجازت نہ دے
 کہ وہ در شاہ مذکور نامی کتب خانہ میں کوئی ذرا طور پر لطف و استقامت نہ دے۔
 میری غائب سے اس سے کہ وہ شہر کابل میں ازبکوں کے دفتر میں اس میں

Received today

دانش دفتر میں صحت جو کہ قرینہ الخفاف
 21/021

عظیم دستار
 21/021

ATTESTED

(16)

'Annexure B-1'



Office Of The Deputy Commissioner, Haripur.

Phone No. 0995 – 920200 / 920202, FAX No. 0995 – 615412

OFFICE ORDER:

WHEREAS, Mr. Ghulam Dastagir Ex-Patwari Halqa Ghazi was suspended from service in pursuant to the recommendations of Assistant Commissioner, Ghazi submitted vide Inspection report bearing No. PA/1-70/AC(G)/1420-23 dated 07.01.2021 on the charges of repeated presence of a private person namely Sader Shah S/o Mardan Shah in his Patwar office personating / working as revenue official & dealing with general public despite strict warning issued to him by Assistant Commissioner, Ghazi.

AND WHEREAS, Assistant Commissioner Haripur was appointed as Inquiry Officer to conduct inquiry into the aforesaid charges / allegations and to submit his report. The Inquiry Officer has submitted his report vide No. Inquiry/2030/AC(H) dated 04.02.2021. After perusing the inquiry report it was deemed expedient to order De-novo Inquiry against the accused official. Consequently, De-novo Inquiry into the said allegations was conducted through Additional Deputy Commissioner (Relief & HR), Haripur vide No. Inquiry:1262/ADCHR(H) dated 08.04.2021.

AND WHEREAS; after receipt of enquiry report, Show-cause notice was issued to the accused official and date was fixed for his personal hearing on 21.04.2021 at 11:00am. The reply to Show-cause notice submitted by the accused was found un-satisfactory and during the personal hearing he has failed to satisfy the undersigned.

AND WHEREAS, I Capt. (R) Nadeem Nasir, Deputy Commissioner Haripur, as Competent Authority after having examined the charges, evidence produced, statement of accused official, findings of Inquiry Officer, and after personal hearing of the accused official, concur with the findings of the Inquiry Officer.

NOW THEREFORE, in exercise of the powers conferred under the Rule-4(1)(a)(ii) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules-2011, minor penalty of withholding two annual increments is hereby imposed upon Mr. Ghulam Dastagir Ex-Patwari Halqa, Ghazi with immediate effect.

Consequent upon the above, he is hereby reinstated in service with effect from date of his suspension and directed to report in Tehsil office, Ghazi.

(Capt. (R) Nadeem Nasir)
Deputy Commissioner
Haripur

No. 3780-88PF/Ghulam Dastagir/HCR/DC(H).

Dated: 28 / 04 / 2021.

Copy to the:-

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar.
2. Commissioner, Hazara Division Abbottabad.
3. Additional Deputy Commissioner (G), Haripur.
4. Assistant Commissioner Ghazi.
5. Senior District Accounts Officer, Haripur.
6. Tehsildar Haripur.
7. District Nazir (local) for necessary action.
8. Patwari concerned.
9. Personal File.

Deputy Commissioner
Haripur

ATTACHED

(17)

" Annexure C"

To
The Commissioner, Hazara Division
Abbottabad, Khyber Pakhtunkhwa

Subject: DEPARTMENTAL APPEAL/REPRESENTATION

Respected Sir,

The Departmental appeal/representation in hand is being made in pursuance of show-cause notice dated 21.04.2021, which was responded to and in lieu thereof the undersigned was penalized vide order dated 28.04.2021, communicated later-on; which needs to be look into by your good office for reasons stated hereinafter:-

PRELIMINARY OBJECTIONS

- A)** No inquiry whatsoever in the manner prescribed under the Efficiency & Discipline Rules was ever conducted, as such the proceedings in the said inquiry; the show-cause notice based thereon strengthened by notification dated 28.04.2021 is non-est in the eyes of law.

