Appellant with counsel present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Shahab ud Din Assistant Commissioner, Ubaid Ullah Superintendent and Azmat Ullah D.K for respondents present.

Vide detailed judgment of today of this Tribunal placed on file of appeal No.4924/2020, instant service appeal stands accepted and the appellant stands reinstated in service with all back benefits. With no order as to costs. File be consigned to the record room.

ANNOUNCED. 18.12.2020

(Atiq-ur-Rehman Wazir) Member (E) (Rozina Rehman) Member (J) 11.11.2020

Junior to counsel for appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 04.12.2020 for hearing before the D.B.

Chairman

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

04.12.2020 Appellant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Sajjad ADK for respondents present.

Arguments heard. To come up for order on 15.12.2020 before D.B.

(Atiq ur Rehman Wazir) Member (E)

(Rozina Rehman) Member (J)

15.12.2020

Appellant with counsel present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Muhammad Ali Asghar Deputy Commissioner, Shahab ud Din Assistant Commissioner and Azmat Ullah D.K for respondents present.

File to come up alongwith connected appeal No.4924/2020 on 18.12.2020 before D.B.

(Atiq ur"Rehman Wazir)

Member (E)

(Rozina Rehman) Member (J) 10.08.2020

Counsel for the appellant and Addl. AG alongwith Qaizarud Din, ADK (Revenue) for the respondents present.

Representative of the respondents requests for further time to submit written reply/comments. Last opportunity is granted to the respondents for submission of requisite reply/comments on 30.09.2020 before S.B.

Chairmán

30.09.2020

Counsel for the appellant and Addl. AG alongwith Azmatullah, D.K for the respondents present.

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

On 10.08.2020 a similar request was made on behalf of the respondents and the matter was adjourned but as last opportunity.

Instant appeal is, therefore, posted for hearing by a D.B on 27.10.2020. The respondents may submit the reply/comments in the meanwhile, if they desire to.

Chairman

27.10.2020

Junior to counsel for the appellant and Addl. AG alongwith Sajjed Khan, ADK for the respondents present.

Parawise comments on behalf of respondents 1 & 2 have been submitted. Placed on record. To come up for hearing on 11.11.2020 before the D.B. The appellant may furnish rejoinder in the meanwhile if so advised.

Atiq-ur-Rehman Wazir)

Member

Chairman

Contends that departmental inquiry against the appellant was dispensed with before passing of impugned order awarding major penalty against him but without assigning any reason. Further contends that in a number of judgments, the Apex Court has repeatedly held that in cases where major penalty is awarded to a civil servant, a proper inquiry is all the more necessitated.

April Process Fee

Keeping in view the available record and submissions by the learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 03.07.2020 before S.B.

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Chairman^y

03.07.2020

Counsel for the appellant and Addl: AG alongwith Mr. Azmatullah, District Konongo for respondents present. Written reply on behalf of respondents not submitted. Requests for time to submit the same on the next date.

Adjourned to 24.07.2020 for written reply/comments before S.B.

MEMBÉR

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24.07.2020

Mr. Noor Muhammad Khattak, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional AG alongwith representative of the department Mr. Qabar-ud-Din, ADC Revenue are also present.

Representative of the department seeks short adjournment to submit the requisite reply/comments. May do so on next date of hearing. Adjourned to 10.08.2020 for submission of written reply/comments before S.B.

(MUHAMMAD JAMAL KHAN)

Form- A

FORM OF ORDER SHEET

Court of_		: 	
•	. 40		
e No	1,950	/2020	

S.No.	Date of order	Order or other proceedings with signature of judge
	proceedings	
1	2	3
1-	01/06/2020	The appeal presented today by Mr. Noor Muhammad Khattak
	·	Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.
2		REGISTRAR
2-		This case is entrusted to S. Bench for preliminary hearing to be
		put up on 1/106/2020.
		CHAIRMAN
1.		
•		
		i i

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 4930/2020

KIFAYAT ULLAH

VS

REVENUE DEPTT:

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S.NO.	DOCUMENTS	ANNEXURE	PAGE	
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4	Reply	С	7- 8.	
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7 .	Vakalat nama	*************	13.	

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR **Comparison of the comparison of the compa

APPEAL NO / / / 37 /2020

Mr. Kifayat Ullah, Ex-Patwari, Halqa Bazi Khel, Peshawar....

APPELLANT

VERSUS

- 1- The Commissioner, Peshawar Division, Peshawar.
- 2- The Deputy Commissioner, Peshawar.

.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 20.02.2020 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED UPON THE APPELLANT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEALL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINTY DAYS.

PRAYER:

That on acceptance of this service appeal the impugned order dated 20.02.2020 may very kindly be set aside and the appellant may kindly be re-instated into service will back benefits. Any other remedy which this August Tribunal deems fit that may also be granted to the appellant.

R/SHEWETH: ON FACTS:

Brief facts giving rise to present appeal are as under:

- 1- That the appellant was appointed as Patwari in the respondent Department on the proper recommendation of the Departmental Selection Committee. That during Service the appellant served the respondent Department as Patwari quiet efficiently and up to the entire satisfaction of his superiors.
- 2- That during service as patwari the appellant was served with a show cause notice dated 13.2.2020 where in it were alleged that:-

- (a) That all the Revenue staff were directed to be present on 13.02.2020 in the Tehsil Office along with revenue record for conducting the Tehsil Hazri/Revenue Darbar proceedings to facilitate the general public on the direction of the Provincial Govt: and in line with Land Record Manual, but you failed to do so.
- (b) That you have instigated other revenue staff in disobeyed the lawful commands of superiors and have announced boycott of tehsil hazari, polio duties and have refused to shif patwar Khanas within respective halqas as per the directions of Board of Revenue
- (c) that you were repeatedly warned by the undersigned and other officers to refrain from such conduct resembling mutiny, but you expressed utter disregard to such directions. Moreover, Commissioner Peshawar also spoke to you and your representative on the same subject on 12.02.2020 and warned you to not become a cause of embarrassment for provincial Government, but you did not listen and yet again disobeyed on 13.02.2020.
- (d) that your absence not only caused inconvenience to the general public, but also shown clear violations of the orders of your superior.
- (e) That your this act comes under dis-obedience to the general, violation of instructions, misconduct and utter disregard of official decorum.

- **3-** That in response to the said show cause notice the appellant submitted his detail reply and denied all the allegations leveled against him. Copy of the reply is attached as annexure
- 4- That astonishingly the respondent No.2 without conducting regular inquiry into the matter issued the impugned order dated 20.02.2020 whereby major penalty of dismissal from service has been imposed

- G- That it is also the consistent view of the Apex Court that major punishment cannot be imposed on the basis of single show cause notice.
 - H-That prior to show cause notice no fact finding inquiry has been conducted in the matter to dig out the real facts and figures, therefore the impugned order dated 20.2.2020 is void ab anitio in the eye of law and rules.
 - I- That the respondent No.2 was called Revenue Darbar but the appellant was not informed about such Darbar and due unawareness the appellant was not appear in the aforementioned Darbar.
 - J- That in the instant case the appellant has been made escape goat and as such the impugned order dated 20.2.2020 issued by the respondent No.2 is against the law and rules.
 - K- That the appellant seeks permission to adduce any other ground and proof at the time of regular hearing.

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

Dated: 29.05.2020

APPELLANT

KIFAÝAT ULLAH

THROUGH:

NOOR MUHAMMAD KHATTAK

MIR ZAMAN SAFI

&

AFRASIAB KHAN WAZIR

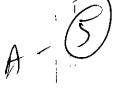
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- 5- That appellant feeling aggrieved from the impugned order dated 20.02.2020 filed departmental appeal to the appellate authority i.e. respondent No.1 but no response has been received so for. Copies of the Departmental appeal and forwarding letter is attached as annexure
- 6- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst others.

