S.A No. 857/2018

ORDER 22.12.2021

Mr. Rizwan Ullah, Advocate for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

This case was fixed for 29.12.2021, but on the request of learned counsel for the appellant case was requisitioned for today.

Learned counsel for the appellant submitted an application for withdrawal of the instant appeal as appellant is no more interested to pursue the instant appeal. Application is allowed. Consequently, the present service appeal is dismissed as withdrawn. File be consigned to record room.

ANNOUNCED 22.12.2021

(Atiq-Ur-Rehman Wazir) Member (E)

(Ahmad Sultan Tareen) Chairman



a start and a start of the

17.08.2021 Since 17.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 29.12.2021 for the same as before.

Reader

17.11.2020

Nemo for appellant.

Zara Tajwar, learned Deputy District Attorney alongwith Muhammad Ajmal Assistant Secretary for respondents present.

Notice be issued to appellant and his counsel for 22.01.2021 for arguments, before D.B.

Atiq ur Rehman Wazir) Member (E)

(Rozina Rehman) Member (J)

22.01.2021

Counsel for the appellant and Asstt. AG Muhammad Ajmal, Assistant Secretary for the respondents present.

Former requests for adjournment in order to further prepare the brief. Adjourned to 26.04.2021 for hearing before the D.B.

(Mian Muhammad Member(E)

Chàirman.

26.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 17.08.2021 for the same as before.

Reader

 2020
 Due to COVID19, the case is adjourned to

 1/7
 2020 for the same as before.

Re

17.07.2020 Due to COVID-19, the case is adjourned to 14.09.2020 for the same.

14.09.2020

Junior counsel for appellant present.

Mr. Muhammad Jan, learned Deputy District Attorney alongwith Mukhtiar Ali, Assistant Secretary for respondents present.

An application for adjournment was submitted, as senior counsel is indisposed; adjourned. To come up for arguments on 17.11.2020 before D.B.

Atiq ur Rehman)

Member (E)

(Rozina Rehman) Member (J) 20.01.2020

Due to general strike on the call of the Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Usman Ghani learned District Attorney for the respondents present. Adjourned to 06.03.2020 for arguments before D.B.



(M. Amin Khan Kundi)

Member

06.03.2020

Counsel for the appellant present. Addl: AG alongwith Mr. M. Arif, Supdt for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.05.2020 before D.B.

Member

Member

Appellant with counsel present. Mr. Usman Ghani learned District Attorney alongwith Atta Ullah Assistant Secretary present. Representative of respondent department seeks adjournment to furnish record. Adjourn. To come up for record and arguments on 21.11.2019 before D.B.

Member

2019 Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Neither representative of the department is present nor the record mentioned in the order dated 21.08.219 has been furnished by anyone Respondents are directed to direct the representative to attend the court and furnished the aforesaid record positively on the next date. Adjourned. To come up for record and arguments on 20.01.2020 before D.B.

> (Hussain Shah) Member

Hussain Shah)

Member

Member

104

(M. Amin Khan Kundi) Member

(M. Amin Khan Kundi)

Member

1 20219 Later on representative of the respondent Mr. Arif Superintendent present and furnished all the relevant record. Adjourned. To come for arguments on 20.01.2020 before D.B. 10.05.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Arif, Superintendent for respondents No. 2 & 3 present. Representative of respondent No. 2 & 3 submitted written reply and stated that he relies on the written reply submitted by respondents No. 2 & 3 on behalf of respondents No. 1 & 4. Adjourned to 12.07.2019 for rejoinder and arguments before D.B.

direction.

(MUHAMMAD AMIN KHAN KUNDI) MEMBER

12.07.2019

Counsel for the appellant and Addl: AG alongwith Mr. M. Arif, Supdt for respondents present. Counsel for the appellant submitted rejoinder which is placed on file. Adjourned. Case to come up for arguments on 21.08.2019 before D.B.

Member

21.08.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Muhammad Arif, Superintendent for the respondents present. Learned counsel for the appellant stated at the bar that the statements of witnesses recorded by the inquiry officer are not available on the record therefore, requested that the same may be requisitioned. Representative of department is directed to furnish the statements of witnesses recorded by the inquiry officer alongwith all other relevant documents of inquiry on the next date. Adjourned to 07.10.2019 for record and arguments before D.B.



MA

(M. Amin Khan Kundi) Member

Member

Appellant in person present. Written reply not submitted. Javid Assistant representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 08.04.2019 before S.B

08.04.2019

04.03.2019

Appellant in person and Asstt. AG alongwith Mr. Muhammad Arif, Superintendent for the respondents present.

Representative of respondents states that the requisite reply has been prepared but is yet to be signed by the concerned respondents. He, therefore, requests for adjournment.

Adjourned to 23.04.2019 for the needful before S.B.

Chairmar

Member

23.04.2019

Appellant in person present. Addl: AG alongwith Mr. Javed, Assistant for respondents present. Written reply/comments not submitted. Requested for adjournment. Adjourned but as a last chance. Case to come up for written reply of respondents on 10.05.2019 before S.B.

(Ahmad Hassan) Member

04.01.2019

Counsel for the appellant Salcem Ahmad present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was imposed major penalty of removal from service on the allegation mentioned in the charge sheet. It was further contended that the appellant filed Service Appeal which was partially accepted, impugned order was set-aside and the appellant was reinstated in service however, the department was directed to conduct de-novo inquiry against the appellant strictly in accordance with law vide judgment dated 10.10.2017. It was further contended that de-novo inquiry was conducted however, the appellant was again imposed minor penalty of stoppage of promotion for three years vide order dated 09.03.2018. It was further contended that the appellant filed departmental appeal on 09.04.2018 which was rejected on 21.05.2018 and received the same to the appellant on 28.05.2018 hence, the present service appeal on 27.06.2018. It was further contended that the respondent-department has conducted de-novo inquiry but neither any witness was examined by the respondent-department in the presence of the appellant nor opportunity of cross examination and personal hearing was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contentions raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process lee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 04.03.2019 before S.B.

min Khan Kundi) (Muhammad Member

05.09.2018

Appellant in person present and seeks adjournment as his counsel is not available Adjourned. To come up for further proceedings on 15.10.2018 before S.B

Member

15.10.2018

Appellant in person present and seeks adjournment due to general strike of the Bar. Case to come up for preliminary hearing on 16.11.2018 before S.B.

(Ahmad Hassan) Member 16-11-2018 Due to Selvement of Honorable Chairman The Tribural is non functional Therefore The case is adjourned To come up for The Same on 4-1-2019

Relades

Form- A

FORM OF ORDER SHEET

Court of

Case No.

857**/2018**

S.No. Date of order Order or other proceedings with signature of judge proceedings 2 3 1 1 . 04/07/2018 The appeal of Mr. Saleem Ahmad resubmitted today by Mr. 1-Rizwanullah Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please. REGISTRAR 4/7// This case is entrusted to S/Bench for preliminary hearing to 2be put up there on 31/7118 MEMBER Appellant Saleem Ahmad in person present and requested 31.07.2018 for adjournment. Adjourned. To come up for preliminary hearing on 05.09.2018 before S.B. Appellant-in-rozon present and teaks adjeurational 022018 his-coupsel_is-not-avaiisble_Adjourned==Teleame=up=for urthe Eproceeding and 15:16-2018 before 9:38 Manher,

بح الله في المعر ر

The appeal of Mr. Saleem Ahmad Sub Register-I Revenue Department received today i.e. on 27.06.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of enquiry report mentioned in para-8 of the memo appeal (Annexure-I) is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.

Sir,

4- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1300 /S.T.

Dt. 28/06_/2018.

REGISTRAR 2816 118 SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

7/2018

Re- Submitted after doing the needful.

Mr. Rizwanullah/Adv. Pesh.

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 857 /2018

1. Saleem Ahmad Sub Registrar-I Revenue Department, R/O outside Lahorigate, Mohallah Islamabad, Kucha Sultan Abad, Peshawar.

APPELLANT

VERSUS

1. The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar & others.

RESPONDENTS

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Appellant

Through

Dated:- 26/06/2018

Rizwanullah M.A. LL.B Advocate High Court, Peshawar.

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BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 857 /2018

her Pakhtukhwa vice Tribunal <. er Diary No. 1084

 Saleem Ahmad Sub Registrar-I Peshawar Revenue Department, R/O outside Lahorigate, Mohallah Islamabad, Kucha Sultan Abad, Peshawar.

APPELLANT

VERSUS

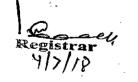
- 1. The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
- 2. The Senior Member Board of Revenue & Estate Department, Government of Khyber Pakhtunkhwa, Peshawar.
- ✓3. The Inspector General of Registration/Director Land Record, Board of Revenue Peshawar.
 - 4. The Deputy Commissioner/District Registrar Peshawar.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 09-03-2018 PASSED BY THE SENIOR MEMBER BOARD OF **REVENUE & ESTATE DEPARTMENT** (RESPONDENT NO.2) WHEREBY THE WAS AWARDED APPELLANT PENALTY OF BAN OF PROMOTION A PERIOD OF THREE YEARS. FOR APPELLANT PREFERRED THE APPEAL WITH **DEPARTMENTAL** (RESPONDENT NO.1) ON 09-04-2018 WHICH WAS REJECTED ON 21-05-2018.

Filedto-day nstr 116

Re-submitted to -day and filed.



Page 1 of 10

<u>Prayer in Appeal</u>

By accepting this appeal, the impugned orders dated 09-03-2018 & 21-05-2018 may very graciously be declared as illegal, unlawful and without lawful authority and the same may kindly be set aside.

Any other relief deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the appellant.

Respectfully Sheweth,

1.

Short facts giving rise to the present appeal are as under:

That the appellant was serving as Sub-Registrar Revenue, Peshawar at the relevant time. He had 23 years unblemished service record to his credit. The appellant was awarded commendation certificate by the Deputy Commissioner /District Registrar Peshawar (respondent No.4) in recognition of his meritorious services and outstanding performance vide certificate dated 28/3/2014.

(Copy of certificate is appended as Annex-A).

2.

That Mst. Arsh Bibi D/O Lal Badshah resident of Moza Kambo, Peshawar was the owner of land measuring 19 Marlas and 88 Sarsai as per revenue record. She agreed to sell 13 Marlas and 8 Sarsai out of the above land to Malik Sajjad Khan S/O Malik Sohbat Khan at cost of Rs.38,000,00/. After clearance of legitimate fee/dues, registered deed was before appellant drafted and then presented the (Sub-Registrar-I) Peshawar duly supported by a "Fard" issued by the concerned Patwari Halqa alongwith approved map/sketch. After due satisfaction, the registered deed was executed between the parties on 25-2-2014.

(Copy of Fard, map/sketch & registered deed are appended as Annex-B, C & D).

Page **3** of **10**

That Munir Ahmad and Mst. Muazama Waheed submitted a joint application to the Deputy Commissioner, Peshawar to the effect that they filed a complaint under Section 3,4,5 & 8 of "The Illegal Dispossession Act, 2005" against Malik Sajjad praying therein that they may be awarded punishment under the said law as they had illegally dispossessed them from their property. They further added in the above application that the accused in connivance with the appellant fraudulently transferred their land in his favour through registered deed dated 25-2-2014. Lastly, they requested that the above registered deed may kindly be cancelled and disciplinary action may also be initiated against the appellant.

(Copy of complaint is appended as Annex-E)

That the Competent Authority appointed Muhammd Fayyaz Khan, Secretary-II Board of Revenue & Estate Department as "Inquiry Officer" to conduct inquiry and dig out the truth. The inquiry officer held the appellant guilty of the allegations and recommended him for minor penalty.

(Copy of inquiry report is appended as Annex-F).

That the above report of the inquiry officer was placed before the Competent Authority but no further action was taken on the same.

That the learned Additional District & Sessions Judge-XI Peshawar vide order dated 26-6-2014 dismissed the complaint filed by Munir Ahmad & others on the sole ground that the question of title/ownership is involved therein which can only be determined by a Civil Court.

(Copy of judgment is appended as Annex-G).

4.

5.

6.

3.

That thereafter, the above complainants also submitted a complaint to the Incharge, Chief Minister Complaint Cell on the same grounds reiterated by them in their earlier application addressed to the Deputy Commissioner, Peshawar. This complaint was marked to the respondent No.2 as well as Director Anti-corruption Peshawar for action in accordance with law.

(Copy of complaint is appended as Annex-H).

That the Director Anti-Corruption, Peshawar conducted discreet inquiry in order to substantiate the guilt of appellant but he was found innocent and consequently, filed the complaint without any further action.

> (Copy of inquiry report of Director Anti-Corruption is appended as Annex-I).

That on the other hand, the respondent No.2 also ordered for inquiry against the appellant and the inquiry officer, after so-called inquiry found him guilty of the allegations and recommended him for major penalty. Resultantly, he was served with a show cause notice who submitted reply and denied the allegations. Thereafter, he was awarded major penalty of dismissal from service on 06-01-2017.

10. That appellant after exhausting departmental remedy, invoked the jurisdiction of this Hon'ble Tribunal by way of filing service appeal No.371/2017 praying therein that the impugned order may graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.

8.

7.

9.

11. That this Hon'ble Tribunal vide order dated 10-10-2017 accepted the appeal and reinstated the appellant. However, the respondents were allowed to conduct denovo inquiry strictly in accordance with law.

(Copy of judgment is appended as Annex-J)

12. That the appellant after obtaining certified copy of judgment, requested the respondents for its implementation in letter and spirit. Resultantly, he was reinstated accordingly.

That thereafter, the appellant was served with a charge sheet 13. wherein certain allegations were levelled therein. He submitted reply and denied the allegations and termed the same as fallacious, malicious and misconceived by stating that the disputed registered deed was executed in good faith and also in accordance with law. Therefore, a protection is provided to him by virtue of Section 86 of the Registration Act, 1908. So far as the allegation in respect of his transfer from Malakand to Peshawar is concerned, he assumed the charge as Sub-Registrar-I in pursuance of order No. 4584-92 dated 4-9-2013 and copies of such charge report were duly forwarded to the respondent No.2 & 3 which were received by them and then marked the same to LR-IV and DLR. The Drawing & Dispersing Officer (DDO) submitted necessary change to the Accountant General's office for making and starting the salary of the appellant as Sub-Registrar-I, Peshawar. He worked against the said post for a period of one year and two months and duly received his salary. During the above period, no objection whatsoever was raised by any Authority of the respondents department against the appellant regarding holding of such post illegally. Therefore, the principle of "Acquiescence & Estoppel" both are attracted in the matter. Hence, this allegation is also frivolous, baseless

and denied accordingly. Moreover, the order passed by this Hon'ble Tribunal was misinterpreted.

> (Copy charge sheet and its reply are appended as Annex-K & L)

14.

That the above reply was not deemed satisfactory and Mr. Yasir Hassan Deputy Secretary (REG-II) was appointed as Inquiry Officer to probe into the allegations levelled in the said charge sheet. He conducted the so-called inquiry and submitted report to the Competent Authority. Consequently, the appellant was served with a show cause notice without providing him a copy of inquiry report. He submitted elaborate and exhaustive reply and denied the allegations accordingly. Thereafter, he was awarded penalty of "ban of promotion for three years" vide order dated 09-03-2018

> (Copy of show cause notice, reply and impugned order are appended as Annex-M, N & O)

15.

That the appellant felt aggrieved, filed a departmental appeal with respondent No.1 on 09-04-2018 but the same was rejected on 21-05-2018 which was received by the appellant on 28-05-2018.

> (Copy of departmental appeal and rejection order are appended as Annex-P & Q)

16.

That the appellant now files this appeal before this Hon'ble Tribunal inter-alia on the following grounds within the statutory period of law.

GROUNDS OF APPEAL

A.

B.

С.

That respondents have not treated appellant in accordance with law, rules and policy on the subject and acted in violation of **Article 4 of the Constitution of Islamic Republic of Pakistan, 1973.** Therefore, the impugned order is not sustainable in the eye of law.

That the so-called inquiry was conducted in utter violation of law as neither any witness was examined in the presence of appellant nor he was provided any opportunity of cross examination. Similarly, he was also not provided any chance to produce his defence in support of his version. The above defect in enquiry proceeding is sufficient to declare entire process as sham and distrustful. Right of fair trial is a fundamental right by dint of which a person is entitled to a fair trial and due process of law. The appellant has been deprived of his indispensable fundamental right of fair trial as enshrined in **Article 10-A of the Constitution of Islamic Republic of Pakistan,1973**. Therefore, the findings of the Enquiry Officer are perverse and are not sustainable under the law. Thus, the impugned orders passed on the basis of such findings are not warranted under the law.

That the Competent Authority (respondent No.2) was under statutory obligation to have considered the case of appellant in its true perspective and also in accordance with law and to see whether the inquiry was conducted in consonance with law and the allegations thereof were proved against the appellant without any shadow of doubt or otherwise. But he has overlooked this important aspect of the case without any cogent and valid reasons and awarded penalty of **"ban of promotion for three years"** despite the fact that there was no iota of evidence to connect the appellant with the commission of the allegations. Therefore, the impugned orders are liable to be set aside on this count alone.

That Mst. Arsh Bibi daughter of Lal Badsha was the owner of land measuring 19 Marlas 88 Sarasai as per Revenue Record. She decided to sell 13 Marals 08 Sarsai out of the above land to one Malik Sajjad Khan S/O Malik Sohbat Khan at cost of 38,000,00/-. After depositing legitimate dues/fee, Rs. registered deed was drafted and then presented before the appellant (Sub Registrar-I) duly supported by a Fard issued by the concerned Patwari Halqa alongwith approved map/sketch. The property in question was situated in a populated area surrounding by many buildings and that she was also in possession of the same. Therefore, boundaries were particularized in order to avoid any embarrassment in future. After due care and caution, the registered deed was executed between the parties in accordance with law. Thus, the appellant has committed no illegality or irregularity in executing the aforesaid registered deed. Besides, no stay order was granted by any competent court of law in respect of disputed property and this fact has also been confirmed by the Anti-Corruption Department in the inquiry. Therefore, the impugned orders are liable to be set aside on this count alone.

That so far as the question of un-partitioned/joint property is concerned, the co-sharer is entitled to sell his property to the extent of his own share at any time as per law laid down by the superior courts in various judgments. Thus the impugned orders are required to be reversed.

That as the appellant has acted in good faith by executing the said registered deed, therefore, protection is available to him by virtue of Section 86 of "The Registration Act, 1908". But the Authority has mis-interpreted the provision of relevant law. Hence, the impugned orders are not warranted by law.

D.

E.

F.

That the complainants have claimed ownership in their application as well as complaint and the Authority was required to have filed the same without any action as the above question of title/ownership had exclusively come within the domain of Civil Court. But he failed to do so. Thus, the impugned orders are bad in law.

That similar registered deeds were also executed by other Registering Officers and boundaries were duly particularized therein. But no action whatsoever was taken against them while the appellant was made a scapegoat alone. It is well settled law that equal treatment is the fundamental right of every citizen by virtue of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973. However, the Authority blatantly violated the said provision and failed to treat him qua his similarly placed colleagues. Therefore, the impugned orders are not tenable under the law.

(Copies of registered deeds are appended as Annex-R, S, T & U)

That Mst. Arsh Bibi was the owner of property in revenue record under Khasra No. 260 while the complainants were shown owners under Khasras Nos. 267, 389 & 261 as per Fard issued by the concerned Patwari Halka and they had no nexus with the former Khasra. But the Authority has overlooked this important aspect of the case. Hence, the same is liable to be set aside on this count alone.

(Copy of Fard is appended as Annex-V)

That the Appellate Authority (respondent No.1) was legally bound to have applied its independent mind to the merit of the case by taking notice about the illegality and lapses committed by the Inquiry Officer as well as respondent No.3 as enumerated in Para-B & C above. But he failed to do so.

G.

H.

I.

J.

Hence, the impugned orders are against the spirit of administration of justice

That the impugned orders are suffering from legal infirmities and as such caused grave miscarriage of justice to the appellant.

That the impugned orders are against law, facts of the case and norms of natural justice. Therefore, the same are not tenable under the law.

That the respondent No. 1 & 2 have passed the impugned orders in mechanical manner and the same are perfunctory as well as non-speaking and also against the basic principle of administration of justice. Thus, the same are not warranted under the law.

That the appellant would like to seek the permission of this Hon'ble Tribunal to advance some more grounds at the time of arguments.

In view of the above narrated facts and grounds, the impugned orders dated 09-03-2018 & 21-05-2018 may very graciously be declared as illegal, unlawful and without lawful authority and the same may kindly be set aside.

Any other relief deemed proper and just in the circumstances

of the case, may also be granted.

Appellant

Through

Dated: 27/06/2018

IZWANULLAH M.A. LL.B

Advocate High Court, Peshawar

L.

M.

N.

Κ.

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

11

Service Appeal No. /2018

1:

1.

Saleem Ahmad Sub Registrar-I Peshawar Revenue Department, R/O outside Lahorigate, Mohallah Islamabad, Kucha Sultan Abad, Peshawar.

APPELLANT

VERSUS

The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar & others.

RESPONDENTS

AFFIDAVIT

I, Saleem Ahmad Sub Registrar-I Peshawar Revenue Department, R/O outside Lahorigate, Mohallah Islamabad, Kucha Sultan Abad, Peshawar, do hereby solemnly affirm and declare that the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.





