

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

Service Appeal No. 5401/2020

Date of Institution ... 08.06.2020

Date of Decision ... 15.10.2021

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

... (Appellant)

VERSUS

Deputy Commissioner, Mansehra and one other.

... (Respondents)

MR. SHAD MUHAMMAD KHAN,
Advocate

--- For appellant.

MR. MUHAMMAD ADEEL BUTT,
Additional Advocate General

--- For respondents.

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

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-


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

however the same was also dismissed, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their reply/comments, wherein they refuted the stance of the appellant.

3. Learned counsel for the appellant has contended that in the initial fact finding inquiry, conducted by Assistant Commissioner Oghi District Mansehra, it was held by the inquiry officer in his report that no evidence of forgery was available against the appellant and as civil litigation regarding the matter in question was sub-judice in the august Peshawar High Court, Abbottabad Bench, therefore, the inquiry may be filed; that the then Deputy Commissioner Mansehra was bent upon awarding of penalty to the appellant in any case, therefore, the matter was again referred to the same Assistant Commissioner Oghi, who ignored his previous findings and illegally held in the inquiry report that the appellant was guilty of corruption, misconduct and in-efficiency; that the inquiry proceedings against the appellant were conducted in violation of relevant provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and the appellant was awarded the impugned penalty despite the fact that no evidence whatsoever was available regarding the allegations leveled against the appellant; that as the inquiry officer has categorically held in his report that there were contradictions in complaint and statement of the complainant and that the plea of the complainant was not based on facts, therefore, the competent Authority was not justified in awarding major penalty of dismissal from service to the appellant on the complaint filed by an untruthful person; that the complainant had also filed a Civil Suit, which has been dismissed by the trial court and the appeal filed by the appellant was also dismissed and the revision petition of the complainant is now pending adjudication in the august Peshawar High Court, Abbottabad Bench. In the last he requested that the impugned orders may be set-aside and the appellant may be reinstated in service with all back benefits.



4. On the other hand, learned Additional Advocate General for the respondents has contended that the appellant while posted as Patwari Halqa Mauza Mansehra No. 1 had entered Mutation No. 88682 on statement of complainant's brother namely Shabbir Khan, without ascertaining as to whether the complainant Naseer Khan and his wife Mst. Nadia Naseer had executed any power of attorney in favour of Shabbir Khan or not; that the complainant had committed forgery by issuing two *Perth Patwar* of the same sale mutation by showing sale price of the transaction as Rs. 2,900,000/- in one *Perth Patwar* while in other *Perth Patwar*, the sale price has been mentioned as 4,000,000/-; that the appellant was himself serving as Patwari Halqa in the same Mauza and remained engaged in the sale transaction by entering mutation of the house in question in the name of his brother and has thereby committed misconduct, forgery as well as corruption; that the complaint filed by complainant Naseer Khan was based on true facts and the allegations against the appellant stood proved in a regular inquiry, therefore, he has rightly been dismissed from service.

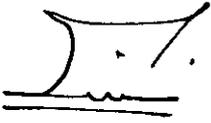
J. I.

5. Arguments heard and record perused.

6. A perusal of the record would show that initial fact finding inquiry was conducted by Assistant Commissioner Oghi, who categorically observed in his report that no evidence regarding forgery was produced during the inquiry and as the matter was also sub-judice before the august Peshawar High Court, Abbottabad Bench, therefore, the inquiry against the appellant may be filed till the decision of Civil Revision pending adjudication in the august Peshawar High Court. The Deputy Commissioner Mansehra, however remanded the matter back to the same Assistant Commissioner Oghi for proper de-novo fact finding inquiry and this time, the inquiry officer held the appellant guilty of corruption, misconduct as well as in-efficiency. It was on the basis of the aforementioned fact finding inquiry report as well as complaint of Naseer Khan S/O Gohar Rehman, received from divisional complaint cell, office of the Commissioner Hazara Division Abbottabad, that a regular inquiry was initiated against

the appellant under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, by appointing Assistant Commissioner Mansehra as inquiry officer in the matter.

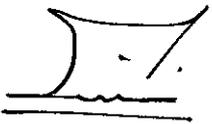
7. It is evident from perusal of the inquiry report as well as the impugned mutation No. 88682 attested on 31.12.2015 that the same was attested on the basis of report of Girdawar Circle, who was appointed as Commission for recording statements of the complainant as well as his wife namely Nadia Naseer Khan. In his inquiry report, the inquiry officer has not rendered the impugned mutation as wrong or illegal. As the impugned mutation was not attested on the statement of complainant's brother namely Shabbir Khan, therefore, the allegations against the appellant that he had not verified as to whether Shabbir Khan was attorney of the appellant and his wife or not, is misconceived and could not be considered as a ground for taking disciplinary action against the appellant.



8. One of the charge leveled against the appellant is that he had issued two *Perth Patwar* of the impugned sale Mutation No. 88682 dated 31.12.2015. In order to ascertain the actual facts in this respect, respondents were directed vide order dated 14.10.2021 that if there is any official record, containing the *Perth Patwar* showing the sale price as Rs. 4,000,000/- as sale mutation, the same be produced before this Tribunal. Mr. Mehboob Ali, Kanungo and Mr. Bashir Ahmed, Patwari Halqa Mansehra-I appeared before the Tribunal today and stated that the *Perth Patwar* showing the sale price as 4,000,000/- is not part of any record lying in official custody. They produced the Register of Mutations, wherein *Perth Patwar* of impugned mutation No. 88682 dated 31.12.2015 is available and the sale price mentioned therein Rs. 29,00,000/-. Similarly, original *Perth Sarkar* was also produced, which shows the sale price as Rs. 29,00,000/-. The inquiry officer has not collected any cogent and convincing evidence during the inquiry, which could show that the *Perth Patwar* showing sale price as Rs. 4,000,000/- was issued by the appellant. The assertions of the complainant has been considered

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

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



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

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

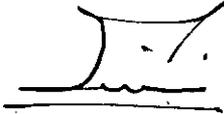
"There is contradiction in the complaint/statement of Mr. Naseer Khan S/O Gohar Rehman Khan as the complainant claimed that he did not receive a single penny on one hand while on the other hand he admitted/agreed in Jirga as well as in the civil court to return the amount of Rs. 29,00,000/- to Mr. Naseem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

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

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

ANNOUNCED
15.10.2021


(AHMAD SULTAN TAREEN)
CHAIRMAN
CAMP COURT ABBOTTABAD


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

ORDER
15.10.2021

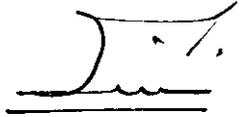
Appellant alongwith his counsel Mr. Shad Muhammad Khan, Advocate, present. Mr. Mehboob Ali, Kanungo, Mr. Bashir Ahmed, Patwari Halqa Mansehra-I and Mr. Jameel Hussain Shah, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. The Revenue officials produced original Daily Diary as well as Register of Mutations and original *Perth Sarkar* regarding Mutation No. 88682 attested on 31.12.2015, which were seen. Copy of relevant page of Daily Diary as well as copies of *Perth Patwar* and *Perth Sarkar* placed on file. Arguments heard and record perused.

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

ANNOUNCED
15.10.2021



Chairman
Camp Court A/Abad



(Salah-ud-Din)
Member (Judicial)
Camp Court A/Abad

24.09.2021

Appellant alongwith his counsel Mr. Shad Muhammad Khan, Advocate, present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present and requested for adjournment on the ground that the brief of the instant appeal was misplaced, therefore, he has not met preparation for arguments. Adjourned. To come up for arguments before the D.B on 14.10.2021 at Camp Court Abbottabad.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT ABBOTTABAD


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

14.10.2021

Appellant alongwith his counsel Mr. Shad Muhammad Khan, Advocate present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Taimur Hussain Shah, Superintendent for the respondents present.

After hearing the parties at certain length a question has arisen whether Pert Patwar wherein amount shown as 4000000/- is part of the record in official custody or not. If there is any record in official custody containing the said Pert Patwar, the same be produced on 15.10.2021 before the D.B at Camp Court Abbottabad.


(Salah-Ud-Din)
Member (Judicial)
Camp Court A/Abad


Chairman
Camp Court A/Abad

23.10.2020

Appellant in person present. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments on 14.12.2020 before S.B at Camp Court, Abbottabad.

AND
Sd/-
21/10/20


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

14.12.2020 Due to Covid-19, case is adjourned to 15.03.2021 for the same as before.


Reader

15.03.2021

Appellant in person present.

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

Representative of respondents submitted written reply/comments which is placed on file. To come up for rejoinder if any, and arguments on 20/5/2021 before D.B at Camp Court Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

20-5-21

Due to covid 19, case is Adjourned to 24-9-21 for the same.

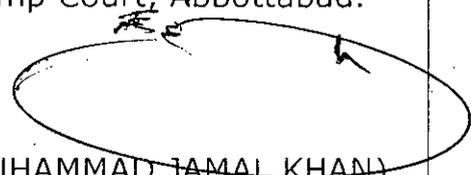
Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5497 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/06/2020	<p>The appeal of Mr. Naeem Akhtar Jahangiri presented today by Mr. Shad Muhammad Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to touring S. Bench A.Abad for preliminary hearing to be put up there on <u>17.09.20</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	17.09.2020	<p>Appellant is present in person. He is seeking adjournment that his counsel is busy in the Model Court and cannot attend the Tribunal today. Adjourned to 23.10.2020. File to come up for preliminary hearing before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER CAMP COURT ABBOTTABAD</p>

BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR

Naeem Akhtar Jehangir.....Appellant

Versus

Deputy Commissioner, Mansehra
etc.....Respondents

APPEAL

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Dated 08.06.2020

Naeem Akhtar Jehangiri
(Appellant)

Through: -

SHAD MUHAMMAD KHAN
Advocate Supreme Court of
Pakistan (Mansehra)

BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR

(17)

Appeal No. 5421 of 2020 Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4847

Dated 8/6/2020

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

Versus

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

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

Respectfully Sheweth!

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

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

Filed to day
08/6/2020
Registrar

2) *That, one Naseer Khan submitted a complaint to Deputy Commissioner, Mansehra against the appellant. The said complaint was marked by respondent No.1 to Assistant Commissioner, Mansehra for inquiry and proceedings which was further transferred to Tehsildar Mansehra by Assistant Commissioner, Mansehra. The Tehsildar Mansehra informed Assistant Commissioner, Mansehra with respect to the complaint that the matter has already subjudice before the High Court and in such a situation no inquiry could be held or conducted.*

(The copy of complaint and the letter of Tehsildar are attached as Annexure "A" & "B").

3) *That, respondent No.1 being not satisfied with the finding of Tehsildar Mansehra, appointed Assistant Commissioner Oghi to conduct and inquiry and to probe into the matter. Assistant Commissioner Oghi after going through on the facts and circumstances of the case opined that no evidence has been found against the appellant and that the matter is already subjudice before the High*

Court Bench Abbottabad and the allegations could not be established against the appellant, with this finding, AC Oghi requested respondent No. 1 to file the proceedings and after the disposal of case by High Court, if deemed appropriate, can be reopened against the appellant.

(The copy of finding of AC Oghi is attached as Annexure "C").

- 4) That, on receipt of this finding, respondent No. 1 was not satisfied and again he directed Assistant Commissioner, Oghi to hold an inquiry in respect of the allegations setup in the complaint. Assistant Commissioner Oghi had already submitted his findings but there was no other way for him; he ^{so} gave or he recorded his opinion wherein he found the appellant guilty of corruption, misconduct and inefficiency and also recommended for major penalty.

(The copy of the finding of AC Oghi is attached as Annexure "D").

- 5) That, a complaint/application was received in the office of respondent No. 2, who directed respondent No. 1

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to make an inquiry about the veracity of allegations leveled against the appellant and also to conclude the finding within 30 days. On receipt of this direction by respondent No. 1 he further directed Assistant Commissioner Oghi to make an inquiry in this respect.

(The copy of letter addressed to respondent No. 1 is attached as Annexure "E").

- 6) That, on receipt of the finding of inquiry by Assistant Commissioner Oghi respondent No. 1 issued a charge sheet alongwith statement of allegations to the appellant and the appellant submitted a detail reply to the charge sheet refuting all the allegations.

(The copy of charge sheet, statement of allegation and reply are attached as Annexure "F", "G" & "H" respectively).

- 7) That, respondent No. 1 appointed Assistant Commissioner Mansehra as Inquiry Officer to make an inquiry in respect of the allegations against the appellant. The Inquiry Officer recorded the statements of appellant, Naseem Akhtar, Muhammad Riaz office Kanungo, Muhammad Azeem Khan, Muhammad Sarfraz Abbasi,

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Naseer Khan, Ehtesham, Ejaz Ahmed, Shabbir Khan, Moulana Faizul Bari and Saibzada Mian Tufail Ahmed and thereafter the Inquiry Officer recorded his recommendations in respect of the irregularities of the appellant and at the same time the inquiry officer also gave a finding that on one hand the complainant claims that he has not received even a single penny and on the other hand he admitted in Jirga as well as in Civil Court to return 29 lacs of rupees to Mr. Naseem Akhat and also held that the complainant be proceeded for a contradictory statement.

(The copies of charge sheet, proceedings, statements and recommendations are attached as Annexure "I" consisting of 12 pages).

- 8) That, on receipt of the finding of inquiry by respondent No. 1, it was returned to Assistant Commissioner Mansehra stating therein that penalty has not been recommended. Assistant Commissioner Mansehra returned the inquiry to respondent No. 1 with a recommendation that major penalty be imposed upon the appellant and at the same time also held that the claim of the complainant is not based on

facts and he should also be proceeded as per law.

(The copies of respondent No. 1 to AC Mansehra and the copy of findings by AC to respondent No.1 are attached as Annexure "J" & "K").

9) That, respondent No. 1 issued a show cause notice to the appellant and the appellant submitted a detail reply to the final show cause notice.

(The copy of the show cause notice and reply are attached as Annexure "L" & "M" respectively).

10) That, the appellant was called for personal hearing by respondent No. 1 and the appellant explained the entire facts before respondent No. 1.

(The copy of notice for personal hearing is attached as Annexure "N").

11) That, respondent No. 1 after the above mentioned formalities passed an order and the appellant was dismissed from service.

(The copy of the order is attached as Annexure "O").

12) That, the appellant being aggrieved by the order of respondent No. 1 submitted an appeal before respondent No. 2 and respondent No. 2 dismissed appeal.

(The copy of appeal and order are attached as Annexure "P" & "Q" respectively).

The appellant seeks interference of this Honourable Court on the following amongst other grounds: -

GROUND: -

- A) That, the order of dismissal of appellant is against the facts, patent on record and is also opposed to law and hence the order of dismissal is not sustainable.
- B) That, the order passed by respondent No. 1 is bad in law as the matter is subjudice before the court and the matter cannot be probed into nor any finding can be given.
- C) That, respondent No. 1 was bent to dismiss the appellant from service as is evident from the finding of Assistant Commissioner Mansehra/Tehsildar Mansehra who requested for filing the proceedings till the disposal of case by the competent court of law.
- D) That, despite a clear finding by AC Mansehra/Tehsildar Mansehra respondent No. 1 referred the matter to Assistant Commissioner, Oghi who too, gave a finding to file the proceedings as the matter is subjudice in court.

E) That, despite the finding given by AC Oghi, the mater was re-referred to him for inquiry and thereafter he gave a finding against the appellant. It does not stand to reason that in one breath the appellant was almost exonerated and other breath he was found involved in the allegations. It all shows that he was compelled by respondent No. 1 to get a finding from him detrimental to the appellant.