ON GROUNDS:

- A- That the impugned order dated 20.02.2020 is against the law, facts, norms of natural justice and material on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That no charge sheet and statement of allegation have been served upon on the appellant before issuing the impugned order dated 20.02.2020.
- D-That no opportunity of personal hearing/defense has been provided to the appellant before issuance of the impugned order dated 20.02.2020 and as such the appellant has been condemned un heard.
- E- That the respondents acted in arbitrary and malafide manner by issuing the impugned order dated 20.02.2020 without fulfilling the codal formalities, hence the impugned order dated 20.02.2020 is not tenable and liable to be set aside.
- F- That no regular inquiry has been conducted before issuance of the impugned order dated 20.2.2020 which is as per Supreme Court judgments is necessary in punitive actions against Civil Servant.





THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, 📆 DCPeshawar

No. 00521 /DC(P)/EA

Dated: 13-February-2020

ORDER:

Mr. Kifayat Khan, Patwari Halqa Bazid Khel is hereby placed under suspension with immediate effect for non-attending Tehsil Revenue Hazri/Darbar held on 13.02.2020, refusal to perform polio and other duties, and disobedience to lawful command of government as well as non-shifting of Patwar Khana to your respective Halqa.

Show Cause Notice under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011 is served separately.

(MUHAMMAD ALI ASGHAR)
DEPUTY COMMISSIONER

Endst: No. and Date Even:

Copy forwarded to the:-

- 1. Commissioner Peshawar Division Peshawar.
- 2. Addi. Deputy Commissioner, Peshawar.
- 3. Accounts Officer of this office for necessary action.
- 4. District Kanungo, Peshawar.
- 5. Assistant Commissioner Mattani with the direction to hand over the charge of above referred patwar halqa to a suitable patwari of adjacent mauza till further orders.

6. Official concerned for compliance.

DEPUTY COMMISSIONER

TTESTED

SHOW CAUSE NOTICE

B--(6)

I, <u>Muhammad Ali Asghar, Deputy Commissioner Peshawar</u>, as competent authority, under the Khyber Pakhtunkhwa Govt. Servants Efficiency and Discipline Rules 2011, do hereby Charge you, Mr. Kifayat Khan, Patwari Halqa Bazid Khel, as follows:

- 1. That you were posted as Patwari Halqa Bazid Khel committed the following irregularities:
 - (a) That all the Revenue staff were directed to be present on 13-02-2020 in the Tehsil office along with revenue record for conducting the Tehsil Hazri/Revenue Darbar proceedings to facilitate the general public on the direction of the Provincial Govt. and in line with Land Record Manual, but you failed to do so.
 - (b) That you have instigated other revenue staff in disobeying the lawful commands of superiors and have announced boycott of tehsil hazari, polio duties and have refused to shift Patwar khanas within respective halqas as per the directions of Board of Revenue.
 - (c) That you were repeatedly warned by the undersigned and other officers to refrain from such conduct resembling mutiny, but you expressed utter disregard to such directions. Moreover Commissioner Peshawar also spoke to you and your representative on the same subject on 12.02.2020 and warned you to not become a cause of embarrassment for Provincial Government, but you did not listen and yet again disobeyed on 13.02:2020.
 - (d) That your absence not only caused inconvenience to the general public, but also shown clear violations of the orders of your superior.
 - (e) That your this act comes under dis-obedience, violation of instructions, misconduct and utter disregard of official decorum.
- 2. By reasons of the above, you appear to be guilty of mis-conduct and subversion under rule-3 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
- 3. Since, the undersigned as competent authority, witnessed the whole scenario myself and their remains no doubt about your conduct, or the need of any inquiry or further probe into the matter, therefore the same is dispensed with, as provided under Rule 5 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules 2011.
- 4. Your written defense, if any, should reach the undersigned, within seven (07) days, 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.

ATTESTED

(MUHAMMAD ALI ASGHAR)

DEPUTY COMMISSIONER

(Competent Authority)

The worthy Deputy Commissioner





Subject: - REPLY TO THE SHOW CAUSE NOTICE NO 656/DK DATED 12 FUBRUARY 2020.

Dear Sir,

With reference to the show cause notice above I submit the following.

- 1. That I perform my duties to the entire satisfaction of my superior with great Zeal Zest, Honesty, enthusiasm and throughout my service career, no complaint from anyone made against me.
- 2. That prior to this show cause Notice no charge sheet along with statement of allegations or Regular inquiry was conducted which is mandatory under the Law.
- 3. That Right of fair Trial has been generated by the article 10-A of the constitution of Islamic Republic of Pakistan 1973. However issuing such a show cause Notice amount to Violation of Article 10-A of the constitution 1973.
- 4. That the issuance of show cause Notice amount to discrimination as there are several other official posted in the Tehsil sadder However the issuance of show cause Notice to me is discrimination which is violation of Article 25 of the constitution of Islamic Republic of Pakistan 1973. Hence the same, being void is Liable to be filed without further proceedings.
- 5. That there is no ocular or circumstantial evidence which may support the allegations against me.
- 6. That from para 3 of the show cause notice it is evident that your good self is not only complainant, judge but eyewitness as well. However it is a settled principle of Law that no one can become a judge in his own cause.
- 7. That though the inquiry has been dispensed with however no reason for dispensation of the inquiry as per Rules 5 Read with R 7 of E& D Rules 2011. Has been mentioned thus the show caused Notice is violation of the above Rules.
- a. That allegation mentioned in this Para is totally denied as I have not been informed through any letter/ Parwana or order so was unaware from any such Darbar further I was busy in case titled Ibrahim Vs Niaz Muhammad in the Court of Sadia Andleeb ASI-iv Peshawar which was fixed for patwri evidence so I performed my duty. I always obeyed the

ATTESTED

Orders of my superior's and facilitate the public of large throughout my service career. (Copy of the court certificate is annexed)

- b. That allegation in para (b) is incorrect neither I disobeyed the orders of my superior nor did I instigate any official for disobedience or boycotting polio or shifting patwar Khanas. There is no single iota of evidence in support of the allegations leveled in the show cause Notice.
- c. That neither I disobeyed or performed any act which amount to disobedience nor misconduct, therefore this allegation is denied.
- d. Incorrect proper reply has been given in reply to the allegations (b) and (c).
- e. Incorrect as already stated in reply to the above charges that I have not disobeyed or violated any order of my superiors or committed misconduct and all the allegations are baseless.

It is, therefore, requested that on acceptance of the above reply the instant show cause notice, may kindly be filed without any further proceedings. I further request for personal hearing.

Yours obediently

(RIFAYAT KHAN)

Patwari Halqa Bazi khel

Peshawar

ATTESTED





THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, TDCPeshawar

No. 747 /DK

Dated:20-Feruary-2020

ORDER:

WHEREAS, Mr. Kifayat Khan, Patwari Halqa Bazid Khel was placed under suspension vide order No.00521/DC(P)/EA dated 13-02-2020 and served upon a Show Cause Notice vide No.659/DK dated 13-02-2020 for illegal strike of Patwaris refusing to attend court of law and instigating other Patwaris to perform official duties resultantly creating problems for general public and causing financial loss to the govt. exchequer.

AND WHEREAS, on 10-02-2020, the accused official assembled alongwith other Patwaris in Tehsil building and started Chanting. Slogans against Provincial Govt. and their superior officers and refused to perform their official duties regarding Polio/Disaster Relief Activities and Tehsil Hazri/Darbar.

AND WHEREAS, on 12-02-2020, the accused official alongwith other Patwaris assembled in Tehsil building and started Chanting. Slogans against Provincial Govt. and their superior officers and refused to perform their official duties regarding Polio/Damage Assessment in Disaster Relief Operations and Tehsil Hazri/Darbar. The worthy Commissioner Peshawar Division also summoned Patwar Union and other:Patwaris to his office and sensitized them of the mistake they were committing and blatant violations they committing. The worthy Commissioner directed them to forthwith resume official duties failing which strict action will be initiated against them.

AND WHEREAS, on 13-02-2020, a Revenue Tehsil Hazri was organized for the facilitation of the general public, upon the direction of the worthy Chief Minister Khyber Pakhtunkhwa and in line with Land Record Manual. All revenue staff was summoned in tehsil Peshawar alongwith revenue record. But the accused official failed to his presence in the Tehsil Hazri which is an act of gross misconduct, violation of official norm, subverting the lawful command of the Provincial Govt. and disobeying the official commands of superiors in Revenue hierarchy.