ATTESTED

18

- B) No opportunity of hearing in the prescribed manner was provided to the undersigned in the said so called inquiry coupled with show-cause notice.
- C) Proceedings of the said so-called inquiry are defective in law as the said so called order of the competent authority has misconstrued the incident reported to have taken place and, on a dime, neither collected evidence nor examined any witness etc. and as such said proceedings and findings thereon are of no consequence and, therefore, void and of no legal effects.
- D) The undersigned is condemned unheard during the proceedings of the so-called inquiry as neither any opportunity of hearing nor that of cross examining the witness was ever extended to the undersigned.

"Right to fair trial under Article 10-A of the Constitution encompassed the whole proceedings from the very inception till imposition of penalty, if any; constitutionality and rule of law requires that, where prejudicial allegations were to be made against a person, he must normally be given particulars of them before the hearing so that he could prepare his answers; such a person must also be enabled to controvert, correct or comment on other

~~ATTESTED~~

evidence or information that might be relevant to the decision".

Non-disclosure of the evidentiary material smacks unfairness; irrespective of whether the material in question arose before, during or after the hearing".

ON FACTS

1. In response to the impugned order of authority dated 28.04.2021; it is submitted that the opinion formed premised upon an inquiry conducted by the worthy Assistant Commissioner; is short of appreciation of the stance opted for by the undersigned as well as the dicta laid down by Hon'ble the Supreme Court of Pakistan¹.

Moreso, the competent authority has taken hold of the opinion of the Assistant Commissioner, brushing aside the factum, as to the information available; recording of statement(s) and course opted for by the worth Assistant Commissioner aimed at formation of conclusive opinion; taken to the discredit of the undersigned and that too without confronting the same.

2. In response it is also submitted that, mere allegations cannot be considered for want of imposition of minor

¹ PLD 2018 SC 703


~~ATTESTED~~

20

penalty; as such worthy the competent authority while referring to an incident referred to have taken place in the office of undersigned; whittling away its legal ramifications, underpins the stance opted for by the undersigned, of being hit by non-provision of due process by conducting regular inquiry and extension of treatment in discord with the fundamental law of the state of Islamic Republic of Pakistan.

In lieu of the above; it is therefore requested that the impugned order dated 28.04.2021; withholding of two annual increments may please be set-at-naught with all back-cum-consequential benefits in the interest of justice.

Yours Obediently


Ghulam Dastagir

Cc.

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar
2. Deputy Commissioner, Haripur.

ATTACHED

21



Recd.

**OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD**

No: 10/2 (Appeal)/11r/ACR/CHD/920708.
Dated Abbottabad: 25/06/2021

To

The Deputy Commissioner
Haripur.

Subject: **DEPARTMENTAL APPEAL AGAINST ORDER DATED
28/04/2021 PASSED BY THE DEPUTY COMMISSIONER,
HARIPUR**

Memo:

I am directed to refer to the subject cited above and to enclose herewith copy of an appeal file by Mr. Ghulam Dastagir, Patwari, Ex-Patwar Halqa Ghazi District Haripur with the request to please furnish Para wise comments in respect of subject appeal to this office within 15 days, positively.

(Ind. AA)

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

ENDST. NO. & DATE EVEN.

Copy forwarded for information to the Secretary to Commissioner Hazara Division.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

ATTESTED

BC - 166960

Ali Azim Afridi

0333 9555000

22

VAKALATNAMA

BEFORE THE Service Tribunal KP

Ghulam Dastagir Plaintiff(s)/Appellant(s)
.....Applicant(s)/Petitioner(s)

VERSUS

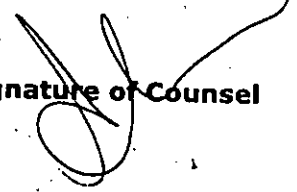
the Commissioner Hazara Defendant(s)/Respondent(s)
Division and Office Accused

FOR Ghulam Dastagir

I/We, hereby appoint **Mr. Ali Azim Afridi**
(Advocate High Court)

1. To appear, act and plead for me/us in the titled case before the Court/Tribunal in which the same maybe tried or heard, and any other proceedings arising therefrom or ancillary therewith and its stages that I personally could do if this instrument had not been executed.
 2. That fee paid, or agreed to the said Counsel is for this Court alone and no part of the fee is refundable. The Counsel shall be entitled to retain costs payable by the opposite side.
 3. I, we, will make arrangement for attending the Court on every hearing to inform my/our Counsel when the case is called. The Counsel shall in no way be responsible for any loss caused to me/us through my/our failure to inform him.
- AND** hereby agree:-
4. That the Counsel shall be entitled to withdraw from the prosecution of the titled case if the whole or any part of the agreed fee remains unpaid.
 5. I/We have read the above terms and conditions and the same have been explained to me/us; and I/We have accepted them in WITNESS WHEREOF; I/We have set my/our hand this _____ day of _____ 20_____