F) That, Assistant Commissioner Mansehra/Inquiry Officer has conducted inquiry in flagrant violation of the procedure/law laid down and acted according to his own will and wishes. The finding will loose its credibility when the Inquiry Officer found the complainant of giving contradictory statement and also recommended him for proceedings and how his evidence could be taken against the appellant.

G) That, the entire allegations has been setup against the appellant malafidely with intent to get his dismiss from service and respondent No. 1 had left no stone unturn and getting a

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favourable finding from Assistant
Commissioner against the appellant.

It is, therefore, most humbly prayed that on
acceptance of appeal the impugned order
of dismissal may kindly be set-aside and
the appellant may kindly be re-instated in
service.

Dated 08.06.2020

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Naeem Akhtar Jehangiri
(Appellant)

Through: -

SHAD MUHAMMAD KHAN
Advocate Supreme Court of
Pakistan (Mansehra)

VERIFICATION

I, NAEEM AKHTAR JEHANGIR SON OF MIR AWAIID
KHAN, CASTE SWATI, RESIDENT OF MOHALLAH
SADIQ ABAD BAIIDRA CHOWK, TEHSIL AND
DISTRICT MANSEHRA, EX-PATWARI DO HEREBY
VERIFY THAT THE CONTENTS OF FORE-GOING
APPEAL ARE TRUE AND CORRECT TO THE BEST
OF MY KNOWLEDGE AND BELIEF AND NOTHING
HAS BEEN CONCEALED OR SUPPRESSED FROM
THIS HONOURABLE TRIBUNAL.

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NAEEM AKHTAR JEHANGIRI
(DEPONENT)

(10)

BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR

Naeem Akhtar Jehangir.....Appellant

Versus

Deputy Commissioner, Mansehra
etcd.....Respondents

APPEAL

CORRECT ADDRESSES OF THE
PARTIES

Respectfully Sheweth!

**Correct addresses of the parties are
as under: -**

APPELLANT

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

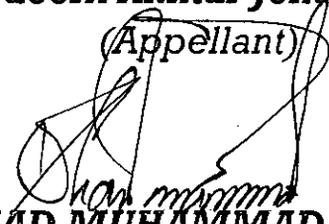
RESPONDENTS

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

Dated 08.06.2020


Naeem Akhtar Jehangiri
(Appellant)

Through: -


SHAD MUHAMMAD KHAN
Advocate Supreme Court of
Pakistan (Mansehra)

BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR

11

Naeem Akhtar Jehangir.....Appellant

Versus

Deputy Commissioner, Mansehra
etcd.....Respondents

APPEAL

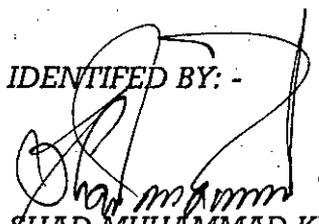
AFFIDAVIT

I, NAEEM AKHTAR JEHANGIR SON OF MIR AWAIID KHAN, CASTE SWATI, RESIDENT OF MOHALLAH SADIQ ABAD BAIDRA CHOWK, TEHSIL AND DISTRICT MANSEHRA, EX-PATWARI DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT NO SUCH SUBJECT MATTER APPEAL HAS EVER BEEN FILED NOR PENDING NOR DECIDED. THAT THE CONTENTS OF FORE-GOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

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NAEEM AKHTAR JEHANGIRI
(DEPONENT)

IDENTIFIED BY: -



SHAD MUHAMMAD KHAN
ADVOCATE SUPREME COURT OF
PAKISTAN (MANSEHRA)



'A'

خدمت جناب ڈپٹی کمشنر صاحب مانسہرہ

ANN-A

ANN

A

(12)

عنوان: جعل سازی انتقال پٹواری نعیم جہانگیری ولد میر آوید خان۔

جناب عالی! درخواست ذیل پیش ہے۔

(1) یہ کہ نعیم جہانگیری پٹواری نے میری غیر موجودگی میں میرے ذاتی مکان کا سودا میرے علم کے مطابق بھائی شبیر خان سے مبلغ -/71,00,000 روپے کا اپنے لئے کیا۔ اس کا بیعانہ مبلغ -/12,00,000 (بارہ لاکھ روپے) اور -/17,00,000 (سترہ لاکھ روپے) ٹوٹل -/29,00,000 (اٹیس لاکھ روپے) بذریعہ چیک میرے بھائی کو دیا جو مجھے وصول نہیں ہوئے۔ جب میں جیل سے واپس آیا تو اس پٹواری نعیم جہانگیری میرے بھائی کو اعتماد میں لے کر میری بیوی سے پہلے ہی دستخط لے چکا تھے اور پھر مجھ سے دستخط لئے اور کہا کہ انتقال تصدیق ہونے سے پہلے بقایا رقم مبلغ -/42,00,000 (تالیس لاکھ روپے) ادا کر دوں گا مگر اس نے بقایا رقم ادا نہ کی۔ کچھ ہی دنوں بعد معلوم ہوا کہ اس نے یہ میرا مکان اپنے حقیقی بھائی نسیم اختر ولد میر آوید کے نام پر ٹرانسفر کر دیا ہے چونکہ یہ اس ہی حلقہ کا پٹواری تھا، اس نے مجھے اس بارے میں کوئی ریکارڈ نہ دیا اور خود میرے اوپر تھانہ میں درخواست دی کہ یہ میرا مکان خالی نہیں کرتا۔ میں نے بڑی مشکل سے اپنے دستخط شدہ کاغذات حاصل کئے۔

جناب عالی! ملاحظہ فرمائیں۔

(1) انتقال ایک ہی ہوتا ہے مگر پٹواری صاحب نے خود ایک ہی نمبر کے انتقال نمبر 88682 پر علیحدہ علیحدہ 02 اوراق پر مختلف قیمتیں لکھ کر خود بھی دستخط کئے ہوئے ہیں اور تحصیلدار صاحبان کے دستخط بھی موجود ہیں۔ ایک انتقال نمبر 88682 پر 40 لاکھ روپے لکھ کر مورخہ 25.03.2015 کو منظور کیا گیا ہے۔ (نقل لف ہے)۔ مورخہ 24.07.2015 کو فرد بھی اپنے حقیقی بھائی کے نام جاری کیا ہوا ہے۔ (نقل لف ہے) جبکہ دوسرا انتقال وہی نمبر 88682 پر -/29,00,000 روپے لکھ کر مورخہ 31.12.2015 (اپنے حقیقی بھائی کے نام پر) منظور کیا گیا ہے۔ (نقل لف ہے)۔

ATTESTED

Date..... 09/03/2020



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(۲) میں نے محکمہ نقول کو مصدقہ انتقال کی کاپی حاصل کرنے کے لئے مورخہ 02.01.2016 کو درخواست گزاری جس پر NOK صاحب نے لکھ کر دیا کہ یہ انتقال نمبر 88682 مٹھہ منتقلات میں شامل ہی نہیں ہے۔ یہ جعلی انتقال پٹواری نعیم جہانگیری نے مٹھہ میں شامل ہی نہیں کیا۔ (رپورٹ NOK لف ہے)۔

(۳) یہ کہ اس ساری جعل سازی کے بعد پٹواری نعیم جہانگیری نے متعدد بار میرے گھر پر قبضہ کرنے کی کوشش کی ہے۔

(۴) یہ کہ آپ سے گزارش ہے کہ اس ساری جعل سازی کو دیکھتے ہوئے میرے ان جعلی منتقلات کو خارج کیا جائے اور اس پٹواری نعیم جہانگیری کو سخت ترین سزا دی جائے اور مجھے اس اذیت سے نجات دلائی جائے۔ میں ایک غریب اور شریف شہری ہوں۔

المرقومہ 24.12.2018

نصیر خان ولد گوہر الرحمان (مرقوم) ساکن اکبر خان کالونی نزد ہائی سکول نمبر 2 فار بوائز
چٹی ڈھیری ماشہرہ

شناختی کارڈ نمبر 9-13503-0575583

رابطہ نمبر 0301-8127454

ATTESTED
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Date.....
2028

ANNEXURE 'B' (4)

OFFICE OF THE TEHSILDAR

MANSEHRA

0997-300464

No. 63-64/T(R)M

Dated 21/01/2019

The Assistant Commissioner,
Mansehra.

Subject: - APPLICATION

Kindly refer to your endst: No. 19/R-1/AC (M) dated 01-01-2019 on the subject noted above.

Mr. Naseer Khan S/o Gohar Rehman R/O Akbar Khan Colony submitted an application against Mr. Naeem Jahangeri, the then Patwari Patwar Halqa Manshera No. 2, vide which he has leveled allegation of fake mutation mentioned in the application. The undersigned have gone through the record and also heard the contentions of Mr. Naeem Jahangeri & the applicant Mr. Naseer Khan. The applicant has also informed that his case is subjudice before August Peshawar High Court Abbottabad Bench and in support to his claim he submitted the attached CR No. 343-A/2017.

Since the issue as agitated in the application is subjudice before the August Court, therefore the District Administration is handicapped to probe into the contents of issue during the pendency of said civil revision. It is requested that the application may be filed and the parties may be directed to await the High Court decision.

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TEHSILDAR REVENUE
MANSEHRA

* Copy for information to The Deputy Commissioner Mansehra

TEHSILDAR REVENUE
MANSEHRA

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Examiner: *[Signature]*
Date: 09/03/2020

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R-1
Patwar draft - with P-14
ANNEX B
ACRMJ
22/11/19

بہارِ اہل سنت

بعدالت جناب اسٹیشن کمشنر اوگی

نشون - انکوائری

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نصیر خان ولد گوہر رحمان (مرحوم) ساکنہ اکبر خان کالونی نزد بانی سکول نمبر 2 فار پوائنٹ چنی ڈھیری مانسہرہ نے مورخہ 26-12-2018 کو ایک درخواست نسبت جعل سازی انتقال پر خلاف پٹواری انجم جہاٹگیری جناب ڈپٹی کمشنر صاحب مانسہرہ گزاری جس پر کارروائی کرتے ہوئے بحوالہ ایئر نمبری 1937-38/DK/Inquiry/DC(M) مورخہ 27-05-2019 دفتر بذرائع انکوائری وصول ہوئی جس پر حسب ضابطہ کارروائی کر کے ہر دو فریقین کو طلب کیا گیا۔ سائل کا بیان قلمبند کیا گیا اور پٹواری حلقہ نے اپنا تحریری بیان داخل کیا۔ ریکارڈ کی نسبت آفیس قانون کو مانسہرہ کو طلب کیا گیا جس نے اپنا تحریری بیان داخل کیا۔

بعد ازاں تصدیق انتقال نصیر خان مذکورہ نے عدالت دیوانی سے رجوع کیا۔ عدالت دیوانی نے مورخہ 29-07-2016 کو نوٹیسیں خان خارج کیا جس پر نصیر خان نے اپیل دائر کی جو مورخہ 27-10-2017 کو خارج ہوئی۔

بعد ازاں نصیر خان مذکورہ نے عدالت عالیہ پشاور ہائی کورٹ سرکٹ بیچ ایبٹ آباد کی جو تاحال Pending ہے جس کا انجمن تک کسی فریق نے کوئی فیصلہ عدالت بذرائع نہیں پیش کیا۔ انکوائری کے ساتھ نقل انتقال نمبر بی 88682 کا بھی ملاحظہ کیا گیا چونکہ نصیر خان جیل میں بند ہونا پائی ہوا جس پر گورد اور سرکل کمیشن مقرر کیا گیا جس پر اپیل کمیشن نے موجودگی گواہان نصیر خان اور نادیہ نصیر خان کے دستخط اور انکوٹھا جات انتقال مذکورہ پر بیان کمیشن قلمبند کئے گئے اور انتقال پر گورد اور سرکل نے نسبت کمیشن اپنی رپورٹ تحریر کی۔

انکوائری ہذا کے ساتھ قانون سمیت کاپی اقرار نامہ نائین نصیر خان و نسیم اختر بھی شامل ہے جس کا انظر جائزہ لیا گیا جس سے ثابت ہوتا ہے کہ فریقین کے درمیان نسبت مکان سودا بیع طے ہوا ہے۔ اقرار نامہ مذکورہ پر کاواں سے مستخرجین گواہان سے دستخط موجود ہیں۔ انتقال مذکورہ بھی بحکمہ عام تصدیق ہوا ہے۔ مندرجہ بالا حالات و واقعات کی روشنی میں تامل پر کارروائی کا ملاحظہ کیا گیا جعل سازی کی نسبت انجمن تک کوئی شہادت پیش نہیں ہوئی مزید یہ کہ معاملہ عدالت عالیہ پشاور ہائی کورٹ سرکٹ بیچ ایبٹ آباد میں Pending ہے پٹواری مذکورہ کے خلاف کارروائی جعل سازی ثابت نہیں ہوئی لہذا پٹواری مذکورہ کے خلاف انکوائری داخل دفتر کی جائے بعد از فیصلہ عدالت عالیہ پشاور ہائی کورٹ سرکٹ بیچ ایبٹ آباد اگر مزید کوئی چیز سامنے آتی ہے تو انکوائری دوبارہ شروع کی جائے۔

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19/8/2019

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قلم انتوائری راورک
کشیاری انجم اسٹرا ڈسٹرکٹ
OFFICE OF THE ASSISTANT COMMISSIONER, Oghi

Phone & Fax No. 0997 - 321627

No. 2587 /AC (Oghi) Dated: 30 / 10 /2019

To,

The Deputy Commissioner,
Manshra.

Subject: INQUIRY.

Respected Sir,

Brief

It is submitted that the undersigned was appointed as the Inquiry Officer to probe into the matter. As a result, the complainant, Naseer Khan, Patwari, Mr. Naeem Jehangiri of Patwar Halqa (Manshra-2), Office Kanungo Manshra, Muhammad Riaz, were summoned for inquiry proceedings in the office of the undersigned on (28/8/19) along with relevant record. The following inquiry report includes the background, detailed findings and relevant recommendations.

The main accusation is that Mr. Jehangiri committed fraud and collusion by cheating with the complainant and manipulating revenue record.

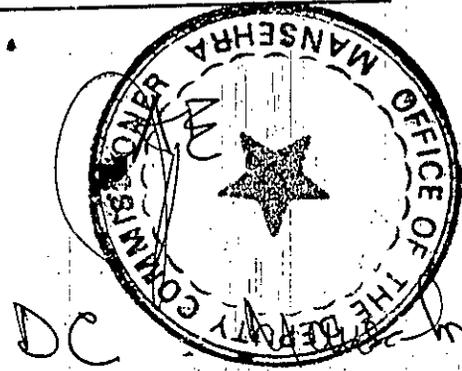
Proceedings

1. **Statement of Mr. Naeem Jehangiri, the then Patwari of Halqa Manshra's reply:** mutation number 88682 dated 4/3/2015 was submitted by him with a value of 29 lakh as per law, in the name of his brother since he himself was a Patwari in Manshra and the property was part of his Patwar circle. Further, the complainant had challenged the same mutation in the civil court and the application was rejected. Then, the complainant appealed in District Court that was also rejected.

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Further, one iqarnama took place in 6/3/2015 with complainant's brother and the second one was with the complainant dated 17/8/2015. But the complainant has not mentioned these in his complaint. Moreover, a previous inquiry on the same issue was done by Tehsildar (M) where it was recommended to stop the inquiry until High Court's verdict. The complainant has not mentioned verdicts given by the courts.

1. **Statement of Office Kanungo Mansehra Muhammad Riaz:** he verified the mutation and declared it as correct on 13/3/2015.