AND WHEREAS, the accused official is blatantly challenging the law and causing obstruction in the executive functioning of the government and they have repeatedly resorted to strikes and agitation thrice before in last 06 months

AND WHEREAS, the accused official submitted his reply to the Show Cause Notice on 18-02-2020 refusing the allegations leveled against him.

AND WHEREAS, the accused was summoned for personal hearing on 20-02-2020, and was heard in person, wherein it came to the notice that the accused official had no valid justification to offer in his defence other than citing unfounded and frivolous excuses.

AND WHEREAS, keeping in view no need for any enquiry or further probe into the matter and therefore need of the inquiry was dispense with as provided in rules 5 under Gov.t of Khyber Pakhtunkhwa servants (efficiency & discipline) Rule 2011 being involved in subversive activities, bring loss to the public exchequer causing embarrassment for the govt. and have raised the banner of mutiny.

ATTESTED



NOW THEREFORE, in exercise of the powers conferred under Rule-04(1)(b)(iv) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, I Muhammad Ali Asghar, Deputy Commissioner Peshawar is competent authority, hereby impose a major penalty of *Dismissal from service* upon Mr. Kifayat Khan, Patwari with immediate effect.

(MUHAMMAD ALI ASGHAR)
DEPUTY COMMISSIONER

Endst: No. and Date Even:

- (i) Commissioner, Peshawar Division, Peshawar.
- (ii) Accountant General, Khyber Pakhtunkhwa, Peshawar.
 - (iii) Addl. Deputy Commissioner, Peshawar.
- (iv) Addl. Assistant Commissioner (Rev) Peshawar.
- (v) Accounts Officer of DC office for necessary action.
- (vi) Mr. Kifayat Khan, Ex-Patwari Peshawar.

DEPUTY COMMISSIONER



THE HONOURABLE COMMISSIONER,

Peshawar Division, Peshawar.

Subject:

DEPARTMENTAL APPEAL AGAINST THE DISMISSAL **ORDER DATED 20.02.2020**

Respected Sir,

Most respectfully it is stated that I was working as patwari hlqa bazid khel in District Peshawar. I was appointed as Halqa Patwari under your kind control in District Peshawar. During my entire service career I have performed my duties quite efficiently, whole heartedly and up to the entire satisfaction of my high ups and as such I have an unblemished service record.

That while performing my duty I was issued a show cause notice which was followed by the impugned dismissal order whereby major penalty of dismissal from service was imposed on me.(copies of show cause, reply and impugned dismissal order are annexed) that feeling aggrieved from the impugned dismissal order I approached your good self through this departmental appeal and submit as under.

That the impugned order has been passed in a hasty manner without following codal formalities as mentioned in the E&D Rules, 2011. That no statement of allegations and charge sheet has been served on me which is mandatory requirement of E&D rules, 2011 before passing major penalty. That the allegations leveled in show cause has not been substantiated by a single iota of evidence. That though inquiry has been dispensed with to dig out the true state of facts by the worthy deputy commissioner while imposing the major penalty of dismissal from service, but no reasons has been recorded for dispensing the same which is mandatory under E&D rules. That I submitted a detail reply to the show cause notice but neither that reply has been considered nor any opportunity of personal hearing has been extended to me which is not only against E&D rules but



reply has been considered nor any opportunity of personal hearing has been extended to me which is not only against E&D rules but also against principle of natural justice and fundamental right guaranteed under Article 10(A) of the Constitution of Pakistan, 1973.

Furthermore the main allegation leveled in show cause notice and dismissal order is about absentia from Tehsil darbar on 13/02/2020, but it is pertinent to mention here that no notice in this regard has been served on me and on the same date I was performing duty on my original place of duty. It is also worth mentioning that I have not disobeyed any order of my superiors.

Thus in view of the above submission, it is, therefore, most kindly requested that Dismissal order dated 20.02.2020 may be set aside and I may be re-instated into service with all back benefits.

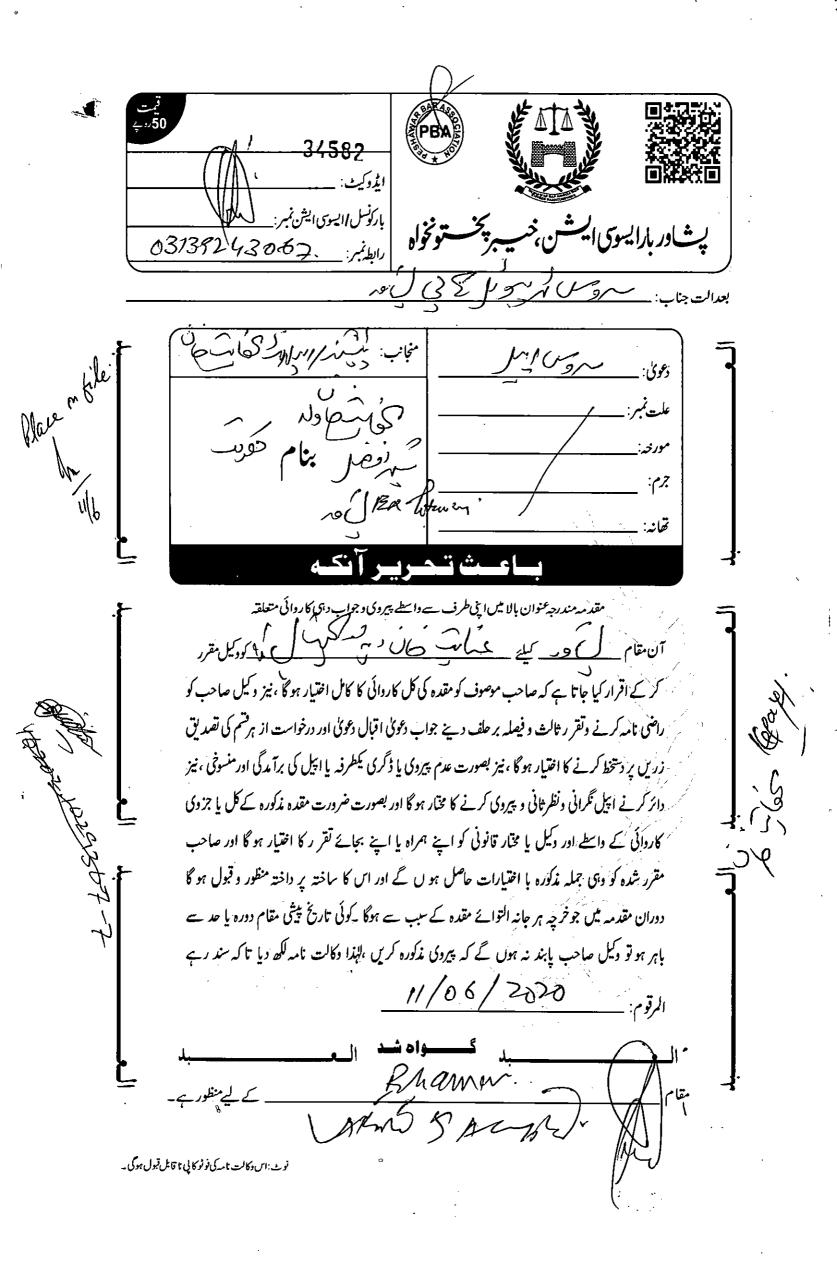
I shall be very thankful to you for this kindness.

Dated: 24-02.2020

Óbediently Yours,

Kifayat khan, Patwari halqa, Bazid khel.





BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Appeal No.4930/2020

Mr	: Kifayatullah, Ex-Patwari, Peshawar(Appellar			
	VERSUS			
1.	The Commissioner Peshawar.			
2.	The Deputy Commissioner Peshawar			
	·	(Respondents)		

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2

Respectfully Sheweth,

Preliminary Objections.

- 1. That the appellant in the instant case has no locus standi or cause of action to institute present appeal.
- 2. That the appellant has not come to this honourable court with clean hands.
- 3. That the appellant is estopped by his own conduct to file the instant appeal.
- 4. That the appeal is not maintainable in the present form.
- 5. That the instant appellant is barred by law.