Allesteel

Appellant

OFFICE OF JHE Annex A DEPUTY COMMISSIONER PESHAWAR. Dated Peshavar the 28/03/2014

COMMENDATION CERTIFICATE.

It has been observed that no complaint, whatsoever, of extra charges has been reported by anyone against <u>Mr. Salim Ahmed Sub-Registrar-I Peshawar</u>, while contacting the sellers/purchasers on cell Numbers recorded on Affidavits of landed properties on the registered deeds. It is also a matter of pleasure that no wrong cell number or number of property dealers have been reported so far.

This commendation certificate is granted to Mr. Salim Ahmed, Sub-Registrar-1 Peshawar in recognition of his meritorious services & efficient performance rendered by him in the discharge of his official duties.

ATTested.

DE:

Deputy Commissioner,

回用

Peshawar.

Appellart

mex- B B. رد شردار از ر ، ترحقداران زمین موضع کمبره 1/ .00% ا نام ما لك حصه احوال تمركمانة 5 نام كاشتكاردا حوال المبرخ 6 ره ارتبه مديتم زيين لگان متامله 34; |39 768. 5-73 (33) 13 فيركن فرود 1992 י אַייַני 1.1. ه مین 2 1352 7680 7680 =19-887 3(6328) 119 Į, یک گفتہ کر ما دستخطب فادكا Allested Apollar Appenant JUT 9097736-7 . .

BETTER C Innet - C درم مق أراجه (قد) تدار (مرحم) To reverling of of the 2. alixangener un pidding میں ور میں سر اعلم ولفین ا على در الم الم الم الم الم الم مدى كوس والمال الما محد الم هارد الري م-46 110 Npp ellas 1.1. Bland Saced Filucation d) · Attested 19-655700 8 china

Anner - Day 16 10.... 25000 K برنیه تعدادی تیره مرکساً تصر سولی (Marla 8 Sarsai) واقع رقبه موضع كمبوه يخصيل وضلع يبتاور (جو که روڈ سے 120 منٹ سے زائد دور واقع ہے) 10: 1411-1272) x. وسيستنقص فتيراحه ولدملك سلطان تحود سكنه بهازي بوره بيتاور بحيثيت مختيار منجانب مساة عرش بي بي دخر الحل بادىتاە زوجەسىر عبال حيدرىتاە سىنىدىكبوە قاصى تاۋن ۋاكخانىدجا. تىكىمىپ يېتادر بحوالىددىتادىر نمبر 199 م بن نمبر 4 جلد نمبر 643 مورخه 2014/02/20 بدفتر سب رجير ارصاحب پښادر جو که تاحال بحال و انز اردهنده زنده حیات ہے۔ درینودت بقائی عقل دہوش دحواس جیسہ دبلا ترغیب کچیرے کے مقربوں بے بدیند که جائریاد بشکل پلات شکن (برائے کتمبر آبادی) برقبہ تعدادی تیرہ مرکہ آتھ مرسائی (13 Maria 8 Sarcai) معه تخت د زیکن دخن راسته برایط آمدوردنت ددیگر جمله حنوق مالکانه متعلقه ، نندگوره بالا محد .ه بحدودات بمطابق نقشه شرقاً غیر ممکن راسته غرباً حجره ملک صحبت خان Allesteel attested 1 Appenant Appellan

16 Culler Cull 1.25 The police 1:1/3 Ula 15 in ن سى دمەن -Since we were preserver dan in the فتأرين من مما وعرض بي ، ما مع في اجمالة ما مر الت ج / منتقبة خذ فر حرف مرج مس مسويل استن : ا میں کرروسے میں من دین منیں مرد۔ کرروں ن, را سر 21 mino us _<u>11</u> مراجر بم برن ن Men Allesteel Appeillant

ACCESSION & COLUMN & C. 1811 111 111 211 NI II TITUT THE FRANCE STREET STO+++ شالأ كأن محمر اكرام مرددم جنوبا جائبدادمستود فيطمى واقع رقبه موضع كمبوه بخصيل دضلع ببناور ملكيت اختيار د: بره اصل ما لکه (مسماة عرش بی بی) بحواله فرد نمبروار بدین تفصیل که حصه منتقله رقبه انیس مزلیة تص ا سرسائی (19 Maria 8 Sarsai) میں سے رقبہ تیرہ مرلد آتھ مرسائی (Maria 8 Sarsai) از خسر م AM المنبر 260 زیر کھانتہ 34/39 از جمعبندی سال 2009-2009 مرتبہ 24/02/2014 جاری کردہ حلقہ یٹ ارک لنب دستاد پز هذاد مقبوضہ خود بلا شراکت غیرے ہے۔ جو کہ کمل ازیں ہرتشم انتقالات۔ رہن۔ ترا مصبه ماجاره متمليك متادله دنمام سركارى ادارون مبيك مغانس وديكر مالياتي ادارون محقرضه مر التوادود مر اب وبار ب و مر اب و مر اب و مر منازعات مقدمات علم التوادود مر منازعات ب باك صاف ب اب من مقر بحیثیت تختیار وحسب گفته اختیار دهنده جائداد بشکل پلاٹ سکنی (برائے تقمیر آبادی) برقبہ زرادی تیره مرکسآ ته مرسانی (Marla 8 Sarsai) مذکوره بالا معه جمله حقوق مالکانه بعوض . بلغ الصميس لاكھ -/38,00,000 رد پي ضرب پاکستاني بنام ملک سجا دخان دلد ملک صحبت خان سکنه کمبوه ڈانخانہ جاج کیمپ پشاور بیج تطعی فروخت کر کے جملہ زرئیج از اں مشتر می مذکور قبل ازیں خانگی طور پر وصول كر چکاہوں، جو کہ مجھے داختیا ردھندہ کو دصول دسلیم ہیں۔ قبضہ و دخل د جملہ حقوق مالکا نہ جائندا دمبیعہ بالا بر موقع تاریخ و تصدیق رجسری ہذا ہے حوالہ مشتر ی مذکور کرونگا۔ آئندہ من مقر مختیار بائیچ کا یا اختیار دهنده كايا مرك المردي ويامار ب ديكر بازكشت در ثاءكا بلاث مبيد بالاك ملكيت - قضه وحاصلات ك ساتھ کوئی واسط تعلق باتی نہ رہااور نہ ہوگا۔ بلکہ تاریخ وتصدیق رجسری ہذا ہے مشتری مذکر رجائیداد بشکل بلاٹ سکنی (برائے تعمیر آبادی) بر تبد تعدادی تیرہ مرکبہ آٹھ مرسائی (Marla 8 Sarsai) مبیعہ بالا

20 FEB بپتادر 0 8 7 ز دار از 6 مغامله لگان يتم زمن نام الشر إحوال ، نیرکمات 768. ५७ 1. \sim 35% 1352 8.8 ð ب *بنت*ہ تما د \$9 No. les teel

manna histonna data and 25000 CERT STORE کا داحد ما لک وقابض ہوگا۔ ہرشم انتقالات کرنے رجسڑی دستاویزات رہن ۔ بتے۔ ہب۔ تملیک تبادله-اجاره وغيره كرف دمرتم حاصلات ومفادات لين تعميروآ بادى و ردوبدل كرف كالمجاز ATTast م برگار بصورت فقص ملکیت یا بباعث دعویداری دیگر خص دسابقه دا جبات کیلیے مشتر ک کے ہر شم زرا ر 🖉 واخراجات کی ادائیگی کیلیے من مقربائیج داختیار دہندہ کی ذات وجائیداد منقولہ دغیر منقولہ پابندوذ رميكى - نيز رقبه بيائش دتصديق ملكيت وماليت جائد ادحسب كفته بائيج ومشترى تحريركما حميا ب Appellar بيتنا مذسندا تحرير ب المرقرم 25/02/2014 نوٹ۔ دستاو یز ھذا حسب گفتہ فریقین تحریر کرکے فریقین کو پڑھکر سنایا گیا۔ و سمجھایا گی ____ دندارج کیچیری پش نسيسم خسيان وثيبةسسه نسويه الس طل کار ما (but us and ملك سَجادخان مشترك شيراحد مقرمختيار بائتي CNIC # 17301-1590907-7 CNIC # 17303 2844584-1 کواہ بهايون خان دلد عبد القيوم سكنه بها ژى يوره سهرام دلدفقير محمد سكنه جلذرن سيتنال كمبوه دا كخانيهجا جركيم يتخصيل وسلع بيثاور د انخانه بخ غلام مخصيل وضلع بيثاور CNIC # 17301-1578824-7 CNIC # 17301-9057986-7

المردري ف 330 2/ 260 / 0,000 (<u>es (instri)</u>) والمرى (رم) יינידין ארומי יישט לנו לי To perversion of the start 4. JUSSig un pissing محبق في المعدية عن مجال 83 ورت وم عره مرد مردوب ملك والم میں ورج میں میرے علم ولفین اے مطلق در با رجم بيد الرغالة ال محى كوس في قرال الما مح وسي وس 468110 KHALLA Saced Support(=) Education (1) (File) Postaivar 36-10 Attestor Ser. 19-655500

til 11 TITIL 1tr i lan 114 stand Rupees 强 llar <u>سن ن ملمی</u> مستنبیک . شیراحمه دلد لک سلطان م دد سکنه پهاژی پوره پنا در بحشیت ننتیار منجانب مسا ۶ عرش لی لی دختر کسل با دشاه ز وجه سید مماین حیدرشاه سکنه کمبوه قامن نا در . ال تيز: مركسة تحرسال (13 Maria 8 Sarsai) مدتمت وزين وتن راست واع آردونت وديكم جمل حتوق الكاند متعلقة للات فدكوروبالا الناات شرة فيرتشن داستدغر بالحجره ملك محبت خان شالأ مركان محمد اكرام مرحوم جنوبا جائديدا دمسعود سيطمى واقع رقبه موضع كمبوه تخصيل دمنكع بشاور دستاديز الميتى الم الري برتم نتس ملكت وماركغالت ديمن وي بمسليك وحن معر مصبه متاوله اجاره وكرابيه واجبات مركارى دغير مركارى دمقد مات ويوالى فوجدادى وتهم التواء، نادمنى دودامى د برتم منتص ملكيت تا نونى دا تعاتى د غيرد تبل ازير باك دماف دمبرا و بسادر كمى بيمك يا الياتى ادار س كرما تحدد بمن شد وبيس - - - بان طلى حقينت يرين ، - بكول امر نوشيد ونيس ركما كيا ب ادرندى كولى غلط بيانى كى كى ب - بصورت غلط بيانى كى مورت من مرتم كى كاردائى كم من · / ···· / ···· / ··· النان ، دمه دار بوزگا، بو بح - برطابق ريارد فرد نمر مسلك شد و من متر بائي ، بايمد ، بايمان ف بذاتم طقه بنواري ب مرتب ت المربعدازال كرداد وسلقد ب تعديق كرايا ب - نيز دجشرى بذا جائداد بسطابق ماليت صرف فيكس باع مركارى بدست خود من مشترى مشتريد المستريان أنا المندون في الأكر مح دسيدات دصول كرل مين مدين برتسم تعلى ملكيت قانوني واتعالى مح المتح من حالف والغان ذمد دار ، موزكا، موتكا، Allesteel . جو سنج به تبیر بیان طنی سند، تحریر . به ب No 35 UN لمك سجادخان مشتري CNIC # 17301-2040000 CNIC # 17301-1590907-7 موباكل نبير 0333-9250 558 موبائل نبر 0300-9233112 _______ ے اھ ار این زیل - انابان . ترج میں، کرہم بامیج مباعد، باعدان/ انتیار دہندہ/ اختیار کرہندہ کان کو ذاتی طور پرجائے میں ادرانہوں نے مارے رد جرد ب ور المان المت جبت مح ادر مادی کوان / تعدیق برمب دجر ارماحب بشادر ف دستاد بر بذا يحيل دتقد من ک - اکر سم کانتم بابنت الروم 101. /25/02 وروبرة يرجوا أيم كوابان/شاخت كننده كان دمددار بوتح في فبذاسندا تحرير ب-۳ ایون خان دلد عبد القوم سکنه براژ کا بور · بر ام الدنتير محد سكند يدرن سيسال كبود ذاكانه حاتركم يتخصيل دملع يشادر المخصيل بنسل بشادر CNIC # 17301-1578824-7 CNIC,# 17301-0051

Better copy (23) جدمت جناب ڈیٹی مشرصاحب صوبہ خیبر پختونخوا بیٹاور Annex-E

<u>عنوان کینسل اختم فرمانے رجسڑی دستاویز نمبر 474 بی نمبر 1 جلد نمبر 2136 مورخہ 2014-25-25</u> جو کہ بدوران مقد مہسب رجسڑ ارپشاورنے بحق ملک سجاد ولد صحبت خان درج وتصدیق کیا گیا نیز قانونی و <u>کارروائی فرمانے برخلاف سب رجسڑ ارپشاور</u>

جناب عالى ! سائيلان حسب ذيل عرض رسال ہے۔

یہ کہ سائیلان ایک عدد پلاٹ رقبہ تعدادی پونے چودہ مرلہ محدودہ بحدودات شرقاً غیر ممکن آبادی غرباً حجرہ ملک سجاد ولد صحبت خان ، شمالاً مکان ثھر اکرام (مرحوم) جنوباً جائیدا دمسعود سیٹھی واقع کمبوہ ، سیٹھی ٹاؤن ، خان کالونی بخصیل وضلع پشاور کے مالکان ، قابضان دمتصرفان بلاا شرکت غیرے کے چلے آ رہے ہیں۔

یہ کہ پلاٹ مذکورہ بالا پر سمی ملک سجاد ولد صحبت خان سکنہ کمبوہ سیٹھی ٹاؤن، خان کالونی تخصیل وضلع پشاور نے غیر قانونی، غیر اخلاقی ، بزور باز وزبردت اپنے قبضہ میں کرلیا ہے جس کی بابت ، سائیلان نے ایک عدالت مجاز میں ایک کر سینل کم پلینٹ زیر دفعہ 3,5,4,3 غیر قانونی بیڈیلی ایکٹ 2005 کے تحت مور نہ 2013-10-14 کودائر کی۔ (نقل کم پلینٹ ہمراہ درخواست ہذاہے)

ید که سائیلان مذکوره نے مورخه 31.10.2013 کودکالت نامه بذریع صفدرا قبال ایڈد کیٹ جمع کردامیہ جس کی تفصیل متعلقه عدالت کی آرڈر شیٹ پر بھی درج ہیں ۔ (نقل و کالت نامه و آرڈر شیٹ لف درخواست ہٰزاہے)

یہ کہ سمی ملک سجاد ولد صحبت خان چونکہ ایک سرگرم قبضہ مافیا گروپ ہے اور اس نے دوران مقدمہ سب رجسڑار پیثاور کی ملی بھگت اور سازباز کر کے ایک جعلی ، فرضی ، سازشی طور پر رجسڑ کی دستاو یز نمبر 474 بھی نمبر 1 جلد نمبر 2136 مورخہ 2014.2012 ایپنے نام درج و تصدیق کردائی ۔ جو کہ سب رجسڑار پیثاور درج وتصدیق نہ کرتا تو ملک سجاد کو سائیلان کی جائیداد ایلاٹ ہڑپ کرنے کے جرم میں 10 سال قید کی سزا ہو جاتی۔

(2 Attented SA appellant

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ید که رجسری مذکورہ میں داضح طور پر درج ہے کہ پلاٹ اجائیداد مذکورہ قبل ازیں ہرتسم انتقالا بھی رہن این، مهد، آخازه ، تملیک، تبادله دتمام سرکاری اداروں، بینک، فنانس اور دیگر مالیاتی اداروں کے قرض ت بارے مبرا ہے اور ہر قسم تناز عات ،مقد مات ، تھم التواء و دیگر تناز عات وغیر ہ سے پاک سے ہے

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ید که دوران مقد مه انتقال ، رجسری وغیرہ کرنا غیر قانونی اور قابل گرفت جرم ہے جس کا سب رجسرار مرتكب ہوا ہے۔ یعنی ملک سجاد ولد صحبت خان مور نہہ 31.10.2013 کوعدالت میں حاضر ہوکراین حاضری لگاتا ہے اور پھر سب رجسرار کے ساتھ ساز باز ، ملی بھگت کرکے دوران مقدمہ مورد م 25.02.2014 کوجائیداد/پلاٹ مذکورہ بالاکی بابت رجسڑی اینے نام سازشی جعلی ، دھو کہ دہی سے درج دتقمد یق کرواتا ہے جو کہ غیر قانونی اور قابل گرفت جرم ہے۔ (نقل رجسڑی لف درخواست ہذا ہے)

بدكرسب رجسرار بشادر فى المتيارات كانا جائز فائد والمحات موئ ادرسائيلان كوان كى فيمق حقوق (7 ے محرد م کرتے ہوئے مذکورہ جعلی دفرضی رجسٹری بحق ملک سجاد دلد صحبت درج دقسدیق کی ہے جس ہے سائيلان كونا قابل تلافي نقصان يبنجاب

attented - الهذا استدعا - محة بمنظور من درخواست مذاجعلى وفرضى رجسرى دستاديز غمر 474 بمى غمر 1 جلد غير) <u>2136 مورجہ 2014 - 25.02 کو کینسل آختم فرمانی جادئے ، نیز سب رجسر از پینا درکو نہ کورہ جعلی دفرض رجسری بحق ملک ج</u> Appellain <u>سسجاد ولد محبت خان درج وتصدیق کرنے کی پاداش میں گرفتار کیا جا کر قرار داقعی سزادی جائے ادر ماسائیلان کی ذاتی ملکیتی</u> جائيداد الملات مذكوره بالا قبقة كروب (ملك سجاد) = واكر اركروا كرجوالد كى جائر - سائيلان منفض آب كى فيض وجلالت ٣ تَتَكَى عُظمت وسخاوت، آب كا حباب در فين اورا بل عمال كوجيون جرد عاد بن عظمت وسخاوت، آب كما حيار المحاجة المساحة الم المساحة ا المساحة المس

المرتوم:05.10.2015

SdI-سائلان (1)منیراحد دلد بشیراحد، (2)معظّمه دحید زوجه دحید احمه بذریعه دحید احمه سا کنان کریم یوره، جھنڈا بازار بخصیل د ضلع یشادر

رابط نمبر: 0300-5877092,0300-5921882 شناختى كارد نمبر:1-17301-6756839

Annex-بحدمت جناب ذيري كمشنر صاحب صليبيه خيبر بيحتو خواه بيثان عنوان بحميسل/ختم فرمانے رجسٹر فی دستادیز نمبر 474، میں نمبر 1 جلد نمبر 2136 مورخہ 102،201 جو که بروران اعتد مه سرب رجسٹراریشاور نے بحق ملک سجاد ولیہ صحبت خان در ن و تصریق کما گیا نیز قانونی و از از کاردائی فرنگن برخلاف سب ر جسترار پیشاور جناب تالى! . سائیلان حسب ذیل عرض د سال ہے۔ یر کنهٔ سائیلان ایک عبرد پلایت رقبه تعدادی پونے چودہ مرابہ محد دوہ بحد ددات متر ایڈینے سمین ریزتہ کر ا Atterted حجر دملک سجاد ولد نسجت خان، شالاً مکان محمد اکرام (مرحوم)، جنوباً جانبداد مسعود مستعنی بات کمین النبین باون، خان کالونی، تجمیل و صلع پینادر کے مالکان، تا جنان و نیز شرفان بلا شر کمت نیز ے یہ ایک تر یہ Appenant میر که پلات مذکور د بالا پر مسمی ملک سجاد دُلد صحبت خان سکند. کمبود، سینهی ناون، خان کا دن، تحسیس ، سن پشادر نے غیر قانون، غیر اخلاق، بزور بازووز بردستی اسپنے تبنیہ میں کر لیاہے جس کی بہت میں نے پ 10th الیک مواکت مجازیین ایک ^{از} بیمینل آمپلینٹ زیر دنعہ ۲۰٫۵ و 8 نیز افاض بیر نس ایلت 200⁰ . ب تحت مور خد 14.10.2013 كودائرى (نِتَنَ مَعْلِيتَنَ تَرادِدر خواست بذاب) مرواي مسلم مركز كمالي مورني مورند 31.10.2013 ووكالت نامه بذريعه صندراقبال ايذوكيت جن كرداي فلان سیس متفاقه عدالت کی آرڈر نثیب پر سمبن درتی ایس۔ (نُعْل دکالت نامہ و آرڈر نثیف ایک O^{λ} ال کہ مسمی ملک سجاد ولیہ تسحیت خان چونکیہ ایک سر گرم قبضہ یافیا گروپ ہے اور اس نے دوران مقہد میہ TTPC(p) سر سب من کالار پشاور کی ملی نفشت اور ساز باز کر کے ایک جعلی، فرینسی، ساز شی طور سے رجسٹر می دیتاویز نمبر //;: Allesteel : 474 بېټې نمبر 1، جند نمبر 2136، مور ننه 25.02.2014 سپنه نام درج د تسديق کې دوانۍ په جو که سب مریشترار پیرور در ج و تعمدیق نه کرتا توملک سوار و سانیکان کی وزنداد / پلاے بزپ کرنے کے جرم میں 10 آسال تیلا بی سزاہو جاتی۔ Appellant 23516 K /INI

میر که رجستری بنه کوره میں داختی طور پر در رہ ہے کہ پلاٹ / جامید ، دیز کور ، جن اللہ ا (5 بيع، مبه، اجاره، تمبليك، تبادله وتمام سركار كادارون، بينك، فنانس ادر ديكر، الياق الاستان باديني مبراب اور مرقشم منازعات، مقدمات، تحكم التواءود يكر تزاز دات و غير وست باك ساب ... میر که دوران مقدمه انتقال، رجستری وغیر و کرناغیر قانونی اور قابل کرفت جرم ہے جس و سے مر تکب پیواہے۔ یعنیٰ ملک سجاد ولد صحبت خان مور خہ 2013،10.2013 کو عدالت ہیں ۔ اس حاضری لگتا ہے اور کچر سب رجسٹرار کے ساتھ ساز باز، ملی بھگت کرکے دوران مند ۔ 25.02.2014 کو جائزداد / پلات مذکورہ بالاکی بایت رجسٹری ایسے نام سازش، جن اس میں درج و تصدیق کر داتا ہے جو کہ غیر قانونی اور تابل گرفت جرم ہے۔(نُعْل ر لجسٹر ن خے رہے ے). ہیے کہ سب رجسٹرار پیثاور نے اپنے افتیارات کا ناجائز فائد دانتخاتے ہوئے اور سائیلان کوان کے قیمتی حقور ے محروم کرتے ہوئے مذکور ہ^{وجا}ن و فرضی رجسٹری بحق ملک سجاد دلد صحبت دران و تقیدیق کی ہے جس بين الفي المنالي المالي المن المن المن المن المنالية المنالية المنالية الم ملک سجاد ولد بسجبت خان درن و تصدیق کرنے کی پاداش میں کر فتار کیا ماکر قرار واقعی سزادی جائے اور ماسائیلان کی ذاتی ملکیتی جائیداد / پلانط مد کور د بالا تبضید گروپ (ملک سجاد) ہے داگزار کر داکر حوالہ کی جائے۔ سمائیلان مستفیض آپ کی فیض وجلالت ، آپ کی عظمت و سخاوت، آپ کے احباب ور نین اور اہل و عیال کو جیون بھر د عادیں گے۔ المرتوم:05.10.2015 - ا_ از (·) میمراحی (2) معظروم (1) منیراحمہ ولد بشیر احمہ (2) معظمہ وحیدز وجہ وحیداحمہ بذریعہ وحیداحمہ ساکنان کریم پرد، حجنڈا بازار، تحصیل د ضلع پیثاور 0300-5877092،0300-5921882: رايط نيمر: 17301-6755839-1 Allesled Appellant

INQUIRY REPORT AGAINST THE SUB-REGISTRAR-I, PESHAWAR

The inquiry in hand against the Sub-Registrar Peshawar has been received through the Director Land Record/Inspector General of Registration, Khyber Pakhtunkhwa vide his letter No.LR-IV/G:Complaint/2299 dated 04:11:2015 for probing. into the matter, digging out facts, fixing the responsibility and recommending action against the defaulter (s).