Background

Complainant (Naseer) said that Patwari Naeem Jahangiri entered into a land agreement worth 71 lakh (5/3/15) with complainant's brother (Shabbir) in his absence. (Appendix 1)

Out of which, a total of 12 lakh via cheque on 6/3/15 was paid to the brother and 23 lakh was promised to be paid in cash on 9/3/15, as per iqarnama (Appendix 2). Remaining 36 lakh promised to be paid on 6/7/15.

However, the complainant claims that he did not receive a penny. Further, Naeem Jahangiri colluded with complainant's wife and managed to get her signatures. Then they got signatures from the complainant and promised that remaining 42 lakh will be paid after mutation's verification. However, on paper, as per first agreement (iqarnama) on 6/3/15, 36 lakh was promised to be paid in 4 months. (Appendix 2)

Complainant went to the Patwari's Office for a copy of the Mutation but the latter did not provide anything and Patwari's brother gave an application in the police station whereby he wanted the complainant to vacate the premises.

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Further, complainant said that instead of one mutation, there have been two different mutations with the same number (Appendix 3.1 and Appendix 3.2). One mutation (88682) is of **40 lakhs** (25/3/15) signed by Tehsildar, Girdawar and Patwari. The other mutation, with same number has a value of **29 lakhs** (31/12/15).

Moreover, he asked NOK for copy of the mutation but got a reply that such mutation has not been registered yet. (Appendix 4)

Further, Office Kanungo provided the real mutation. He says that mutation (88682) was registered on 4/3/15; then girdawar's spartal took place in 24/3/15. Then Shabbir (complainant's brother) went to the Tehsildar and claimed that the complainant was in jail and the wife did parda. Hence Tehsildar formed a commission headed by the Girdawar on 13/3/15.

Key Findings

1. The following 3 procedures were done on the same day:
 - I. Commission formed for mutation (Appendix 3.2.1)
 - II. Got their signatures (Appendix 3.2.2)
 - III. Sent the report back to Tehsildar (Appendix 3.2.3)
2. There is no documentary proof such as jail superintendent's report or stamp which proves that the seller was indeed in jail or not.
3. Further, mutation was verified on 31/12/15 i.e. after 9 months. (3.2.4) It can be argued that in order to avoid tax, he made another mutation worth 29 lakh instead of the actual mutation worth 40 lakh. Hence, Patwar Halqa entered the same mutation number i.e. 88686 having two different values on two different pages

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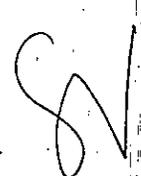
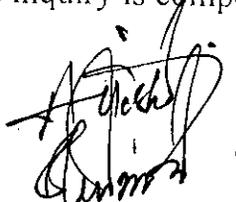
with same entries. Also, instead of the actual amount of 71 lakh, inteqal has the amount of 29 lakh.

4. Moreover, mutation was verified on 31/12/15 but Patwari issued Fard to his brother on 24/7/15. (Fard Appendix). Hence Fard was issued before attestation of same mutation.
5. Further, Patwari Halqa made the agreement between parties on 05/03/2015 on plain paper in spite of knowing that Land Record Manual (3-24) bars the government servant to indulge in such activities which can potentially raise a question mark on the performance and service of the employee.
6. As per report number 475 in Roznamcha Waqiyati; brother of the complainant (Shabbir) claims he is the mukhtiar of the complainant (Naseer) and his wife; there is no proof that Patwari verified that he is indeed the Mukhtiar; and requested to transfer property of 9 marla tamer shuda makaan (out of total property land: 24 kanal 13 marla) to Naeem Jahangiri's brother (Naseem Akhtar).

Recommendations

The findings suggest that Patwari Mr. Naeem Jehangiri is guilty of corruption, misconduct and inefficiency. Therefore, a major penalty, as per Section 4 (b) of Government Servants (Efficiency & Discipline Rules) should be levied on the guilty.

The inquiry is composed of (53) Pages.



(MUHAMMAD SHOJAIN VISTRO)
Assistant Commissioner,
Oghi

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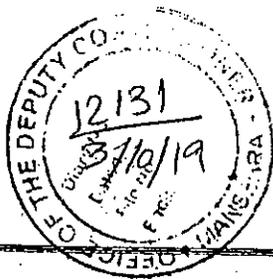
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Urgent



Divisional Complaint Cell
Office of the Commissioner
Hazara Division Abbottabad

No: DCC/M/Rev/ACR/CHD 5276-78
Dated Abbottabad: 26/09/2019

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To

✓ The Deputy Commissioner,
Manshehra.

ANN. "E" (P-20) (DK)
DC/M,
30/9/19

Subject: APPLICATION/COMPLAINT AGAINST NAEEM JEANGIRI PATWARI

Memo:

I am directed to enclose herewith a copy of self explanatory complaint/application subject by Mr. Naseer Khan S/o Gohar ur Rehman R/o Akbar Khan, Colony Near High School No. 2 for boys Chiti Dheri District Manshehra with the request to enquire into veracity of allegation leveled against the accused official and conclude a fact finding report within 30 days for perusal and further orders of the competent authority, please.

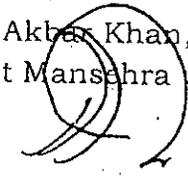

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Endst. No. & Date Even.

Copy forwarded for information to the:

1. PS to Commissioner, Hazara Division.
2. Mr. Naseer Khan S/o Gohar ur Rehman R/o Akbar Khan, Colony Near High School No. 2 for boys Chiti Dheri District Manshehra y/r to above.




Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

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Examiner.....

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CHARGE SHEET

ANN - F
P-21

I, Capt. (R) Aurangzaib Haider Khan, Deputy Commissioner Mansehra, as competent authority, hereby charge you, Mr. Muhammad Naeem Jehangri, Ex-Patwari Halqa-Mansehra No. 2, as follows:-

- i) That as per fact finding enquiry conducted by the Assistant Commissioner, Oghi and furnished report vide No. 2587/AC (Oghi), dated 30.10.2019, on the complaint of Mr. Naseer Khan S/O Gohar Rehman R/O Akbar Khan Colony Near High School No. 2 for boys Chitti Dehri Mansehra received from Divisional Complaint Cell, Office of the Commissioner, Hazara Division-Abbottabad vide No. DCC/M/Rev/ACR/CHD/5276-78, dated 26.9.2019, you while posted as Patwari Halqa Mansehra No. 2, on 04.03.2015 entered and completed mutation No. 88682 attested on 31.12.2015 vide report No. 475 of "Roznamcha Waqiyati" on the statement of Mr. Shabbir Khan (who was not owner of the house) regarding sale of house owned by the complainant (Mr. Naseer Khan) and his wife Mst. Nadia Naseer situated in Khasra No. 10568/4045 measuring 09 marlas of Revenue Estate, Mansehra in favour of your brother (Mr. Naseem Akhter S/O Mir Awaid Khan caste Swati Jehangri R/O Mansehra.
- ii) You provided two (برت پتوار) of mutations number 88682 having two different values one worth Rs. 2,900,000/- and second Rs. 4,000,000/- regarding sale of the above mentioned house in the name of your real brother Mr. Naseem Akhtar which is an open corruption and misconduct.
- iii) (برت پتوار) worth Rs. 4,000,000/- of the same mutation placed in file seems to be fake and is an attempt to cover the cost of house through ambiguous means and fall with the meaning of corrupt practices.
- iv) That you entered with an agreement (اقرارنامہ) in your own name of the said house on 05.03.2015 with the brother of complainant Mr. Shabbir Khan S/O Gohar Rehman (who was not owner of the house) in which the cost of house was fixed Rs. 7,100,000/-. It was agreed in the (اقرارنامہ) that half cost is to be paid soon while the rest would be paid later on. Another agreement was executed on 06.05.2015 by Shabbir Khan (who was not owner of the house) with Naseem Akhtar your real brother.
- v) In light of the above, you are liable to be proceeded against under the Khyber Pakhtunkhwa, E&D Rules-2011 on account of the charged mentioned above.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Khyber Pakhtunkhwa Government 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. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer.

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

5. Intimate whether you desire to be heard in person.

6. A statement of allegations and list of witnesses are enclosed.

(Capt. (R) Aurangzaib Haider Khan)
Deputy Commissioner
Mansehra

Dated 11/11/2019

No. 19390-93 /AE

Copy forwarded to:-

1. The Commissioner, Hazara Division-Abbottabad with reference to his office letter No. DCC/M/Rev/ACR/CHD/5276-78, dated 26.9.2019 for information please.
2. The AC Mansehra alongwith copy of relevant record to conduct inquiry against the accused official and furnish finding within 30-days positively to this office for further necessary action.
3. The District Kanungo, Local Office with the direction to assist the Inquiry Officer.
4. Mr. Muhammad Naeem Jehangri, Patwari for necessary action.

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P. 22
DISCIPLINARY ACTION

I, Capt. (R) Aurangzaib Haider Khan, Deputy Commissioner, Manshira, as competent authority, am of the opinion that Mr. Muhammad Naeem Jehangri, Ex-Patwari Halqa-Manshira No.2 has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i) That as per fact finding enquiry conducted by the Assistant Commissioner, Oghi and furnished report vide No. 2587/AC (Oghi), dated 30.10.2019, on the complaint of Mr. Naseer Khan S/O Gohar Rehman R/O Akbar Khan Colony Near High School No. 2 for boys Chitti Dehri Manshira received from Divisional Complaint Cell, Office of the Commissioner, Hazara Division-Abbottabad vide No. DCC/M/Rev/ACR/CHD/5276-78, dated 26.9.2019, he while posted as Patwari Halqa Manshira No. 2, on 04.03.2015 entered and completed mutation No. 88682 attested on 31.12.2015 vide report No. 475 of "Roznamcha Waqiat" on the statement of Mr. Shabbir Khan (who was not owner of the house) regarding sale of house owned by the complainant (Mr. Naseer Khan) and his wife Mst. Nadia Naseer situated in Khasra No. 10568/4045 measuring 09 marlas of Revenue Estate, Manshira in favour of his brother (Mr. Naseem Akhter S/O Mir Awaid Khan caste Swati Jehangri R/O Manshira.
- ii) He provided two (پرت پٹوار) of mutations number 88682 having two different values one worth Rs. 2,900,000/- and second Rs. 4,000,000/- regarding sale of the above mentioned house in the name of his real brother Mr. Naseem Akhtar which is an open corruption and misconduct.
- iii) (پرت پٹوار) worth Rs. 4,000,000/- of the same mutation placed in file seems to be fake and is an attempt to cover the cost of house through ambiguous means and fall with the meaning of corrupt practices.
- iv) That he entered with an agreement (اقرارنامہ) in his own name of the said house on 05.03.2015 with the brother of complainant Mr. Shabbir Khan S/O Gohar Rehman (who was not owner of the house) in which the cost of house was fixed Rs. 7,100,000/-. It was agreed in the (اقرارنامہ) that half cost is to be paid soon while the rest would be paid later on. Another agreement was executed on 06.05.2015 by Shabbir Khan (who was not owner of the house) with Naseem Akhtar his real brother.
- v) In light of the above, he is liable to be proceeded against under the Khyber Pakhtunkhwa, E&D Rules-2011 on account of the charged mentioned above.

2. For the purpose of inquiry against the said accused official with reference to the above allegations, an inquiry Officer, named below, is appointed under Rule 10 (1) (a) of the ibid Rules:-

The AC Manshira

3. The Inquiry Officer shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record his findings and make within 30-days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

[Signature]

ATTESTED

[Signature]
Deputy Commissioner
Manshira

Examiner

Date

09/03
2020

(10/11)

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**LIST OF WITNESSES U/S 10(2) OF THE KHYBER PAKHTUNKHWA,
GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 2011.**

Inquiry against Mr. Muhammad Naeem Jehangri, Ex-Patwari Halqa-Mansehra No. 2

S# **Name of Witnesses**

1. District Kanungo, Local office, representative on behalf of Department alongwith relevant record.
2. The then Revenue Officer Circle, Mansehra.
3. The then Girdawar Circle Mansehra.
4. Muhammad Naeem Jehangri accused Patwari.
5. Naseer Khan S/O Gohar Rehman R/O Akbar Colony Near High School No. 2 for Boys, Chitti Dehri, Mansehra (complainant).
6. Mst. Nadia Naseer Khan D/O Abdul Qayyum wife of Naseer Khan R/O Akbar Colony Near High School No. 2 for Boys, Chitti Dehri, Mansehra.
7. Present Patwari Halqa Mansehra No. 2 alongwith relevant record.
8. Office Kanungo, Mansehra alongwith mutation No. 88682 attested dated 31.12.2015 Revenue Estate, Mansehra.
9. Naseem Akhtar S/O Mir Awaid Khan R/O Muhallah Sadiqabad Chitti Dehri, Mansehra.
10. Shabbir Khan S/O Gohar Rehman R/O Dab No. 1, Mansehra.
11. Malik Zahid Khan S/O Malik Muhammad Khalid R/O Dab, Mansehra.
12. Zaheer Khan S/O Gohar Rehman R/O House No. 981 Muhallah Dab No. 1, Mansehra.
13. Abdul Waheed S/O Haji Aziz-ur-Rehman Khan Swati R/O Thakra, Mansehra.
14. Moulana Shahid, Khateeb Jamia Masjid Chitti Dehri, Mansehra.
15. Moulana Faiz-ul-Bari, Khateeb Jamia Masjid Sonehri, Baidra Chowk, Mansehra.
16. Haji Abdullah S/O Haji Khalid R/O Muhallah Dab No. 1, Mansehra.
17. Malik Ehtesham Ali, Member District Council, City Mansehra.
18. Basharat Ahmad Khan, Advocate, District Mansehra.
19. Sahibzada Mian Tufail Ahmad S/O Sahibzada Ghulam Sarwar R/O Banda Lal Khan, Mansehra.
20. Any other witness if deem necessary by the Inquiry Officer during inquiry proceedings.

ATTESTED

**Deputy Commissioner
Mansehra**

Examiner.....

Date.....

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ANN H
P-26
The Worthy Assistant Commissioner/Inquiry Officer,
Mansehra.

Subject: - CHARGE SHEET.

The Honorable Deputy Commissioner Mansehra / competent authority was pleased to entrust you the charge sheet in respect of accused applicant/official vide endorsement No. 29390-93 /AE dated 11-11-2019 which was served to me for reply/written defence.

In this connection, it is submitted that the inquiry has been initiated on the application of Mr. Naseer Khan S/o Gohar Rehman R/o Akbar Khan Colony Mansehra which has now been converted into disciplinary proceeding under E&D rules 2011. The complainant Mr. Naseer Khan in his application has agitated the issue of **enforcement of Civil Rights**.

In this connection, it is supplicated that the complainant with same facts instituted the Civil Suit in the Civil Court Mansehra. the copy of Civil Suit and decision of Trial Court is annexed as annexure-A. The Civil Court rejected the plea of the plaintiff as evident from annexure-A. He being aggrieved by the order of the Trial Court preferred an appeal against the impugned order before the Appellate Court (District and Sessions Judge Mansehra). The said Appellate Court also maintained the decision of the Trial Court. Attested copy of appeal and decision of the Honourable District and Session Judge is annexed as annexure-B. The applicant has now filed the civil revision before the August Court Abbottabad which is at subjudice stage. Copy of Revision Petition and High Court order is annexed as annexure-C.

Since, the said issue is pending for decision before the Honourable Court Circuit Bench Abbottabad, the decision of the August Court would ultimately prevail, therefore during the currency of the same case before the High Court, no proceedings can be initiated against the official concerned.