ACCEPTED

Signature of Counsel


Signature of Client


Email: - alee_1@live.com
Contact # 0333-9555000

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Service Appeal No. 7347 / 2021

Ghulam Dastagir, Patwari Halqa Ghazi Tehsil Ghazi and District Haripur.

.....(Appellant)

Versus.

Commissioner, Hazara Division Abbottabad and others.....(Respondents)

INDEX

S. No.	Description of Documents	Annexure	Page No.
01.	Para wise Reply / Comments		01-03
02.	Affidavit		04
03.	Copy of DE-NOVO Enquiry dated 08.04.2021 & Copy of Reply of Appellant	A	05-08
04.	Show-Cause Notice dated:20.04.2021.	B	09
05.	Copy of Reply dated:21.04.2021	C	10
06.	Copy of office Order No:3780-88 PF/Ghulam Dastagir/HCR/DC(H) dated:28.04.2021	D	11
07.	Copy of decision vide No. Reader/AR/ACR/CHD/3444-46 dated 18.03.2022 by Commissioner Hazara Division Abbottabad.	E	12

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Service Appeal No.7347/2021

Ghulam Dastagir Patwari **Versus** Commissioner, Hazara Division Abbottabad and others.

Subject:- JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 & 02.

Respectfully Sheweth;-

Preliminary Objections:

1. That the appellant has got no cause of action.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appeal is bad in its present form.
4. That the appellant is estopped by his own conduct.
5. That the present appeal is not maintainable being time barred.

The Para-wise comments in the above titled appeal are submitted as under: -

Respectfully Sheweth;

The introductory Para No. 1 to 3 needs no comments being legal. As a matter of fact the pleading should be restricted to fact and facts only & whatever expressed beyond the authorized sphere is liable to be deleted.

ON FACTS

4. Correct. Pertains to record.
5. Correct. Pertains to record.
6. Incorrect, hence denied. The appellant was charge sheeted after proper enquiry under the law for the commission of gross inefficiency, negligence on account of misconduct. It is pertinent to mention that the appellant properly participated in the enquiry process and after the conclusion of the enquiry a minor penalty

of stoppage of two increments imposed by the Competent Authority i.e Deputy Commissioner Haripur (copies of the proceeding are annexed as (A to D))

7. Incorrect as stated. The appeal of the appellant has been dismissed by the appellate Authority (Commissioner, Hazara Division Abbottabad) vide order bearing No. Reader/AR/ACR/CHD/3444-46 dated 18-03-2022 (Annexure-E).

8. No comments.

GROUND: -

A. Incorrect hence denied. The order dated 28.04.2021 was passed in accordance with law.

B. Incorrect hence denied. No injustice has been done to the appellant.

C. Incorrect hence denied and the rights of the appellant has not been disturbed and remain intact.

D. Incorrect, hence denied. The appellant may rightly been charge sheeted and the competent authority upon the basis of inquiry satisfied to impose the minor penalty. Details has been given in Para 6 of para wise comments.

~~E. Incorrect, hence denied.~~

~~F. Incorrect, hence denied.~~

G. No comments.

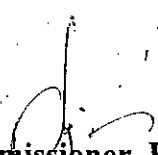
H. For the purpose of good governance and the supremacy of law and rules. The answering respondents imposed a minor penalty upon the appellant.

I. The legal requirements has fully been observed.

J. Law favors the negligent and not the incumbent.

K. No comments.

In view of above submissions, it is requested that the appeal of the appellant being devoid of merits, may be dismissed with cost in limine, please.


Commissioner, Hazara Division
Abbottabad. (Respondent No. 01)

**COMMISSIONER
HAZARA DIVISION
ABBOTTABAD**


~~Deputy Commissioner,
Haripur. (Respondent No. 02)~~

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Service Appeal No. 7347 / 2021

Gulam Dastagir Patwari (*Appellant*)

Versus..