12) F-ACTS

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Mr. Munir Ahmed S/o Bashir Ahmed and Mst: Muazama Waheed

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Ahmed Wife of Waheed Ahmed (through Waheed Ahmed) residents of Karim Pura Jhanda Bazar Tehsil and District Peshawar have lodged a complaint before the in-charge Chief Minister Complaint Cell Khyber Pakhtunkhwa Peshawar to the effect that the complainants are the owners of a plot measuring 13 ¼ marlas bounded to the East ghair numkin path to the West Huira Malak Sajjad S/o Suhbat Khan to the North house of Muhammad Akram (late) to the Jouth property of Masood sethi situated in Kamboh Sethi town Tehsil and District Peshawar.

That one vialak Sajjad S/o Suhbat Khan R/o Kamboh has illegally taken possession of the said plo-forcefully and that the complainants had filed a criminal complaint under sections 3,4,5 and 8 of the illegal dispossession Act 2005 before a Competent Court of jurisdiction on 14/10/2013. That Malak Sajjad during the pendency of the complaint come has purchased the said land vide registered sale deed No.474 Bahi No.1 volume No.2136 dated 25/02/2014 attested by Mr. Saleem Ahmed, the then Sub-Registrar-I Peshawar. The complainants have requested for taking action against the concerned Sub-Registrar and for the vacation of the possession of Malak Sajjad from the disputed land.

Statement of the complainants was recorded which is annexed hereto as "A". Text of the statement is almost the same as was that of the complaint. The only addition is that the complainants explained share wise bifurcation between Munir Ahmed and Muazama Waheed i.e 5 ¼ marlas of Munir Ahmed and 8 marlas that of Muazama Waheed, given to her by her husband in dowery.

Mr. Muhammad Iqbal the sitting Sub-Registrar-I Peshawar was summoned and his statement was recorded which is annexed hereto as "B". He stated that Mst: Arsh Bibi W/o Syed Abbas D/o Lal Bad Shah R/o Kamboh Tehsil and District Peshawar had nominated Mr Sher Ahmed S/o Malak Sultan Mahmood R/o Pahari Pura Tehsil Peshawar as her legal power of attorney and had empowered him for the sale of her property entered in the Revenue Record on her name. Power of Attorney is annexed heretc as "C". Later on the Power of Attorney holder sold the property to the extent of 13.8 mark. through sale deed No.474/1 dated 25/02/2014 to one Malak Sajjad. To this effect an affidavit was taken from the parties with Bahram S/o Faqir Muhammad R/o Kamboh and Humayun Khan S/o Abdul Qayyum R/o Pahari Pura as witnesses and a sketch showing Nazim UC Khalisa-I and Khalid Saeed Superintendant Education Department has been attached. The sale deed is annexed hereto as "D". Affidavit is Annexure "E" and sketch is Annexure-F.

Mr. Salcem Ahmed Ex-Sub-Registrar-I, Peshawar now Sub-Registrar Swat was also summoned and his statement was recorded which is annexed hereto as "G". He stated that on the basis of Fard Jamabani prepared by Patwari Halqa on 03/02/2014 in Khasra No.260 a Power of Attorney bearing No.199 Bahi (4) dated 11/02/2014 from Mst: Arsh Bibi on the identification of Syed Taufeeq Ali Shah (son) and Hamayun Khan S/o Abdul Qayyum (an nearest relative of Arsh Bibi) was attested by him under section 17 of the Registration Act 1908. Later on Mr.Sher Ahmed the Power of Attorney Holder vide sale deed No.474/1 datd 25/02/2014 sold the land to the extent of 13.8 marlas to Malak Sajjad which was attested by him under Section 17 of the Registration Act 1908. Sketch showing the boundaries has been attested by Nazim U.C Khalisa-1 and Khalid Saeed Superintendant Education Department. Moreover Mr. Sher Ahmed in his affidavit has stated that if there arises any fraud he will be held responsible.

Haji Naseem Khan Petition writer was summoned and his statement was recorded which is annexed hereto as "H". He stated that on 17/02/2014 he has written a Power of Attorney from Mst: Arsh Bibi W/o Syed Abbas Haider Shah in favour of Mr. Sher Ahmed for the sale of 19.8 marlas. Mr. Tauqeer Ali Shah and Humayun Khan are witnesses. Later on the Power of Attorney Holder Mr. Sher Ahmed sold 13.8 marlas land in Khasra No. 260 as per sketch attested by Jehan Gul Ex-Nazim UC-Khalisa-I and Khalid Saeed Superintendant Education Department.

The Statement of Mr.Jehan Gul Ex-Nazim UC-Khalisa-I was recorded which is annexed hereto as "I". He stated that the sketch showing the boundaries attached to the sale deed No.474 dated 25/02/2014 was shown to him and found that the signature purported to him is indeed Not his as signature. He further stated that on the date of attestation he was not Nazim. In those days no Nazims existed

The statement of Fazal Rabi Patwari muza Kamboh was recorded

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which is annexed hereto as "J". As per statement of the Patwari according to Fard Jamabandi 2009-2010 in khata No.34 khatooni No.39 Khasra No.260 measuring 5 kanal 13 marlas kind Ghair Mumkin Abadi total shares 7680 Mst: Arsh Bibi was owner of 1261 shares land measuring 18.5 marlas. She has sold 13.8 marlas vide registered sale deed No.474 dated 25/02/2014 and mutation No.5775 has been attested to this effect. He further stated that the fard on the basis of which registered sale deed is been based was prepared by Mr. Namdar Ex-Patwari Muza Kamboh and his signature is available on fard.



Before the Secretary-II, Board of Revenue, Khyber Pakhtunkhwa/Inquiry.Officer? Inquiry Against Sub-Registrar-I, Peshawar.

The Subject Inquiry against the Sub-Registrar-I Peshawar has been received through the Director Land Records/Inspector General of Registration, Khyber Pakhtunkhwa vide his letter No.LR-IV/G.complaint/2299 dated 04/11/2015

The complainant Mr. Munir Ahmed S/o Bashir Ahmed and MST Muazima wife of Waheed Ahmed may be summoned for 18/11/2015. The Inquiry reportedly relates to the period of Mr. Saleem Ahmad Ex-Sub-Registrar Peshawar now Sub-Registrar swat. He may also be summoned for the date fixed. The present Sub-Registrar-I Peshawar may be asked to produce the relevant record ie. Bahe No.1 volume No.2136 Deed No.474 dated 25/02/2014 and Deed No.199 Bahe (4) volume No. 643 dated 17/02/2014 and the Fard Jamabandi on the basis of which the register Deed No.474 has been executed, on the date fixed above. The Head Registration Muhirrir Peshawar Division may also be informed/summoned to attend this office, to join the Inquiry proceedings and to assist the undersigned in reaching to the clear cut conclusion.

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Secretary-II Board of Revenue/Inquiry Officer App Man

Complainant Munir Ahmed and complainant Muazima Waheed through her husband Waheed Ahmed present. Saleem Ahmed Ex-Sub Registrar-I Peshawar now Sub-Registrar Swat (under complaint) present. Muhammad Iqbal present Sub-Registrar-I Peshawar alongwith record associated with Inquiry present. The Head Registration Muhirrir Peshawar present. The complainant made request for adjournment. Request exceeded. The Inquiry to come up on 23-11-2015. The Patwari Halqa mauza Kumbo along with record be summoned for the date fixed. Mr.Khalid Saeed Superintendant (E) Education female Peshawar and Jehan Gul Ex-Nazim U/C-I Khalisa Peshawar may also be summoned for the date fixed i.e. 23-11-2015. Haji Naseem petitions letter may also be summoned for the date fixed 23-11-2015.

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Secretary-II Board of Revenue Inquiry 8 Africer 5

The complainants Munir Ahmed S/o Bashir Ahmed and Mrs.Mauzima Waheed through her husband Waheed Ahmed present. They submitted a written statement. Mr Muhammad lqbal, the present Sub-Registrar-I, Peshawar, Haji Naseem Khan, the petition writter, Mr. Jehan Gul Ex-Nazim UC-Khalisa-I and Mr.Fazli Rabi Patwari Halqa present, and their statement recorded and placed on file as Ex-A, Ex-B, Ex-C, Ex-D and Ex-E respectively. The HRM Peshawar also present. Mr.Saleem Ahmed Ex-Sub-Registrar-I Peshawar absent Mr.Saleem Ahmed Sub-Registrar-I, Peshawar now the Sub-Registrar-I, Swat and Mr.; Arsh bibi W/o Syed Abbas R/o Kumbo Peshawar may be summoned for **30**/11/2015.

Secretary-II Board of Revenue/Inquiry Office.

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TTENDINGS:

[Mst: Arsh Bibi D/o Lal Badshah R/o Kamboh was the owner of [352 shares out of 7680 shares land measuring 19.88 marla in khata No.34 khatooni No.34 [khasra No.266. She has sold land measuring 13.8 marlas to one Malak Sajjad S/o Suhbar (full The most important thing to note is that the sold land <u>situates in khasra and the land</u>) is un-partitioned note. Mr. Jehan Gul Ex-Nazim UC Khalisa I Peshawar has refused to own the signature available on the sketch supposing to be his. The attendence of the second alleged signatory to the sketch i.e. Mr. Khalid Saced Superintendent. Education Department could not be procured due to his non availability however for the sake of then the sketch can get no credibility because an employee of Education Department his Sub-Registrar-1. Peshawar now Sub Registrar, Swat by turning a deaf ear and a blind eye to a fake sketch and by establishing boundaries in the un-partitioned land situated in khasra. has committed mistake and illegality.

() RECOMMENDATION:

Mr.-Saleem Ahmed Ex-Sub-Registrar-I Peshawar now Sub-Registrar Babozai. Swat, being responsible for the illegality stated above is recommended for the award of Minor penalty.

MUHAMMAD FA BAY SECRETARY-IMINAURY OFFICER.

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IN THE COURT OF MRS. RIFFAT AAMIR ADDITIONAL SESSIONS JUDGE-XI, PESHAWAR

COMPLAINT NO	:	12/COMPLAINT
DATE OF INSTITUTION	:	14/10/2013
DATE OF DECISION	:	26/06/2014

 $C^{\prime}?$

MUNIR AHMAD S/O BASHIR AHMAD R/O BAZAAR KARIM PURA, PESHAWAR & ANOTHER (COMPLAINANTS)

VERSUS-

- MALIK SAJJAD S/O MALIK SOHBAT KHAN 1. . R/O KAMBOH ADA, SETHI TOWN, PESHAWAR GULAB KHAN 2.
- NOOR MUHAMMAD 3. .
- AMAN ULLAH & 4.
- MUKHTIAR KHAN 5.

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ALL RESIDENTS OF SETHI TOWN, Peshawar

(RESPONDENTS)

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nnex-G-

UDGMENT 26/06/2014

Complainants lodged instant complaint against respondents U/S 3, 4, 5 and 8 of The Illegal Dispossession Act, 2005 to the effect that complainant No.1 is the owner in possession of 4-3/4 marlas out of total suit property measuring 13 -3/4 marlas through registered document No. 3835 attested on 26/11/1997 and registry attested on 08/04/1997 whereas rest of the 08 marlas is the ownership of complainant No.2 being her dower which fact has also been mentioned in the nikah nama of complainant No.2. That husband of complainant No.2 was the owner in possession of χ

ATTESTED Sessions Court Pechawar

the said 06 marlas property vide registry No. 3836, dated 26/11/1997 and registry attested on 08/04/1997 and that the complainant party had also developed the said property by construction of 03 feet boundary wall over the same. That the respondents on 08/10/2013 illegally and forcibly taken possession of the said property and that there exists properties of the respondents surrounding the disputed property of complainants, hence, the instant complaint.

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2. On presentation of complaint, SHO/inquiry Officer was deputed to visit the spot & to submit his report regarding the alleged episode of dispossession which inquiry report was furnished. The respondents appeared before the court and contested the instant complaint.

3. Arguments on inquiry report heard, available record gone through.

(From the arguments and record available on) 4. Appella file in the shape of inquiry report and other relevant documents, it reveals the complainants/petitioners" have failed to establish their alleged forcible dispossession from the property in question rather both the parties alleges ownership of the disputed' property on the basis of registered deeds in their/ possession, hence, in such like situation, when both the parties alleges title to the property in question, which fact can only be determined by the civil Court 🔿 fafter recording pro and contra evidence of parties. The instart compliant in hand is not maintainable as on the face of record, the complainants have failed to establish their illegal forcible dispossession from the

ATTESTED Sessions Court Peshawar

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Partis and their counsel present. Arguments concluded.

Vide my detailed judgment of today placed on file, consisting upon three pages, the instant compliant stands dismissed being not maintainable; however, the complainants can approach the civil Court for redressal of their grievance if desired so.

File of this Court be consigned to the record room after its completion and compilation.

Announced: Dated: 26/06/2014

MRS. RIFFAT AAMIR, Addl: Sessions Judge-XI, Peshawar

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Sessions Court Peshawar

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عنوان تحميلينث برخلاف سب رجير اريشاور

سائيلان حسب ذيل عرض رسال ب-جناب عالى!

بیہ کہ سائیلان ایک عدد پلاٹ رقبہ تعدادی پونے چودہ مرلہ محدودہ بحدودات شرقاً غیر ممکن آبادی غرباً حجرہ ملک سجاد ولد صحبت خان ، ثلاثا مکان محد اکرام (مرحوم) جنوباً جائیدا دمسعود سیٹھی واقع کمبوہ ، سیٹھی ٹاؤن ، خان کالونی تخصیل وضلع پشاور کے مالکان ، قابضان و متصرفان بلا شرکت غیرے کے چلے آ رہے ہیں۔

بیر که پلاٹ مذکورہ بالا پر سمی ملک سجاد ولد صحبت خان سکنہ کمبوہ سیٹھی ٹاؤن، خان کالونی مخصیل وضلع پشاور نے غیر قانونی، غیر اخلاقی، بزور باز وزبردتی اپنے قبضہ میں کرلیا ہے جس کی بابت، سائیلان نے ایک عدالت مجاز میں ایک کریمینل کم پلینٹ زیر دفعہ 8,5,4,3 غیر قانونی بیدخلی ایک 2005 کے تحت مورخہ 2013-10-14 کودائر کی۔(نقل کم پلینٹ ہمراہ درخواست ہذاہے)

ید کر سائیلان ندکورہ نے مورخہ 31.10.2013 کووکالت نامہ بذریع صفدرا قبال ایڈو کیٹ جمع کروامیہ جس کروالیہ جس کروال جس کی تفصیل متعلقہ عدالت کی آرڈرشیٹ پر بھی درج ہیں ۔ (نقل و کالت نامہ و آرڈرشیٹ لف درخواست ہذاہے)

یہ کہ سمی ملک سجاد ولد صحبت خان چونکہ ایک سرگرم قبضہ مافیا گروپ ہے اور اس نے دوران مقدمہ، سب رجسڑ ار پیثاور کی ملی بھگت اور سازباز کر کے ایک جعلی ، فرضی ، سازشی طور پر رجسڑ کی دستاویز نمبر 474 بہی نمبر 1 جلد نمبر 2136 مورخہ 2014.2012 ایخ تام درج و تصدیق کروائی ۔ جو کہ سب رجسٹر ار پیثاور درج وتصدیق نہ کرتا تو ملک سجاد کو سائیلان کی جائیداد اپلاٹ ہڑپ کرنے کے جرم میں 10 سال قید کی سز اہو جاتی ۔

ید که رجسٹری مذکورہ میں واضح طور پر درج ہے کہ پلاٹ اجائیداد مذکورہ قبل ازیں ہر شم انتقالات، رہن نبیح، ہبہ، اجارہ، تملیک، تبادلہ دتمام سرکاری اداروں، بینک، فنانس اور دیگر مالیاتی اداروں کے قرضہ جات و بارے مبرا ہے اور ہر شم تنازعات، مقد مات ، تعکم التواء و دیگر تنازعات وغیرہ سے پاک صاف ہے

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یہ کہ دوران مقدمہ انتقال ، رجسٹری وغیرہ کرنا غیر قانونی اور قابل گرفت جرم ہے جس کا سب رجسٹر ار مرتکب ہوا ہے۔ یعنی ملک سجاد ولد صحبت خان مورخہ 31.10.2013 کوعد الت میں حاضر ہو کر اپنی حاضری لگا تا ہے اور پھر سب رجسٹر ار کے ساتھ ساز باز ، ملی بھگت کرکے دوران مقدمہ مورخہ 25.02.2014 کوجائیداد/پلاٹ مذکورہ بالاکی بابت رجسٹری اپنے نام سازشی ، جعلی ،دھو کہ دہی سے درج دیفیدیق کروا تاہے جو کہ غیر قانونی اور قابل گرفت جرم ہے۔ (نقل رجسٹری لف درخواست ہزا ہے)

ید کہ سب رجسر ار پشاور نے اپنے اختیارات کا ناجائز فائد ہ اٹھاتے ہوئے اور سائیلان کوان کی قیمتی حقوق سے محروم کرتے ہوئے مذکورہ جعلی دفرضی رجسر ی بحق ملک سجادولد صحبت درج دفصد یق کی ہے جس سے سائیلان کونا قابل تلافی نقصان پہنچا ہے۔

لہذااستدعا ہے کہ بمنظوری درخواست ہذاسائیلان کی دادری کی جادئے اور سب رجسڑ ارپشاور کو مذکورہ جعلی وفرضی رجسڑ ی بحق ملک سجاد ولد صحبت خان درج وتصدیق کرنے کی پاداش میں گرفتار کیا جا کر قرار واقعی سزادی جائے اور ما سائیلان کی ذاتی ملکیتی جائیداد اپلاٹ مذکورہ بالا قبضہ گروپ (ملک سجاد) سے داگز ارکروا کہ کوالہ کی جائے۔سائیلان مستفیض آپ کی فیض وجلالت آپ کی عظمت دسخاوت ، آپ کے احباب ور فیق اور اہل عیال کو جیون بھر دعا دیں گے۔

المرقوم:01.10.2015

لاي ا

S\$1-(1)منیراحمدولد بشیراحمہ، (2) معظّمہ دحیدز دجہ دحیداحمہ بذریعہ دحید احمہ سا کنان کریم یورہ، جھنڈا بازار بخصیل دخلع یثاور