It is requested that till the conclusion of the case pending before the Honourable High Court, the instent disciplinary proceedings against the official may be stopped as no parallel proceedings can run simultaneously.

g m a
NAEEM JEHANGIRI
Ex-Patwari Mansehra



**OFFICE OF THE
ASSISTANT COMMISSIONER
MANSEHRA**

ANN I (Page 12)

No. 94 /P-2/AC(M)

Dated 3 /01/2020

AE
7m
DC/M,
06/01
2020

To

The Deputy Commissioner,
Mansehra.

Subject:-

CHARGE SHEET.



Please refer to your endorsement No. 19390-93/AE, dated 11-11-2019 vide which the undersigned has been appointed as enquiry officer in order to probe out the allegations against Mr. Muhammad Naeem Jehangri, Ex-Patwari Halqa Mansehra-02.

In this regard an enquiry was conducted by the undersigned. The following individuals were called in my office for inquiry proceedings and recorded their statements.

- 1- Mr. Ejaz Ahmad, then then Revenue Officer now posted at Abbottabad.
- 2- Mr. Muhammad Azeem Khan, the then Kanungo Circle Mansehra.
- 3- Mr. Muhammad Naeem Jehangri, accused Patwari.
- 4- Mr. Naseer Khan s/o Gohar Rehman R/O Akbar Colony near Govt: Boys High School NO.02 Chitti Dehari Mansehra.
- 5- Mst: Nadia Naseer Khan D/O Abdul Qayyum wife of Naseer Khan R/O Akbar Colony near High School No.02 for Boys Chitti Dehari Mansehra.
- 6- Present Patwari Halqa City No.02 Mansehra.
- 7- Office Kanungo Mansehra.
- 8- Mr. Naseem Akhtar s/o Mir Awaid Khan R/O Mohallah Siddiqabad Chitti Dehari Mansehra.
- 9- Mr. Shabbir Khan s/o Gohar Rehman R/O Dab No.01 Mansehra.
- 10- Malik Zahid Khan s/o Malik Muhammad Khalid R/O Dab Mansehra.
- 11- Mr. Zaheer Khan S/O Gohar Rehman R/O House No. 981 Mohallah Dab No.01 Mansehra.
- 12- Mr. Abdul Waheed s/o Haji Azizur Rehman Khan Swati R/O Thakra Mansehra.
- 13- Moulana Shahid, Khatteb Jamia Masjid Chitti Dehari Mansehra.
- 14- Moulana Faiz-ul-Bari, Khateeb Jamia Masjid Sonehri, Baidra Chowk, Mansehra
- 15- Haji Abdullah s/o Haji Khalid R/O Mohallah Dab No.01 Mansehra.
- 16- Malik Ehtisham Ali, Ex-Member District Council Mansehra.
- 17- Mr. Basharat Ahmad Khan, Advocate District Mansehra.
- 18- Mr. Shaibzada Mian Tufail Ahmad S/O Sahibzada Ghulam Sarwar R/O Banda Lal Khan Mansehra.

ATTESTED

Examiner.....

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09/01/2020

1) STATEMENT OF MR. NAEEM JEHANGRI ACCUSED PATWARI.

Mr. Naeem Jehangiri, accused Patwari has furnished his written statement, wherein he stated that inquiry has been initiated on the application of Mr. Naseer Khan s/o Gohar Rehman R/O Akbar Khan Colony Mansehra which has now been converted into disciplinary proceedings under E&D rules 2011. The complainant Mr. Naseer Khan in his application has agitated the issue of enforcement of Civil Rights. He further stated that complainant with the same facts instituted the Civil Suit in the Court of Senior Civil Judge Mansehra. The Civil Court rejected the plea of the plaintiff vide judgment of Civil Judge-VIII Manserha dated 29-07-2016. The complainant being aggrieved preferred an appeal against the impugned order before the Appellate Court (District & Sessions Judge Manshra). The said Appellate Court also maintained the decision of the Trial Court vide judgment of Additional District Judge-IV Mansehra dated 27-10-2019. The complainant being aggrieved filed the civil revision before the August Peshawar High Court, Abbottabad Bench vide C.R.NO.343-A/2017 vide order sheet of August Peshawar High Court, Abbottabad Bench dated 31-01-2018.

He further stated that since, the said issue is pending for decision before the Honourable Peshawar High, Abbottabad Bench, the decision of the August Court would ultimately prevail, and therefore during the currency of the same case before the High Court, no proceedings can be initiated against him. He also prayed that the above disciplinary proceedings may be stopped till the decision of case from the Honourable Peshawar High Court, Abbottabad Bench. Statement of Mr. Naeem Jehangiri, accused Patwari is enclosed along with its enclosures is enclosed as Annexure "A".

2- STATEMENT OF MR. NASIM AKHTAR S/O MIR AWALD KHAN R/O MOHALLAH SADIQ ABAD MANSEHRA

Mr. Nasim Akhtar s/o Mir Awaid Khan R/O Mohallah Sadiq Abad Mansehra furnished his written statement, wherein he stated that as per agreement "Iqrarnama" he purchased land measuring 01 Kanal and 02 Marlas including built up house located on said land over an area of 09 Marlas. The said transaction was

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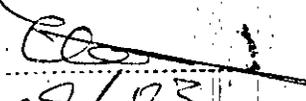
made through Mr. Shabir Khan who is real brother of Mr. Naseer Khan, as the Naseer Khan was in District Jail Mansehra. He personally met with Mr. Naseer Khan in Jail. Meanwhil mutation No. 88682 with regard to purchase of house located over an area of 09 Marlas was entered and after payment of Rs: 29,00,000/- , the statement of complainant as well as his wife were recorded. At the time of recording of statement, the complainant was released from District Jail and present in his house. Remaining area measuring 13 Marlas was not in the name of complainant, the said area was in the name of another person. As a result of which a dispute arose between both the parties. In order to resolve the issue, a Jirga consisting upon prominent and Ulemah, of the area was held on 16-08-2015. The decisions of Jirga was prepared in written form on 17-08-2015, wherein the complainant had admitted that he would return the received amount of Rs: 29,00,000/- upto 16-12-2015. In case of failure, he (complainant) would deliver the possession of house in question. He further elaborated that the complainant had failed to return back amount of Rs: 29,00,000/- and filed a case against Mr. Amir Awaid, Naeem Jehangiri and Mr. Shabir Khan in Civil Court. The Civil Judge-VIII Mansehra had given several chances to the complainant to return Rs: 29,00,000/- but the complainant did not obey the orders of Civil Court. As a result of which the learned Civil Judge-VIII Mansehra has dismissed the case of complainant vide judgment dated 29-07-2019. Feeling aggrieved the complainant preferred an appeal against the judgment of Civil Judge-VIII Mansehra in the Court of learned Additional District & Sessions Judge-IV Mansehra for seeking remedy but the Additional District Judge-IV Mansehra has dismissed the appeal of complainant. Feeling further aggrieved, the complainant filed a revision petition before the August Peshawar High Court, Abbottabad Bench vide CR.No.243-A/2017. The case is subjudice before the August Peshawar High Court, Abbottabad Bench. Statement of Mr. Nasim Akhtar s/o Mir Awaid Khan is enclosed along-with its enclosures as Annexure "B".

3-

STATEMENT OF MR. MUHAMMAD RIAZ OFFICE KANUNGO MANSEHRA.

Mr. Muhammad Riaz Office Kanungo Mansehra has furnished his statement and produced original mutation No. 88682 dated 31-12-2015 of Mouza Mansehra-2 and also submitted copy of the same for inquiry proceedings. Statement of Mr. Muhammad Riaz Office Kanungo Mansehra is enclosed along-with its enclosure as Annexure "C".

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 Date: 09/03/2020

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4- STATEMENT OF MR. MUHAMMAD AZEEM KHAN, THE THEN KANUNGO CIRCLE MANSEHRA-I (NOW RETIRED FROM SERVICE).

Mr. Muhammad Azeem Khan, Ex-Kanungo Circle Mansehra has furnished his written statement, wherein he stated that he recorded statement of Mr. Naseer Khan s/o Gohar Rehman Caste Tanoli and Mst: Nadia Naseer Khan D/O Abdul Qayyum (wife of Naseer Ahamad Khan) Caste Tanoli in presence of witnesses i.e. Zaheer Ahmad Khan s/o Gohar Rehman Khan and Shabir Ahmad Khan s/o Gohar Rehman Khan with regard to enter mutation No. 88682 dated 04-03-2015, which is correct and based on facts. He also produced a copy of the said mutation. Statement of Mr. Muhammad Azeem Khan, Ex-Kanungo Circle Mansehra-I is enclosed as Annexure "D"

5- Joint Statement of Mr. Basharat Khan Advocate, Haji Abdullah s/o Haji Khalid, Mounala Shahid, Khatteb Jamia Masjid Chitti Dehari Mansehra, Shabir Khan s/o Gohar Rehman including Jirga Members Mr. Zahid Khalid Principal Fatima-uz-Zohra Postgraduate College Mansehra, Zaheer Khan s/o Gohar Rehman was recorded, wherein they stated on oath that there was a dispute between Naseer Khan s/o Gohar Rehman and Nasim Akhtar s/o Mir Awaid Khan regarding a house located at Chitti Dehari Mansehra. A Jirga was held on the will of both the parties. The decisions between both the parties was mentioned in written form in Iqrarnama dated 16-08-2015 whereon the members of Jirga have correctly affixed their signatures. The decision of Jirga dated 16-08-2015 is cent percent correct. Joint statement of above individuals is enclosed as Annexure "E".

6- STATEMENT OF MR. MUHAMMAD SARFARAZ ABBASI PATWARI HALQA CITY NO.02 MANSEHRA

Mr. Muhammad Sarfaraz Abbasi, Patwari Halqa City No.02 Mansehra appeared before the undersigned on 05-12-2016 and produced copy of "Part Patwar" of mutation No. 88682 dated 31-12-2015. Statement of Mr. Muhammad Sarfaraz, Patwari Halqa City No.02 Mansehra is enclosed along-with its enclosure as Annexure "F".

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Date..... 09/12/2020

7. JOINT STATEMENT OF MR. NASEER KHAN S/O GOHAR REHMAN KHAN AND MST: NADIA NASEER KHAN D/O ABDUL QAYYUM (WIFE OF NASEER KHAN) RESIDENTS OF CHITTI DEHARI MANSEHRA.

Mr. Naseer Khan s/o Gohar Rehman Khan and Mst: Nadia Naseer Khan have furnished joint statement wherein they stated that:-

- An application was moved on 24-12-22018 with regard to inquiry on mutation No. 88682, which was subsequently sent to the Assistant Commissioner Oghi for inquiry.
- Mutation No. 88682 has been attested on two separate papers with different value from which it is crystal clear that mutations are fake and baseless. The said practice was an attempt to deprive them from their landed property. Hence, the said mutations may be cancelled.
- On the basis of inquiry conducted by Assistant Commissioner, Oghi Mr. Naeem Jehangiri Patwari has been charge sheeted.
- The Assistant Commissioner, Oghi has also recommended major punishment for the Patwari concerned.
- The mutation No. 88682 dated 31-12-2015 was got attested by Naeem Jehangiri Patwari while "Fard" in this respect was issued on 24-07-2015. Similarly a report was registered against him in concerned Police Station on the basis of said mutation and Fard, He further mentioned that he was kept behind the bar thrice without any solid reason by the opponent party.
- He also mentioned that he has never made any transaction with Mr. Naeem Jehangiri Patwari. The Patwari concerned has tried to deprive him from his valuable property in collusion with his real brother. He also prayed that he is poor person and the opponent party i.e. Naeem Patwari etc are threatening him and want to possess his house.

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- He also requested for the cancellation of above mutations as per inquiry conducted by Assistant Commissioner, Oghi and to take disciplinary action against the Patwari concerned on account of above reason.

Joint statement of Muhammad Naseer Khan and Mst. Nadia Naseer Khan is enclosed as Annexure "G".

STATEMENT OF MALIK EHTISHAM ALI, EX-MEMBER DISTRICT COUNCIL MANSEHRA.

Statement of Malik Ehtisham Ali Ex-Member District Council Mansehra was recorded on 03-12-2019, wherein he stated that a Jirga was held on 16-08-2015 at the residence of Mr. Ali Asghar Swati R/O Chitti Dehari Mansehra with regard to resolve the dispute of house between M/S Naseer Khan s/o Gohar Rehman and Naeem Jehangiri s/o Mir Awaid Khan. He further mentioned that he himself was present in the said Jirga and also at the time of writing of stamp paper. Mr. Naseer Khan was given oath on Holy Quran that he will return the received amount of Rs: 29,00,000/- to Naeem Jehangiri upto 16-12-2015 and Naeem Jehangiri Patwari will responsible to return back mutation in the name of complainant. In case of failure, Mr. Naseer Khan will responsible to deliver possession of house in question to Mr. Naeem Jehangiri, Patwari. Statement Malik of Ehtisham Ali, Ex-Member District Council Mansehra is enclosed as Annexure "H".

STATEMENT OF MR. EJAZ AHMAD, THEN THEN REVENUE OFFICER (NOW POSTED AS TEHSILDAR ABBOTTABAD)

MR. Ejaz Ahmad, the then Revenue Officer Manserha now posted as Tehsildar Abbottabad has furnished his written statement on 11-12-2019, wherein he stated that he as a Revenue Officer circle attested the mutation No. 88682 on 31-2-2015 on the basis of report of Ahl-e-Commission dated 13-03-2015 and report No.475 in Jalsa-e-Aam on 31-12-2015. The said mutation was commissioned by his predecessor on 03-03-2015. He also mentioned that "Part Sarkar" was sent to RRG and similarly "Part Sarkar" of said mutation was approved as per law. Besides this, another "Part Patwar" as mentioned may be considered as against the law. Statement of Ejaz Ahmad, then Revenue Officer Mansehra now Tehsildar Abbottabad is enclosed as Annexure "I".

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 Date..... 09/03/2020

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STATEMENT OF MR. SHABIR KHAN S/O GOHAR REHMAN R/O DAB
NO.1 TEHSIL AND DISTRICT MANSEHRA.

Mr. Shabir Khan s/o Gohar Rehman Khan R/O Dab No.01 Mansehra has furnished his written statement on 23-12-2019, wherein he stated that:-

- The complainant viz Naseer Khan is his real brother and the complainant had taken loans from different people and issued cheques to the concerned individuals. The cheques were not cashed within fixed time. As a result of which the concerned people registered FIR against (complainant) in Police Station City Mansehra. After proceedings in Civil Court, the complainant was sent to District Jail on account of non-payment of loan.
- The complainant called him time and again from District Jail Mansehra as the complainant was his real brother. He met him in District Jail Mansehra. The complainant was in very awkward position and requested him for selling of complainant's house located in Chitti Dehari Mansehra, so as the payment could be made to the concerned individuals. During the course of meeting with the complainant at District Jail Mansehra, the complainant also informed that a deal regarding sale of house in question has since been made with Mr. Nasim Akhtar s/o Mir Awaid Khan and also requested him to contact with the said person with regards to sale of complainant's house. Hence, as per will and request of complainant he contacted with Mr. Nasim Akhtar s/o Mir Awaid Khan and executed an agreement worth Rs: 71,00,000/- on account of sale of land measuring 01 Kanal and 02 Marlas including built up house, which was constructed over an area of 09 Marlas in said land.
- Rs: 12,00,000/- through cheque was received as earnest money. After execution of above agreement relevant revenue record was checked in Patwarkhana and found that there is only 09 Marlas constructed house in the name of complainant and his wife and remaining 12 Marlas land was not the ownership of complainant. It was also cleared from the Revenue Record that land measuring 4 ½ was also mortgaged by the complainant. As per request of complainant the said mortgaged land was also retrieved after payment to the mortgagee. After clearance the land measuring 09 Marlas was transferred in the name of Mr. Nasim Akhtar s/o Mir Awaid Khan after completion of all codal formalities.