Commissioner, Hazara Division Abbottabad and others (*Respondents*)

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of para wise comments in the above titled appeal are true and correct as per my knowledge and nothing has been concealed from this honorable court.

~~10/11/21~~
DEPONENT



OFFICE OF THE ADDL. DEPUTY COMMISSIONER, RELIEF & HR HARIPUR

Email: ddmaharipur@yahoo.com

Phone Number: 0995-920206 Fax: 615412

No. Inquiry: 1262 /ADC HR (H)

Dated Haripur the: 08/04/2021

To

The Deputy Commissioner
Haripur.

DK
As directed
12/04/2021
ADC (G) HARIPUR
Put up on file
ADCC
DEPUTY COMMISSIONER
HARIPUR 04/22

**SUBJECT: - DE-NOVO ENQUIRY AGAINST MR. GULAM DASSTAGIR EX-PATWARI
HALQA GHAZI, TEHSIL GHAZI & DISTRICT HARIPUR.**

Office of ADC Haripur
Diary No. 4171
Date 12/4/21

BACKGROUND.

The undersigned was appointed as Inquiry Officer by the Competent Authority under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 vide Office letter No. 2328/P.E/HCR/DC(H) dated: 02-09-2019-03-2021 (Annexure-A) to investigate the charges / allegations against Mr. Ghulam Dastagir Ex- Patwari Halqa Ghazi, Tehsil Ghazi & District Haripur leveled against him in the Charge Sheet / Statement of Allegations.

- i. That as per inspection report of Assistant Commissioner Ghazi vide letter No. PA/I-70/AC(G)/1420-23 dated 0-01-2021, a private person namely Sader Shah s/o Mardan Shah was found in Patwari office personating/ working as revenue official & dealing with general public in violation of the standing instructions of the Board of Revenue Khyber Pakhtunkhwa. (Annexure-B).
- ii. Consequently, he was warned by the inspection officer to mend his ways but he did not bother to comply with the instruction issued by Assistant Commissioner Ghazi as the said person was again found present with same state during another surprise inspection. This act shows gross inefficiency and negligence on his part and tantamount to misconduct.

No. 879/ADC(H)
date 12/04/21

PROCEEDINGS:

In order to probe the above charges / allegations, the undersigned (Inquiry Officer) summoned Mr. Ghulam Dastaghir Ex- Patwari Halqa Ghazi, Tehsil Ghazi & District Haripur and private person namely Mr. Sader Shah s/o Mardan Shah r/o Sheikh Chor p/o Mian Dheri, Tehsil Ghazi & District Haripur, for personal hearing on 01-04-2021. Statements of Assistant Commissioner Ghazi and Tehsildar Ghazi have been also been recorded and placed in file.

Statement of Assistant Commissioner Ghazi:

Assistant Commissioner Ghazi in his statement stated that he paid surprise/ inspection of Patwar Halqa Ghazi on 04-01-2021 and found that an unknown private person namely Sader Shah s/o Mardan Shah was dealing with the general public and working as an official instead of

Patwari. Assistant Commissioner Ghazi directed the Patwari Halqa to submit an explanation on the gross negligence and incompetence on 05-01-2021. However AC (G) conducted another inspection of Patwar office on 07-01-2021 and found the same violation being repeated with Sader Shah acting as an official. (Annexure- C).

Statement of Tehsildar Ghazi:

Tehsildar Ghazi expressed his complete satisfaction with the accused regarding fulfilment of his official duties as well as his conduct. Tehsildar (G) stated that he did not receive any complaint regarding private person working with accused. (Annexure-D).

Statement of Mr. Ghulam Dastagir Ex- Patwari Halqa Ghazi:

According to the written statement of Mr. Ghulam Dastagir Ex- Patwari Halqa Ghazi, has denied all the allegations and stated that Assistant Commissioner Ghazi paid surprise visits to his Patwar Halqa Ghazi on 04-01-2021 and 07-01-2021, at the time of visit Patwari was present in the his Patwar Khana and some visitors/ landlords were also present. Mr. Sader Shah s/o Mardan Shah was also present alongwith some landlords. AC (G) directed/ ordered Sader Shah to leave the Patwar Khana and also took office key. He also stated that during the visits AC (G) did not express any concern neither did he receive written explanation order till 11-01-20 21 whereby he was informed that he has been suspended. Patwari Halqa further pleaded for exoneration from the charges levelled against him in the above mentioned view. (Annexure-E).