دابط نمبر: 0300-5877092,0300-5921882

شاختی کارڈنمبر:1-17301-6756839

nnex-H 15 Oct. 2015 2:04AM P ROT FRI HOUSE PESHALIAR FRX NO. :0192 0919213574 Diary No. 7074 . بخدمت جناب انجارج صاحب وزيراعلى كمبلية نث سيل صوبه خيبر بختو نخواه بشادر Annex - H عنوان: کمپلیسنٹ بر خلاف سب د جسٹرار پیثادر مائلان حسر باذين عرب مال ب .. جناب عالي! بیہ کہ سائیلان: ایک عدد پلاٹ رتبہ نمداد کی پونے چودہ مرلہ محد ودہ بحد دوات مثر تأغیر ممکن داستہ، غرباً مجره ملک سجاد دلد صحبت خان، شالاً مکان نمد اکرام (مرحوم)، جنو باًجامّداد مسعود سینمی داقع کمبوه، سینمی ثادن، خان کانونی، تحصیل و منتل پشادر کے مالکان، فاجنان و متصرفان بلاشر کت غیرے کے بیلے آرب میه که پلاٹ مذکر د بالا پر مسمی ملک سباد دلد صحبت خان سکنه کمبود، سیٹمی نادن، خان کالونی، تحصیل د منگ (2پنادر نے غیر نانونی، غیر اخلاقی، ہزور بازد دز برد تق اپنے قبضہ میں کر لیا ہے جس کی بابت ماسائیلان نے أيك عدالت مباديس أيك كريمينش كميلية ن زير دنعه 3،4،5 و8 غير قانونى بيد خلى ايك 2005، ك تحت مور حد 10.2013 كودائركى (نش كميلينت بمرا،درخواست بذاب) ب که ملک سجاد ، رکوره نے مور نند 10.2013 ، 3 وکو دکالت نامد بذراید صغدرا قبال ایڈ دکیٹ بخ کر دایا Attested جس کی تنصیل متعلقه عدالت کی آرڈر شیٹ پر مجمی درج میں۔ (نقل دکالت نامہ و آرڈر شیٹ لف (A S A S ، در خواست بزارے) 4 pp cllast, ۲ میر که مکی ملک سجاد دلد صحبت خان چونکه ایک مر گرم قبضه مانیا گردپ ب ادر ای ف د در ان مقدمه مب ر جسٹرار پیثادر کی نی بخکت ادر ساز باز کر کے ایک جعلی، فرضی ، ساز جی طور سے ر جسٹر کی دستاد پر فمبر 474، می نمبر 1، جلد نمبر 2136، مور خد 2014.2014 بے نام درج و تصدیق کر دائی۔ جو که مب رجسٹرار پہاور درج و تصدیق ند کرتا تو ملک سجاد کو سائیلان کی جائداد / بات بڑپ کرنے کے جرم 6946/11:5 میں 10 مال تیار کی سزاہ د جاتی۔ ید که رجستری مذکوره بی داخت طور پردرج ب که پلات / جائیداد مذکوره تبل از ی بر تسم انقالات ، ربن ، فتی مهد، اجاره، تسلیک، تبادله و تمام سرکار ک ادار ون ، بینک، فنانس اور و نگر مالیاتی ادار ون کے قرضه جات و Age Respices بامت مبراب ادر برقتم تناذعات، مقدمات، تحكم التواه دديكر تنازعات وغير وس باك صاف ب-For report ATTestedy DAC 19/K/A/S Appellant

FSHOUGH 15 Qct. 2015 2:04AM P FRX ND. :0192 0919213574 یہ کہ دوران مقد مدانتیال ،ر جسٹر ک دغیر و کرناغیر تالونی اور قابل کردنت جرم ہے جس کاسب ر جسٹرار (6 مر تحب بواب بريس ملك سجاد ولد محبت خان مور قد 10.2013 لا كوند الت مي حاضر بوكراين · حاضری لگتانے اور پھر سب رجسٹرار کے ساتھ ساز باز ، کی بھکت کرے دوران مقدمہ بی مور خد 2014.2014 کوجائنداد / پلاٹ ند کورہ بالا کی بابت رجسٹر کی اینے نام ساز ٹن، جعلی، دحوکہ دبی ۔ درج و تصديق كرداتاب جوكه غير تانونى ادر قابل كرفت جرم ب- (نتش رجسلرى الف در فواست بذا (ج مد که سب د جسٹرار پشاور نے اپنے اختیارات کا ناجائز فائد واضات ہو بے اور سائیلان کوان کے قیمتی حقوق (7 ے مردم کرتے ہوئے ندکورہ جعلی دفر ضی رجسٹر ی بحق ملک سجاد ولد محبت درن د تعدیق کی ب جس ے مائیلان کونا قابل النانی فقصان بینچاہے۔ لمذااسته مات که بمنظوری در خواست بذاسانیان کی دادری کی جادے ادر سب رجسترار میلاد کود کود م جلی الرضی رجسٹر کی بختی ملک سجاد دلد صحبت خان درج د تصدیق کرنے کی پاداش میں کر فمار کمیا جا کر تراہ را لعی سرا دکی جائے اور ما ما لیلان کی ذالی للکیسی جائد اد/ بلات خد کورد بالا تبسته کروب (ملک سماد) ب دا کرز کر دا کر حواله ک جائے۔ سالیلان المستعنى آب كى ليش وجلال، آب كى عظمت وسخادت، آب ك احباب در في ادرابل وعمال كوجون جرد عادي في ع ATTerta, 11.10.2015:071 (2) منظم ومسراحم راحم وجدم اعمر (1) منیراحمه دلد بشیراحمه (2) معظمه دمند زدجه وحید احمه بذریعه دحید احمه Appella ساکنان کریم بوره، جهند ابازار، تحصیل و ضلع یشاور شاخىكار د نمبر: 1-6756839-17301 ، دابله نمبر: 5921882-597092،0300-5877092 All Se Divitar Anti-lompe For m/a under the law as desired by the completent authon by Please - da. undawa Allester per Start Appellant

LANDER LANDER PARTY AND LANDER AND rines -ربن То The Assistant Director Crimes, Anti-Corruption Establishment, Peshawar. No. / 2400 /ACE, dated 23 /11/2016. COMPLAINT NO. 11256 DATED 30.10.2015 AGAINST SUB-Subject: REGISTRAR REVENUE DEPARTMENT, PESHAWAR AND OTHERS. Reference to report of Circle Officer, ACE, Peshawar dated 29.06.2016. The subject complaint has been filed. Record be completed accordingly. Administrative Officer, Anti-Corruption Establishment, Khyber Pakhtunkhwa, Jesy Peshawar. 12401 . No. ACE, d'ued 23 /11/2016. Copy to office concerned. Administrative Officer, Anti-Corruption Establishment, Atesta SA de Appella ni Khyber Pakhtunkhwa, Je J Peshawar. Şy (2-1147 - 2015) Atteste of Start Appellent

اس دين رئيلود الديانات سال كما م دوروا فسعن سام ل عراقتون من مدرات خر ما مد عور در داند مند و زم در داند مسار مع مارمه ما الم الم الم الم الم الم الم الم الم ان وانسال م رس مرا مرا مران مان در ان العنيات ما سن ج مل في مد من مد خراما مد الم الله من من ما د ملا ارك مان قام سور فران المان المان المراجع مدر اس مراجد ورا المراجد مرابع مدار و مان مدن widille in i on til uni, in oferlar i gilla dif. a Attested س عدا مس مد 38 المحد في سه ورا م مذكر من من الله ما عدا ال SAN ى ذاكى بروى مىست ي اسمار الم ما ما مالى دفتر س مدى 0 التر فاسم في المر وار مدان المرد مان المار م لو ك مرى رما و Appertand م بنه مي - سان مان مزيد ادن ما ، عمد ال دخر مر ادع م مراجع مردد محد مرد من برادين مله من محدد ما 38 مرد مر ورو و مان ما و خد و ال 2 ما مر و مان من ما م و من جر ما و من ا - بان الاران من مدرم ، توسما و در ما الله ما مركم الله مع مع معاد كروست لور مي مورك مرك مر مدم عود لركو Signer? لى والمراج معرور بال من على المار معلى من المار المد ولا من المريد المريد المريد المريد المريد المريد المريد ال میں مرت در رسم مرکز من مدور جن رہے میں در فرانست مندہ تے جس روز مد وا) دیا او این رفتری کاروین پر زبردی جرف کا کار می کن Allesteel npellaut

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درخواست کنندہ وحیداللد ولد بشیر احمد ساکن کریم پورہ نے اپنے درخواست کی تائید کی ہے ۔انکورئیری میں دستیاب ریکار ڈ اور بیانات سے پایا گیا کہ دونوں فریقین کا آپس میں کافی عرصہ سے جائیداد کے تنازع جات پر مقدمہ بازی چل رہی ہے اور پشاور کے مختلف عدالتوں میں مقدمات زیر ساعت بی ۔درخواست کندہ نے این درخواست میں رجسری نمبر36-3835 مصدقه 26.11.1997 خسره نمبر 389/257 وغیره کا ذکر کیا ہے معلومات کر کے پد موقع پر اس کیساتھ کوئی قبضہ نہیں ہے ۔ نہ کوئی فرد جائیداد اور نہ ہی انتقال ہے ۔اس رجٹری کے بابت میں دونوں فریقین کے مابین سیشن بج صاحب بشاور میں مقدمہ زیر ساعت ہے۔ اس سلسلہ میں ملک سجاد کوطلب کر کے بیان قلیم بندا ۲ ہوا جو کنہ سابقہ بیان کی تائید کرتا<u>ہے۔ اور اس نے ایک رجیزی فوٹو سٹیٹ ہمراہ بیان پش</u> دكى بريتال - بيا كيا كه بوالدر جسرى دستاويز نبر 474 بى 1 جلد نبر 2136 مصدق 25.2.2014 خَسَرَه 260 كَلَانَة نُبَرَ 34/30 رَقْبِدَ تَعَدَّادَيَّة -13 مَرَلَةَ جُومَتَها ةَعِرْشَ بِي بِي دِخْرَ حرکتال بادشاہ سے منطق 38 لاکھ روپے میں خریدی ہے ۔ مذکورہ جائیدا دمیتما ہ عرش بی بی کی دانی و پرری ملکیت ---- اس بارے میں مساۃ عرش بی بی دختر لعل بادشاہ کھر *آسے آلکم کے مخ*تیار خاص مسمی شیر احمد ولد سلطان محمد ساکن پہاڑی پورہ پیثاور نے اپنا تحریری مرکز بیان پیش کیا ہے۔ بیان کے مطابق مذکورہ اراضی مساۃ عرش بی بی دختر لعل بادشاہ کی مسیر سر میلغ 38 لاکھ روپیہ فروخت ملک سجاد پر مبلغ 38 لاکھ روپیہ فروخت کی ہے۔ بیان کے ساتھ دو گواہان کے تائیدی بیان بھی شامل ہیں۔ جومساة عرش بی بی کے بیان کی تائید کرتے ہیں -رجشرار ، پٹواری <u>حلقہ اور</u> دیگر ریکارڈ سے پایا گیا مساق <u>ا</u> عرش بی ب<u>سے ملک سجاد کو درست</u> طور پر <u>رجسڑی ہوئی ہے۔ جو مبلغ 38 لاکھ روپیہ</u> ر پزیدی گئے۔ پس انکوائری میں الزمات اور ریکارڈ سے پایا گیا کہ ملک سجاداور ملک منیر کے آپس میں لوئر کورٹس ہیشن کورٹ اور سپریم کورٹ تک مقد مات چل رہے ہیں۔ درخواست کنندہ نے جس رجسٹری کا حوالہ دیا ہے۔اس رجسٹری کی اراضی پرزبرد سی قبضہ کا ذکر کیا گیا ہے۔

~ .] أمر الن ازر المرواي الم الم الم الم عمل الم الم عمل الم الم من شق من من الما ، در الله ، من من مر من مر من من من الما الم من ورولسن روا من او ده منا ما يول ما منا ما الم ی روی از از میں میں مراحد و اردن مرام روز از من فرم ک فرم ک د ماديز بر بالبه من به الجد ديس فور برما در مال ر في المرية المرابي والمان من منها و مراوفت في فرزمو مدمد ورو في ال وه فود رسات ل لنسران ال مح والدين مرى مرار ما مرار مح المراد مع الم من هذ مركع برانعف الم و في عدى مدى مد من الله من الله من الله في وتكواف الفي برحرم المستال مع عدم المسلماليون 6. مسيارا مع المن عسي ومنى المنى وجادات كومن استال كر على - وخرانس من مرك ه حقبت منه م - - - به فردن کا ول افعان سواسط میں عیسی من ما میں ایس en milities to ADL and and and and and and the Star ATTONTA 110 is the ADR Sto silveri 215716 Apt elen 24.5-160 Forwardfud Pli E-O Acti fre 33213 N 31-5-16 DCA)/ 27. 15. b. 16 6/6/016 NO CO / ACE الورك مدرج وي مراجعت مراجرا و مورو مراحد مردوران من مد رورد . حمد المورد محد مقدم بيرن كى مابت وموز الكريج pellant

(دمن متحدر الاس فاسل المر في في مد المرال كم لل من لل مما و או האי ז ייי יא ייי אין יוש וויש צי אישאל ApApk ، م سارات ف مس فاطر ز مقن الخاري م مديد W Grande - 474 6 20 6 4 00 00 00 00 00 00 00 00 00 Warener & cin solar is a l'a Viss Zone ing out in the for a log and find and a start - the start stilles for the second All a providence SilACE / Para 22/ 5/ 2016 412 Jon Worked Pl C. OACO Paz . 10 × 20 b رور رسون میدود مین - روز بر بر این میده - ۲۲ (د مرسون ۵ باب میرون ۵ من - 2 . رحد ان مراد د م اوربيد فرمرد و مفقر ما مدينة فرلفت المردي المردية في واول وما منامات أمر محال من المدادي ور المعرور من المعرف ودخور ور معادت عالى عن المعرور 25707/2016 ADZI / ACE

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کہ میری اراضی پر زبرد تی قبضہ کیا گیا ہے بچھے قبضہ دیا جائے ۔ جہاں تک قبضہ کا تعلق ہے ، قبضہ لینا یا دینا انٹی کر پشن کے دائر اختیار میں نہیں ہاں بارے میں درخواست کنندہ کوچا ہے کہ وہ مقامی پولیس یا مقامی عدالت سے رجوع کرئے الزام علیم ملک سجاد نے جواراضی بذر لید رجسٹر / انتقال خریدی ہے دستادیز نمبر 474 مورخہ 14.2.52 درست طور پر دیکا رڈمال میں موجود ہا در ماہ دستادیز نمبر 474 مورخہ 14.2.52 درست طور پر دیکا رڈمال میں موجود ہا در ماہ مرش بی بی جس نے بیاراضی ملک سجاد پر وفر وخت کی ہے۔ زندہ سلامت موجود ہا در مرش بی بی جس نے بیاراضی ملک سجاد پر وفر وخت کی ہے۔ زندہ سلامت موجود ہوا در میں بی بی دوس نے بیاراضی ملک سجاد پر وفر وخت کی ہے۔ زندہ سلامت موجود ہوا در میں بی بی جس نے بیاراضی ملک سجاد پر وفر وخت کی ہے۔ زندہ سلامت موجود ہما در میں بی بی دوسر کو میں بی بی دوسر کو ہو ہوت کی ہے در میں میر کی بدر کی جائیداد ہوا در میں نے این کی کرپش ڈ بیار ٹرنٹ کو بھی استعمال کرتے ہیں اور عدالتوں کا سہا دائھی لیتے ہیں این کی کرپش ڈ بیار ٹرنٹ کو بھی استعمال کرتے ہیں۔ درخواست میں کوئی حقیقت نہیں ہو ۔ زندہ صوری خرار نے کو کو نقصان ہوا ہے۔ لہندا کم پلین میں فائن ر پورٹ

Attestet

Co/ACE پیٹاور ر رجسٹری نمبر 474 مصدقہ 25.2.14 سے قبل کسی بھی عدالت دیوانی کی طرف سے ج محکم امتنائی کے اجراء مای مقدمہ دیوانی میں سب رجسٹرار بخصیلدار / پٹواری کے فریق مقدمہ ہونے کی بابت رپورٹ کی جائے۔

Better Capy. 39 جناب عالى! او بن انکوائری میں فائنل ریورٹ مرتب ہوکر ارسال کیا گیا تھا جو ADIR صاحب نے بوقت تکمیل واپس ارسال ہو کر موصول ہوا ۔ ملائدی AD/Rصاحب کے ریمارٹس کی تحمیل کی خاطر فریقین اکوائر کی سے معلومات كى گئى ہے۔ جنہوں نے بتلایا كەرجسٹر 2014 25.2 474/25 كےسلسلہ ميں كسى بھى عدالت دیوانی میں کوئی مقدمہ زیر ساعت نہیں ہے اور نہ ہی کسی عدالت دیوانی کی جانب سے کوئی تھم امتنائی بر خلاف بٹواری ، تحصیلدار ، سب رجسٹر ارجاری ہواہے۔ ریورٹ گزارش ہے۔

استحط SI/ACE/Peshawar 22.06.2016

Attertek App cheul

جناب عالی! رپورٹ انگورائر کی ملاحظہ ہوئی۔رجٹر ک474 مصدقہ 25/02/2014 جس پلاٹ کی بابت تصدیق کی گئی ہےرجٹر کی ندکورہ پر اور پلاٹ مذکورہ پر قبضہ کی بابت فریقین کے درمیان عدالت ہائے دیوانی مقدمات زیر ساعت ہیں لہذابعدارئے جناب/ADCII صاحب داخل دفتر کی سفارش کی جاتی ہے

ADLII/ACE

Better Copy. 40

کمپلینٹ نمبر 11256/30102015 محکمہ مال

محيار انته كمرسيهم

بذریعه نیراحمه ولد بشیراحمه به معظمه وحیداحمه زوجه وحیداحمد ساکن کریم یوره، جهند ٔ ابازاریشاور برخلاف به ملک سجاد ولد صحبت خان ساکن کمبوه ، پیٹھی ٹاؤن ، پشاورودیگر اہلکاران محکمه مال

کمپلین بزا سابقہ ACO شوکت خان کے ساتھ زیر انکوائری تھی جنہوں نے کمپلین بزا میں تمام متعلقین اور اہلکاران مال ، دیگر گواہان وغیرہ کو طلب کرکے بیانات قلمبند کئے ہیں اور دستیاب ریکارڈ بھی حاصل کیا گیا ہے ۔ جو لف سائل کمپلیٹ ہے کمپلینٹ ہزا سابقہ O C C صاحب نے صحیح فائنل رپور ٹ مرتب کرنے حوالہ جس میں فائنل رپورٹ مرتب کیاجا تا ہے ۔

Bester Copy . 40 41 SIBin As recommended by AD(R) id IO instat complexiting be filed please. A. Miles IT JOCK W DYCE 20/07-116. Bareat FT ~ DAC 1-201-I A way way Aile-Tagi Storieut Applicieut

40 Carpin Single 1 / 11256 11 mile 3011012015 . 24 مردم ... مسيران دوار المراجع ... ما ا مرويه العرزوج وحرا فسريان كريمان موس =. ما ماد حکرات ما سان عروس ما ادن ای مرد مرد ما مان فر ما (دوداس الله مراس در المد اس المد المال وي وعراد المله مر الم Attented من در برما رف وسرون وسرون محمد من مرفع مسول رس در م بر شرنس و المحرد و من مسبعا ما دف خان لال ک مد ما سان ، خال ا Stort Withers i is to walk of a dis Comparance its ADD cllar T. من ستر ني رون الله مي مارو مي رون من رون مي رون م ورواست ولرك من مد مد من محسن ما مل منا محد من مسل مسل م Allesteel مرض بارع من ل حلم عدال من بالمحد (20 دن من) درا المشرف الريا جونبرای لال . سب جرم را می روس اجت الله من ما ما ما مر ما از م A Sppellant (pisao staring & bus, Uare sim cricity Ele ((), v (), i el) mile Of Orly string Son & Stand فلا عدين متعلين المدرو عاسما فال ، حقر رجل وغير حرك ا and white a ship will mark and a south a ship for 2 to the git we are stored in g واللك ويتراف حوالم مح منه فالمو روس في مالا - will an unit is a fill - the will will will

A TO FOR all in a matter frequency of 41 BIBin and to (Invistion offices) As recommended by AD(R) ed IO Instant complaint my be filed please. Jul Hills Abr IT WEDAKCE 20/07-116. Baron (J) DAC DL-I Mind Man Allestop Sto Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL

Appeal No. 371/2017

Date of Institution ... 27.03.2017

Date of Decision ... 10.10.2017



Annet-

<u>VERSUS</u>

1. The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar and 3 others. ... (Respondents)

MR. RIZWANULLAH. Advocate

MR.ZIAULLAH. Deputy District Attorney

MR. NIAZ MUHAMMAD KHAN. MR. GUL ZEB KHAN.

For appellant.

For respondents CHAIRMAN MEMBER urwa scinal, csitawar

JUDGMENT

NIAZ MUIHAMMAD KHAN. CHAIRMAN.-

Arguments of the learned

counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed from service vide impugned order dated 06.01.2017 against which he filed a departmental appeal on 17.01.2017 and when the same was not responded to, he filed the present service appeal on 27.03.2017.