OBJECTION ON FACTS.

- 1. Correct to the extent that he performed duty as Office Patwari in District Peshawar.
- 2. Correct.
- 3. Correct to the extent that reply to the Show Cause notice was submitted.
- 4. Correct to the extent that the order of dismissal was issued. The said order was issued under E&D Rules.
- 5. Incorrect. The matter was under consideration, but due to Corona pandemic the offices were closed by the Provincial Govt. hence no action could be taken.
- 6. Incorrect. The appellant has no justification to file the instant appeal.

GROUNDS

- A. Incorrect. The order was issued according to the E&D Rules 2011, keeping in view the grave misconduct of the appellant as explained in the dismissal order dated 20-02-2020.
- B. Incorrect. All the proceedings were conducted under E&D Rules 2011 and no law/rules have been violated rather instructions/laws of the Provincial Govt. were followed in letter and spirit.
- C. Incorrect. The inquiry was dispense with under section 5 of E&D Rules 2011, hence direct Show Cause Notice was served, which was duly replied by the appellant.

- D. Incorrect. Proper Show Cause Notice was issued to the appellant vide No.659/DK dated 13-02-2020, which was replied. After which personal hearing was made on 20-02-2020 but the appellant could not put any valid justification in his defense.
- E. Incorrect. All the required rules/regulations were followed and formalities were fulfilled after which the dismissal order dated 20-02-2020 was issued.
- F. Incorrect. The inquiry was dispensed with as per rule 5 of E&D Rules 2011 due to gravity of misconduct behavior of the appellant.
- G. Incorrect. All the prescribed procedure under E&D Rules 2011 were followed.
- H. Incorrect. As Para-F above.
- I. Incorrect. All the concerned officials were properly informed and Darbar occasion was publically advertised in daily newspapers.
- J. Incorrect. The appellant is making false excuses and have nothing in defense. His unlawful act have badly affected the performance of other officials which resulted in violations of directions/instructions of high-ups and creating hurdles for general public.
- K. The respondents seek leave to raise additional grounds at the time of arguments.

It is therefore prayed before the honourable court that appeal in hand having no weight may very humbly be dismissed with cost.

Deputy Commissioner/C

Peshawar

(Respondent No.2

shawar Division,

Peshawar (Respondent No.1)



OFFICE OF THE COMMISSIONER PESHAWAR DIVISION PESHAWAR

No. Reader CPD/2020 Date: 04.03.2020

То

The Deputy Commissioner Peshawar.

Subject:

DEPARTMENTAL APPEAL AGAISNT THE IMPUGNED ORDER DATED 20.02.2020.

I am directed to enclose herewith a copy of departmental appeal filed by the appellant (**Kifayat Khan Ex-Patwari**) against the order bearing no. 747/DK dated 20.02.2020 of the Deputy Commissioner Peshawar whereby the appellant was dismissed from service under Rule4(1)(b)(iv) of the Khyber

Pakhtunkhwa Servants (Efficiency & Disciplinary)Rules-2011.

It is requested that Para-wise comments in the matter may be furnished please.

Assistant to Commissioner (Rev/GA)

Peshawar Division Peshawar.

No. Reader CPD/2020

Copy forwarded to PS to Commissioner Peshawar.

Assistant to Commissioner (Rev/GA)

Peshawar Division Peshawar.

AMESTED

The worthy Deputy Commissioner Peshawar.

Subject: - REPLY TO THE SHOW CAUSE NOTICE NO. 656/DK DATED 12 FEBRUARY 2020.

Dear Sir,

With reference to the show cause notice above, I submit the following.

- 1. That I perform my duties to the entire satisfaction of my superior with great Zeal Zest, Honesty, enthusiasm and throughout my service career, no complaint from anyone made against me.
- 2. That prior to this show cause Notice no charge sheet along with statement of allegations or Regular inquiry was conducted which is mandatory under the law
- 3. That Right of fair Trial has been generated by the Article 10-A of The constitution of Islamic Republic of Pakistan 1973. However issuing such a show cause Notice amount to Violation of Article 10- A of the constitution 1973.
- 4. That the issuance of show cause Notice amount to discrimination as there are several other official posted in the Tehsil sadder However the issuance of show cause Notice to me is discrimination which is violation of Article 25 of the constitution of Islamic Republic of Pakistan 1973. Hence the same, being void is Liable to be filed, without further proceedings.
- 5. That there is no ocular or circumstantial evidence which may support the allegations against me.
- 6. That from Para 3 of the show cause notice it is evident that your good self is not only complainant, Judge but eyewitness as well. However it is a settled principle of Law that "no one can become a Judge in his own cause.
- 7. That though the inquiry has been dispensed with however no reason for dispensation of the inquiry as per Rules 5 Read with R.7 of E& D Rules 2011, has been mentioned thus the show cause Notice is violation of the above Rules.
 - a. That allegation mentioned in this Para is totally denied as I have not been informed through any letter/ parwana or order so was unaware from any such Darbar further I was busy in case titled Ibrahim Vs Niaz II Muhammad in the Court of Sadia Andleeb ASJ-iv Peshawar which was fixed for Patwri evidence so I performed my duty. I always obeyed the

orders of my superior's and facilitate the public of large throughout my service career. (Copy of the Court certificate is annexed)

- b. That allegation in Para (b) is incorrect neither I disobeyed the orders of my superior nor did I instigate any official for disobedience or boycotting polio or shifting patwar Khanas. There is no single iota of evidence in support of the allegations leveled in the show cause Notice.
- c. That neither I disobeyed or performed any act which amount to disobedience nor misconduct, therefore this allegation is denied.
- d. Incorrect proper reply has been given in reply to the allegations (b) and (c)
- e. Incorrect as already stated in reply to the above charges that I have not disobeyed or violated any order of my superiors or committed misconduct and all the allegations are baseless.

It is, therefore, requested that on acceptance of the above reply the instant show cause Notice, may kindly be filed without any further proceedings. I further request for personal hearing.

Yours obediently

(KIFAYAT KHAN) Patwari Halqa Bazi Khel Peshawar



VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

·	OF 2020
Kifayat ullah	. ,
	(PETITIONER)
VER	<u>sus</u>
Revenue Deptt: I/We_ & Jayat ulla	(RESPONDENT) (DEFENDANT)
I/We W. Layat ulla	ch.
KHATTAK, Advocate, Pesh compromise, withdraw or refe my/our Counsel/Advocate in without any liability for his deengage/appoint any other Adv I/we authorize the said Advocate in	reactive NOOR MOHAMMAD lawar to appear, plead, act, er to arbitration for me/us as the above noted matter, fault and with the authority to locate Counsel on my/our cost. cate to deposit, withdraw and sums and amounts payable or
Dated/2020	CLIENT ACCEPTED NOOR MOHAMMAD KHATTAK
	SHAHZULLAH YOUSAFZAI MIR ZAMAN SAFI &
OFFICE: Flat No.4, 2 nd Floor, Juma Khar	AFRSIYAB KHAN WAZIR ADVOCATES

Warsak Road, Peshawar. Mobile No.0345-9383141

20/12/19 26/12/19 4:30 pm

119. -uc. Berzidhh

for appellant اید پیشل در مرکف ایند سیشن جی - ۱۷- پیثاور سیسه سرگر مرکزی م مقدمه مندرجه عنوان بالاميل گواه ذيل كى بيان قلمبند موكر بغيرخرچه گواه كورخصت كيا گيا (6.00 les 1.0) اید یشنل دُسر کٹ ایند سیشن کی - ۱۷- پیاور

Too Appllant

16 (comple و الراحيران ع مفلى عان ليران العالمان سلية ما زير فيلم المرافي المرافي مازى دىدىنورقان (2) نىڭ ئارولىزىل قىرىما ئىللاندىلانىلىلى كىلىلى Jedos 1 1 des 2 B/6 2 3/4 200 1 5/201 علم رب OHZ تعان نده معر مامة الموائدي , و منارى ملزمان A reser i vinen/ white ier lbs مامان/منينال مسد دع عفادارين Mili (ell / ell 1586 jeg - 265/774 il woll) ilien/illflux 20 میں سے 204 معلی افسیر کے ماکان کامکان واسٹیرفان میں اور سائلان/المشيناك كوي بن ما قامده فوربر موره 27 و 1 استال مر 1795 درج ولفدلئ مسره سي . (نظرانتهال لف مه) _ برالان استنگان ارای مذکوره ما / مے حدی ولیشنی فرومر ما لکان میں mis = in 1/40/50 per 1 /40/50 per 1/1 ATTES : او موجوده ومت صدى مي اراع) ماكوره لا ملا علا موي الل 1 8 MAR 2020 - a di Timbi i il mino / White Jos