Statement of Mr. Sader Shah (Private Person):-

Mr. Sader Shah s/o Mardan Shah r/o Sheikh Chor p/o Main Dheri in his statement stated that being a trainee at Bar Council Haripur he deals with general public in various cases. He visits offices for resolution of different issues faced by public including Patwar Khanas. On the inspection dates he was there with his clients regarding some civil suit nonetheless he has no connection with Patwar Halqa. (Annexure-F).

Findings:

During the course of inquiry, the following findings surfaced as a result of the personal hearing, perusal of written statements and relevant record.


- During AC (G) surprise visit to Patwar Halqa Ghazi private person Sader Shah s/o Mardan Shah was present alongwith others and Patwari Halqa dated 04-01-2021 and 07-01-2021.
- Although AC (G) issued written explanation as well as verbal warning to Patwari Halqa to abstain from involving private person dealing with public instead of him still in his next surprise visit within 03 days, the same private person was in Patwari Halqa office dealing as an official.
- Written explanation was issued on the very next day of first surprise visit. However, Patwari Halqa has denied receiving the same and hence, being unaware of any explanation/ warning/displeasure of AC (G).
- Tehsildar (G) has expressed full satisfaction regarding discipline and indent of Patwar Halqa.

“ ”

(P)

Conclusion:-

1. In view of the above findings it has been deduced that private person namely Sader Shah s/o Mardan Shah was present in the Patwar Halqa Ghazi office during the surprise visits of AC (G) date 04-01-2021 and 07-01-2021. In spite of written as well as verbal warning by AC (G) same person was found working in Patwar Halqa Office.
2. Therefore, the Patwari Halqa has been found inefficient hence, it is recommended that **Minor Penalty of holding annual increments** for the period of **03 years** as per rule 4(a) (ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) rules 2011, may be imposed on the Patwari so that such like practices may be desisted in future.


**Addl: Deputy Commissioner,
Relief & HR, Haripur**

بخدمت جناب ایڈیشنل مشنر صاحبہ (ADC) حیدرآباد

جواب بحوالہ معطلی نمبری

جناب عالی
ذیل جواب سب سے مندرجہ ذیل ہے

1. یہ کہ سال بحقیقت یواری حلقہ غازی تحصیل غازی میں احسن طریقے سے اپنے
معاوضہ سر انجام دے رہا تھا کہ جوڑہ $\frac{1}{2}$ اور $\frac{1}{2}$ کو جناب اسٹیشنر
غازی نے سال سے انھیں کا احاطہ دورہ کیا۔ سال اس وقت اپنے آفس میں موجود
تھا اور چند زمیندار بھی موجود تھے اور میں زمینداروں کے کام میں مصروف تھا۔
اس دوران بہادر شاہ ولد سردار شاہ غازی زمیندار بھی موجود تھا۔ چونکہ میں دوسرے
زمیندار کے پیلوہ رہا تھا۔ چنانچہ اسٹیشنر صاحبہ غازی نے دفتر سے نقل جانے کا
مقرر کیا۔ اور بغیر کوئی بات سے دفتر سے چلی گئے۔

میں اپنے پورا حلقہ غازی، زمینداروں کے کام قبضہ خود کرتا رہا۔

اور میں نے اپنے ساتھ بہادر شاہ غازی یا کوئی اور دوسرا شاہ نہیں رکھا ہوا۔
دورانِ وزارت پورا حلقہ جناب اسٹیشنر صاحبہ نے سال سے کوئی سوال جواب یا پورا حلقہ نہیں

اور نہ ہی مالک سال کو شہری یا زبانی پوائنٹ دیا ہوا ہے۔

جوڑہ $\frac{1}{2}$ کو سال کو تحصیل آفس کے ذریعے علم ہوا کہ میں نے جو معطل کر دیا ہے۔

لہذا جوڑہ باہر ہوتے ہیں سال کی دیر دانستہ کوئی غلطی نہیں ہے۔

جناب اسٹیشنر صاحبہ کی خدمت میں سال کو مجال کرنے کی سفارش کی جائے۔

سال حلقہ بیان ہے کہ اگر کوئی سفارش یا موقع نہیں دیا گیا۔ جواب اسٹیشنر صاحبہ

انصاف
عظیم دستگیر یواری غازی
Ex

9

Annexure A

SHOW-CAUSE NOTICE

I, Capt. (R) Nadeem Nasir, Deputy Commissioner Haripur under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules-2011 serve you Mr. Ghulam Dastagir the then Patwari Halqa Ghazi Show-cause Notice on the basis of De-novo inquiry report submitted by Additional Deputy Commissioner (Relief/HR), Haripur vide No. Inquiries/1262/ADCHR(H) dated 08.04.2021.