3. The allegations against the appellant were that he being Sub Registrar had registered a transfer deed in which he had mentioned the boundary of the transferred property in joint property which was never partitioned. This enquiry was initiated on the basis of a complaint moved by one Munir Ahmad son of Bashir Ahmad and Mst. Muazama Waheed Ahmad wife of Waheed Ahmad. On the basis of that complaint one Fayyaz, Secretary-II Board of Revenue was appointed as enquiry officer who while bifurcating the charge in two categories held the appellant guilty of the charge mentioned above. The enquiry officer proposed minor penalty but the competent authority remained silent for a period of one year. It happened that the said complainants had already resorted to criminal court under the Illegal Dispossession Act. 2005 and when the said complaint was rejected, the said complainants moved the Chief Executive of the Province for interference. The Chief Executive ordered the enquiry through two Departments i.e. the Anti-Corruption Establishment and the concerned Department i.e. Senior Member Board of Revenue. The Anti-Corruption Establishment did not find the appellant guilty however, the SMBR appointed one Qaisar Khan. Deputy Commissioner as enquiry officer. The enquiry officer again held the appellant guilty for the first part of the charge mentioned above and finally the impugned order of dismissal from service was passed against the appellant.

ARGUMENTS

4. The learned counsel for the appellant argued that the complaint on the basis of which the departmental proceedings were initiated contained the allegation of fraudulent transfer of the land by the appellant and that when the appellant in her statement admitted the transfer the charge was converted into the one mentioning boundary of the joint property. He further argued that the first enquiry officer proposed minor penalty and the authority for no reason kept silent for one year and that when the complainants lost their case before the criminal court, they resorted to interference by the Chief Executive of the Province who involved two different departments. He further argued that despite so many enquiries, no statement of allegations was issued to the appellant nor holding of regular

enquiry was dispensed with. That both the enquiry reports are not available in the record and in para-5 of the parawise comments, the respondents have admitted the missing of enquiry reports, hence a joint mega enquiry conducted by Qaisar Khan. Additional Assistant Commissioner, Haripur. That enquiry report of Qaisar Khan even is focused on the missing of the earlier enquiry reports and the guilt of the appellant as well as other persons but no charge sheet and statement of allegations, right of cross examination or right of defence was afforded to the appellant. The learned counsel for the appellant in this regard relied upon certain rulings of the august Supreme Court of Pakistan reported as 2000-SCMR1743, 2009-SCMR-615 and 2008-SCMR-1148.

5. On the other hand the learned District Attorney argued that the appellant was held responsible in all the enquiries. That all the codal formalities have been fulfilled.

CONCLUSION.

6. There is no charge sheet and statement of allegations available on the file nor the department at any stage had taken the stance that any such charge sheet and statement of allegations were issued to the appellant. Rather in reply to para B of the grounds of memo. of appeal the department has mentioned only the issuance of show cause notice and has not replied to specific allegation of non service of charge sheet and statement of allegations as averred in ground B of the memo of appeal. It means that the department has admitted the averments of para-B of grounds of memo of appeal. It is also admitted position that some enquiries were held which means that there was no order of dispensing with holding of regular enquiry. There is also no record whether the appellant was given any right of cross examination or right of defence. The appellant in ground C of his memo of appeal has specifically mentioned that neither the witnesses were examined in the presence of the appellant nor any chance of defence was afforded to him. In reply ground C the department has not specifically mentioned about the averment

mentioned above which means that this para-C has also been admitted by the department. Regardless of the merits of the case and guilt of the appellant, the basic requirements of due process are missing in the present case and the impugned order, therefore, cannot be sustained in view of judgments relied upon by the learned counsel for the appellant.

As a sequel to the above discussion, this appeal is accepted, the impugned order and the appellant is reinstated in service. The department is however, at liberty to hold denovo enquiry strictly in accordance with law. Parties are left to bear their own costs. File be consigned to the record room.

(GUL ZEB KHAN) MEMBER -

<u>ANNOUNCED</u> 10.10.2017

Coller Way 13 Julia

MAD KHAN)

HAIRMAN

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GOVERNMENT OF KHYBER PAKHTUNKHWA BOARD OF REVENUE REVENUE & ESTATE DEPARTMENT

CHARGE SHEET

b).

d).

e).

f).

I, Zafar Iqbal, Senior Member Board of Revenue Khyber Pakhtunkhwa as Competent Authority, hereby charge you Mr.Saleem Ahmad Head Registration Muharrir (the then Sub-Registrar-I Peshawar) as follow:-

a). That through an order dated 04.09.2013 you were posted in the office of Sub-Registrar-I, but you assumed charge of the post of Sub-Registrar-I illegally on 05.09.2013 and remained as such till 29.04.2015.

That during your posting as Sub-Registrar you drawn abuttal (s)/boundary of the property vide Register Deed No.474/1 on the basis of attestation by a Nazim and official of Education Employee, which speaks volume of incompetence and malafide on your part.

That you were not required to draw boundary as Fard was sufficient to identify the property. According to Section 21 (1) of the Registration Act 1908, the Sub-Registrar does not demand any non testamentary documents relating to immoveable property to draw boundaries especially when* property has a revenue record.

That you in considence with a new co-owner Mr.Suhbat Khan has malafidly drawn boundaries which led to in opening of a new gate of litigation as you have himself assumed the authority of Civil Court/* Revenue Officer to partition the land/built up property.

That you was also responsible for mis-representation as you confirmed and registered a deed that the impugned property was free from all encumbrance/charge/litigation which was in fact otherwise.

Your this act tantamount to mis-conduct and make you liable to be proceeded against under Khyber Pakhtunkhwa Government Servants (Establishment and Discipline) Rules 2011.

That you gave a false statement before the fact finding enquiry officer to the effect that you have withdrawn your appeal which was in fact dismissed by the Service Tribunal.

2. By reason of the above, you appear to be guilty of misconduct and in subordination under rules-3 of the Khyber Pakhtunkhwa Government Servants *(Establishment and Discipline) Rules 2011 and have rendered youself liable to all or any of the penalties specified in Rules 4 of the rules ibid.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the Inquiry Officer.

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

Intimate as to whether you desire to be heard in person or otherwise.

Statement of allegations in enclosed.

áfar Igbal) Senior Member

Annex-L

Appelli

The Deputy Secretary (Reg-II) Establishment Department (Regulation Wing)

REPLY TO CHARGE SHEET DATED 28.11.2017 ON BEHALF OF CHARGE SHEET ISSUED TO THE ANSWERING RESPONDANT SALEEM AHMAD SUB REGISTRAR.

IN J 6/112/17 PATO DSP.11

Respected Sir,

I have the honour to refer to your letter No.PA/DSRII/E&AD) Misc-2017/Enquiry dated 28.11.2017 Para and to submit the following reply interlay on the following ground.

(A) In reply to Para (A) of the Charge Sheet, it is humbly submitted that in pursuance to the order No.4584-92 dated 04.09.2013 received by me through Deputy Commissioner Swat wherein at the beginning of opening Para it is mentioned that **"WITH APPROVAL OF THE COMPETENT AUTHORITY THE FOLLOWING** POSITING/TRANSFER OF THE SUBREGISTRARS IS HEREBY ORDERED WITH IMMEDIATE EFFECT IN INTEREST OF PUBLIC INTEREST". So I assumed the charge as Sub Registrar-I Peshawar and forwarded the copies of my charge report to Commissioner Peshawar Division Peshawar, Deputy Commissioner Peshawar, Accountant General Peshawar and PS to Senior Member Board of Revenue. After receiving the above charge report these were marked to the concerned quarters. I performed my duties against the said Post for one year and two months and in this period I attended so many meeting in the office of SMBR, DLR and District Registrar but no body raised any objection regarding holding of such Post illegally nor any one else was posted as Sub Registrar-I Peshawar in this period. The Deputy Commissioner Peshawar also awarded me commendation certificate.

(B) In reply to Para (B) it is humbly submitted that whenever the Khasra Property is converted in to residential purposes, then it can be described/identified from its boundaries and are known as Abadi Deh. In present case the property involved was in shape of House and not a Plot which can be specified only from its boundaries. So for as the attestation of boundaries by a Nazim and a Government Servant is concern they both are responsible persons and after the promulgation of present Local Government system, Nazim is given ample powers to attest, verify all kinds of documents which need attestation. There is no malafide on my part.

That disputed registered deed was executed in good faith and also in accordance with Law. Therefore, a protection is provided to me by virtue of "SECTION 86 OF REGISTRATION ACT 1908, then I can not be prosecuted for that act done or refused in my official capacity.

(C) In reply to Para (C) it is humbly submitted that no doubt that Fard was issued by Patwari Halqa which pertains to the ownership of vendor and the deed was registered according to the ownership sold by the vendor to the vendee, but so for as the question of boundaries is concern, there is no order from any forum not to do so. Section 21 (i) is not denied. If we read section 21 and 22 (2) in Juxta position, then it is clear that if section 21 is not complied there it SHALL NOT DISENTITLE A DOCUMENT TO BE REGISTERED, IF THE DESCRIPTION OF PROPERTY TO WHICH IT RELATES IS SUFFICIENT TO INDENTIFY THAT PROPERTY.

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The disputed deed was drafted/prepared on the directions of both the parties and at the time of its execution both the parties had accepted the same to be correct. It is pertinent to mention here that the financial institutions (Banks mortgage deeds as well as Government Servant mortgage deeds on GFR prescribed forms) at the time of its execution, do not accept the deed in which boundaries are not mentioned to specify the property, and number of deeds were and are being registered (some are attached for reference).

- (D) In response of Para (D), it is stated that I have got no nixes with Malak Sajjad son of Malak Sohbat Khan not he is and was known to me. Whatever is done by me in my official capacity is done in good faith with out any convenience or malafide. I have not partition the property. The vendor was owner of 13-marlas 8-Sarsai in Khasra No. 260 Khatta No. 34/48 vide fard issued by Patwari Halqa.
- (E) It is denied the executants of deed had sworn an affidavit which was affixed with the deed that the same is free from all encumbrance/charge/litigations, even in the body of deed the seller had made declaration that the property is free from all liabilities and encumbrances/litigations and charge etc, letter No.1164/ADC/DK dated 18.5.2017, Sub Registrar I Peshawar submit report on 25.5.2017 that ownership of the complainants are intact.
- (F) Sir, I have acted as Sub Registrar I Peshawar on receiving order No.4584-92 dated and 04.09.2013 and assumed my charge accordingly. I have not committed any misconduct and had performed my duty accordingly, so for as the question of instant deed is concern, it was registered in accordance with section 35 read with rule 135. Both the Parties appeared before me and had accepted the sale deed, the area mentioned in it along-with the boundaries. As the parties were not known to me personally, therefore under rule 127 of the Registration Act 1929 on the verification and identification of two witnesses there signatures/thumb impressions were obtained.
- (G)In response to Para g it is humbly submitted that at any stage I have not make any statement for withdrawal of the case, I not per sue the case and tribunal dismissed the case on merits, I have also handed over court order to Inquiry officer, Previous Inquiry Report of Addl: Deputy Commissioner Peshawar, Secretary II Board of Revenue and Director Anti Corruption Khyber Pakhtunkhwa copies are eenlosed.

It is therefore humbly prayed that whatever has been done it was in accordance with Law and in good faith and no malafide is involved in it. As I was posted Sub Registrar in Swat Kabal and was transferred to Peshawar on the vacant post on the transfer of Iqbal Ahmed and I had taken the charge, no body questioned the same not any one else was posted/transferred to Peshawar after my assuming the charge. I have not committed any misconduct nor had violated any Law or rule. It is therefore humbly submitted that on acceptance of my detailed reply, I may kindly be exonerated from the charges and the enquiry may kindly be filed.

Dated 5.12.2017

Fatal 61- Pages.

Yours Obediently

Saleem Ahmad Sub Registrar

SHOW CAUSE NOTICE.

1. Zafar Iqbal Senior Member, Board of Revenue, as Competent Authority, under the Khyber akhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011, do hereby serve you. Mr. Saleem Ahmad the then Head Registration Muharrir posted in the office of Sub - Registrar - I Peshawar as follows:-

I am satisfied that you have committed the following acts of omissions / commission:-

Annex-M

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- a) That through an order dated 04.09/2013 you were posted in the office of Sub Registrar I but you assumed charge of the post of Sub - Registrar - I illegally on 05.09,2013 and remained as such till 09,04,2015
- b) That during your as Sub Registrar you drawn abuttal (s) / boundary of the property vide Register Deed No. 474/1 on the basis of attestation by a Nazim and official Education Employee, when speaks volume of incompetence and malafide on your part.
- c) That you were not required to draw boundary as Fard was sufficient to identify the property. According to Section 21 (1) of the Registration Act 1908, the Sub - Registrar does not demand any non testamentary documents relating to immoveable property to draw boundaries especially when property has a revenue record.
- d) The you in connivance with a new co-owner Mr. Subbat Kha has malafidly drawn boundaries which led to in opening of a new gate of litifation as you have himself assumed the authority of Civil Court / Revenue Officer to partition the land / built up property.
- That you was also responsible for mis representation as you confirmed and registered a e) deed that the impugned property was free from all encumbrance / charge / litigation which wsa in fact otherwise.
- This act of yours tantamounts to misconduct and liable you to be proceeded against under Ď Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
- g) That you gave a false statement before the fact finding enquiry officer to the effect that you have withdrawn your appeal which was in fact dismissed by the Service Tribunal.

As a result thereof. I as Competent Authority have tentatively decided to impose upon you the penalty under Rule - 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

1.1

You are therefore, required to show cause as to why the aforesaid penalty should not be imposed non you. Furthermore, you are directed to appear on 29.1.2018 at 11:00 A.M before the undersigned for personal acaring.

If no reply to this notice is received within seven days of its delivery, it shall be presured that 4. ou have no defence to put in and in that case an ex- parte action shall be taken against you.

Memb

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(o. Est:1/PF//<u>3500</u> . eshawar dated 25701/2018. Mr. Saleem Ahmad Ex - HRM

Annex-N

جناب عالى !

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Appelant

جياب بابرت شوكازنولس مورجه 2018-01-24

بخدمت جناب سينتزمبير بورد آف ريونيو خيبر يختو نخوا بيثاور

(A) فقرد نُبر1 کی حد تک عرض کم برطابق علم مورخہ 2013-09-04 سائل کو پشاور میں بحشیب سب رجسر ارتعینات کیا گیا تھا نہ کہ HRM۔ (نقل آ ڈرمورخہ 2013-09-04 لف ہے۔

سائیل حسب ذیل عزِّض رساں ہے

(B) نقر ونبر 2 جیسا که مرتب کرد و به درست نه به کیونکه سائل نے از خود دستاویز مذکور و میں کمی قسم کی حدودات تحریر نہ کرائی بے بلکته فریقین نے از خود معہ گواہان شناخت دستاویز مذکور و بے ساتھ نقشہ نصوبری تیار کر ک شامل کیا تحاجس سے بیا مرداضح ہوتا تھا کہ ما بین فریقین جس جائیداد کی دستاویز تیار کی گئی ہے اس ہی کی بابت رجسری کی جارہی ہے ۔ یہاں اس امر کی دضاحت کر ناضر وری ہے کہ رول 135 رجسر یشن ایک 1929 میں سب رجسر ار کو داخت طور پر ہدایت کی گئی ہے کہ رجسز یشن آفیسز کا جائیداد کی ملکیت ، نائل وغیر و کیساتھ کوئی تعلق داسطہ نہ ہے ، رجسر یشن آفیسر کو صرف یہ تصدیق کر کی ہے کہ جو دستاویز اس کے روبرو نے ہرائے رجسر یشن کی گئی ہے اور جو اشخاص اس دستاویز میں فریق ہیں ہے دہی دستاویز اس کے روبرو نے برائے رجسر یشن پیش کی گئی ہے اور جو اشخاص اس دستاویز میں فریق ہیں ہوتی اخت میں جنہوں نے دستاویز تیار کی ہے کہ رول 135 لو

(C) فقر دنبر 3 جوا ب میں عرض ب کد سائل نے ندتو فقت تیار کرایا ہے اور ند ہی فقت کا فریقین ت تقاضا کیا ہے بلکہ فریقین نے از خو دستاویز کے ساتھ فرد ، نقشہ بمعہ دیگر کاغذات ملکت شامل کے تھے دفعہ 12(1) کے وجود سے انگاز ند ہے جبکہ نعہ 22(2) میں واضح طور پر تحریر کیا گیا ہے کہ دفعہ 21 کی کمی بھی شق کی ⁵³ بیلی نہ کی تئی وقد ایک دستاویز غیر ستحق ز کی جائے اور دستاویز کو و جرڈ کر نے سے اگر جائیداد کی تشریح جس کے سلسلے میں وہ دستادیز رجشر ذ کی تئی ہو سے جاند اد کی پیچان ہوتی ہوتو رجشر کی کر دینی چا ہے فقل دفعہ 22(2) لف ہے ہے اس اس اس کی دفتہ ز کی تشریح جبکہ دندہ کی جائے اور دستا ویز کو و جرڈ کر نے سے اگر جائیداد کی تشریح جس کے سلسلے دو دستادیز رجشر ذ کی گئی ہو سے جاند اد کی پیچان ہوتی ہوتو رجشر کی کر دینی چا ہے فقل دفعہ 22(2) لف ہے ہے ان دستا ویز ات اجائیداد میں سے دکن مشرود کی جو کہ تا حال رویا دفتر دی دستا و دفتر دو 20) لف ہے رجشر اد اس دستا ویز ات اجائیداد میں سے دکن مندہ کی جائی ہو جو کہ تا حال رویا دفتر ہو اس میں محال ہے رجشر اد اس دستا ویز ات اجائیداد میں سے دکن میں کی گئی ہے جو کہ تا حال رویا دفتر کی میں محال ہے رجشر اد است دستا ویز ات او نگی اور میں سے دکن میں کی گئی ہے جو کہ تا حال رویا دفتر کی میں محال ہے روشر اد است در دی جائید جلد بابرت جائیداد ند میں)۔ علاوں از میں سائل کی ٹر انسفر کے بعد آنے والے سب رجشر اد است دیند د کی جائی تو نہیں کی گئی جس پر سب رجشر ار نے اپنی تریں در کی تی تو نہیں گئی تھی ہو گئی جس پر سب رجس از ہے ای ہور یہ جس کر ان کو تھی ۔ آیا درخواست کنند د کی جائیداد میں کو کی منظی تو نہیں گئی گئی جس پر سب رجسر از نے اپنی تریں در کی تھی کر ان کو تکی ہو تک کی تھی کر ان کی ترکی کر کی دی تو نہ میں کو گئی ہو نہ ہیں گئی تکی جس پر سب رجس از نے ای تر کر کی کر ان کر تک کر تم کر ایک تر کر تک در تاز دیں کر گئی تو نہ میں گئی تو نہ میں گئی گئی جس پر سب رجس در ان دی تا کی تر دی کر تھی کر تھی ان کی تر تا کر تھی دی تا کہ تا کہ تھی کر تھی ہو تھی ہو تھی تھی تھی تھی جس پر میں رجمل در ہو تر دی کر تر تی کر تر کی تا تو تھیں گئی تو نہ میں گئی تو نہ میں کر تا ہو تا کر تر ہوں دی تو تا کر تک ہو تھیں تھی تھی تھی تھی تھی تھی تھی تھی تھی تو تو تا تو تا تو تا تا تو تا تا تو تا تا تا تا تا تا تا تو تا تا تا تا

فتر دنمبر 4 میں ء' بَدَ کردہ چارجز کا حقیقت ہے کوئی تعلق نہ ہے درحقیت اس دستاویز کو رجسر ڈ



ا الرئ من سائل کی بدیانتی یا ذاتی منادکا کوئی عضر شامل نہ ہے سائل نے دفعہ 35 رجسر یشن ایک 1908 وہشمول رول 135ر جسر یشن ایک 1929 کے تحت اپنے کار ہائے منصبی دیانتی وقانون کے مطابق سرانجام دیئے ہے _رجیٹریشن ایکٹ کی درج بالا دفعات کے تحت سب رجسٹرار پابند کہے کہ اگر فریقین سب رجسٹرار کے روبروئے پیش ہوکرکوئی دستاد ہز برائے رجٹریش پیش کریں توسب رجٹر اردجٹری کرنے سے انگار کرنے کا مجاز نہ ہے۔ فقرہ نمبر 5 کے سلسلے میں عرض ہے کہ بوقت رجٹریشن فریقین نے دستادیز کے مضمون میں اس (E) ی بابت کی دنساحت کی ہے کہ جائداد ندکور ہ ہرتسم بار کفات ومواخذہ ،از تسم مقد مات [،]نقص ملکیت ، رہن ، نیع ، ہبد دحکم امتنائ وغیرد ہے پاک صاف کے اور اس کی تائید میں فریقین نے بیان حلفی بھی شامل دستاد پر کیا ہے۔ فقر ، نمبر 6 کے سلسلے میں عرض بے کہ نہ تو سائل نے کوئی misconduct کیا ہے اور نہ ہی رجر مین ایک بے قانون یارولز کی خلاف در ڈی کی ب بلکہ سائل نے اپنی ڈیوٹی/ کار ہائے منصبی مروجہ قانون /رولز کے - Fire Stranger (G) SA فقرد نمبر 7 کی نسبت عرض ہے کہ سائل نے اپن اپل کے بارے میں انگوائر کی آفیسر کے سامنے Appelents لوئى بيان نبيس ديا بلكه عدالتى فيصلح كى كايي پيش كى تقى -جناب عالى! سائل نے قانون رجسریشن ایکٹ 1908 وردلز رجسریشن ایکٹ 1929 کے تحت ا بنے کار بائے منصبی نیک نیتی اور دیا نیتداری سے سرانجام دینے ہیں اور اس میں کسی تسم کی بدنیتی ابدیانتی دغیرہ شامل نیہ ہے، شرکایت کنند دینے ذاتی مفاد کی وجہ ۔۔ ، سائل سے خلاف درخواست دائر کی ہے ۔جبکہ اس کی جائنداد کا زیر تیجویز دستادىز بے كوئى تعلق نەہ ہے۔ لہٰذاا ستد عاب کہ بمنظوری جواب ہٰذادرج بالاحقائق کی روشن میں سائل کودیتے گھے شوکا زنوٹس کوداخل دفتر کیا جا کر سائل کوالزامات سے مری الذمہ قمرار دیا جائے۔ (نقل فیصل سیر یم کورٹ لف ہے) Sal 29-01-2018

REARAAE & ERLVLE DEBVELMENT. BOVED OF REAERAE COAERAWEAL OF REARER BVELLOARTENV

eshaven date the 99 /03/2018

NOLLVALUTON

No.EstraV/CMS/KPK/Summary/2017 Head Registration Moharrir was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, for the charges mentioned in the Charge Sheet & Statement of Allegations dated 25.1.2018.