בי ביני תו מלאטים ונולי מעול דול דינון מפות מקוונטים מו שימונ To say bir Extres of called billion with Experien (3)61 min 1/60 201 es (160) 10 6/6 e o in pol cities) ك مد شما ان مر كم ما كان فادال نزموى و المعنیان ل کری شوالی نسی مورک به يه اس ماست سا بان المستقال في معترين و معترون ملكة ومستور المستى معتران سادك شاه منظران كا درك عدامات مل علمون و ادان مامان مرب قان المعادي المراب مع مازان عام مان لومر المارك ع الرسم اورى كا ملى مره كا مزالم كار تشوف فزر كولاي الد سالمان كر به دام ما ما به ما در به دام الم - سرم وسائد النس المنظر الما الم منظره و كني المعلى الم المعنى الور منه الرال بين المر المالى مذفر ره مساقد المالوق علم والم منه - سر مازوان سر روری کرک ساملای که روهاند فرای و فرق رافان مر فراند بار ای این ी किरा है कि का कि का कि की का की का कि का की का कि का का कि का की का की क ATTESTES WAS Idoch Level we de site (2) Cherry MI Bull hall Nog Co Willia عنوان در فورسد اللها ك فيعاما مراكد مراشب استنان لندا تاحظم ولسن رسدوه ع سے الدکری الرفاق بر مايد الرحدفات مانيكن المنينان بدائهم منيدكي والواله 17301- 9877579-7

ش ج مام جياور 14 केंग्न हिंग्य मेर मेर्डिश्वर्य استفاحه عرمالال عدخل فبرير كمم دور است زمروه ، کا عندقال ی به دخل فرید کرفن قرق کرنے Il reservice It asks city ر وران کے ا المعرفة والله المراكم أع ليه وورك والديم والله عادا مع الما المراكم المراكم والله المراكم والمراكم والمركم والمراكم والمركم والمركم والمراكم والمراكم والمركم - eije 1910 - يدمنا المالي من المالي من الموسى الموسى المالية في المالية والمعرفان بين مورم مرومي سال سے کامشت وبرواشت کرنے جلے اُ رہے ہیں . ع - يم ملزمان اراجي مذكوره كريت اجتى ادرغنول مين اورغير فالزي منعنه رك ب اراجي مذوره بر کما دی کرنا حابقے میں - نیز دگر ملز فان کی آبادی مکس جوئی نر میانولاں کو نا فابل والله معنان لي كالاده وما و تعني خال منظم بين ما ما على يولا . ي - يرمودان عنور قرق اراي مذكوره كا ما جعادر فرما (الناع كا تعاقد فرور بو الم ادر اس فازن ما معن ومعنی میں ورفع بر مانگ ATTESTED celo che 1 8 MAR 2020 ملئًا بيان كياجاتك ت Sassin levels chiefing colored out على مرائد در فواست مالم تاحيل ATTESTED Solo Super De DATTESTED 19,21/0 سائران المنزمان بنزتيم وكما فؤد 17301-9877579-7

عمر فالرقى ب رخلى اسفات ر فورسد زیروانی و می بیرفازی دو مالی دو می اندانی می کاری دو می اندانی می کاری دو می کاری کاری دو می کاری دو م لغران معرون حكم ما ميت بالى تعينه ساولان وبندس ليمرار كام و دونوامد دمل مین ما ما المان الشنيان كوش من ما من عاموى الد معموط معدور مع المرسالي . on its 103 8 25 his or God 2 prima fair use bishing of the is of Ingills by-- رئي الرمائلان ك في مين موري على ماست مذكر لشيرال لام مارى كوالي و مارى a just been vale opplied चित्रं के कार्याकी के किया है। के किया ATTESTED idible. 1 8 MAR 2020 The secret of lite bullion of the selent on درخوامعت مال تاحوی واقع alo Lind I lelle I Zurigo, orisi STEW 1 (PS) 10 PS ME P المامين د (ف) Our will 17301-9877529-7

p1



Ibrahim: vs Niäz Muhammad

PW8:- Remaining Cross examination of Kifayat Khan Patwari Halqa Moza
Bazid Khel Peshawar on oath:-

I have brought the Fard Jamabadi for the year 2011/12 Khata No. 135/411, Khata No. 136/435, which is EXPW 8/x-3, which is prepared by me and signed by me. (STO by the complainant counsel: that the document which is duly exhibited before the court today, is the attested copies while the original record is not available with the witness for comparison). I produced the attested copies today which are prepared by me as per record and I being an official is responsible for the same that these are as per concerned revenue record.

Request by the complainant counsel: it is requested that the documents which are exhibited by the witness may kindly be requisitioned in original/register for comparison.

Order of the court.

The above mentioned documents which are duly attested copies are produced by the relevant official taking full responsibility for the same to be as per revenue record. Hence in order to avoid unnecessary delay request of the complainant counsel is turned down in the best of interest of justice.

R.O.&.A.C. 13/02/2020

(Saadia Andaleeb)

ASJ-IV, Peshawar

18 440 0000

nene ham 8 1

Appeal to Commissioner

حدبست تمبر 😘 فردا بنخاكب ازرجسر حقداران زمين سال 20ءموضع رقبه مع فتم زمين لگان نام كاشتكار واحوال نام مآلك واحوال امعامله المبركهوني مقوهرماه لودومووارا عمارة و دوه وي كراد 1551 مود) مردر محالتر مغرا دفن از ساعال مشدى- مدح أ دراء وخرط جنابعالي متعبر لولولير... (362) فردانتخاب 154) A 100 Will to ماه تكرهابروم ووارمان ماة رودريم فالسَّمة في - ودان في - فيرورها رفات - شهراز فالوال خورود 200 316 295) ביניות - (154) יפדוניםנו سماهٔ و نوروزه موه دول ... (الم رمال الله عندل الله ورام (ما في الله معالى ما من مال (8) ومر الله وي (40 00 176 800 00 0-10-3 3-9-1 No. 6-18 4 1403 see 64-7 19-6 ار زوه ادل - كرى الدور دوا مع philos (230) - 6 के मिला ने ने किए हैं سيع فال فوبرابه (149) مشري فنفد 112/11-21/01/n ماه معلی دفترورال م (دو معراتفادر ليركن علي اكر وإ ومرشمزاره وننان ماتفذي فمر رازق- غدام هادي -غذا رسول- فحداسماق لا 2900 2594 وعى ومبير فدانف ما فزنو J3-5- Wa Liob sh 306 مبردفیکار مان من الدورة - دكومك Marine Develope 10 st of line st 2898 2595. مربعة مع كالماوري نوع و عذا مي قروره لاتودال حودا 142) (211 (s)6 2-14 2540 منل فالأثير ... (189) مر مان عربه بالله وم افعاد ما فلزيع فيرد تعاد CHICAT CINE مان مقع - في ليرك كورادم 1(498) وحزان فوبري