After examining the inquiry report referred above, I am satisfied that you have committed the following gross misconduct: -

- i. *That during the surprise visit of Assistant Commissioner Ghazi on 04.01.2021, a private person namely Sader Shah S/o Mardan Shah was present in your Patwar office personating / working as revenue official & dealing with general public in violation of the standing instructions of the Board of Revenue Khyber Pakhtunkhwa Peshawar.*
- ii. *That in spite of written as well as verbal warning by Assistant Commissioner, Ghazi you did not bother to comply with the instruction issued by visiting officer as the said person was again found present with same state during another surprise inspection on 07.01.2021. This act shows gross inefficiency and negligence on your part and tantamount to misconduct.*

You are, therefore, directed to show cause as to why any of the minor penalties should not be imposed upon you. Furthermore, you are directed to appear on 21.04.2021 at 11:00am before the undersigned for personal hearing.

If no reply to this Notice is received within 07 days of its delivery, it shall be presumed that you have no defense to put in and, in that case, ex-parte action shall be taken against you.

A copy of aforementioned enquiry report is attached.


Deputy Commissioner
Haripur

20/4/21

No. 3570 /HCR/DC (H)
Dated Haripur the 20 / 04 / 2021
Mr. Ghulam Dastagir the then Patwari Halqa Ghazi,
Through Tehsildar Ghazi.

ATTESTED

10

12

گرفت جناب دینی کتبی ہندوستان

لاہور

جواب دینا جبکہ مطابقت حالات فقہ و فہم سے بہت
 نام لکھ کر ہر روز اپنے دفتر میں لکھی جاتی ہیں
 اس دوران میں اپنے دفتر میں نہ لکھی جاتی ہیں
 جناب علم میں کہ ہر روز اپنے دفتر میں لکھی جاتی ہیں
 کا نام لکھ کر ہر روز اپنے دفتر میں لکھی جاتی ہیں
 یہ دفتر سے تعلق ہو جو میں خود سرانجام دیتا ہوں اور
 اس میں ہر فرد لکھی جاتی ہیں اور ہر روز لکھی جاتی ہیں

میں مدافعت کرتا

میں مدافعت کرتا اور ہر روز لکھی جاتی ہیں
 کہ ہر روز لکھی جاتی ہیں اور ہر روز لکھی جاتی ہیں

جناب سے سب سے اچھا ہے کہ ہر روز لکھی جاتی ہیں

Received today

دفعہ دفتر میں لکھی جاتی ہیں اور ہر روز لکھی جاتی ہیں
 21/02/04

میں مدافعت کرتا اور ہر روز لکھی جاتی ہیں
 21/02/04



(11)

Office Of The Deputy Commissioner, Haripur.
Phone No. 0995 - 920200 / 920202, FAX No. 0995 - 615412

OFFICE ORDER:

WHEREAS, Mr. Ghulam Dastagir Ex-Patwari Halqa Ghazi was suspended from service in pursuant to the recommendations of Assistant Commissioner, Ghazi submitted vide Inspection report bearing No. PA/1-70/AC(G)/1420-23 dated 07.01.2021 on the charges of repeated presence of a private person namely Sader Shah S/o Mardan Shah in his Patwar office personating / working as revenue official & dealing with general public despite strict warning issued to him by Assistant Commissioner, Ghazi.


AND WHEREAS, Assistant Commissioner Haripur was appointed as Inquiry Officer to conduct inquiry into the aforesaid charges / allegations and to submit his report. The Inquiry Officer has submitted his report vide No. Inquiry/2030/AC(H) dated 04.02.2021. After perusing the inquiry report it was deemed expedient to order De-novo Inquiry against the accused official. Consequently, De-novo Inquiry into the said allegations was conducted through Additional Deputy Commissioner (Relief & HR), Haripur vide No. Inquiry:1262/ADCHR(H) dated 08.04.2021.