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09/12/2019



- In order to clear the above entered mutation, the concerned Revenue Officer had appointed the then Kanungo Circle as Ahle-Commission. The concerned Kanungo Circle recorded statement of complainant and his wife at the house of complainant as the complainant had released from District Jail on that day. The complainant had received Rs: 17,00,000/- through cheque and made payment to the concerned individuals. The remaining land measuring 13 Marlas was in the name of another person. Thus, it was decided that the balance amount would be paid at the time of mutation of said remaining land. Meanwhile measurement of land including above house was carried out and land measuring 02 marlas was found less. As a result of which Rs: 4,00,000/- was decreased and decided/fixed Rs: 67,00,000/- as transaction amount.
- After passage of time, the complainant has started delaying tactics to defer the above transaction. A grand Jirga of notables and Ulemah was held in order to resolve the issue. The complainant himself admitted before the Jirga regarding receipt of Rs: 29,00,000/- and also took an oath on Holy Quran that he would return the said amount within 04 months otherwise the possession of house will be delivered to Mr. Nasim Akhtar. In this context, the said commitment was prepared in written form on 17-08-2015, which is intact in relevant record.

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The complainant had neither returned the amount of Rs: 29,00,000/- to the vendee nor delivered possession of house in question and ultimately refused to return the said amount to the concerned vendee. Meanwhile, the complainant filed a civil suit in the Civil Court. The Civil Court has examined the case in detail and directed the complaint to return amount of Rs: 29,00,000/-, so that the mutation in question could be withdrawn and also awarded several chances to the complainant for the purpose, but the complainant has failed to comply with the court orders. As a result of which the learned Civil Court has dismissed the said case. Feeling aggrieved, the complainant filed an appeal in the Sessions Court, which was also rejected by the Additional District & Sessions Judge-IV Mansehra. Now the complainant has filed revision appeal/petition before the Honourable Peshawar High Court, Abbottabad Bench, which is under trial as yet.

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Date: *09/03/2020*

- He further stated that complainant is a deceiver person who had issued a lot fake cheques to various individuals, on the basis of which he was given imprisonment and sent to District Jail Mansehra. The complainant illegally entangled him including vendee and Patwari concerned in various cases without any solid reason.
- He also mentioned that being brother of complainant he had resolved the issues of complainants sympathetically. Therefore, the above complaint/case of complainant is totally baseless. The mutation in question has correctly been attested by the concerned Revenue Officer. The complainant is his brother and is disobeyer of his mother due to which all family members have disconnected their relations with the complainant. Statement of Mr. Shabir Khan s/o Gohar Rehman R/O Dab No.02 Mansehra/ Chairman Zakat Committee Mohallah Dab City No.04 Mansehra is enclosed as Annexure "J".

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JOINT STATEMENT OF MOULANA FAIZUL BARI, KHATEEB JAMIA MASJID SUNHERI BAIDRA CHOWK MANSEHRA AND SHAIB ZADA MIAN TUFAIL AHMAD R/O BANDA LAL KHAN MANSEHRA.

Mounala Faizul Bari, Khateeb Jamia Masjid Sunheri Baidra Chowk and Sahibzada Mian Tufail Ahmad R/O Banda Lal Khan Mansehra have also furnished their joint statement, wherein they stated that they are witnesses of "Iqrarnama"/agreement executed on 17-08-2015, which is correct and Naseer Khan has failed to comply with the said agreement. Statement of Mounala Faiz Bari and Mian Tufail Ahmad is enclosed as Annexure "K".

FINDINGS.

The undersigned has gone through the above statements, inquiry report conducted by Assistant Commissioner Oghi, Civil Courts judgments, all record placed on file and reached to the conclusion that:-

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 Examiner *[Signature]*
 Date 09/23
2020

1- Mr. Naeem Jehangiri, the then Patwari Halqa City No.02 Mansehra had recorded the statement of Mr. Shabir Khan in "Roznamcha Waqiyati" as per will of vendors, wherein Mr. Shabir Khan claimed as "Mukhtiar" of the complainant (Naseer Khan) and his wife but the Patwari concerned has failed to check/verify the "Mukhtiarname", Hence, the Patwari concerned was bound to enter the mutation in presence of both buyers and sellers.

2- The Patwari concerned have also issued two "Part Patwar" of mutations number 88682 having two different values i.e. one worth Rs: 29,00,000/- and second Rs: 40,00,000/- regarding sale of house in question in the name of his real brother viz Mr. Nasim Akhtar which is against the law and laid down procedure.

3- As per "Iqrarnama" on the basis of Jirga held on 16-08-2018 executed between both the parties on 17-08-2018, wherein the complainant had admitted that he would return amount of Rs:29,00,000/- within 04 months and also took oath on Holy Quran for the same but the complainant had failed to return the amount in question and filed a suit against M/S Naseem Akhtar, Naeem Jehangiri sons of Mir Awaid Khan, Revenue Officer Circle Mansehra, Kanungo Circle, Patwari Halqa and Sub Registrar Mansehra. The Civil Judge-VIII Manssehra during the course of proceedings has given numerous opportunities to the complainant to deposit amount of Rs: 29,00,000/- but the complainant failed to comply with the court orders. As a result of which the learned Civil Judge-VIII Mansehra has dismissed the suit of complainants for non-compliance of the court orders. Photo copy of judgment of learned Civil Judge-VIII Manserha is enclosed as Annexure "L"

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4- Feeling aggrieved the complainant filed an appeal against the above judgment before the learned Sessions Court. The learned Additional District Judge-IV Mansehra has dismissed the said appeal and impugned judgment and decree of the learned trial Court has been left unscathed. Photo copy of judgment of Additional District Judge-IV Mansehra dated 27-10-2017 is enclosed as Annexure "M".

5- Being aggrieved the complainant has also filed a revision petition before the August Peshawar High Court, Abbottabad Bench. Photo copy of said petition along-with order sheet of Honourable Peshawar High Court, Abbottabad Bench dated 31-01-2018 is enclosed as Annexure "N".

ATTESTED

Examiner: *[Signature]*
Date: *09/05/2020*



- 6- As per "Iqrarnama" on the basis of Jirga held on 16-08-2015 executed between Naseer Khan (complainant) and Nasim Akhtar s/o Mir Awaid Khan on 17-08-2015, judgments of Civil Judge-VIII Mansehra dated 29-07-2019, learned Additional District Judge-IV Mansehra and statement of Mr. Shabir Khan (real brother) of complainant, the complainant was required to return the amount of Rs: 29,00,000/- but he has failed to return the same for the last 05 years without any solid reason as he has already admitted the same in above Jirga and Civil Court.
- 7- There is contradiction in the complaints and statements of complainant. Therefore, complainant was bound to return the amount of Rs: 29,00,000/- to the concerned vendee within time frame but he has failed to do so despite clear cut direction of Civil Court as well as commitment in the "Iqrarnama" and oath on Holy Quran.

RECOMMENDATIONS

In view of above, it is recommended that:-

- 1- Mr. Naeem Jehangiri, the then Patwari Halqa City No.02 Mansehra has committed irregularities vide para No. 01 and 02 of findings section. Hence, disciplinary action on account of above lapses/irregularities is required to be initiated against him. Thus, liable to be proceeded against under E&D Rules 2011.
- 2- There is contraction in the complaints/ statements of Mr. Naseer Khan s/o Gohar Rehman Khan as the complainant claimed that he did not receive a single penny on one hand while on the other hand he admitted/agreed in Jirga as well as in the Civil Courts to return the amount of Rs: 29,00,000/- to Mr. Nasim Akhtar s/o Mir Awaid Khan detail of which has already been explained in findings section of the instant inquiry. Thus, the plea of complainant is not based on facts; therefore he may also be proceeded under the law on account of above contradictory statements and non-compliance of Jirga and Civil Courts decisions.

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ATTESTED

Examined by: [Signature]
Date: 09/03/2020



Besides above recommendations, it is pertinent to mention that as per record placed on file the subject case is also subjudice in the Honourable Peshawar High Court, Abbottabad Bench but no notice/status-quo in this respect has been issued by the Honourable Court so far in the instant case.

Inquiry file containing 112 pages is enclosed for favour of further necessary action in the light of above report please.

Dilal
ASSISTANT COMMISSIONER,
MANSEHRA

ATTESTED

Examined *[Signature]*
Date *09/03/2020*

Attested
[Signature]

OFFICE OF THE DEPUTY COMMISSIONER MANSEHRA

No. 548 /AE

Dated 10 /01/2020

To

The Assistant Commissioner,
Mansehra/Inquiry Officer.

ANN J
P. 37

Subject:

CHARGE SHEET.

Reference inquiry report vide No.94/P-2/AC(M) dated 03.01.2020 in the subject charge sheet.

The original enquiry file containing 112 pages received vide your letter under reference is returned herewith (in original).

Perusal of the same revealed that as per findings of the enquiry report, the allegations have been proved, but penalty(s) in the recommendation is lacking.

Please also take into consideration allegation No.IV of the charge sheet/statement of allegations and furnish complete inquiry report keeping in view the provision of E&D Rules 2011 at the earliest for further course of action.

[Signature]
Deputy Commissioner
Mansehra

ATTESTED

Examined *[Signature]*

Date 09/03
2020

[Signature]
[Signature]

~~MANSEHRA~~



OFFICE OF THE
ASSISTANT COMMISSIONER
MANSEHRA

ANN K
P-38
AR

No. 599 /P-2/AC(M)
Dated 16 /01/2020

FM

DC. Manshra
20-1-20

To: The Deputy Commissioner,
Mansehra.

Subject:- CHARGE SHEET.

Kindly refer to your letter No. 548/AE dated 10-01-2020 on the subject cited above.

It is submitted that in compliance with above quoted letter, the undersigned has re-examined all relevant record placed on inquiry file viz-a-viz charge sheet and allegations levelled against Mr. Nacem Jehangiri, former Patwari Halqa City No.02 Manshra, also requisitioned original agreement executed on 05-03-2015 between M/S Shabir Khan and Muhammad Nacem, Ex-Patwari Halqa City No.02 Mansehra regarding sale of house of complainant and reached to the conclusion that:-

- 1- From the perusal of inquiry conducted by the Assistant Commissioner, Oghi and statement of allegations levelled against the accused official, it has also been observed that besides "Iqrarnama" executed between the parties on affidavit dated 17-08-2015, another agreement between M/S Shabir Khan (real brother) of complainant and Nacem Jehangiri was also executed on plain paper on 05-03-2015, which reveals that the Patwari concerned was directly involved in the above transaction which is against the law and violation of Land Record Manual (3-24). Being Government Servant, the accused official was not authorized to involve himself in above transaction. Therefore, the allegation/charge levelled against the accused official vide serial No. (iv) of charge sheet/statement of allegations has been proved against the Patwari concerned.

Assistant Commissioner
Mansehra
16-01-2020

ATTESTED

Examined: _____
Date: 09/03
2020

RECOMMENDATIONS

In view of above, it is recommended that:-

- 1- Mr. Naeem Jehangiri, the then Patwari Halqa City No.02 Mansehra has committed irregularities as already explained in finding section para No. 1 & 2 vide this office Inquiry Report No.94/P-2/AC (M) dated 03-01-2020, which have been proved against him. Likewise, allegation/charge levelled against him vide serial No. (iv) of the charge sheet/statement of allegations has also been proved against him in the instant report. Hence, major penalty may be imposed upon him on account of above lapses/irregularities under Section 4 (b) of Government Servants (Efficiency & Discipline Rules) 2011.
- 2- There is contraction in the complaints/statements of Mr. Naseer Khan s/o Gohar Rehman Khan as the complainant claimed that he did not receive a single penny on one hand while on the other hand he admitted/agreed in Jirga as well as in the Civil Courts to return the amount of Rs: 29,00,000/- to Mr. Nasim Akhtar s/o Mir Awaid Khan detail of which has already been explained in findings section of Inquiry Report vide this office No.94/P-2/AC (M) dated 03-01-2020. Thus, the plea of complainant is not based on facts; therefore he may also be proceeded under the law on account of above contradictory statements and non-compliance of Jirga and Civil Courts decisions.

Inquiry file received with above quoted letter is returned herewith (in original) for favour of further necessary action please.

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ATTESTED

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**ASSISTANT COMMISSIONER,
MANSEHRA.**

Examined.....

Date.....

*09/03
2020*

[Faint stamp: Assistant Commissioner Mansehra]

1-20

SHOW CAUSE NOTICE

ANN

2 P. 60

I, Capt. (R) Aurangzaib Haider Khan, Deputy Commissioner Mansehra, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Muhammad Naeem Jehangri, the then Patwari Halqa Mansehra No.2 as follows:-

- i. That consequent upon the completion of Inquiry conducted against you by the Assistant Commissioner, Mansehra/Inquiry Officer received vide No. 94/P-2/AC(M) dated 03.10.2020 and No.599/P-2/AC(M), dated 16.01.2020 for which you were given opportunity of hearing.
And
 - ii. On going through the findings/ recommendations of the Inquiry Officer, the material on record and other connected papers including your defence before the Inquiry Officer.
2. I am satisfied that you have committed the following acts/omissions specified in Rule-3 of the said Rules:
- a) Misconduct.
 - b) Corruption.
3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the Major penalty under Rule-4 of the Khyber Pakhtunkhwa, Government Servants (E&D Rules-2011).
4. You are, therefore, required to Show Cause as to why the aforesaid penalty(s) should not be imposed upon you and also intimate whether you desire to be heard in person.
5. If no reply of this Notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
6. A copy of the findings of Inquiry Officer vide No. 94/P-2/AC(M) dated 03.01.2020 and No.599/P-2/AC(M), dated 16.01.2020 are enclosed.

[Handwritten signature]

No. 1749 /AE,

[Handwritten signature]
Deputy Commissioner
Mansehra

Dated 30 /01/2020

Copy of above alongwith enquiry reports to Muhammad Naeem Jehangri, the then Patwari Halqa Mansehra No.2, Tehsil, Mansehra

ATTESTED

[Handwritten signature]
Deputy Commissioner
Mansehra

Examiner.....
Date..... 09/03
2020

To,

The Honorable Deputy Commissioner,
Mansehra.

Subject: - REPLY TO SHOW CAUSE NOTICE.

Respected / Benign Esquire,

Kindly refer to the subject noted above and to submit that I have received a show cause notice bearing endorsement No. 1749/AE dated 30.01.2020 on 03.02.2020 from your goodself office.

A perusal of worthy show cause notice divulged that I have committed the acts of

- a) Misconduct.
- b) Corruption.

In this connection, a relevant definitions of **Misconduct and Corruption** as provided in Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 are reproduced for favor of perusal of the competent authority / podium of Justice.

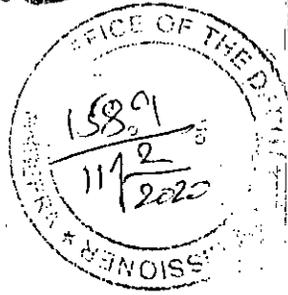
(g) Corruption means:

- i. Accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act, or
- ii. Dishonestly or fraudulently misappropriating or indulging in embezzlement or misusing Government property or resources, or
- iii. Entering into plea bargain under any law for the time being in force and returning the assets or gains acquired through corruption or corrupt practices voluntarily; or
- iv. Possession of pecuniary sources or property by a Government servant or any of his dependents or any other person, through his or on his behalf, which cannot be accounted for and which are disproportionate to this known sources of income; or
- v. Maintaining a standard of living beyond known sources of income; or
- vi. Having a reputation of being corrupt.