صلع الشاور وصلع الشاور	تخصيل	2502	عدبست نمبر	, ملاك	سال ا <u>/20</u> ءموضع بازرد	بازرجشر حقداران زمين	فردانتخا
٨	4	٧.	۵	7	۲	y r	
كيفيت			رقبه <i>ع فتم</i> زمین	بمبرخسره	ا څ ^{وړ} نام کا شتکار داحوال م	نامها لك واحوال كرو	نبرکھاتہ انبرکھونی ^ح
جناب عالی سر			5	3	خوده ندان 8 د که ایم می نداد مرکزار و ده ندان 8 د که ایم می نداد مرکزار و دو در مرکز عامی از کدار مرکز مرکزار	(30720) (3072) (3000) (735
فردانتخاب مس <i>ساللا</i> حوال <i>معرابات مول عج</i>		ر عمل کستر ر	υ— I υ— Э	1800	2010 183 BE SO-1	سانان دينو فر-سلطانه مادهاه دي د مفرن حرين هان پيرليد - (۱۹۹۸ هم	
ولدمهاه مردس		عرْقَن	0-9	3025		ما ما مسرون الح - ميري. في و	4/2
باخذفیس سرکاری حواله کیا گیا	,	<u> </u>	3-12		ودايما قدرم وارتاك	شباده - ل می مرجام اعورف فنی دو مرام (مای میر	
دستخطه واري حلقه الأ يرح كنون من ال	4679	ور المراتب	12-11	2689	على دريد العسب	د نسترین فرد کردن ای می کان - عداد نشر کا کیران سیم کان دوروی - (1463)	
13 13 00 00 00 00 00 00 00 00 00 00 00 00 00	روبمبر راه روبر ا	ب مرفع درا پردومشارات پردومشارات	9-5	1898	والمراج الماني في المساورة	نرد ومی خانده مربر تطیف و ماه خودالمدی ترقیم خردتری ا ومرمه (428)	,
مامت ماروع دروما مامت ماروم ماروم طاح	13 L	ما جروبي سار دلاک ما		1454 555	رها فان دورون کوره است	الم من	3 415
التركم داد المار موركوري ولا ا	((2014) 444 VII 1200	و المالية	, , _ 4	مطودا	فائنگ دردسهای دنیان مانوی عزر دنیکار مغرار در ها حود ر	ظرير فال ومدنا مواد في (جاله) رفال وف على ومرفو الله (عال)	/1 k
(25 - 136) (25) (25) (25) (25)	18 600	وام دفته الم دبعر فورسم ا مام کار مام کار در در دار در	21	2396	ماة فعود وعراه وارثان في واللا	ه مالهمد، وهمرا مهرالله دو. (33) م افان ده (16) و کوران (38) در موران ده از کار	11 416
و دول الم رقم بدوي عامر عام (2000 م د عامر عام والم المراقع	1.	V Luz (V	e wide		اعائدهان-على دافدة عدام لعنها ميران مدم فان حردادان أنوا	ارمیرفان (45) نمین رفاد ۱۳۰۰ ((3) درز نوج فال ماد ما فرد و فرکروان کو (35)	2 2 1
u - 3. 22. 13	י מלקיט על בנו	چ <i>ىرىن</i> يەنف قىزرغۇ	11 2013 2013 4795	میراب رستد ای	معل داری - عداع هادی مردم رسول - فردسای را	رمزارهی در (طور جر	<u>ا</u> ند
94-1 Mill 141	11 435 435	13 200 0 13 10 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	2-102-1013	1452	وارث فان ورابه منتری ان مزد کاشت سرزه فهرور دراه وارثان از در دند	مان طررشی - مندستو - انوره عولینه - ندند میدستی دارد (عادی)	F 417
- 10 3 - 10 7-10 3 6. J.			2387 st 30720	4	ودون مرسي 429	الا ميره ميره (کام) ما در هان لير (کام) ما	6
27-2900 2014	7	41	S in intergence	وروس	ات فرمرام (ه) م مدرالکردم میر (ه) م مستر مان معقدم ما تعام رکو	مروره ومزدورهمای (37) سادسد (362)	2

حدبست تمبر فردانتخاب ازرجشر حقداران زمین سال 20ءموسع كيفيت نمبرخسره ارتبرع متمزين نام كاشتكار واحوال الگان نام ما لك داحوال انمبر كميتوني ۱۰ منطی تغیر وار حان اكرا) فالتعودار 149 569) vill in () in 6h 160 212) (212 مدرا و قرور ف حدادات فرقوا 1119 جناب عالما 161 ئۆدز فان كې (598 گ د معنوه مودکم شست فردانتخا <u>صمر كركتم</u> 169 بردم دستال <u>3015 بها منا</u>نب حواله معرمت ضابه 170 امرا مرفان مرتفان اداد اللافر ولرسسوك (مج عامر ن الله الله الله الله (73) بعره ··· (73) 1213 كري ولي فال (ماره) ماک سی مه باک سی مه شائل ساهره-وا هوه - فالإه وهرين فائ ف ل نومرام وكراة بإخذفيس سركاري اله حواله كميا كميا 1453 (590)....ivii 424 ماميت مداريده 362 مر دستخط ببثواري هكفكم ى، قىرىم دىرە دارماك فراك 2(484) ---- (484) -- NO(1) فدال فرورود مالاس المر ررون سائان الى عاتقور -2815 ودارل مرفت قلع فلادهر 983 وفيرفعن فوفي لن مدمر إلاتي مل موا 156) (det / 156) 984 ول في المارية المارية ن س فعارفان تورام (حي حو دفوری ملی اله 1038 ماة كوميناه ومالكال المع فالموليال Plate judy called in 1411 مراس ليس المر د فقران الرفاء خط وارجان مان کاه حالاه کی دهر می ل رم فاز دره حودال بوتوا 247 مر في وطيف فالألمان مرفت كربوسف ودنعرس ت عورسراس موره ورا الر محامد و المراحدان -18 U Cours de مائه من زبروس نروا مراق وراق وشمال ورو مان والدرون (1670) 30720 0-10 cm 23 رم الله لپر--- (366) الخالدمان - مند) لاز لول 30 00 00 10 por cas 1/20 مراد دورام - کرف DC184) . نغى دازى-غادامھادىق das - Longini مران وارت فاد درام ما موجو حارد الر معروقان (1994) ودرى و قروم على العرود در 98) 00 noteddol فرساس فرسقو فرالا بران كاركان .. (الحدول) 1960 MA 1960