AND WHEREAS; after receipt of enquiry report, Show-cause notice was issued to the accused official and date was fixed for his personal hearing on 21.04.2021 at 11:00am. The reply to Show-cause notice submitted by the accused was found un-satisfactory and during the personal hearing he has failed to satisfy the undersigned.

AND WHEREAS, I Capt. (R) Nadeem Nasir, Deputy Commissioner Haripur, as Competent Authority after having examined the charges, evidence produced, statement of accused official, findings of Inquiry Officer, and after personal hearing of the accused official, concur with the findings of the Inquiry Officer.

NOW THEREFORE, in exercise of the powers conferred under the Rule-4(1)(a)(ii) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules-2011, minor penalty of withholding two annual increments is hereby imposed upon Mr. Ghulam Dastagir Ex-Patwari Halqa, Ghazi with immediate effect.

Consequent upon the above, he is hereby reinstated in service with effect from date of his suspension and directed to report in Tehsil office, Ghazi.


(Capt. (R) Nadeem Nasir)
Deputy Commissioner
Haripur

No. 1262 / ADCHR(H) - 85PF/Ghulam Dastagir/HCR/DC(H).

Dated: 28 / 04 / 2021.

Copy to the:-

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar.
2. Commissioner, Hazara Division Abbottabad.
3. Additional Deputy Commissioner (G), Haripur.
4. Assistant Commissioner Ghazi.
5. Senior District Accounts Officer, Haripur.
6. Tehsildar Haripur.
7. District Nazir (local) for necessary action.
8. Patwari concerned.
9. Personal File.


Deputy Commissioner
Haripur

REGISTERED MAIL



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

Dated Abbottabad: 18/03/2022

Subject: APPEAL FILED BY MR. GHULAM DASTAGEER EX-PATWARI
HALQA GHAZI, DISTRICT HARIPUR

O-R-D-E-R

No. Reader/AR/ACR/CHD/ 3444-46 WHEREAS, the disciplinary were proceedings initiated against Mr. Ghulam Dastagir Ex-Patwari Halqa Ghazi, District Haripur under the provisions of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Disciplinary) Rules, 2011 on account of allegations leveled against him by charge sheet through letter No.inquiry:1232-34/ADC HR (H) dated 25-3-2021.

AND WHEREAS, the Inquiry Officer conducted the inquiry in the matter and submitted report vide letter No. inquiry/2030/AC (H) dated 04-02-2021. Later on a De-Novo Inquiry was conducted against the appellant through Additional Deputy Commissioner (R&HR) Haripur vide No. Inquiry:1262/ADCHR dated 08-04-2021.

AND WHEREAS, the Deputy Commissioner, Haripur in the light of Rule 4 (1)(a) (ii) of Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules 2011 imposed minor penalty of withholding two annual increments upon appellant vide order No. 3780/PF/Ghulam Dastagir/HCR/DC(H) dated 28-04-2021.

AND WHEREAS, being aggrieved of the order of the Deputy Commissioner Haripur, Mr. Ghulam Dastagir filed the Departmental appeal before me with the prayer that the impugned order may please be set aside with all back-cum-consequential benefits.

AND WHEREAS, after going through the appeal, perusal of the record, comments received from the Deputy Commissioner Haripur vide No.PF/Ghulam Dastagir/HCR/DC(H) dated 30-12-2021, & by giving the opportunity of personal hearing to the appellant in presence of representative of the Deputy Commissioner Office, Mansehra.

NOW, THEREFORE in the light of above **I, Mutaher Zeb, Commissioner Hazara Division, (as Appellate Authority)** is convinced that there is nothing to interfere with the impugned order of Deputy Commissioner Haripur bearing No. 3780/PF/Ghulam Dastagir/HCR/DC(H) dated 28-04-2021 and is upheld and appeal of the appellant is dismissed. No order as to the cost.

ANNOUNCED
14-03-2022

Office: District Haripur
Date: 24/3/22

Sd/-
Commissioner,
Hazara Division Abbottabad.