AND WHEREAS: Mr. Muhammad Yasir Hassan. Deputy Secretary Regulation-H. Establishment Department was appointed as Inquity Officer to probe into the charges leveled against the said official and submit findings.

AND WHEREAS the Inquiry Officer after having examined the charges, evidence produced before his report of accused official, submitted his report whereby the charges against the accused official stands proved.

AND WHEREAS I. Naffai Idbal. Senior Member Board of Revenue - after having examined the charges, evidence produced, statement of accused official. findings of inquity Officer and after personal hearing of the accused concur with the findings of the Inquity Officer.

MC, Salcent Ahmad Registration Moharrir with immediate effect. (a) MC, THEREFORE, in exercise of the powers conferred under Rules, 2011 to (ii) of Khyber Pakhtunkhwa. Government Servant (Efficiency & Discipline) Rules, 2011 to impose minor penalty of Ban of promotion for a period of three year upon Mr. Salcent Ahmad Head Registration Moharrir with immediate effect.

EI-POFEI / 102/ CARAMANSWO/VIARA LAN

coby forwarded to the:-

Accountant General. Khyber Pakhtunkhwa.

- Registrar, Service Tribunal Khyber Pakhunkhwa, Peshawar,

ULIDIDO CHITTEIRE

Senior Member

By order of

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Site

Å, L Director Land Records, Khyper Pakhunkhwa

PS to Senior Member, Board of Revenue.

Official concerned.

Office order file.

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PS/C.S Khyber Pakhuni Diary No., Date

с х. К. . . .

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BEFORE HONOURABLE CHIFE SECRETARY GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR

DEPARTMENTAL APPEAL AGAINST NOTIFICATION I O.Estt, IV/CMS/KPK/SUMMARY /2017/13709-23 DATED 09.03.2018 BANE OF PROMOTION OF THREE YEARS UPON SALEEM AHMAD HEAD REGISTRATION MOHARF R WITH IMMEDIATE EFFECT.

Respected Sir,

- 1. That the Petitioner was dismissed from the Service bearing No.DLR/Missing/Inquiry Reports 2017/472-77 Dated 06:01.2017. Against the said order the Petitioner approached the Honourable Service Tribunal knyber Pakhtunkhwa Peshawar. The Service Tribunal Passed vide its Judgement dat. d 10.10.2017 in Service Appeal No. 371/2017 title Saleem Ahmad Versus Chief Sec etary and others. The Petitioner is reinstated to Government Service with effect from the date of dismissal i.e 06.01.2017 with all back benefits. (Annex(A)
- 2. The Honourable Board of Revenue R&E Peshawar has issued reinstated vide its Notification No. Endst. No. Admn.IV/Saleam Alimad/DLR/Inq/BOR/28138-44 dated 04.12.2017 with all back benefits. (Annex: 13)
- 3. In the light of Service Tribunal order dated 10.10 2017 in denovo inquiry was initiated against the Petitioner, and imposed minor Penalty of Ban of promotion for a Period of Three Years up the appellant, vide Notification N: Estt.IV/CMS/KPK /Summary /2017/ 13709-13 dated 09.03.2018. (Annex: C)

It is therefore humbly prayed that an acceptance of this appeal my promotion ban for a period of three years mentioned in the said Not fication, may kindly be withdrawn. Att which Shout blochint

Dated 09/04/2018

Your Obedient Servant

INNEX-G

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

No.Ad:IV/CMS/KPK/Summary/2017/22607 Peshawar dated the 21/05/2018

Mr. Saleem Ahmad, Sub-Registrar-I. Peshawar.

Received 28/5/2017

Fluough:

Ľo

Deputy Commissioner Peshawar

SUBJECTE DEPARTMENTAL APPEAL AGAINST NOTIFICATION NO. ESTEIV/CMS/KPK/SUMMARY/2017/13709-23 DATED 09.03.2018

Your Departmental appeal dated 09.03.2018 has been examined and rejected by appellate authority.

Assistant Secretary (Estt)

「「「「「「「「「「「」」」」

SA-A Appelant

67 بابت مح سب رسطر بر مارمدر مات ادر صرو مالية معام اور يقد در سوم رحم من وتيرم اور نقد ونما دان وصولي شره ماد دانها مخررات من شرار مدرمات ادر قسم و مال ومكر ورفرى م Eschack Olan in 2 2 min (les ispolien 4287 in in injort chi que to the ingite win/ner بساند محص ما ور است در اس در المرمان مقابی مسا.ور عار مراس مراس مر مطرا تد است ا 525000 juille وعقر مول. برمو خراكم مفف معال در مند فرص ك مرام (في جمع عن ومن وارا كرارا 13125/101/ ومث ماسز والمق والعند وونشر على وقوق مالمان متعلق مع 6901-000 المبند س 10-5) 10 2/8 are 10 10 a) a) (10, 10, 10, 0, 0, 0, 0, 0, 0) ومرارات مىسى مىدىر رېږىل غانىدى فاند شمارا ب<u>اللم</u> خومند مرمك أناد بل عل . ور عدر زمد . مروضور ورانه المعتوق مامل تد من على ساليقوال المحقق ور 1. in ange معراب معلقه منا مزمر از مسرع ال (1) - 270 - 270 - 270 - 270 - 270 - 277-275 PH 30,0 o de Plandingeringen of is sigue من المار فتو ما سف مارو وأمع وم في ول ول ش *در برتن* موضا مدر مسر مسر الموقع من وروان الأخ زنتر مزم من ورمندی صغف معمر زر فریز بر قرار رفیز کا تسرو من ورمندی صغف معمر زر فریز بر تر مرز مرجم مهر گذان برین دما جبر این اوراد .. ۵ در ز ... ۲۰ یا ید

326 1.5.5 بابت محكم سنجر طل 68 6 ذ فهر*بت الشاميي وران تما الخريجية | غبرت*وا رسندرجات اورتسام كية نىل دخىتەر جىشەر شەرە ، ظهرى كانقل ومحكر يستري معامله ادرانداد رسوم رسيرى وفير ادرتدا وتادان وسوك شده 29 5001 1019 0144, Juin 113 docu عدار زرك از 37 مندن سال 1915 معشو جن حود ا it of Opp ic o سرائل مندي ي . جو ترضار ازس ا زر جر و ا المس ر المشارات - مقدمات - ورجبات ساكن موس ما توا مركارا ومتحفر) سي يد وحماف س apices in the ماحر مر در انتناعی ار خسر خدار خدار المع المع المع الم ATTenTed . مسب فميم مريد فالف در معرفان مبلغ لا بخ دركا جسس Or. Kerne SA = 525000/ 112 Ju panen Appelant سی دن ور المت مسالة مر واجر وجرجرام سل ولالتر محول وال موجنع مدارات المرابع والسوران متقال حنزاكم ومزرم فرفز in en aites may any adver في وتحار العرام المرح في المراج المراجعة وما معاؤر ما من Di aungeling ورس م 22 l'and al ano the reader معتدف مشرف ين سيم المشتر Jin inc inclus - ching in ling ac ni I have jun وللرور ارال امرال ما مال مذكون مرا بابن شن م في منين مقم ماجيان مساقو ول. 1stip Cur 2 ورمد فيلت وى نوب الدر مر ما ما 30 201. 1. المزج والمندس وسرا لا ساق ميدار حمل من رحر Cristing of Siling م مرمومو Melojit? 5 and and the

بابت محكميب ترسب 69 نمش مدرجات ادر فسرد مالية معامر در يقد در مسوم رصيفري ونير وادر لفتل وتيقه رحب طري شد ، تقداد ما دان ومولي شره ادرلود كمر مرے النا ي حاديو مي جديد an un cher wat the ali, 11jan Juil in animine of ivour su 11. CN2 el. las ji i cuilsin 44-47-087884 د انگرمزان ، م 10 143-53-076 539 2118 المرمري مسايد فك وورا با ومعيد) را وفا دوا 111 224-58-107 437. up/ f.C ين فالأل ي تحدي م در المال دار طروا درو مركان الرون ماج م ورونتي م سم حال دسمر وله م SUB REGIST A CONTRACTOR Mortee <u>13</u>7 Mellbur بركيم في أد ما بسرا (١٣٩ رايف من تعدام مد مارتسفر أت ٢٠٠ مدير يع 25/20 <u>,</u>,,,,,,∥ bre Company to Will

tomex-S بابت محکر سب ز ومقلم بخررات فالمبشر كارمذرجات ادرفسم ومالية معال ادريقدا در مروم رصوى وتيرم إدر الفل وتيقه رح طرى: تعداد ما دان ومول شره ومدرنا مي ATTE 1. Juli 7500/ Cite "- 5 Come 1/ Crowie 4317. مساق تسب سما دزر حر خدمتان دختر مندا - Tulit روسه من 75 / Cur سان مان ١٢٢٦ مى مى مردى كود ترا در سىرى برا). فیرو مرا) کم من مو مد مدولام محا لا عرار 29 (in chi 49- 1993 . 19 an (12) 12 0-5 m (m) 2500 (m) אל הען כעון ל כנו כם מחנו האל עיני טורי ارولیت از تا ماسر در الدین سال متار در ارد 4481. 0. مر با سام و ما کی معدوم العد مرال الد می منو ر مرسار کا بالج) الفاق تعل مارش الواس المسران المسران المسر سرابران سر عالان سر سر عد حد ر من خان محققاته المج ی ونشرو منها رفعال از در Licus in sil in incient . Mysel 1011 لياند مرك كوركمن برين تراجيما فيرا (١٣٦ رايف اين تعدام ٢٠٠ لارتسر آت ٢٠٠ يدريد 326 1 2 ų,

1.5.51-1 بابت محكم ست رطل 94 برست الط ميادران مما متحركية في منبرة ومندرجات الدر تسم نىل د نىتەر بىرى تىدە ظهرى كنعل ومحكر وسلروي معاطرا ورلعداد رسوم وسطرى دفيتراودتدا وتادان وصول شده نکې *3 م*وں نکي کې يول OCTUDIO IN MARCINO 134131 س بسی . سی ملی کر مردن می در در م ر المعدم المعتم 3 Man Jime i of مست در ارد از ال منتر ی متر ا ماه ننیت سر 1 is zpor وارع والال مالند وعول مرك سااد en aliel 200 الالافترروم من من وخامي من ال 10-36 20 20 Aterta مندع مرون بي مرارا في مند مرد منا مند سائن ترغيروه من مراغات منظ مانوى مرافقان ت در بالغرب Sta Dis Eller اسمال رحماف بالمرازاج ليركس مر تد انساف zbbel مسر ماروران با فو مرابع مقدم والدر نر انتار صن مميار ب مراره از المراج مروف ما مراس اى، مندل مىن ور بالمانيد مسر س تس عسر من المالا س وتتو عزاؤ ار مر بالمر الروال مي مر مر المر فالغ مدهدت سرم متر مد ما مرافعات من من فالوى ما دامناك his 3 for ع دی سر سر من سعم ، معنا : معنا تؤورس تم وليشرق Appellar رس ، مرد ما مفل الله آن توالي 2 and cally ر مرماز آن میں مروات مس منترع المحمد المفق ا lin Cur in المسيمة من معرف / ماليدما زون وحافيد ال Protistant مردر روی ترمین میں میں ال د میں شنامہ ما تعرف مقرم ما بعد ما رامن y lip cup l مرورونال روس مرو مالعلى وراسم ابور می شمی ورور اعلم بای ندون / مرزند بوما محقوق مرز سر س ما دمو ار ای مر شرو الدر مدم Drance risper. 11, 11 11.1.11.2.5世

60 بابت محكر سرب حسب فمستمارمندرجات أدرقسم وماليت معاط ادريقدادر مرور مرور مرور وتيره ادر الفتل وتيقه رحب طرى شد؟ لقداد ما دان ومولي شره لمرتامي 1 hund co July ungles 110 116 Sinicipy 1.2.7 1, jolijo مرازمر üu ار مرتبعية) مد ارزن لا N131 10 70570 فترحما دمين ولدحا في زرم (137-91-179884) Nic 137-91-179884 I. 19 (4,1) عبار فعل الما ورد سريج 10-دفن فعنده وألنا نه 1. in Nic 137-8-645674 Sur and into out فانتس من فعاد ورفي ونديد كعل وخدار المعجد مترونه كالمي طرو سرائم ساه و سع و تر السر REDSHARAD Nentic Atlested petlant ر فنست م م م السرا /۱۰ ۲۰ را م م تعدام ۲۰۰۰ ۵ د م شر آف ۲۰۰۰ م در بل -13:2 2/2 , ijĮ 23

Annot الع المان المعاد 198 با به المحصم المسلم تمبر مندرجات ادرسم دماليت الرست المراجب اوازنت المحريات كينت ... نقل دیتھ رجب شری شدہ المانقل جوامكم يتحسير شري ملي تكمى معاملهادرتدادر مرم ويبشري وغيرد اورتداد تادان مصول شده بتن ملها ، التي مد متن قطع إمثا كرامه 10 بالح المما الما تم مرام رز ارا 3836 مقاصد منه المر احدود فروز شروز من مان 2188 174 مات مرد وروم بيج نامم 2 Encia - - 6 ، در رمزیم مورد کرے ورشر کا موں من مقر کھتے مختیام رقب كمبوه 19,26 11 eso فاحت بررے رحد غرص و ات وں 252 مرب 24 علم ابت م مرموم موس بم حربومت مامن 21 · 2 « ف مرفستر (ر المات - م 1000 2 2 المق ب من بها شرم مور المرب ورمبرو دستا دیز 2536 سب رحد شرار المي وم 5 160/- 0, 20 and 18 1 200 - 1001 2 محدالو - - ، محد خاروق بران مر سان کمد سم ومرادر مرادر مختار ما مرما تحديق شره سب رج رار مص مجن مرسون -مندامن فر برس ريرمزى مروزي الفاظر ٥٠ ٢٠ وجه كم الزخى زرعى برقتها تستسوله مع تجت نرمنى فر مسب ومرضر المنصيع حق راست، در مرجمه متعق مامعان ازمالم دراخ العسب وهراحر 260, 367, 261, 389 - 7, 10, 2113 3 4 بم تطالمريزى من -رقبه موضع كمبوه تحصير وخلع لن ورمست اختيار-لشرر جمد ولرمود د منبر کان مروب دستفادر بد نمرا ت <u>1983</u> معدر هم لمرسكمن كمرم موله 1/3 kon 1522. 2/92 kon 1984. 2/92 ب وشرمهم الم متسوعته الم مدسبة اب محت رفاص اراح مداوره in the source of any mean Alles and Alles In se Wile, ATUSTEd Appellant Appellant

بابت ممر مبى مبراجلد 282 199 نمبر كمارمندرجات الدمم واليت فبرست اسمامي ادران تما تحررات معامله أدر تعلاد كمسواجب فري طبري في تقل جوم كم درج شرى يس وغيره ادرتعا ومادان ومسول شك ىكى كى موں . دزبهم وجبج نبرسي مغون دنيق تبرر وحيرا جمدول بشرا فرما بال بذابوجو جروس ومحرر س شعري سب يود رقر كالوك ، عرب المن ور سع مع مرومت مياده كرزين ستترس متهوره سيطانق مي دمن من مور مور مور طور سرانقر وحول يان سے - اور ومعترة كورع ن مشاخذ مسب متفاج معانه بهموقع مواله شترم - al id (אי מינין . האציין . مندم مرادع مع وتندوس مع فروز ف ه سرو در ان مر بادر وارتان كاراج سم = تواه --- وزير حمر المركط كون تعقى واسطرز ربعا -/ وررسو المرزم المسب الراح بوم تعم واتعان - دعوم ارمانير برايان (تكويع جماج مراج مست جم تتعانات مشتري سيق من ع شع کو ذات حاص ما مشراددم جما نزمي مد ترا زم من -ودر باسرر سی کم مسیع ما مد تور ci) en ils 23836 . 12 21000 1. 26 Mices 198/200 jan 1082 مانع ۲۹ دد دارود- ودر برا بنوت 0 3 Jer 26 1997 4 162.0 ب وصراحد شتر کادر بود جرد دی خ رز ار 135-87-157797. ون نانگری مرب دوار کے كراية المسب جمانيزيت زارماج en in 2578: 00 25 18 SE. IALVAS 135-60-32593120 Appellant

با ب فی مسید کر 200 فمبت ومددجات ادرسم دماليت رمة بمنامب اولان تسام تحريات تقن ومتدحي شده معامله إدرتسا ورسام كالمعل جوميم يتستستي لمس تكحى وغير الدر المدر المان وصول سندد گھ میں ا مرستمط شرميزى . توره وزمر عمد ولد فسروز مرمين 188 ، داد مي موروكي ورشم مبتم دير 121-6-135-48-157788 اعمر كايت كم حشبت وتتع الوب المن و فرو و الم Trutical AESULOVAS Abbilin ای معان بر می ۱۵۵ مربع منظر منبار منه در من 3838 و و و المال مرتب منه بالولامان مشابعهان مردوم ماما جبار كاون عل الى وم me Lerry مان دا . . در دسر ان من مدحة مس المرض موسف ، ، ، د مان في مون مدر منوفت مقامت عد موت و موت عقامت عقامت و موت عن من مابن د// مردان /معدة ٢ معرف ٢ العمير مرد مربير مع 22 مرب الرماد مرد مرارح علم برو در این مانسی مرد از ایم وقت درس دیداز شره و واست ه مان ن استروی است محمد مرس در از سرم ومی در از سرم و می در از مرسی در از مرسی در از مربی و می در می در می در می از میتر نده از مرج مین روح ۲ در تشریح و معترف ما معان ند در احل و ما روما دهم در مان ه ن النام (1200) المام (1200) الماني الماني الماني معلقة عان مذمر دوا قسع موسف منابع النام (1200) الماني الماني الماني معلقة عان مذمر دوا قسع موسف ار، رقب رادر المرابع مسر المسلم متعيد متروك مر برى فرانغالى الم الم مقان مدست برم مح تشردار نامیز ا Attestedy, ait

mex -(64 12 June 249 16 81 101 تميتي ومندرجات ادرسم دمانيت في المامب اولان المحريات تقل وتبق يرجر شري شده متامله اورتعد ورمع اليبغري الملاجو محكم يترسطي لمن لكى وغير اوردد ادر ادان وصول شده . تخت موں -135-9x-0222 590, 22 59 -135- 22 59 -135-9x-02 his 2124 in eles 2124 135-86-0485-8-0-251/2 ···· ···· بردادة ريدديت بي مدرير مي دادة ري シン -135-89-1121012 -- 2010 -- 2010 -- 2010 مرواف شدان حسب شوم اس دنده وروار مر مارور اللج مع المر مدان اللو عو د المرا المراجة بالمراجة الم المان والمقد الم 26/11/97, + 10/0/000 10. 28 - 1-RESHAWAR بيناب بدن بالخ مر مر المرار الرعى مقا ممر يت معدرتهام براه 25 منك لبسير احمد ولافيروز حمد دي منرج 383 المر فعلات المسلم سان مكان 188 مار بالاركريم ليوره لي فد شيس minisoo 200-عاميون من مقر مختب مندار خاص برد روسر ies? the 2. Telin a 13/ - Ron 359 - 40 4 252 is 252 75.0/ Sura 11/126/11 مبال متدارعام محمد رمان وارعسرا بحق سالمن 130/- ci لروريت ساس برا زم بوره ب مرب د مرد د د د د اد مر م 2536 2/28 CD 12 20 12 20 12 20 12 20 12 - i'm 30/5 - en 118 00 347 12 ch - 1200 5 cm ب رفيدر لي م المرابعب محدفا رق ليسران محمد محمان مك م مذرا م مشر المراجع مدو سر مند خارمند وبر بد منتارن م خا م القريق فرد من روسير معب ب مرسون Julie Stand SUE EGISTRA بر مرتفا الكرير النار من مقر مربعه المرالان زرع hallow Attestee