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جستب ضلع پیژاور	بخطيل	250	عدبست نمبر	' Ç	سال 1/20ءموضع مازروم مارور	بازرجشر حقداران زمين	فردانتخا
			۵		W 1	۲	1
 			رقبه مع فتم زيين		نام کاشتکار واحوال	نام ما لك واحوال	نمبر کھا تہ انمبر کھتونی
ن روز مار مار مار مار مار مار 136 - در مار مار (89) در مجلوب عالی	اب رهه اکار کور الانت	115.1 <u>4 م</u> دراق فادع	ا و دولها ک استار دوله ا میران میرادول ا میران میرادول	2827	م) و دار وره ویزه وارثال مقبل دارور در داراز داشت	ر مروره المار ا من مورود المار	428
لرنجتاب عالی قه فردامتخاب رمینو <i>ر دامن</i> عمل مار خواکه مار	330 5 6 0720 10,000	-114-14 -14 W	4-16 4-16 4-16 4-5-4 4-5-180	223	ماسه و المسلم المال على المال المال على المال ا	و ام، رسّال 5067 ميم ماه نورها • در رها ديال درون کمان هذا محاد الحارد	· •
ر معنو ر مامب المرا ما خواله ولد	Mary Mary	مالارمر	·—14	1228	حدد لان فرد کاشت میسی می میسر رازق دمره وارمان درشها للدها ر	14 307 0 6 - 5 - 7 20 0 0 1 6 - 5 - 7 20 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	429
ساکن باخذفی <i>س سر</i> کاری	1	יקנוט ב	0-18	1295	مُن المدودهاف مر-ضعادها دستين مونت معين تعدد	عامل هام / محدى ورب رودى اصد ملات فارز مالم ا رودى رين شماد درونورون	
1. Cu.		1. 144 8	50-7 -3158, 0 50-7 -35, 00, 00, 00, 00, 00, 00, 00, 00, 00, 0	ة منديع مرا	ورن دری و درهای مام درندن دری و درهای مام د ندن د کمن در درهای د	مدار ما به والارخ مس داد رهدا معاد - الااد - زال ليران دورام	تي سار أ
ه خواله کیا دستخط پٹواری حلقہ ۵/)	248.	1000 VIII	2	1425	في ودر عدد العادر توبار ماتفري	7 جرمه مان ماسمید - می دوا بید می نو و فردار شدن د ورار در ماد ماد مود دور	月分
ولعفو الافتاكداكم	عج ر .	م	016	553	ر من دور بورد ل میرد منهار دول روم شیرار خان در مام خان دنداد	ما من مرافع ورا ورا و معدد	432
89 SE-14-	بالأدبر إلم	תַנונש אין	3-4	152	المذيحة مخير وضعار	فان مؤمی کی ورن رور یا عکرفانی فاک بران عام درکا مرمایان رفتا که	دھتر ارا مدخل
وسم می رفتری می مرا ردک مرده (5) مکرریل (8مرد)	فاندار دنگورس	ار رومده	3 4	1409	مدام ما قد عددالما در كورام	= 020 0 12 0 Clar 12 0 CM	6
135 Tupin (1)	لىبراتئا رور	קנע) קטה' קנאן	1 10 6 5215	بودام (ست) دور	ن دروار با مان من المران من المران من المران من المران الم	10 10 10 10 10 10 10 10 10 10 10 10 10 1	10/11/1 12 7 15 50-7
411-424 M. Interior	بلار - ب در در در د	ر خر 3 ورود من مفرر الم	بالدر تورد (-5 می از ارن ماجدی از از در ماجدی از	19) 14 (6) ومراد ا	مىيە من دەرىرىر مىزدار كا	10 18-4 176 439 EN 18-18-4 18-4 18-4 18-4 18-4 18-4 18-4 1	11 - 11 J
م) <u>13</u> 5 قبل (19 مرانس 1417 قبل (19 مرانس الدين مامير ما	6 pe (10 id) 7 -2-	عرانمال در مادور	67 00 500 500 500 500 500 500 500 500 500	رام دس اگر بقرور ح	رفت دمرها ومداج في المراج في ا	لا- ا من ابرا صب مندلی ران رف را ده صب صورت جدم مدارید.	208434
رمنوريلي	14 2019	11800	2-4 2-4 100 miles	1410	ماللات را ما می روزه مازگردان متردان	ر 3176 من مرساب الراهد ومرفايا المراهد ومرفاي	2 (4 cm) 2) S
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8 81 10g	: مدي درفر معود سے د	ور المرون المارية	while will s	30 E UWI	رفت فرم المدورهان ناماده الرو دمنار ومنار	الرابع الروزة 18 و الروزة الروزة الروزة المرابعة الروزة المرابعة	120 01/200
را قدم تعزور و - چ کمدیرلی افکر دردعاشتی ۱ - ۹ ۵ . د ۵ .	الله الميراد 12 م ليون	سرعار مارے البل (عماد رکم	Standing of	2 - 120 P	1) 1) 2) - 10/01 - 1/2/6	مني الله	10 J
هُ امرُ 10 وسي	موبع المرب		1-14-6	1 /	4 22-10 6-15		

فردا متخاب از رجسر حقداران زمین سال رو 20ء موضع مار مرصی مدبست نمبر من ۱۵۵م مخصیل و سالی شاور تمبركعانته نام ما لك واجوال _{حيو} نام كاشتكار واحوال كيفيت لگان رقبه مع قشم زمین معامله انمركهوني dul 0-4 237 مقده حدما ليفار 3790)...... 10000 11/2 w 1 5039 Willes 436 CHA 0-ماة ولغروزه وهرعراها (عاه 5 جنابعالى 2852 Wis - 16 11387 20 W 3-9-6 مش فان- أمع في الأشف 459 فردانتخاب W. 0 - 17 وهوف فالمعلف فأوران سا زارلی ماست ملازمون 1541 جواليه ندانشه بربر... (442) 1584 563 ما ما نعقوتو-ما دمياه أس سأكن 436 وفقدان هيئ فا عدام (ملك) رخاءخان حدور مرفت رکان 206 616) . (is is line (616) ولاهالاب مالع دفنان لأوزي باخذفيس سركاري 239 (440) ... Diens Jose حواله كميا كيا برفئ برفئان حودار ولأكوار ووفت 40 to the 1. 168) ... (841) 1420 منس على در مدر الحكيم افنا ل-وستخط بيثواري حلقه مان ري وليا هر رس ما م مانغ نع منرد نسار مساكد - اي المستعمد روها الم فركمله مبتزا ف رفعاد فال حددر (1) 2-13 اعدوف سنبن دخوان 891) - (198 ساة فيوبرديره وارثاك لرركو 4.38 940 معالى ھال --- (١١٥) कि के कि के कि कि कि कि حدداوات وفرمان ماكمتر وه 1 614 15640 Wasts وكس مان ... (173) (101) البراصيمان له. (101) عافي الرفي ونوش زار في مامت 15-2011 19400 Ju مركة حجوبه وعزه وزكور حواران دوهدا لجنيرهان (58) 1027 رى د دلاقادر ماكندهو مير دهيار ليران فيمينان مردن سركة فحديد ومرمودران 2-16 214 cm 1 245 43 Wind al Bis صعم خان وددوی خان - نامهم اعاص فان-عطاد الأرفان) كا مر حوز الم (ولا) المرتسور ٦-١١ 2849 ويرمسهم فان عولام (879 447 ميران سيم حالكه لرادحودارال معرفت مايم خال ورولى فير فردا الله ومر فقن ماراق- (وي 472 12/12/00 (157200) Con 10/1/1/201 ائتان كالألوعيد وفعيار 474 2-3 الماكر فان عطاء العرف كال سائع الأونوريد 662 1-4 سيم فان لومرام - (1463 Wester Tolais declar 702 لتي مرهاي رهايي رنيلي 155) Day coi (LOV (151) 5 45 +136) ... oper 4,000 1 Social ese- locale 936 (285) - Ly col 11/18 امل دس عرب روي وفارات لوبمبرابه حورادان معرفت عمدامروف مرحة تائ تعملا لاادر وأياك ومرهاه بعالم سأمان هزرشى وفدشو الزبه (متين ماهد فيو في فورام - رَظيمُ ملم وهذا كفيمين فالزاك تي مزرزاعاس فازوره £528) 400 tus פניטא

و کی پیتا ور ۸		/	عدبست نمبرء ۵		مال <u>الر20</u> ء موضع ارزر <i>وفر</i> س	ب آزر جستر حفد اران زین ۲	فردا سی ا
کیفیت	:	<u> </u>	رقبه مع فتم زبین		نام کاشتگار واحوال	نام ما لك واحوال	نبرگھات انبرگھتونی
٠٠ ا	<u>د</u> بہ	1.4cm	2-14	709		ماة لامبروبيوه (26) الدادفان لير (74)	136
جباب مارار _{قر} فردانتخا م یس	ננות מ ננות על	به مسرع مد سرّ دللو بهر) د	4678 29 4678	פ ניה יינניא רמטים ס	مزمزارطن که ۱۰۰۰ (درده) سانمان فورشی فردشی و اورده سیخه در زود ه	من وزرده دخراه دعین (37 مدنطه فاز مد فرانب فاز	
حوال <i>ر معرود المرا</i> ولد مستمرك ولد موثور وا	2009	14000	الم الله الله الله الله الله الله الله ا	50°452 20°452	سانان فورشی د درجی د اوره کی خرماید - نسلیم شعر در (508) د حضدان موام مرزر در کا د کلا هیرو بسود (26)	ن درد میرمشکیم خان بری کوئیر شرم هدخد خان دوداند دردد	
م ساکن حمده باخذ فیس <i>س مر</i> کا	pedu	يدى عرب	1984 Just	אני ענים	در المراب ۱48) در المراب ۱48)	مشتنه دهان دیر - (۱48) ساکان مشتری - روز افر او دفع	
حواله كيا كيا	1. 1.	2/1/2	10 24 4619 10 20 00 00 50 40 00 19-1	ا مثر ار ه	مترین را در	سلم خان ومرول في - (166)	
د شخط پنواری گفامس م	4	يكر ويسترين	50 80 69-1 800 10 000 00 10 10 10 10 10 10 10 10 10	2017	1	14.30 200	ł
	ولومون در در	<u> 135</u> برود که دمرود د	167 267 168	9 614 10		فالنَّهُ عَلَى - مِدَانَ مِنْ مُهُورُونَ من عان مُهِدارُ فَا رَائِدُارِدِارِ من عان مُهِدارُ فَا رَائِدُارِدِارِدِ	
124	برطاعة	<u>/</u>	135 36 465 0 4792 4830 4832	م) والر. ای والد	معر کان بر (14) ماکان متمع عن روکلولام (4) مفران فورسم مشرون فیقد	من نور تا و المرين ع وا عدم اله (159 م و فقرال هدام	
مارے مارک	2016 2016 2016 2016 2016	135 271	\$ 5038 501 \$ 5058 50 \$ 5098 3	5.11	م درفت عامت وروم رسام دوان ماللذ لوعر دونعار	من دنوره مره ایل (الم ورم الله (12)	
*W(! & Q_	14	1-12 L	3-15 135.24516	ثميك	م منزل مله فا طريافه	رفان الله من الله عراد	<u> </u>
 135. 7/6 5	48 4	لگراون مه حوانه دیسک	2-13	967 972	ا مُعَامِين فِي عِلْمَا وَاللَّهُ لِهِ إِنْ مُعِيدُ اللَّهِ عِولَا لِي مُعِلَّمُ اللَّهِ لِهِ إِنْ اللَّهِ اللَّهِ اللَّهِ اللَّهِ اللَّهِ اللَّهِ اللَّه	مرموهم دول- كرم المكرر زووه	444
75 6	776	م بر <u>د بو</u>	2-17	2799	صیب ارجی در فرنبراره امّنان ماکوزیوعدد نیکا ر	روی (230) میمال م ماه فک نافی از زرفرادریم ده: - (11) دفته	
-,	.	יאנע)	7-6	1417	4	المنه مندرى دولت	
_		<i>નિર્દિ</i> કરૂ	13	1457	شمشار دمره طروال معمر جودرال مقروهم جوداران	لي در سه ره دن هو مي كان متير النه عدا فله-	445
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		•			امياك فالمدع ودفور	معفر ال متولير مثن . (22) شويت كرير الما الم الم	
					p we c	122) - 1000 000	