And

(l) Misconduct includes:

- i. Conduct prejudicial to good order or service discipline; or
- ii. Conduct contrary to the Khyber Pakhtunkhwa Province Government Servants (Conduct) Rules, 1987, for the time being in force; or
- iii. Conduct unbecoming of Government Servant and a gentleman; or
- iv. Involvement or participation for gains, directly or indirectly, in industry, trade, or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may compromise the performance of official duties or functions; or
- v. Any act to bring or attempt to bring outside influence, directly or indirectly, to bear on the Governor, the Chief Minister, a Minister or any other Government officer in respect of any matter relating to the appointment, promotion, transfer or other conditions of service; or
- vi. Making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
- vii. Conviction for a moral offence by a court of law.



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P-61
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19/2/20

ATTESTED

Examiner.....

Date.....

As per above mentioned definitions as provided in the E&D Rules 2011, the accused official has not committed the act of Corruption / Misconduct as he is not directly involved in any deal / transaction. The statement of Mr. Shabbir Khan who is the real brother of complainant Mr. Naseer Khan is worth perusal available on record file which is self-explicit explaining the whole sega of deal took place between my real brother Mr. Naseem Akhtar and Mr. Shabbir Khan on behalf of the complainant Mr. Naseer Khan. The conduct of Mr. Naseer Khan Complainant is also discussed in the statement of his brother.

A number of inquires have already been conducted on the application of complainant which were returned to the worthy Deputy Commissioner Office with the remarks that "the issue is under adjudication before the High Court Abbottabad." attested copies of the court cases already decided at District level and pending appeal before the August Court have already been provided by the accused official.

The private transaction is a civil matter which is pending before the August Court for decision. Thus, on the basis of record provided by the applicant, a Government Servant cannot be charged as no offence falling within the ambit of definitions of E&D Rules 2011 is committed.

I state on oath that transaction took place between my brother and the complainant party, my involvement in the said transaction is baseless and unfounded. The complainant being aggrieved has already approached the relevant civil forum for seeking remedy under the law.

It is requested that I being the Government Servant is not involved in Corruption / Misconduct, therefore, the Show Cause Notice issued may very kindly be withdrawn as the complainant has already preferred an appeal in this regard before the High Court.

[Handwritten signature]

(Naeem Jehangiri)
Ex-Patwari, Patwar Halqa Manshra.

Dated: 10 / 02 / 2020

[Handwritten signature]

ATTESTED
Examiner: *[Signature]*
Date: 10/02/2020

OFFICE OF THE DEPUTY COMMISSIONER MANSEHRA

No. 2402 /AE/Show Cause

Dated: 12 /02/2020

To

Mr. Muhammad Naeem Jehangiri,
Ex-Patwari Halqa Mansehra.

ANN. "N"
P. 63.

Subject:

PERSONAL HEARING.

Reference your reply dated 10.02.2020 of Show Cause Notice.

You are directed to appear before the worthy Deputy
Commissioner, Mansehra on 13.02.2020 at 11:00 AM for personal hearing.

*11/02/20
Sham m*

[Signature]
Superintendent
Deputy Commissioner Office
Mansehra

OFFICE OF THE DEPUTY COMMISSIONER MANSEHRA

ORDER

ANN - O (P. 44)

Whereas, disciplinary proceedings were initiated against Mr. Muhammad Naeem Jehangri, the then Patwari Halqa Mansehra No. II under the provisions of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules 2011, on account of charges contained in the charge Sheet/Statement of allegations served upon him vide this office endorsement No. 19390-93/AE dated 11.11.2019 in pursuance of the facts finding inquiry conducted by the Assistant Commissioner, Oghi vide his No. 2587/AC (Oghi) dated 30.10.2019.

And whereas, the Assistant Commissioner, Mansehra was appointed as Inquiry Officer, under the provisions of Rule 5(1)(b) of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules 2011, who conducted inquiry and submitted report.

And whereas, the Inquiry Officer vide report No. 599/P-2/AC(M), dated 16.1.2020 submitted that the allegations contained in the charge sheet have been proved and recommended infliction of Major penalty as laid down in Rule-4 (1) (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 upon the accused Patwari.

And whereas, he was served with Show Cause Notice along-with copy of Inquiry report vide No. 1749/AE, dated 30.1.2020 to which he responded and submitted reply on 10.02.2020, which was considered and he was also heard in person on 13.02.2020, but he failed to rebut the allegations.

And whereas, after considering reply of the accused official to the Show Cause notice, findings of the Inquiry Officer and hearing him in person, the undersigned in the capacity as Competent Authority has decided to impose Major penalty upon on the accused Patwari.

Now therefore, in exercise of the powers conferred upon me under Rule-14(5) read with Rule 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, Major penalty to the extent of "Dismissal" from Service is hereby inflicted on Mr. Muhammad Naeem Jehangri the then Patwari Halqa Mansehra No. II with immediate effect.

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[Handwritten signature]
Capt. (R) Aurangzaib Haider Khan
Deputy Commissioner
Mansehra

No. 2602-43/AE

Dated 13 /02/2020

Copy forwarded to:-

1. The Commissioner, Hazara Division, Abbottabad with reference to his office letter No. DCC/M/Rev/ACR/CHD/5276-78, dated 26.9.2019 for information please.
2. All Deputy Commissioner in the Khyber Pakhtunkhwa.
3. The Assistant Commissioner, Mansehra.
4. The Settlement Officer, Mansehra.
5. The District Accounts Officer, Mansehra.
6. The Tehsildar Mansehra.
7. District Kanungo, Local Office.
8. District Nazir, Local Office.
9. Mr. Muhammad Naeem Jehangri the then Patwari Halqa Mansehra No. II

ATTESTED

Examiner.....

Date.....

[Handwritten signature]
09/23
2020

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Deputy Commissioner
Mansehra

The Commissioner,
Hazara Division,
Abbottabad



ANN - "P".
P-15

**SUBJECT: DEPARTMENTAL APPEAL
AGAINST THE ORDER OF
DEPUTY COMMISSIONER,
MANSEHRA DATED 13.02.2020
VIDE WHICH THE PETITIONER
HAD BEEN DISMISSED FROM
SERVICE.**

Respected Sir,

The appellant/petitioner/victim humbly submits as under: -

- 1) That, the appellant/petitioner is/was serving in Revenue Department Mansehra as Patwari since the year 2012 with zeal and fervour and during his/appellant's service career not a single charge has ever come from any quarter. However, even prior to it on account of baseless charge a minor penalty was imposed upon the appellant.
- 2) That, while rendering services as Patwari Halqa the appellant/petitioner remained Patwari Halqa of different revenue estates.
- 3) That, on 24.02.2018 a complainant namely Naseer Khan lodged an illegal, unjustified and mala fide based complaint

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Naam Acton, Johnson 870 dia disposisi
Case format: KPA - 1050/13
Membuat Ex Postri - appellat
vs

- 1. Deputy Commis. manubra
- 2. Commis. Manubra

appellat
& ex postri 21 01 01

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to Deputy Commissioner Mansehra against the appellant/victim.

(Copy of complaint is annexed as Annexure "A").

- 4) That, the afore-stated complaint was entrusted/recommended by the worthy Deputy Commissioner, Mansehra to Assistant Commissioner, Mansehra for inquiry upon the afore-mentioned complaint which was entrusted by the Honourable Assistant Commissioner Mansehra to Tehsildar Mansehra to do the needful/ inquiry as per the directions of Honourable Deputy Commissioner, Mansehra.
- 5) That, the learned Tehsildar Mansehra to whom inquiry was entrusted vide letter No. 63-64/T(R)M dated 21.01.2019 informed/apprised the worthy Assistant Commissioner, Mansehra that the matter is subjudice before the Peshawar High Court Bench Abbottabad vide C.R. No. 343-A/2017 and requested that in such like situation when the matter is subjudice the District Administration is handicapped he further requested for filing of the concocted and malafide based complaint under discussion.
- (The said letter of Tehsildar Mansehra is annexed as Annexure "B").
- 6) That, once again the worthy Deputy Commissioner, Mansehra by totally ignoring the request of Tehsildar Mansehra/inquiry officer dated

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P³ 67

21.01.2019 wrote another letter No. 1937-38/DK/Inquiry/DC(M) dated 27.05.2019 to Assistant Commissioner Oghi by appointing him inquiry officer a fresh directed him for inquiry and report vide his letter dated 27.05.2019 on the same concocted, baseless and malafide based complaint.

(Copy of letter dated 27.05.2019 is annexed as Annexure "C").

- 7) That, the Assistant Commissioner Oghi/ second Inquiry Officer submitted his report vide No. 1364/AC/Oghi dated 19.08.2019 in English whereas he/AC Oghi also submitted a report No. Nil dated 19.08.2019 in Urdu language and vide his said both inquiry reports which were one and the same he declared the appellant innocent in toto.

(Copies of both the reports are annexed as Annexure "D" & "E" respectively).

- 8) That, after receiving the aforesaid reports of Assistant Commissioner Oghi, the Deputy Commissioner Mansehra once again in blatant violation of law, justice and moral values wrote another letter No. 2940/DK/Inquiry/DC(M) dated 29.08.2019 to Assistant Commissioner, Oghi for Denovo fact finding inquiry which conduct of the worthy Deputy Commissioner, Mansehra Capt. ® Aurangzeb Haider Khan is proof of the factum that he was intended to convict/ penalize the appellant at all cost for the reasons and sources best known to him.

- 9) That, in the meantime while the afore-stated matters were going on/continue, the learned Commissioner, Hazara Division issued letter No. DCC/M/Rev/ACR/CHD 5276-78 dated 26.09.2019 to Deputy Commissioner, Mansehra for conduct of inquiry of the same matter though no direct or indirect application/complaint was addressed to him and his excellency the Commissioner, Hazara Division would be well aware of the repeated acts/proceedings of himself and his respective hierarchy.

(The afore-state letter of the Commissioner, Hazara coupled with the initial application addressed to Deputy Commissioner, Mansehra marked by Commissioner, Hazara Division on 25.09.2019 are annexed as Annexure "F").

- 10) That, as a result/upon the said directions of worthy Commissioner, Hazara the Deputy Commissioner, Mansehra once again vide his letter No. 3405-06/DK/Inquiry/ DC(M) dated 10.10.2019 appointed Assistant Commissioner, Oghi for fourth inquiry upon the same issue which was third one to be conducted by Assistant Commissioner, Oghi.

(Copy of letter No. 3405-06/DK/DC(M) dated 10.10.2019 is annexed as Annexure "G").

- 11) That, in result of the fourth inquiry upon the same issue conducted third time by Mr. Muhammad Shojain Vestro, Assistant Commissioner, Oghi the findings/recommendations were submitted as per



the sweet will and mindset of Deputy Commissioner, Mansehra who has created acrimony/hostility with the innocent appellant, though the last time findings of the Assistant Commissioner, Oghi were in toto incompatible/repugnant to his own earlier findings/recommendations which he granted/rendered in result of his earlier two inquiries but, once again it is pertinent to mention here that the last time recommendations/findings were in toto as per satisfaction of Deputy Commissioner, Mansehra and Commissioner Hazara.

(The last recommendations/inquiry report of AC Oghi dated 30.10.2019 is annexed as Annexure "H").

- 12) That, after the afore-stated recommendations/findings of Assistant Commissioner Oghi the learned Honourable Deputy Commissioner, Mansehra Mr. Capt. ® Aurangzeb Haider Khan issued a charge sheet alongwith statement of allegations to the appellant/victim on 11.11.2019.

(Copy of the charge sheet and statement of allegations is annexed as Annexure "I").

- 13) That, as per the charge sheet Assistant Commissioner, Mansehra was appointed as Inquiry Officer to whom the appellant/victim submitted written reply within the time stipulated by Deputy Commissioner/Assistant Commissioner, Mansehra.



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- 14) That, after this statements of 5 persons were recorded from which the innocence of the appellant/victim is crystal clear though the real brother of complainant as well as his brother-in-law were also among those who got recorded their statements.
- 15) That, after the afore-stated proceedings and recording different statements, the learned Assistant Commissioner, Mansehra recommended the action totally incompatible with law and justice as it was admitted in para No. 2 of the said recommendations that the statements of witnesses against appellant/victim Mr. Naeem Jehangiri are contradictory and the plea of complainant is not based upon facts and also recommended proceedings against the complainant as well, but yet the case is unilateral and the no proceedings as per recommendations of Assistant Commissioner, Mansehra had been taken/initiated against complainant of so-called complaint.

(Copy of the recommendations is annexed as Annexure "J").

- 16) That, after the afore-stated recommendations of the Assistant Commissioner, Mansehra once again vide letter No. 548/AE dated 10.01.2020 the Deputy Commissioner, Mansehra asked Assistant Commissioner, Mansehra that allegations have been



proved, but penalty/s in the recommendation are lacking to furnish complete report with regard to allegation No. (iv) of the charge sheet/ statement of allegations, keeping in view the provision of E&D Rules, 2011 at the earliest for further course of action.

(Copy of letter No. 548/AE dated 10.01.2020 is annexed as Annexure "K").

- 17) That, on 13.01.2020 letter No. 556-60/AC (M) was written and addressed by Assistant Commissioner, Mansehra in the name of appellant and four others including complainant, but it had been seen only in the office record of Assistant Commissioner Mansehra and no service of this letter was ever effected upon the appellant/victim which is yet another brutality caused to the appellant/victim and at no stretch of imagination it can be permitted, as the service of afore-stated letter under discussion was essential.
- 18) That, in response to afore-mentioned letter of Deputy Commissioner, Mansehra dated 10.01.2020 the learned Assistant Commissioner, Mansehra submitted recommendations to Deputy Commissioner, Mansehra by recommending imposition of major penalty though in flagrant violation of law, justice and moral values similarly the Assistant Commissioner, Mansehra vide the same recommendations also recommended initiation of proceedings

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against the complainant of ibid so-called malafide based complaint but so far the action remained confined only to the extent of appellant which implies that the action against the appellant is fully discriminatory, unscrupulous, result of pick and choose, like, dislike, based upon malafide, colorful exercise of powers and implied action to please some one unknown on the part of Deputy Commissioner, Mansehra.

(Copy of letter No. 599/P-2/ C(M) dated 16.01.2020 is annexed as Annexure "L").

- 19) That, after receiving the afore-stated recommendations of Assistant Commissioner, Mansehra vide No. 599/P-2/AC(M) dated 16.01.2020 on 13.02.2020 the learned Deputy Commissioner, Mansehra vide his office order No. 1749/AE dated 30.01.2020 issued a show cause notice to the appellant/victim the reply of which was submitted to worthy Deputy Commissioner Mansehra on 10.02.2020.

(Copies of afore-mentioned letter and reply are annexed as Annexure "M" & "N" respectively).