Copy forwarded to the:

1. Deputy Commissioner, Haripur.
2. PS to Commissioner, Hazara Division, Abbottabad.
3. Appellant Mr. Ghulam Dastagir Ex-Patwari Halqa Ghazi, District Haripur.

~~HCR~~
~~11/11~~
D (R/A)

(Dr. Adil Ayub) 18.3.22
Assistant to Commissioner (Rev/GA),
Hazara Division. Abbottabad.

BC - 166960

Ali Azim Afridi

0333 9555000

22

VAKALATNAMA

BEFORE THE Service Tribunal KP

Ghulam Dastagir Plaintiff(s)/Appellant(s)
Applicant(s)/Petitioner(s)

VERSUS

the commissioner Hazara Defendant(s)/Respondent(s)
Division did other Accused

FOR Ghulam Dastagir

I/We, hereby appoint **Mr. Ali Azim Afridi** Naeem Ahmed Khattar
(Advocate High Court)

1. To appear, act and plead for me/us in the titled case before the Court/Tribunal in which the same maybe tried or heard, and any other proceedings arising therefrom or ancillary therewith and its stages that I personally could do if this instrument had not been executed.
 2. That fee paid, or agreed to the said Counsel is for this Court alone and no part of the fee is refundable. The Counsel shall be entitled to retain costs payable by the opposite side.
 3. I, we, will make arrangement for attending the Court on every hearing to inform my/our Counsel when the case is called. The Counsel shall in no way be responsible for any loss caused to me/us through my/our failure to inform him.
- AND** hereby agree:-
4. **That** the Counsel shall be entitled to withdraw from the prosecution of the titled case if the whole or any part of the agreed fee remains unpaid.
 5. I/We have read the above terms and conditions and the same have been explained to me/us; and I/We have accepted them in WITNESS WHEREOF; I/We have set my/our hand this ___ day of _____ 20

ACCEPTED

Signature of Counsel

Signature of Client

Email: - alee_1@live.com
Contact # 0333-9555000

"B"

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

No.

Appeal No.

7347

of 20

21

Shuhaim Dastogir

Appellant/Petitioner

Regd

The Commissioner ^{Versus} Hazara A. Abad.

Respondent

Respondent No.

2

Deputy Commissioner Hoojpur

Notice to: —

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 24/11/20 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.....

12/11

Day of.....20

21

(For Reply)



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.

"B"

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

No.

Appeal No. 7347 of 20 21

Ghulam Dastagir Appellant/Petitioner

Versus

The Commissioner Hazara A. A. Aboed Respondent

Respondent No. 1

Notice to: —

The Commissioner Hazara Division
Abbottabad.

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 24/2/22 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 12/11

Day of Nov 20 21

(For Reply)


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.

"A"

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

TB A/A

No.

7347

21

APPEAL No. of 20 .

Ghulam Mustafa

Appellant/Petitioner

Versus

Commissioner Hazara A/A

RESPONDENT(S)

Counsel Ali Azim Afridi

Notice to Appellant/Petitioner

(Advocate)
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication/affidavit/counter affidavit/record/arguments/order before this Tribunal on 18-7-22 at 8:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court
Al Abad

Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No. *Recd*

TB AIA

APPEAL No. *7347* of 20 *21*

Ghulam Dastagir

Appellant/Petitioner

Versus

Commissioner, Hazara

A/Abrd

RESPONDENT(S)

Notice to Appellant/Petitioner

Ghulam Dastagir Patwari
Halqa Ghazi Distt
Hari Pur

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *18-7-22* at *8:00 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court

A/Abrd

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Trib
Peshawar.

"A"

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

No.

TB A/A

APPEAL No. 7347 of 20 21

Abdul Sam Dastagir

Appellant/Petitioner

Versus

Commissioner Hazara A/A

RESPONDENT(S)

Notice to Appellant/Petitioner
Counsel Ali Azim Afridi
(Advocate)
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 18-7-22 at 8:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court
Al Abad.

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

Recd
No.

TB AIA

APPEAL No. 7347 of 2021

Ghulam Dastagir

Appellant/Petitioner

Versus

Commissioner Hazara A/Abad

RESPONDENT(S)

Notice to Appellant/Petitioner

Ghulam Dastagir Patwari

Halqa Ghazi Distt
Haripur

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 18-7-22 at 8:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court

A/Abad.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.