فردانتخاب ازرجسر حقداران زمین سال 20ءموضع حدبست نمبز تمبركعانة نام كاشتكار واحوال نام ما لك واحوال لگان نمبرخسره أرقبه معتشمزمين معامله انبركهوني Calendo (192)0 (1) 1-11 متعشادومره مذكولان 165 جنابعالي حودارال ما لكال مس راز و عدد محارف فردا نتخاب 447 مزدې دسول - فردسولي تران نورانبر -. (35b) مانان حواليه ولد ميرلان توربار (56) دمان شا ساكن باخذفيس سركاري 448 6-13 971 حواله كميا كميا 1026 428) 12-12 وستخط بثواري حلقه مان معم - فن برى ودر (42) مرد الله- اعان الله- منول Town Visite Cour, view موام رنس ل الما كا مره زه در در المدرزواد المحدم المنظم فان 1 41/2 1/4-14 Was 1/4-1/1 w/1/10) 2/14 0 مردن وفارهی . عى والرهل ومرمعر الفغرال 441605/ Jun 100 وفوزن دمير دوران ((1461) with the policy of the will in the color غفدان متوكيرش ... (221) ه م فروموه (212) فالهزي ست رزوه و252 مرتبر سالا متخویت رپر...- (44ه) نواز نیان ل_یر - - - (598)^م ماة معلاله وفي مندان (122) 299) --- (1)0006 (0) be fix is required it 010c1/265000 Julo 0-وكافاناكير- (120 (356) كالماكاركم (356) ש"ש ליש עם - פנסקם 'נפיקאי 3000 63170 PC54 فك ولان مالله جو ميرد فعكاد ورزال سمنا دوطره 8-3 حرداول معد المنده (5cb)....(5cb) 2-18 -5-5 מוזי על המוזמות עקני כ e. 1833) 784/100/10

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٨	۷	7	۵	۲	سال <u>ار20</u> ءموضع ما زريرط حرا ص ال	r	
كيفي	معامله	لگان	رتبه ^{رج و} تم زيين	1		نام ما لک داحوال سه	نبرگھاش انبرگھتونی
		(14)	2-10	214	من (٥٥) أ سماة فكرهالا ومنيه وارقان	مان لى مى مالىسىم- توغاده	226
جنابعا	,				من من مرسر مرسم روام	دختران عن اکردوبهه (۵۶۶ دز دفر و لیلینسس ک ^{ان} یا دست	74,9
فردا نتخابه			•	-:	مرسم ماكن ك	لوبرا در	1 2
حواله <i>معرد</i> ولد <i>معركر</i>					ير سافرد مير موه - دی و د منال فال -اردر ها دران	ساه فا دره ی ی وهنری (مفرقی روه ا می ل مقسل ملی-((22)	
ولد مرکز سرمرون ساکن				·	مانوراره	سانه می زر در وس زوه رعدانی در	
			٠.		الم وصنر العرصين مندرين	ره (260) فارد سرورش ایر(180	
باغ <i>ذفیل</i> ریس		ينزق	1-6	163	عدد فاست المادور وارثان	ومرعلى ورخمد الرهم زي (23)	£30
حواله کيا پيتاريون		بخرص	8	231	معنل البرهمون فندلالا	مُنا برازق عدد الالا	750
د سخط پنوا /		منرص	3->	7/0	عدماست مامامري	مزدی در کورسی تیران وادر خان کارلار ۱۶۹۷	
- Wing		. 4	1-12	968		راوک می کوربرمر(۱۹۹) ماه ک بی می کنید سبود (۱۹۹۶)	
		,5	1-6	970	O_{g}	It was a pilons	
		. 4	1-3	1412	Ġ.	5.4-4.5.13 - wain 3	
	,	7	1-19	1449	•	ران کورانه (4661) رود در در در که در در	With the second
ه درس	سميراد		0-6	1452		ماعال کی فرم کارکست تومرام (ماه 2)	
8 . /-	6	74	12-18	960		دختران ادک های	
		المرادل	27	661	كرم الا ورمعا الرقي	تىرى الدرب. ــ (366)	45
·		شربيل	11	666	رنيان مانندي عردمنو) ر	ما 3 الركان والأولاد والأولاد المركان ا	,
			2-18	١٤		es ir wil view	
		رزر	۵_7 (2800	مدائها تدومزه وارمال على الد		1.5
	· ,	7/7	<i>o</i> -/	547 548	الفنية ومروول الأراف		452
	,	4	1-6	551	مراه ما الله و موار في والره أوار		
	·	4	3-7	704	وارشامان عمارم	·	
		אילער	7	34	<i>عداطن فرد كانتست</i>		· · · · · · · · · · · · · · · · · · ·
4	16-6	ويولنوع	84-7	7010		ieb!w	
عرض ا		بفرور دو	مبخبر قرم	41	مزرش برسو	7 /5	
-19	/-	-6 -	_ 0-13	5	-14 -48-13		



Order..... 25/02/2020

Learned APP Syeda Alvina Shah for the state present. Parties through counsel present. Learned counsel for respondent submitted application for dismissal of the compliant and acquittal of the respondent/accused. Arguments on application on behalf of respondent/accused heard. While learned complainant counsel sought time for arguments. Adjournment is allowed. To come up for arguments on behalf of complainant for Meanwhile fresh NBWA be issued against the unexamined Pws for the date fixed.

(Saadia Andaleeb) ASJ-IV, Peshawar

Order..... 13/03/2020

Dearned APP Syeda Alvina Shah for the state present. Parties through their counsel are present. Process not returned. Official concerned is strictly directed to comply with court orders. Arguments on application for dismissal of the complaint on behalf of complainant not heard and again sought adjournment. Final chance is allowed and proceedings are adjourned. Fresh NBWA be issued against unexamined Pws for Meanwhile to come up for arguments on the

date fixed.

(Saadia Andaleeb) ASJ-IV. Peshawar

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B MAP 2020

(Examiner)
Copying Agency Session Court
Peshawar

No: 4743

Dated of Application (8/03/2020

Name of Application (8/03/2020

Dated of Proparation 18/3/2020

Dates: Avery 18/3/2020