- 20) That, on 12.02.2020 the learned Deputy Commissioner Mansehra vide letter No. 2402/AE/Show Cause directed the undersigned/victim for personal hearing as per the date and time mentioned in the said letter, but unfortunately no opportunity of personal hearing was granted to the appellant/victim rather the learned Deputy Commissioner



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P53

Mansehra orally told the appellant/victim that he/Deputy Commissioner Mansehra has no option except to dismiss the appellant/victim as he is in/under pressure by the Commissioner Hazara Division,

(Copy of letter dated 12.02.2020 is annexed as Annexure "O")

21) That, on 13.02.2020 prior to announcement of impugned order the appellant/victim submitted an application to worthy Deputy Commissioner Mansehra for stoppage of departmental proceedings on account of the reason mentioned there in detail, but of no avail and after receiving the said application the impugned order was announced. However, the copy of the same/impugned order was received by the appellant on 19.02.2020 vide which the appellant/victim was dismissed from service, hence the appeal in hand *inter-alia*, on following grounds: - (IMPUGNED ORDER DATED 13.02.2020 IS ANNEXED AS ANNEXURE 'O.1').

GROUND: -

A) That, the impugned order as passed by learned worthy Deputy Commissioner, Mansehra is in toto illegal and unjustified.

- ()
- B) That, the impugned order is discriminatory, perverse, fanciful and arbitrary.
- C) That, the impugned order is result of pick and choose, like, dislike, unscrupulous and result of colourful exercise of powers.
- D) That, the impugned order and ancillary proceedings as an off shoot of which the impugned order had been passed in itself implies that while passing the impugned order the passer/ Honourable Deputy Commissioner, Mansehra was either influenced or otherwise which is not the parameter of transparency, impartiality and law.
- E) That, despite declaration of innocence of appellant/victim by the competent/ inquiry officer the learned Deputy Commissioner, Mansehra directed repeated inquiries unless he obtained a partial result and recommendations as per his/DC's own wishes and resultantly the impugned order was issued.
- F) That, illegalities and material irregularities are vociferous from the impugned order and ancillary cooked-up case/record.
- G) That, the mode and manner adopted by the learned Deputy Commissioner, Mansehra in itself represents the

P-55-

commission of cognizable offences on his/their part and so the Deputy Commissioner, Mansehra and his all subordinates who have submitted contradictory inquiry reports are subject to liability in all aspects viz criminal, civil and departmental as well.

H) That, sheermokery/hoodwinking with the administration of justice prima facie attracts from the impugned order as well as from the ancillary record.

I) That, the impugned order as passed by the learned Deputy Commissioner, Mansehra in itself reveals that the learned Deputy Commissioner, Mansehra was keenly interested in the dismissal of appellant/victim from service.

J) That, the impugned order also seems to be a result of misreading and non-reading of the available record which itself speaks about the innocence of the appellant/victim which is also not a proper speaking order as required by law.

K) That, while passing the impugned order the learned Deputy Commissioner, Mansehra has brutally violated the fundamental rights as enshrined by the Constitution of Islamic Republic of Pakistan, 1973 as well as other laws enforced upon the motherland.

- (62)
- L) That, by passing the impugned order the Deputy Commissioner, Mansehra as well as his subordinate staff have subjected themselves to penal civil and criminal and departmental actions and in this regard the appellant reserves the rights to go and invoke the jurisdiction of respective competent forums.
- M) That, the actions of Deputy Commissioner, Mansehra and his subordinate inquiry officers is solid proof of the factum that at all cost they were intended to dismiss the appellant/victim from service which cannot be treated as an impartial, justified and meritorious actions/proceedings.
- N) That, all the facts had been mentioned in the appeal in hand in detail and no known, deliberate, willful and advertent concealment of facts had been made and even then to avoid any inadvertent concealment of facts the whole available record had been annexed with the appeal in hand apart from the afore-referred annexures.
- O) That, the impugned order reveals that the mode adopted by Honourable Deputy Commissioner, Mansehra in its passage as per his mind as evident from the impugned order was it that he/Deputy Commissioner Mansehra is the all alone one in the country/world

and he alongwith his involved subordinates cannot be subjected to accountability on account of the blunder he/they committed while passing the impugned order.

P) That, during personal hearing the learned Deputy Commissioner, Mansehra also orally told the appellant that as per the direction of Commissioner, Hazara the appellant shall be dismissed from service at all cost and in this regard the appellant/victim is ready to furnish an affidavit/on oath.

Q) That, prior to announcement of impugned order the learned Honourable Deputy Commissioner, Mansehra has brutally ignored the petition/application of the appellant/victim which further denotes/expresses the evil intentions of learned Deputy Commissioner, Mansehra.

(Copy of application dated 13.02.2020 is annexed as Annexure ~~(M.1)~~ M.1).

R) That, it is also evident from the judgments/decisions of the two Honourable Court vis Civil Judge, Mansehra and Additional District Judge, Mansehra that the matter in which the appellant/victim is charged is innocent similarly, the learned Deputy

(M)

14
P. 58

Commissioner, Mansehra despite reference of said two judgments and other laws especially Section 196 & 197 of the Contract Act, 1872 which deals with the ratification of the acts ignored the said judgments and laws though he/ Deputy Commissioner, Mansehra was legally and morally bound to consider the same and said judgments and laws in itself speaks about the innocence of the appellant/victim.

(Copies of judgments and Section 196 & 197 of contract Act, 1872 are annexed as Annexure M.2).

- S) That, the departmental appeal in-hand is well in time after receiving the impugned order by post on 19.02.2020 and your excellency/ Commissioner Hazara Division had ample jurisdiction for the meritorious disposal of the same.

- T) That, neither the Deputy Commissioner Mansehra nor any other authority was/is competent to intervene with the matters subjudice in any court of law and here the instant matter is already subjudice before the Honourable Peshawar High Court Bench Abbottabad.

In view of the above submissions it is humbly requested that the impugned order dated 13.02.2020 may please be set aside in toto the services of the petitioner may please be

restored/reinstated and concerned quarter may please be apprised for intimation of civil and criminal proceedings against the said officers/blunders/culprits.

Dated 12/03/2020

g nbs
Naeem Akhtar Jehangiri
(Appellant)

Permanent address: -

Mohallah Sadiq Abad Baidra Chowk,
Tehsil and District Mansehra
Cell#0341-1199881

Copy for information: -

- 1) Honourable the Chief Justice of Pakistan, Supreme Court Building Islamabad Pakistan with the request of a suo moto action in the matter.
- 2) Honourable the Chief Justice, Peshawar High Court, Peshawar.
- 3) Honourable the Chief Secretary to Government of K.P.K. Civil Secretariat, Peshawar.
- 4) Honourable the Senior Member, Board of Revenue (SMBR) K.P.K. Civil Secretariat, Peshawar.
- 5) Honourable Deputy Commissioner, Mansehra.
- 6) Honourable Assistant Commissioner, Manasehra.
- 7) Honourable Assistant Commissioner, Oghi.

Akhtar
g nbs



ANN Q. P-60

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No: 10/2/HVC/ACR/CHD/ 5235-36
Dated Abbottabad: 11/05/2020

Subject: APPEAL AGAINST THE ORDER DATED 13/02/2020 PASSED BY THE DEPUTY COMMISSIONER MANSEHRA REGARDING DISMISSAL FROM SERVICES

O-R-D-E-R
07/05/2020

Whereas, the disciplinary proceedings were initiated against Mr. Naeem Jhangiri (appellant) R/O Mohallaha Sadiq Aabad Baidra Chowk, Tehsil and District Mansehra under the provisions of Khyber Pakhtunkhwa Govt: servants (Efficiency & Disciplinary) Rules, 2011 on account of serious allegations contained in the various complaints. Charge sheet/statements of allegations served upon the accused official/appellant by the Deputy Commissioner Mansehra in the light of the recommendations made by the Inquiry Officers in inquiry reports bearing No. 54/p-2/AC(M) dated 03/01/2020 and No. 2587/AC (Ogh) dated 30/10/2019.

And whereas, after completion of all legal and codal formalities, the Inquiry Officers submitted their reports that the allegations have been proved against the appellant and recommended infliction of Major Penalty upon the accused official under the provision of Rule-4 (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

And whereas, the Deputy Commissioner Mansehra in the light of Rule 14(5) read with Rule 4 of Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules-2011 imposed Major Penalty of "dismissal from service" upon Mr. Naeem Jhangiri Patwari vide order No. 2602-43/AE dated 13/02/2020.

And whereas, Mr. Naeem Jhangiri (appellant) filed the instant appeal against the order of the Deputy Commissioner Mansehra dated 13/02/2020 with the pray that the impugned order may please be set aside, the services of the appellant may be restored/reinstated.

And whereas, the appellant was called for personal hearing today, who appeared and heard in person in presence of representative of the Deputy Commissioner Mansehra. Careful perusal of the appeal, record produced before me and comments from the Deputy Commissioner Mansehra vide No. 5612/AE dated 24/04/2020, it is established that the appellant has not good track record of service and remained a point of serious complaints by the public at large during tenure of his service in Patwar Halqas of Tehsil Mansehra. The inquiries held by the Deputy Commissioner Mansehra through the field officers are very clear, exhaustive and suffice to express the unofficial and exploitative attitude/conduct of services of the appellant. The appellant also badly failed to show or prove anything in his defence during his personal hearing.

Now, therefore, in the light of above facts and record, there is nothing to convince me to interfere with the impugned order which is upheld and appeal is dismissed. No order as to the cost. A copy of my order shall be placed on the file after completion.

Announced
07/05/2020

Received
13.5.2020

Attested
13/05/2020


Commissioner,
Hazara Division

وکالت نامہ

بعدالت جناب

کے اہل حق و عدل کے نام سے

دعویٰ یا جرم

باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے بیرونی وجوہد ہی بمقام

شاہد محمد خان اہل دلہہ خانہ

بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو بروعدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ ساعت ہونے پر یا بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرداخت صاحب مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے، نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرانے کا ہر قسم بیان دینے اور سپرد تاشی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا سنوٹی ڈگری یا طرہ درخواست حکم استماعی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ بیرونی مختیار نامہ کرنے کا مجاز ہوگا اور بصورت اپیل اور اپیل کے واسطے کسی دوسرے وکیل یا ایئر سز کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختیار نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون مختیار نامہ کن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

المرقوم

ATTESTED & ACCEPTED

کے اہل حق و عدل کے نام سے

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 5401 of 2020

Naeem Akhtar Jehangiri son of Mir Awaid Khan, Caste Swati, resident of Mohallah Sadiq ~~Abad~~ Baidra Chowk, Tehsil and District Mansehra.....Appellant

Versus

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

Reply/comments of respondents No. 1 and 2.

Basic Objections

- 1) The appellant has no cause of action.
- 2) The appeal is time barred.
- 3) The appellant is stopped by his own conduct to file the instant appeal.
- 4) That the appeal is barred by law.
- 5) That the appeal is bad in its present form, hence not maintainable and liable to be dismissed.

Reply on facts.

Para No. 1 Correct to the extent that appellant was appointed as Patwari (BPS-9) on 31.03.2012 in Revenue Department, Mansehra, but his plea with great devotion and dedication is incorrect. He was suspended and served with charge sheet/statement of allegations vide No. 30028-31/AE dated 19.10.2018 at (**Annex: A**), the charges were proved and minor penalty to the extent of stoppage of two increments for two years was imposed on him vide order No. 1120-26/AE dated 18.01.2019, copy at (**Annex: B**).

Para No. 2 It is correct that Mr. Naseer Khan S/O Gohar Rehman R/O Akbar Khan Colony Near High School No. 2 (Boys) Chitti Dehri, Mansehra submitted a complaint on 24.12.2018 against the appellant. The same complaint was also received from the office of worthy Commissioner Hazara Division Abbottabad vide letter No. DCC/M/Rev/ACR/CHD/5276-78, dated 26.09.2019, copies are enclosed at **(Annex: C)** and fact finding inquiry was conducted.

Para No. 3 That the Tehsildar, Mansehra did not conduct proper inquiry but forwarded a report vide No. 63-64/T(R)(M) dated 21.01.2019 endorsing plea of the appellant which was rejected, therefore de-novo fact finding inquiry was ordered and the Assistant Commissioner Oghi was directed to conduct fact finding inquiry. It was legal course of action adopted by this office. The enquiry report of Assistant Commissioner, Oghi vide his letter No. 1364/AC(Oghi) dated 19.08.2019 was also not into the veracity of allegations leveled against the appellant, therefore it was remanded back to the Assistant Commissioner, Oghi vide this office letter No. 2940/DK/inquiry/DC(M) dated 29.8.2019 for conducting proper de-novo facts findings enquiry keeping in the allegations as contained in the complaint which he did and re-submitted a report.

Para No. 4 Position explained in Para 3/ante, the Assistant Commissioner, Oghi conducted fact finding enquiry against the appellant and furnished report vide his No. 2587/AC(Oghi) dated 30.10.2019, copy enclosed at **(Annex: D)** by virtue of which the allegations were proved.

- Para No. 5** As stated in para-2 above.
- Para No. 6** Correct. As per recommendations of the Inquiry Officer/Assistant Commissioner, Oghi charge sheet/statement of allegations was served upon the appellant vide No. 19390-93/AE dated 11.11.2019 and the Assistant Commissioner, Mansehra was appointed as Inquiry Officer. Copies at **(Annex: E)**.
- Para No. 7** By virtue of inquiry report allegations against the appellant were proved.
- Para No. 8** That in response to charge sheet/statement of allegations served upon the appellant the Inquiry Officer/Assistant Commissioner, Mansehra conducted enquiry under (E&D) Rules-2011 and furnished report vide No. 94/P-2/AC(M) dated 03.01.2020. Allegation No. IV of the charge sheet/statement of allegations was not taken into account by the Inquiry Officer, therefore it was remanded back to the Inquiry Officer/Assistant Commissioner, Mansehra vide No. 548/AE, dated 10.01.2020, copy at **(Annex: F)** for investigation of allegation No. IV and to submit complete report. The appellant and witnesses joined the inquiry proceedings. Statements of all concerned were recorded by the Inquiry Officer and submitted report stating that interalia allegations No. IV of the charge sheet/statement of allegations has been proved. In fact the appellant has committed an act of gross misconduct and corruption. In capacity of Patwari (Public Servant) he (the appellant) executed an agreement at **(Annex: G)** with irrelevant party of the house of Nasir Ahmed – complainant who was confined in Jail & got attested mutation of house of

complainant in the name of his brother Nasim Akhtar at **(Annex: H)** at the cost of Rs. 29,00000/- (Twenty Nine Lac) whereas in the agreement mentioned above the cost of house was noted Rs. 71,00000/- (Seventy One Lac). The mutation was attested on 31.12.2015, whereas he issued "Fard" at **(Annex: I)** in the name of his brother Nsim Akhtar on 24.07.2015 – Six months prior to attestation of mutation. For covering the cost of house he (the appellant) prepared another fake (پرت پتوار) at **(Annex: J)** of the same mutation wherein the cost of house was mentioned Rs. 4000000/- (Forty Lac). In this context, statement of complainant Nasir Khan at **(Annex: K)** was recorded by the Inquiry Officer in presence of appellant and the appellant was asked for cross question. The appellant went out on the plea that he want to consult his Lawyer but did not turn-up. The above mentioned facts reveal that the appellant has played an act of fraud and corruption.

Para No. 9 Issuance of Show Cause Notice to the appellant was a legal requirement which was done as per law.

Para No. 10 The appellant was called for personal hearing and was given an opportunity to explain his position, but he failed to satisfy and provide any evidence in his support.

Para No. 11 The dismissal order was issued in line with E&D Rules-2011 after the allegations were proved against the appellant.

Para No. 12 The appellant was called for personal hearing by the respondent No. 2, who appeared and heard in person in presence of representative of respondent No.1, and the appellant failed to rebut the allegations or to provide

anything in his defence during personal hearing, therefore the appeal was rightly dismissed.