(65, 345 بالتصح مر المير الملد (168 فهرست اسمامب ادران تما تحریزات خرم کی کنتس جونی کمه دیمبر شرک میں فمير مندرجات اوزمم وماليت معا لمرادر تعلون مشارط كرميني وغيري ادرتعاله كالان وتسبول شده نقل وشيق يشرك شره کر کر مربوں ۔ ککھی کمی میوں ۔ in the strange and the series فسرور د معلی مدور روسته ودر وراجه حقوق مانعانداز مالم-من المرمشين بين أنشر المرار 7 (12) (an 3-12/12/ 13/ 3- 12/ 13/ 389 in lingerenergie 261, 367 261, <u>261</u>, <u>261</u> كمن فالاكريم ليوره بالادخير مر من مر منام بن مر مس افرار « مر منا رف مص لأرفيات فالأم 1/2 1/283 cinis le - 1/1 - 1/2 1/2 1/2 شاحت وزبر عمروجها نرب 1522, 2/6 Ron 1984, 2/6 من متد بر در و الورا م مدين في 1/1 مصفوفند رم متسب الم مختيان man signing with فاحت دو (حن مناكور ليوف فا بح مد العوفز ويهو في في في دن مب امن المرجه روميم مترب المنالى لمر ilitical and ومترا كددو ف شنا فت ازر ركرم المجوره نسرو ليوست دمست ليشه ה כווע נריין היים ויציא مد و تحطی مر وفت مد دور مل زر فمن مشتری انتكر لمريمان مسالقة مذكوره سل خارات فعراب فقر مصرف الل pspinie lingel been ville in an and تشرمه مزمر عربه تخط أنكرته مذكور مردا مع زنده من مقرع دند تدر منه میا نزیب برنغ زیر ز ورزان ما آراما معيد سے كوا وت ولا بدام 2835 به وا ول 27344/346500 1681 Con in line in fer in sei الفي مك ش محالف في ورقعا في دخوى «اراك 20, 20 20 26/ 11 20 C الم الفعانات مشتر المعلم سر المعقم و الخالج الداناد مقربابط كأررت كاحت وجا بسرار with and a star and and a star a sta tar a star زمرور الم سرائل ی میام فرم - 26/1 'liss Attent PESHAWAR Appellenn

346 10 81 Jak 18 21 تمبرتيها ومندرجات ادرسم دمانيت تت كم المامب اولان تمام تحريات بحينيت تقل دست شريش متاملهادرتنداد كمسع تشبش لافل جومحكم وشرطري لمن لكن ولليروا وتعدادتما وان وصول شدد کم محمی مہوں w/-135-34-15799 0000 من المحمشترين مرتما وتكرم ما جرد 1-28-25/ الكرم وزرجها نرب ولدما في محرمكان 153 - 2188 مر محمد من مز محمد منان 2188 بازدر بر المور و ب در مر د شعار المكر مرب رم زبارت مک دنتینه لزمین بن مد د شخط و بهر + 46-11-9/2-PISHAWAR فتلات رسم وتدامير بي 1833 رس بيع الفط معان سكر سعادت سكر in my seculo and my min sat in ابت إورود معيد المت رس سع وموف السب سع ومع ف بي مده مدر مى معرى درمليومت مقامر عقل ومعورت وحورس حسر وملرته عن عمر 100000/ Jula 26/11 200 الم مقدة يعرن برينون تر رئد مكان خاب يدر سفر موقت إمسا 20/191 شرار بدر مع مقوق فت وزمين و من دار محدت اوج 32/22 مردا مفترس جندار مسترس مناظ م د لوارد ت ۲۷ دی وطف روستم ود تگر جمل صفوف مانع بددر فارك رفا رح ترسانسته ررم نش كا برى را طن متعلقه معان مذكره ب مرتب زيرون حقع ب معادن حددده محدود بت المرتفا ذرابه منزل فرقامكان الاج محمد شمالاك مدع وس جنوا موض . . BUB FECISTRAM مند رسه ب من ن ندا مراضع حمام سنتر س P/HAWLE و مرد رو سرد ب و - ما ما سب اعلوکہ الم مر م Attent of borni

Annex - V Jan Ju حد بت نمبر **2 / ت**حصيل وضلع پيتاورسال سے ، از رجسٹر حقداران زمین موضع کمبور مبر خسره بتم زمین لگان نمبركهاة نام ما لک معداحوال نام كاشتكار معداحوال كيفيت كھتونى 6475 (2994) anguna anguna (2994) 90 109 اندراج خالب طلله ما ، كلنوس سطنير کمبندی مریثور بالفالب سرا<u>حدولالبتراحد</u> چاندى بن مى بدالىرى مىلى 5 394 P1/2-10-5 سماة معظعراكرم جناب مال مرادر مبر كنتر مرادر حضنر فحمداكر كم زحعه ولد الملاحر حر وميداعد فرد نمبردار مرتب كرك حواله کیا کمیار پورٹ کرمن ہے۔ يترب تور س (85) دستخط بنواري حلقه 20-3-2012 764) 389, 110 ما کندم دمنیره 12-42617 رمبہ بالغان 3-4 مارمکن $\frac{3}{2}$ $\frac{3\frac{1}{2}}{64}$ مفسان آلومدر) ميترميتور (2-00) g. Austat Appendiant

Before the Homible Chairmen 1.12. Service Tribunal 2 منجا نر موريخه Salpen Ahmad----مقمدمه دعوكى Chief Secretary etc 7. مقدمه مندرج عنوان بالامين ابني طرف يسه واسط بيردى وجواب دبي دكل كاردائي متعاقبه Swanullah Advocater teshower rivi مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کا روائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کوراضی نامه کرنے وتقرر مثالت ہ فیصلہ برحلف دیتے جواب دہی اورا قبال دعو کا در بسورت ذكري كريية اجراءا درصولي جيك درديبيا رعرضي دعوى ادر درخواست برنتم كي نفيديق زرای پردستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم ہیردی یا ڈگری یکطرفہ یا ہیل کی برامدگی ادرمنسوخی نیز دائز کرنے اہیل نگرانی دنظر ثانی دیپیردی کرنے کا اختیار ہوگا۔از بصورت ضرورت مقد مہذ کور کے کل یا جزدی کاروائی کے داسطے اوروکیل یا مختار قانونی کواپیے ہمراہ پاا ہیے بجائے تقرر کا اختیار **ہوگا۔اورمیا حب مفرر شدہ کوئیمی وہی جملہ ندکور «بااختیا رات حاصل ہوں کے ادراس کا ساختہ** برواختة منظور قبول موكاردوران مقدمه ميس جوخرجه دهرجانه التوائي مقدمه بحنسب يحصح دموكا کوئی تاریخ بیشی مقام دورہ پر ہویا حدے باہر ہوتو دکیل صاحب پابند ہوں ہے۔ کر مد كوركرين - لمبد اوكالت نامه كهمديا كم سندر ب- -26 ,2018 113 المرقوم _____ol - Chawary 2 Lashawary بمقام

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

No che

Service Appeal No. 857/2018.

Saleem Ahmad Sub-Registrar-1 Revenue Department R/O outside Lahori Gate, Mohallah Islamabad Kucha Sultan Abad Peshawar.

VERSUS

- 1. The Chief Secretary Govt: of Khyber Pakhtunkhwa, Peshawar.
- 2. The Senior Member Board of Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar.
- 3. The Inspector General of Registration/Director Land Records, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 4. The Deputy Commissioner/ District Registrar, Peshawar.

Parawise Comments on behalf of the Respondents No. 1 to 4 are as under.

Respectful sheweth.

Preliminary objections:-

- 1. The appellant has got no cause of action.
- 2. That the appellant has not come with clean hands to this Hon'able court.
- 3. The appellant has no legal grounds in support of his appeal.
- 4. That the appeal is bad on account of mis-joinder and non-joinder of necessary parties.

ON FACTS.

- 1. No comments. Pertains to record.
- 2. Incorrect. The deeds was executed on the basis of Maps/Sketch verified by an unauthorized persons. As per provincial Govt: Instructions with No. LR-IV/ IGR/|TPA/1330-88, Dated 24.01.2018, such documents should be registered on Basis of Sketch duly Signed by Patwari Halqa, verified by Kanungo circle & Attested by Revenue Officer concerned, while the said deed was registered in violation of the Govt: instructions referred to above.
- 3. Correct to the extent that on the directions of the competent authority, an enquiry was ordered to redress grievances of the complainant.
- 4. Correct to the extent that to ascertain the factual position of the complaints, Mr. Muhammad Fayaz, Secretary:II, Board of Revenue was appointed as Enquiry Officer who after fulfillment of codal formalities, reported that charges against the appellant have been proved, as such he was proceeded as required under E & D Rules 2001.
- 5. Incorrect. Since charges stand proved against the appellant, therefore minor penalty of banning of promotion was imposed upon the appellant according to Law/Rules.
- 6. Pertains to record.
- Correct to the extent that a complaint in the instant case was received from Chief Minister's Complaint Cell, which was inquired through Secretary: II Board of revenue, accordingly and on proving charges, penalty of banning of promotion was imposed upon the appellant.
- 8. Pertains to record.
- 9. Correct to the extent that after fulfilling the codal formalities as required under the rules/laws, the appellant was proceeded accordingly.
- 10. Pertains to record.

11. Correct to the extent that in pursuance to the verdict of Service Tribunal, a de-novo enquiry through Deputy Secretary (Reg-II), Establishment Department was ordered, wherein charges were proved against the appellant, hence minor penalty was imposed against the appellant.

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- 12. Pertains to record.
- 13. Part-I of the Para is correct, while part-II is incorrect as the appellant was directed to report to the office of Sub-Registrar-I, Peshawar (Annexure-A) while instead of reporting, the appellant assumed the charge of the post of Sub-Registrar-I, Peshawar (Annexure-B) in violation of the order of the Competent Authority, hence was preceded, whereby the charges weight stand proved against him (Annexure-C), therefore was awarded penalty under the Khyber Pakhtunkhwa Government Civil Servants Efficiency & Discipline Rules, 2011 (Annexure-D).
- 14. Incorrect. All legal opportunities were given to the appellant. Since charges were stand proved against the appellant, therefore penalty in light of E&D Rules was announced accordingly.
- 15. Incorrect. Appeal of the appellant is not maintainable.
- 16. The appellant is estooped to file the instant appeal.

GROUNDS:

- A. Incorrect. The appellant was treated under the mandatory provisions of E&D Rules and no legal right of the appellant is violated.
- B. Incorrect. All opportunities as required in Law/rules i.e personal hearing, cross examination, submission of written statement in his defence were given and the appellant has not been deprived from any fundamental right by the respondents.
- C. Incorrect. After fulfillment of codal formalities, the appellant was proceeded and minor penalty was imposed in light of enquiry report.
- D. Incorrect. Although the complainant intend to sell their property by paying all due taxes, but the deed was registered on the basis of map attested by unauthorized persons, hence illegality and irregularity was committed by the appellant, hence was proceeded under the rules accordingly.
- E. As replied above.
- F. Incorrect. No mis-interpretation of provisions of law has been made by the Respondents but strictly abide to law/rules in this particular case to dispose off the same on merit.
- G. Incorrect. The matter was enquired through competent law knowing officers, whenever the charges stand proved against the appellant as such was proceeded accordingly.
- H. Incorrect. No such complaint was lodged against the colleague to take them under consideration for proceedings.
- I. No comments. Pertains to record.
- J. Correct to the instant that the respondent No.1 being Appellant Authority of the appellant has applied his independent mind & disposed off the case in light of Rules.
- K. Incorrect. No legal right of the appellant is violated by the respondents.
- L. Incorrect. As explained in the preceding paras.

- M. Incorrect. The appellant was awarded minor penalty after conducting proper enquiry by giving all opportunities as required under the rules and after proving charges, he was proceeded as per Rules.
- N. The Respondents would also seek permission of this Hon'able Court to produce some other grounds at the time of arguments.

Keeping in view the above scenario, the appeal being baseless and having no legal grounds may very kindly be dismissed with cost.

Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Revenue & Estate Department (Respondent No.1)

Director Land Records/ Inspector General of Registration, Khyber Pakatunkhwa. (Respondent No.2)

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

Peshawar dated the 04/09/2013.

OFFICE ORDER

No.LR-IV/P.F Iqbal Jelani 4583. With the approval of the Competent Authority the following posting / transfer of Sub Registrars is hereby ordered with immediate effect in the interest of general public.

S.No	Name of Sub Registrar	From	То	
•01.	Iqbal Ahmad	Peshawar ¹ I	Charsadda (against the vacant post)	
02	Saleem Ahmad	Kabal	Report to the office of the	·····
		•	Sub Registrar-I Peshawar.	

DIRECTOR LAND RECORDS / INSPECTOR GENERAL REGISTRATION Ph # 091-9210057.

Endst: No.LR-IV/P.F Iqbal Jelani 4584 42

Copy forwarded to the:-

- 1. Accountant General, Khyber Pakhtunkhwa.
- 2. Commissioners Peshawar and Malakand Divisions.
- 3. Deputy Commissioners Peshawar and Swat.
- 4. District Accounts Officer Swat.
- 5. Private Secretary to Senior Member Board of Revenue Khyber Pakhtunkhwa.
- 6. Personal files.
- 7. Officials concerned.



DIRECTOR LAND RECORDS / INSPECTOR GENERAL REGISTRATION Ph # 091-9210057.

CHARGE ASSUMPTION REPORT

In compliance with the office order of the Director Land Records/Inspector General Registration Government of Khyber Pakhtunkhwa Peshawar, vide Endst No. LR-IV/PF Iqbal Jelani 4584-92 dated 04/09/2013., I, Salim Ahmad assumed the Post of Sub-Registrar-I Reshawar today on 5th September, 2013 (Fore-Moon)

SUB

61-265_/SRP

Dated 05/16 Sept: 2013

REGISTRAR I PESHAWAR

SALIM AHMAD

Copy forwarded to

1. The Commissioner Peshawar Division Peshawar.

- 2. The Director Land Records/Inspector General of Registration Khyber Pakhtunkhwa Peshawar.
- 3. The Deputy Commissioner, Peshawar.
- 4. The Accountant General Khyber Pakhtunkhwa Peshawar for information.

5.

The Private Secretary to Senior Member Board of Revenue Peshawar.

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REGISTRAR I PESHAWAR

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Director Land Records Dy No 1.2 01 Govt: of Killibar Faktrunkhive



То

MENT OF (____R PAKHTUNKHWA ES ___BLISHMENT DEPARTMENT (REGULATION WING)

NO.PA/DSRII(E&AD)Gen:/2017 Dated 15-01-2018.

The Assistant Secretary (Establishment), Board of Revenue, Revenue & Estate Department, Govt: of Khyber Pakhtunkhwa, Peshawar.

SUBJECT:- DISCIPLINARY ACTION AGAINST MR. MURAD ALI EX-ASSISTANT OFFICE OF DIRECTOR LAND RECORDS AND SALEEM AHMAD HEAD REGISTRATION MUHARRIR.

Kindly refer your letter No.Admn:IV/CMS/KPK/Summary/ 2017/27209 dated 24-11-2017 on the subject noted above and to enclose herewith the subject Enquiry Report for further necessary action.

(YASIR HASSAN) DEPUTY SECRETARY (REG.II) ESTABLISHMENT DEPARTMENT

Copy forwarded for information to the:-

1. PS to Secretary Establishment Department, Govt: of Khyber Pakhtunkhwa, Peshawar.

DEPUTY SECRETARY (REG.II)

CHARGES AND ALLEGATIONS

a) <u>Accused-I.</u> Charges against accused-I relate to grabbing the position of Sub-Registrar-I, Peshawar illegally, drawing boundaries of a property on the basis of a document attested by unauthorized persons whereas the Fard of the property was enough to be consulted; Resultantly this registration deed could attract further litigation as the property was not free from encumbrance and prior litigation.

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b) <u>Accused-II.</u> Charges against accused-II are so that he helped Mr. Saleem Ahmad, Head Registration Muharrir, in grabbing the position of Sub-Registrar-I, Peshawar and misplaced the enquiries conducted by Mr. Osama Ahmad Warriach, ADC Peshawar, Mr. Sad Nawaz Qaisrani and Fayyaz Khan Secretary-II Board of Revenue.

PROCEEDINGS OF ENQUIRY

On receipt of the case both accused persons were summoned and provided adequate opportunity to submit their written statement and details of other evidence in their defence. Written Statements of Mr. Saleem Ahmad, accused-I and Mr. Murad Ali, accused-II are at Annexure-A and Annexure B respectively. Record relevant to the enquiry was requisitioned and perused. Both accused persons were heard in person and in detail and were provided the opportunity of cross examination.

Findings of Enquiry. The enquiry in hand pertains to the unlawful posting of accused-I as Sub-Registrar-I, Peshawar in connivance of accused-II. The accused-I later on registered a transfer deed on the attestation of unauthorized persons: 1) Mr. Jahan Gul, ex-Nazim, Pahari Pura, Pehawar and 2) Mr. Khalid Saeed, ex-employee of Elementary and Secondary Education Department. The accused-II not only helped the accused-I in attaining the position of Sub-Registrar-I, Peshawar but remained acquiescent as well on his taking the charge of the post of Sub-Registrar-I, Peshawar illegally. As such, all charges framed, have been looked through the record and details, provided by the accused persons in their statements. Both the accused were also confronted with record and their corresponding statements were heard and duly considered.

Recard uffic : Gover, and f S ve to: Keeping in view the record, written statements and personal hearing of both the accused, the following facts stand established;

a) <u>Accused-I.</u> The accused-I was posted in the office of Sub-Registrar-I, Peshawar (Annexure C) but he took over the charge of the post of Sub-Registrar-I, Peshawar without the approval of the competent authority (Annexure D). The accused in his statements says:

...wherein at the beginning of opening Para it is mentioned that "WITH APPROVAL OF THE COMPETENT AUTHORITY THE FOLLOWING POSTING/TRANSFER OF THE SUB REGISTRARS IS HEREBY ORDERED WITH IMMEDIATE EFFECT IN INTEREST OF PUBLIC INTEREST. So I assumed the charge as Sub Registrar-I Peshawar and forwarded the copies of my charge report to Commissioner Peshawar Division Peshawar, Deputy Commissioner Peshawar, Accountant General Peshawar and PS to Senior Member Board of Revenue.

Charge assumption report provided by the departmental representative (Annexure D) clearly speaks that it was neither signed by the SMBR nor stamped by the office of the SMBR. Merely sending copy to the competent authority does not make something legal when originally it is illegal. Further the accused-I should have clarified the status of his posting order from the Board of Revenue if he had any reservations which he did not do. The accused-I, during his posting, in the office of Sub-Registrar-I, Peshawar, had drawn boundaries of a property, on the basis of the attestation by a Nazim and an official of Elementary and Secondary Education Department employee. The accused in his statement says:

So far as the attestation of boundaries by a Nazim and a Government Servant is concerned they both are responsible persons and after the promulgation of present Local Government System, Nazim is given ample powers to attest, verify all kinds of documents which need attestation. There is no malafide on my part.

The attesters were contacted. One Mr. Jahan Gul is Ex-Nazim who had left the office of Nazim in 2010 while the attestation was made in February, 2014. Mr. Khalid Seed, an

Page 3 of 6 1

employee of Elementary and Secondary Education De tired from Service on 05-12-2012 while he attested the documents as truary, 2014. Both the attesters were not authorized to attest the documents/n. ⁽ atter their leaving the office of Nazim and retirement respectively. The accused-I did not bother to verify the same. The accused-I in his statement says:

> ...it is humbly submitted that no doubt that Fard was issued by Patwari Halqa which pertains to the ownership of vendor and the deed was registered according to the ownership sold by the vendor to the vendee, but so for as the question of boundaries is concern, there is no order from any forum not to do so. Section 21 (i) is not denied.

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The attestation of Revenue Staff of the area and the TMO would have been valid, such negligence tantamount to inefficiency.

Finally, the deed was registered in 2014 and at the time of the deed cases were also pending as is mentioned in detail in the enquiry conducted by Mr. Qaiser Khan, Additional Assistant Commissioner, Haripur under the heading "Complaint by Muneer Ahmad S/O Basheer Ahmad regarding registered deed no 474/1 dated 25-02-2014 in Khasra No. 260, Khata No. 34/39AT Moza Kamboh Peshawar (Annexure E). The accused did nothing to ascertain whether the property was free from any litigation or not. The official sitting at a responsible position should be meticulous, vigilant and extra-efficient otherwise every second deed done by him would be faulty and encumbered.

b) <u>Accused-II.</u> The accused-II has been charged for drafting the note sheet for maneuvered transfer order and subsequently remaining acquiescent over his charge assumption report. In this regard the accused-II responds:

That being dealing Assistant when a complaint was received against Mr. Iqbal Ahmad, the then Sub Registrar-I, Peshawar, the Senior Member, Board of Revenue remarked "initiate E&D action", a note sheet on the directions of DLR proposing of Deputy Secretary-I Board of Revenue as Enquiry Officer and Mr. Salim Ahmad Head Registration Muharrir Malakand Division who was working as Sub-Registrar Kabal (District Swat) for posting as Sub-Registrar-I Peshawar was initiated vide Para 1-3 of the note sheet, however, posting order neither drafted nor

issued by the undersigned as the file was handed to another Assistant for further processing.

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The above statement and the examination of the mentioned note sheet show that the accused-II was directed to put up the note sheet which was clearly mentioned therein. The phrase as directed please near the end of the note of the accused-II tells the story (Annexure F).

Remaining silent on the assumption of the charge of Mr. Saleem Ahmad as Sub-Registrar-I, Pehawar is the second part of the allegation. This was the responsibility of the Assistant, being dealing hand, to bring into the notice of the competent authority, the charge assumption of Mr. Saleem Ahmad of the post of Sub-Registrar-I, Peshawar illegally. The charge assumption report at (Annexure D), provided by the representative of the DLR office shows that it has neither been signed by the SMBR nor stamped by the office of the SMBR. Ergo, acquiescing on the charge report and entailing no necessary action for the information of the competent authority do not make the accused free of his responsibility of bringing the issue into the notice of the competent authority.

As regards the allegation of misplacement of certain files the departmental representative and the available record could not lead to any record by which the accused-II could be blamed to be the cause of the misplacement of files alone. As per manual of Secretariat Instructions it is duty of the section clerk to keep the record safe. Looking from another perspective if nothing in black and white is available for pointing out the person responsible for mislaying the files, all staff of the office of the DLR collectively becomes responsible for the negligence. Hence making one person responsible in such a scenario is against the principles of justice and fair play.

CONCLUSION

Based on the above details the following conclusion is drawn for imposing penalties or the accused persons by the competent authority:

a) <u>Accused-I</u>. The accused-I, Mr. Saleem Ahmad, Head Registration Muharrir deliberately assumed the charge of the post of Sub-Rgistrar, Peshawar illegally. During his illegal posting he registered a deed on the attestation of unauthorized person without

Page 5 of 600

ascertaining that the property to be registered was free from encumbrance. Hence six out of seven charges are proved against the accused-I.

b) <u>Accused-II.</u> The accused-II, Mr. Murad Ali, Ex Assistant, Office of Director Land Record remained silent on the illegal charge assumption of the accused-I as Sub-Registrar-I, Peshawar hence he is partially responsible for the illegal posting of the accused-I. Second charge of the misplacement of files does not prove true on the accused-II alone. Here he shares collective responsibility of misplacement of files along all other staff of the section.

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Page 6 of 6

(Muhammad Yasir Hassan) Deputy Secretary Regulation-II Establishment Department

Dated :- 12-01-2018

GOVERNMENT OF KHYBER PAKHTUNKHWA BOARD OF REVENUE REVENUE & ESTATE DEPARTMENT

Peshawar dated the 09 /03/2018 Annet - O

OTHICATION.

No.EstuTV/CMS/KPK/Summary/2017 WHEREAS: Mr. Saleem Ahmad. Head Registration Moharrir was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, for the charges mentioned in the Charge Sheet & Statement of Allegations dated 25.1.2018.

AND WHEREAS: Mr. Muhammad Yasir Hassan, Deputy Secretary Regulation-II, Establishment Department was appointed as Inquiry Officer to probe into the charges leveled against the said official and submit findings.

AND WHEREAS the Inquiry Officer after having examined the charges, evidence produced before him and statement of accused official, submitted his report whereby the charges against the accused official stands proved) AND WHEREAS I. Zaffar Iqbal, Senior Member 12 having examined the charges

AND WHERHAS I. Zaffar Iqbal. Senior Member Board of Revenue after Share having examined the charges, evidence produced, statement of accused official, findings of Inquiry Officer and after personal hearing of the accused concur with the findings of the Additional Inquiry Officer.

NOW THEREFORE, in exercise of the powers conferred under Rule-4 (a) (ii) of Khyber Pakhtunkhwa. Government Servant (Efficiency & Discipline) Rules, 2011 to impose minor penalty of Ban of promotion for a period of three year upon Mr. Saleem Ahmad Head Registration Moharrir with immediate effect.

No.Estt:1V/CMS/KPK/Summary/2017, 13709-13

By order of Senior Member Site

<u>SVD</u>

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Copy forwarded to the:-

- Accountant General, Khyber Pakhtunkhwa,
- Registrar, Service Tribunal Khyber Pakhtunkhwa, Peshawar,
- Director Land Records, Khyber Pakhtunkhwa
- PS to Senior Member, Board of Revenue.
- Official concerned.

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<u>?</u>. 3.

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Office order file.

Page 1 of 5

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.857/2018

1. Saleem Ahmad Sub Registrar-I Revenue Department, R/O outside Lahorigate, Mohallah Islamabad, Kucha Sultan Abad, Peshawar.

<u>APPELLANT</u>

VERSUS

1. The Chief Secretary Government of Khyber Pakhtunkhwa & others.

<u>RESPONDENTS</u>

REJOINDERONBEHALFOFAPPELLANTINTHEABOVECAPTIONED APPEAL

RESPECTFULLY SHEWETH,

PRELIMINARY OBJECTIONS

1-4. All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped by their own conduct to raise any objection.

ON FACTS

 Para-1 is incorrect as the respondents were legally bound to have scanned the relevant record and confirmed the real position of appellant. But they failed to do so and "beat around the bush" hence, para is deemed as admitted by them.

2. Para No. 2 is incorrect and that of appeal is correct.

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Para No.3 is candidly admitted by the respondents. Hence, no rejoinder is offered.

4. Para No. 4 is incorrect and that of appeal is correct.

5. Para. No. 5 is incorrect, misconceived and hence denied. The so-called inquiry was conducted in utter violation of law as neither any witness was examined in the presence of appellant nor he was provided any opportunity of cross examination. Similarly, he was also not provided any chance to produce his defence in support of his version. The above defect in enquiry proceeding is sufficient to declare entire process as sham and distrustful. Right of fair trial is a fundamental right by dint of which a person is entitled to a fair trial and due process of law. The appellant has been deprived of his indispensable fundamental right of fair trial as enshrined in Article 10-A of the Constitution of Islamic Republic of Pakistan,1973. Therefore, the findings of the Enquiry Officer are perverse and are not sustainable under the law. Thus, the impugned orders passed on the basis of such findings are not warranted under the law.

6. Same reply as furnished in Para-1 above.

7. Para No. 7 is incorrect and that of appeal is correct.

8. Same reply as offered in Para-1 above.

9. Para No. 9 is incorrect as all the proceedings were taken against the appellant in utter disregard of law.

10. Same reply as furnished in Para-1 above.

11. Incorrect. Detail reply offered in Para-5 above.

12. Same reply as furnished in Para-1 above.

13. Para-13 is incorrect and that of appeal is correct.

- 14. Incorrect. Detail reply offered in para-5 of the facts above.
- 15. Incorrect as the appellant has a good prima-facie case to invoke the jurisdiction of this Hon'ble Tribunal for relief.
- 16. Incorrect as the fundamental right of the appellant has been infringed and trampled, therefore, he has rightly approached this Hon'ble Tribunal hence, question of estoppal does not arise.

<u>ON GROUNDS</u>

- A. Para-A is incorrect, misconceived and hence denied. The appellant was not treated in accordance with the mandate of article 4 of the Constitution of Islamic Republic of Pakistan, 1973 which is the inalienable right of every citizen, therefore, the impugned orders are not sustainable in the eye of law.
- **B.** Para-B is incorrect and that of appeal is correct.
- C. Incorrect. Detail reply furnished in Para-5 of the facts above.
- **D.** Incorrect and that of appeal is correct.
- **E.** Incorrect, as replied above.
- **F.** Para-F is incorrect and that of appeal is correct.
- **G.** Incorrect. Detail reply furnished in Para 5 of the facts above.
- **H.** Para-H is incorrect and that of appeal is correct.
- I. Same reply as furnished in Para-1 of the facts above.
- J. Para-J is incorrect and that of appeal is correct.

K. Incorrect as the appellant was not treated in consonance with law therefore, the impugned orders are not tenable under the law.

- L. Para-L is incorrect and that of appeal is correct
- M. Incorrect. Detail reply offered in Para-5 of facts above.
- N. Arguments are restricted to positions taken in pleadings.

It is therefore, respectfully prayed that while considering the above rejoinder, the appeal may kindly be accepted with special costs.

Through

Dated: <u>11-07-2019</u>

Appellant Luco Rizwanullah

M.A. LL.B Advocate High Court, Peshawar.

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.857/2018

1. Saleem Ahmad Ex-Sub Registrar Revenue Department, R/O outside Lahorigate, Mohallah Islamabad, Kucha Sultan Abad, Peshawar.

APPELLANT

VERSUS

1. The Chief Secretary Government of Khyber Pakhtunkhwa & others.

RESPONDENTS

AFFIDAVIT

I, Saleem Ahmad Sub Registrar-I Revenue Department, R/O outside Lahorigate, Mohallah Islamabad, Kucha Sultan Abad, Peshawar, Peshawar do hereby solemnly affirm and declare that the contents of the accompanied rejoinder are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

ATTESTED



ONENT

DISCIPLINARY ACTION AGAINST M/S. MURAD ALI EX – ASSISTANT OFFICE OF DIRECTOR LAND RECORDS AND SALEEM AHMAD HEAD REGISTRATION MUHARRIR.

FACTS IN BRIEF

Senior Member Board of Revenue has appointed the undersigned to conduct the subject enquiry vide letter No. IV/CMS/KOK/Summary/2017/27209 dated 24-11-2017. This enquiry has two parts one pertains to Mr. Saleem Ahmad, Head Registration Muharrir, Board of Revenue (hereinafter called as accused-I) and Mr. Murad Ali, Ex Assistant, Office of Director Land Records (hereinafter called as accused-II). Brief facts of both cases are as under:

a) <u>Accused-I</u>. On the basis of a complaint made by one Mr. Munir Ahmad S/O Mr. Bashir Ahmad and Mst Muazma Waheed Ahmad W/O Waheed Ahmad, the enquiry was initiated against accused-I wherein he had allegedly drawn the boundaries of non partitioned property on the basis of a map attested by unauthorized persons and registered a transfer deed. Two officers probed into the issue: (1) Mr. Fayyaz Secretary-II Board of Revenue and (2) Mr. Qaiser Khan, Additional Assistant Commissioner Haripur. Both have found the accused guilty of the charges mentioned against him. The former recommended minor penalty while, the latter recommended imposition of major penalty of dismissal from Service. The accused was dismissed from Service after service of Show Cause Notice on 15-12-2016. The accused impugned this order in service appeal before the Service Tribunal. On 10-10-2017 the Tribunal re-instated the accused-I and directed a de-novo enquiry. As a result this enquiry is initiated.

b) <u>Accused-II</u>. The accused-II was involved, as per statement of allegation, in the posting of one Mr. Saleem Ahmad, Head Registration Moharrir as Sub-Registrar-I, Peshawar illegally and misplacement of the enquiries conducted against Mr. Saleem Ahmad, accused-I and himself; especially enquiries conducted by Mr. Osama Ahmad Warriach, ADC Peshawar. Mr. Fayyaz Secretary-II, Board of Revenue. The accused was compulsory retired from Service on the basis of the enquiry conducted by Mr. Qaisar Khan after the service of Show Cause Notice on 06-01-2017. The Tribunal has ordered a De-novo enquiry into the case hence, this enquiry is commissioned.

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page 1 of 6

CHARGES AND ALLEGATIONS

a) <u>Accused-I.</u> Charges against accused-I relate to grabbing the position of Sub-Registrar-I, Peshawar illegally, drawing boundaries of a property on the basis of a document attested by unauthorized persons whereas the Fard of the property was enough to be consulted; Resultantly this registration deed could attract further litigation as the property was not free from encumbrance and prior litigation.

b) <u>Accused-II.</u> Charges against accused-II are so that he helped Mr. Saleem Ahmad, Head Registration Muharrir, in grabbing the position of Sub-Registrar-I, Peshawar and misplaced the enquiries conducted by Mr. Osama Ahmad Warriach, ADC Peshawar, Mr. Sad Nawaz Qaisrani and Fayyaz Khan Secretary-II Board of Revenue.

PROCEEDINGS OF ENQUIRY

On receipt of the case both accused persons were summoned and provided adequate opportunity to submit their written statement and details of other evidence in their defence. Written Statements of Mr. Saleem Ahmad, accused-I and Mr. Murad Ali, accused-II are at Annexure-A and Annexure B respectively. Record relevant to the enquiry was requisitioned and perused. Both accused persons were heard in person and in detail and were provided the opportunity of cross examination.

Findings of Enquiry. The enquiry in hand pertains to the unlawful posting of accused-I as Sub-Registrar-I, Peshawar in connivance of accused-II. The accused-I later on registered a transfer deed on the attestation of unauthorized persons: 1) Mr. Jahan Gul, ex-Nazim, Pahari Pura, Pehawar and 2) Mr. Khalid Saeed, ex-employee of Elementary and Secondary Education Department. The accused-II not only helped the accused-I in attaining the position of Sub-Registrar-I, Peshawar but remained acquiescent as well on his taking the charge of the post of Sub-Registrar-I, Peshawar illegally. As such, all charges framed, have been looked through the record and details, provided by the accused persons in their statements. Both the accused were also confronted with record and their corresponding statements were heard and duly considered.

Page 2 of 6

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: COVERSIONS

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a) <u>Accused-I.</u> The accused-I was posted in the office of Sub-Registrar-I, Peshawar (Annexure C) but he took over the charge of the post of Sub-Registrar-I, Peshawar without the approval of the competent authority (Annexure D). The accused in his statements says:

...wherein at the beginning of opening Para it is mentioned that "WITH APPROVAL OF THE COMPETENT AUTHORITY THE FOLLOWING POSTING/TRANSFER OF THE SUB REGISTRARS IS HEREBY ORDERED WITH IMMEDIATE EFFECT IN INTEREST OF PUBLIC INTEREST. So I assumed the charge as Sub Registrar-I Peshawar and forwarded the copies of my charge report to Commissioner Peshawar Division Peshawar, Deputy Commissioner Peshawar, Accountant General Peshawar and PS to Senior Member Board of Revenue,

Charge assumption report provided by the departmental representative (Annexure D) clearly speaks that it was neither signed by the SMBR nor stamped by the office of the SMBR. Merely sending copy to the competent authority does not make something legal when originally it is illegal. Further the accused-I should have clarified the status of his posting order from the Board of Revenue if he had any reservations which he did not do. The accused-I, during his posting, in the office of Sub-Registrar-I, Peshawar, had drawn boundaries of a property, on the basis of the attestation by a Nazim and an official of

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The attesters were contacted. One Mr. Jahan Gul is Ex-Nazim who had left the office of Nazim in 2010 while the attestation was made in February, 2014. Mr. Khalid Seed, an

Le Poige 3 of 6 1

employee of Elementary and Secondary Education Department had retired from Service on 05-12-2012 while he attested the documents again in February, 2014. Both the attesters were not authorized to attest the documents/maps after their leaving the office of Nazim and retirement respectively. The accused-I did not bother to verify the same. The accused-I in his statement says:

> ...it is humbly submitted that no doubt that, Fard was issued by Patwari Halqa which pertains to the ownership of vendor and the deed was registered according to the ownership sold by the vendor to the vendee, but so for as the question of boundaries is concern, there is no order from any forum not to do so. Section 21 (i) is not denied.

The attestation of Revenue Staff of the area and the TMO would have been valid, such negligence tantamount to inefficiency.

Finally, the deed was registered in 2014 and at the time of the deed cases were also pending as 's mentioned in detail in the enquiry conducted by Mr. Qaiser Khan, Additional Assistant Commissioner, Haripur under the heading "Complaint by Muneer Ahmad S/O Basheer Ahmad regarding registered deed no 474/1 dated 25-02-2014 in Khasra No. 260, Khata No. 34/39AT Moza Kamboh Peshawar (Annexure E). The accused did nothing to ascertain whether the property was free from any litigation or not. The official sitting at a responsible position should be meticulous, vigilant and extraefficient otherwise every second deed done by him would be faulty and encumbered.

b) <u>Accused-II</u>. The accused-II has been charged for drafting the note sheet for maneuvered transfer order and subsequently remaining acquiescent over his charge assumption report. In this regard the accused-II responds:

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That being dealing Assistant when a complaint was received against Mr. Iqbal Ahmad, the then Sub Registrar-I, Peshawar, the Senior Member, Board of Revenue remarked "initiate E&D action", a note sheet on the directions of DLR proposing of Deputy Secretary-I Board of Revenue as Enquiry Officer and Mr. Salim Ahmad Head Registration Muharrir Malakand Division who was working as Sub-Registrar Kabal (District Swat) for posting as Sub-Registrar-I Peshawar was initiated vide Para 1-3 of the note sheet, however, posting order neither drafted nor



issued by the undersigned as the file was handed to another Assistant for further processing.

The above statement and the examination of the mentioned note sheet show that the accused-II was directed to put up the note sheet which was clearly mentioned therein. The phrase as directed please near the end of the note of the accused-II tells the story (Annexure F).

Remaining silent on the assumption of the charge of Mr. Saleem Ahmad as Sub-Registrar-I, Pehawar is the second part of the allegation. This was the responsibility of the Assistant, being dealing hand, to bring into the notice of the competent authority, the charge assumption of Mr. Saleem Ahmad of the post of Sub-Registrar-I, Peshawar illegally. The charge assumption report at (Annexure D), provided by the representative of the DLR office shows that it has neither been signed by the SMBR nor stamped by the office of the SMBR. Ergo, acquiescing on the charge report and entailing no necessary action for the information of the competent authority do not make the accused free of his responsibility of bringing the issue into the notice of the competent authority.

As regards the allegation of misplacement of certain files the departmental representative and the available record could not lead to any record by which the accused-II could be blamed to be the cause of the misplacement of files alone. As per manual of Secretariat Instructions it is duty of the section clerk to keep the record safe. Looking from another perspective if nothing in black and white is available for pointing out the person responsible for mislaying the files, all staff of the office of the DLR collectively becomes responsible for the negligence. Hence making one person responsible in such a scenario is against the principles of justice and fair play.

<u>CONCLUSION</u>

Based on the above details the following conclusion is drawn for imposing penalties on the accused persons by the competent authority:

a) <u>Accused-I</u>. The accused-I, Mr. Saleem Ahmad, Head Registration Muharrir deliberately assumed the charge of the post of Sub-Rgistrar, Peshawar illegally. During his illegal posting he registered a deed on the attestation of unauthorized person without

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ascertaining that the property to be registered was free from encumbrance. Hence six out of seven charges are proved against the accused-I.

b) Accused-II. The accused-II, Mr. Murad Ali, Ex Assistant, Office of Director Land Record remained silent on the illegal charge assumption of the accused-I as Sub-Registrar-I, Peshawar hence he is partially responsible for the illegal posting of the accused-I. Second charge of the misplacement of files does not prove true on the accused-II alone. Here he shares collective responsibility of misplacement of files along *. all other staff of the section.

(Muhammad Yasir Hassan)

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Dated :- 12-01-2018

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Deputy Secretary Regulation-Ii Establishment Department

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مان الأم رسام و المر فل المال المن الحجار من 13.8:16 محسب فيسر عرف جميل المن من رما رمو الول . من توس 40 سال محلوان من معينة في - مس لوس 40 س چن مر رحاص میں میں میں میں میں میں ایک اس میں رضری کی . میں - 2 (12 2) (12 2) (10) (10 2 9 0 0 2 (15 7 5) (2) (1) 2) فون عرف والو داري ورون مور و در داري و در معد مرد ما . در مع or bie DLR es cion 2/ 110 2 RA is preie, الم الم على في مدوم عامد وال معقلة مستن و لعار: مار مند، درج وت - متعلق سيسين تو بعيري طال A. ب مرورس با Bainfutan 20/9/16. .71m 20/9/16 ¿ PD-1 Rue out of a station and and a day and I-DA is موالم و مرم - مين اس بايت الموام في في الي المرام ول - in Day shit Dawn Saw 7/1/15 20/9/16. مانی میون مرمد درج بال سالی جو کم میں نے سالغہ المونین رماعًا كو موجوده إنكوا مرك لعزمه محمد طيب عبرالل أمان أ من عن ليطور بريل تسعلهم من حاق

M Stoon. col I. sin . pol wi ingelle (19) () i u sup i le cours II sand i que u cui u 3 is illus fi a s pour of - be ill fill fo 20) 20 20 20 18 - i c w 2 i - ci v a genter i c vite c 100. by A Company ROAC VIII Camp 5m A nam Ubech 7/9/16 7/9/016 دیافیا کو موجوده انگوانها بونهم هجر طیب میرانده آنوانزی اکسر بین هی بلوريان شم ليا ماخ manuelah 25/1/19

Before Service Tribunal Peshawar - (Salean Alimad VS SMBR Suby. Application for acafourment. Respect July Shewithi, The above what case is fixed for herring bypore this honourable Tribunal or 14.09.2020. That' wie land Comsil for Petitioner is ill and due to illness is unable to alleve the cont on dole Juned. That an amorgant' meeting is Scheduled on 14.9.2020 due & which Petitioner will be not be in attendence of court proceeding personally. It is mine for hundry prayed meet me above tille care many really be adjammed. Paintioner Saleen Ahmen

14/9/2020

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BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

857 Service Appeal No.1684/2018

1. Saleem Ahmad, Sub-Registrar-I, Peshawar, Revenue Department

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VERSUS

2/12/2021

The Chief Secretary, Khyber Pakhtunkhwa & others.

APPLICATION FOR WITHDRAWAL OF ABOVE CAPTIONED APPEAL.

RESPECTFULLY SHEWETH,

- That the above captioned appeal is fixed for hearing before this Hon'ble Tribunal on 29/12/2021.
 - That the appellant is no more interested to pursue the said appeal and instructed me to make a request before this Hon'ble Tribunal for the withdrawal of such appeal.

In view of the above narrated facts, it is, therefore, humbly prayed that the above captioned appeal may graciously be withdrawn.

through

Diarv No

Trib

Dated

ANT

ONDENTS

Dated: 22/12/2021

M.A. LL.B Advocate High Court, Peshawar (Counsel for appellant)