GROUND

- (A) Incorrect. The dismissal order was passed in line with E&D Rules-2011 after completing all codel formalities.
- (B) Incorrect. The dismissal order is lawful and correct. There was no arbitration and order was issued after fulfilling all legal formalities where charges were proved against the appellant. He was proceeded against on account of misconduct and charges as per charge sheet and not on account of any court case.
- (C) Incorrect, the Assistant Commissioner, Mansehra simply forwarded the report of Tehsildar, Mansehra endorsing plea of the appellant which was rejected.
- (D) Incorrect, the Assistant Commissioner Mansehra/ Tehsildar Mansehra did not conduct the fact finding enquiry as per law/procedure but endorsed the pleas of appellant therefore, Assistant Commissioner, Oghi was asked for re-inquiry into the allegations.
- (E) Incorrect. The inquiry report of Assistant Commissioner, Oghi received vide his No. 1364/AC (Oghi), dated 19.08.2019 was not into the veracity of allegations leveled against the appellant, therefore it was remanded back to the Assistant Commissioner, Oghi for conducting proper de-novo fact finding enquiry keeping in the allegations as contained in the complaint which he did and re-submitted a report.

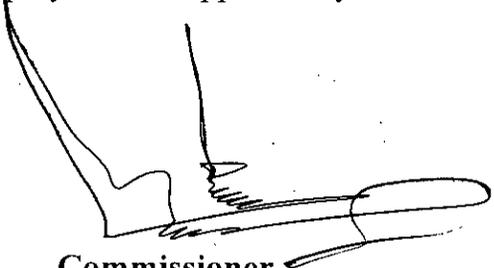
(F) Incorrect. The Assistant Commissioner, Mansehra/ Inquiry Officer conducted enquiry under (E&D) Rules-2011. The appellant and witnesses joined the inquiry proceedings. Statements of all concerned were recorded by the Inquiry Officer and the allegations were proved.

(G) Incorrect. The Assistant Commissioner, Mansehra conducted enquiry against the appellant under E&D Rules-2011 by virtue of which the allegations were proved and the appellant was dismissed from service after meeting all codel formalities.

In view of the above, it is prayed that appeal may be dismissed with cost please.



Deputy Commissioner
Mansehra
(Respondent No. 1)



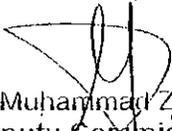
Commissioner
Hazara Division, Abbottabad
(Respondent No. 2)

OFFICE OF THE DEPUTY COMMISSIONER MANSEHRA

ORDER

Mr. Muhammad Naeem Jehangri, Patwar Halqa- Pottha Tehsil, Mansehra is hereby suspended on account of misconduct/ entry and completion of fake Mutations No 7249, 7250 attested on 30.3.2018 and No.7458 attested on 27.9.2018 of Revenue Estate Pakhwal, Tehsil and District, Mansehra with immediate effect.

Charge sheet/ statement of allegations is being issued separately.


(Muhammad Zubair)
Deputy Commissioner
Mansehra

No. 30729-27 IAE

Dated 19 /10/2018

Copy forwarded to:-

1. The Director Land Records, Board of Revenue, Revenue & Estate Department, Peshawar with reference to his letter No. LR-IV/G. Complaints-Sub-Registrar/169-71 dated 10.10.2018 for information.
2. The Additional Deputy Commissioner, Mansehra.
3. The Settlement Officer, Mansehra.
4. The Assistant Commissioner, Mansehra.
5. The District Kanungo, Local Office.
6. Mr. Muhammad Naeem Jehangri, Patwar Halqa- Pottha.


Deputy Commissioner
Mansehra

etc

(Annex - A)

CHARGE SHEET

I, Muhammad Zubair, Deputy Commissioner Manséhra, as competent authority, hereby charge you, Mr. Muhammad Naeem Jehangri, Patwar Halqa - Polha, Tehsil Mansehra as follows:-

- i) That as per complaint of Mr. Shah Nawaz Qureshi S/O Allah Dad Khan R/O Mouza Pakhwal received from the Director Land Records, Board of Revenue, Revenue & Estate Department, Peshawar vide letter No. LR-IV/G. Complaints-Sub-Registrar/169-71 dated 10.10.2018, you while posted as Patwari Halqa Pakhwal entered and completed mutations No. 7249, 7250 attested on 30.3.2018 of the land already sold vide mutation No. 1683 dated 11.03.1987 to M/S. Umer Khitab & Shah Nawaz Sons of Allah Dad Khan R/O Mouza Pakhwal.
- ii) Similarly mutation No. 7458 attested on 27.9.2018 of Revenue Estate Pakhwal was also entered and completed by you on the basis of aforementioned two fake mutations and thereby caused loss to the original land owner
- iii) In light of the above you are liable to be proceeded against under the Khyber Pakhtunkhwa, E&D Rules-2011 on account of the said lapses.

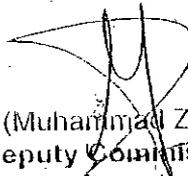
2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer.

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

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

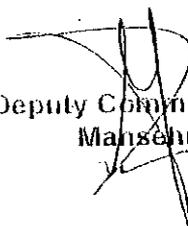

(Muhammad Zubair)
Deputy Commissioner
Mansehra

No. 30028-31 /AE

Dated 19 /10/2018

Copy forwarded to:-

1. The Director Land Records, Board of Revenue, Revenue & Estate Department, Peshawar with reference to his letter No. LR-IV/G. Complaints-Sub-Registrar/169-71 dated 10.10.2018 for information.
2. The Assistant Commissioner, Mansehra alongwith copy of relevant record to conduct inquiry against the accused official and furnish finding within 30-days positively to this office for further necessary action.
3. The District Kanungo, Local Office with the direction to provide relevant record and assist to the Assistant Commissioner, Mansehra / Inquiry Officer.
4. Mr. Muhammad Naeem Jehangri, Patwar Halqa - Polha, Tehsil Mansehra for necessary action


Deputy Commissioner
Mansehra

DISCIPLINARY ACTION

I, Muhammad Zubair, Deputy Commissioner Mansehra, as competent authority, am of the opinion that, Mr. Muhammad Naeem Jehangri, Patwar, Halqa – Potha, Tehsil Mansehra, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i) That as per complaint of Mr. Shah Nawaz Qureshi S/O Allah Dad Khan R/O Mouza Pakhwal received from the Director Land Records, Board of Revenue, Revenue & Estate Department, Peshawar vide letter No. LR-IV/G. Complaints-Sub-Registrar/169-71 dated 10.10.2018, he while posted as Patwari, Halqa Pakhwal entered and completed mutations No. 7249, 7250 attested on 30.3.2018 of the land already sold vide mutation No. 1683 dated 11.03.1987 to M/S. Umer Khitab & Shah Nawaz Sons of Allah Dad Khan R/O Mouza Pakhwal.
- ii) Similarly mutation No. 7458 attested on 27.9.2018, of Revenue Estate Pakhwal was also entered and completed by him on the basis of aforementioned two fake mutations and thereby caused loss to the original land owner.
- i) In light of the above he is liable to be proceeded against under the Khyber Pakhtunkhwa, E&D Rules-2011, on account of the said lapses.

2 For the purpose of inquiry against the said accused official with reference to the above allegations, an inquiry Officer, named below, is appointed under Rule 10(1)(a) of the ibid Rules:

The Assistant Commissioner, Mansehra.

3 The Inquiry Officer shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record his findings and make within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

Deputy Commissioner
Mansehra

Annex-B

(Annex-B)

OFFICE OF THE DEPUTY COMMISSIONER MANSEHRA

ORDER

Whereas, disciplinary proceedings were initiated against Mr. Muhammad Naeem Jahangiri, Patwari Halqa Potha, Tehsil Manshra (under suspension) under the provisions of KPK Efficiency & Discipline Rules-2011, on account of charges contained in the charge Sheet/Statement of allegations served upon him vide this office endorsement No. 30028-31/AE, dated 19.10.2018.

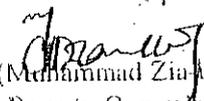
And whereas, the Assistant Commissioner, Manshra was appointed as Inquiry Officer, who conducted inquiry and submitted report.

And whereas, the Inquiry Officer vide report No. 11215/P-2/AC (M), dated 03.12.2018 has recommended that the charge against Patwari concerned proved.

And whereas, he was served with Show Cause Notice vide No. 547/AE, dated 10.01.2019 along with copy of Inquiry report to which he responded and submitted reply of show cause Notice, which was considered. He was also heard in person.

And whereas, after considering reply of the accused official to the Show Cause notice, findings of the Inquiry Officer, the material on record and hearing him in person, the undersigned in the capacity as Competent Authority has decided to impose Minor penalty on the Patwari concerned.

Now therefore, in exercise of the powers conferred upon me under Rule-14 of the KPK Efficiency & Discipline Rules, 2011, minor penalty to the extent of stoppage of two increments for two years viz-2019 and 2020 is hereby inflicted on Mr. Muhammad Naeem Jahangiri, Patwari Halqa Potha, Tehsil Manshra. He is reinstated in service and suspension period is hereby treated as on duty.

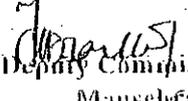

(Muhammad Zia ul-Haq)
Deputy Commissioner
Manshra

No. 1120-26 /AE

Dated 18/01/2019

Copy forwarded to:-

1. The Director Land Records, Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar for information with reference to his letter No. LR-IV/G. Complaints-Sub-Registrar/169-71, dated 10.10.2018.
2. The Settlement Officer, Manshra.
3. The Assistant Commissioner, Manshra.
4. The District Accounts Officer, Manshra.
5. The Assistant, Nazarat Branch, Local Office.
6. The District Kanungo, Local Office.
7. Mr. Muhammad Naeem Jahangiri, Patwari Halqa Potha, Tehsil, Manshra


Deputy Commissioner
Manshra

Annex C
25

Divisional Complaint Cell
Office of the Commissioner
Hazara Division Abbottabad

No: DCC/M/Rev/ACR/CHD 5276-78
Dated Abbottabad: 26/09/2019



To: The Deputy Commissioner,
Manshara

DK
DC/M,

Subject: APPLICATION/COMPLAINT AGAINST NAEEM JEANGIRI PATWARI 30/9/019

Memo: I am directed to enclose herewith a copy of self explanatory complaint/application subject by Mr. Naseer Khan S/o Gohar, ur Rehman R/o Akbar Khan, Colony Near High School No. 2 for boys Chiti Dheri District Manshara with the request to enquire into veracity of allegations leveled against the accused official, and conclude a fact finding report within 30 days for perusal and further orders of the competent authority, please.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Endst. No. & Date Even.

Copy forwarded for information to the:

1. PS to Commissioner, Hazara Division.
2. Mr. Naseer Khan S/o Gohar ur Rehman R/o Akbar Khan, Colony Near High School No. 2 for boys Chiti Dheri District Manshara v/r to above.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

ATTESTED

Examiner

Date

09/03
2020

بخدمت جناب ڈپٹی کمشنر صاحب ماہرہ

عنوان: جعل سازی انتقال پیواری نعیم جہانگیری ولد میراؤ دید خان۔

التسليم

جناب عالی! درخواست ذیل پیش ہے۔

(۱) یہ کہ سن ساکن نے سیری غیر موجودگی میں میرے ذاتی مکان کا سودا میرے علم کے مطابق بھائی شیر خان سے مبلغ -/71,00,000 روپے کا اے لے کیا۔ اس کا بیعانہ مبلغ -/12,00,000 (بارہ لاکھ روپے) اور -/17,00,000 (سترہ لاکھ روپے) ٹول -/29,00,000 (اتیس لاکھ روپے) بذریعہ چیک میرے بھائی کو دیا جو مجھے وصول نہیں ہوئے۔ جب میں جیل سے واپس آیا تو اس پیواری نعیم جہانگیری میرے بھائی کو اعتماد میں لے کر سیری بیوی سے پہلے ہی دستخط لے چکا تھے اور پھر مجھ سے دستخط لے اور کہا کہ انتقال تصدیق ہونے سے پہلے بتایا تم مبلغ -/42,00,000 (تالیس لاکھ روپے) اور اگر وہیں گائیکراس نے بتایا تم اور نہ ہی۔ کچھ ہی دنوں بعد معلوم ہوا کہ اس نے یہ میرا مکان اپنے بھائی نعیم انتر ولد میراؤ دید نے نام پر اسٹریڈیاٹ ہوا۔ یہ اس کی سابقہ کاروباری تھا، اس نے مجھے اس بارے میں کوئی ریکارڈ نہ دیا اور خود میرے دفتر میں درخواست دی کہ یہ میرا مکان خالی نہیں کرتا۔ میں نے بڑی مشکل سے اسے دستخط شدہ کاغذات حاصل کئے۔

ACK

Mask De Manckra to enquire into the matter & report within

30 days جناب عالی! ملاحظہ فرمائیں۔

(۱) انتقال ایک ہی ہوتا ہے مگر پیواری صاحب نے خود ایک ہی نمبر کے انتقال نمبر 88682 پر علیحدہ علیحدہ 02 ادراق پر مختلف قیمتیں لکھ کر خود بھی دستخط کئے ہوئے ہیں اور تحصیلدار صاحبان کے دستخط بھی موجود ہیں۔ ایک انتقال نمبر 88682 پر 40 لاکھ روپے لکھ کر مورخہ 25.03.2015 کو منظور کیا گیا ہے۔ (نقل لف ہے)۔ مورخہ 24.07.2015 کو فرد بھی اپنے حقیقی بھائی کے نام جاری کیا ہوا ہے۔ (نقل لف ہے) جبکہ دوسرا انتقال وہی نمبر 88682 پر -/29,00,000 روپے لکھ کر مورخہ 31.12.2015 (اپنے حقیقی بھائی کے نام پر) منظور کیا گیا ہے۔ (نقل لف ہے)۔

Commr. 2579 20/12 COMMISSIONER HAZARA DIVISIC ABBOTTABAD

ATTESTED

Examiner... Date... 09/03 2020

(۲) میں نے محکمہ نقول کو مصدقہ انتقال کی کاپی حاصل کرنے کے لئے مورخہ 02.01.2016 کو درخواست گزارہ جس پر NOK صاحب نے لکھ کر دیا کہ یہ انتقال نمبر 88682 مٹھ انتقالات میں شامل ہی نہیں ہے۔ یہ جعلی انتقال پیواری نعیم جہانگیری نے مٹھ میں شامل ہی نہیں کیا۔ (رپورٹ NOK لف ہے)۔

(۳) یہ کہ اس ساری جعل سازی کے بعد پیواری نعیم جہانگیری نے متعدد بار میرے گھر پر قبضہ کرنے کی کوشش کی ہے۔

(۴) یہ کہ آپ سے گزارش ہے کہ اس ساری جعل سازی کو دیکھتے ہوئے میرے ان جعلی انتقالات کو خارج کیا جائے اور اس پیواری نعیم جہانگیری کو سخت ترین سزا دی جائے اور مجھے اس اذیت سے نجات دلائی جائے۔ میں ایک غریب اور شریف شہری ہوں۔

المرقوم 24.12.2018

نصیر خان ولد گوہر الرحمان (مہر حرم) ساکن اکبر خان کالونی نزد ہائی سکول نمبر 2 فار بواڑ
چئی ڈیرہ مانسہرہ

شناختی کارڈ نمبر 9-0575583-13503

رابطہ نمبر 0301-8127454

C.D No. 1403
Date 09-03-2020
Court Fee 9
Urgent Fee 150
Total Fee 160
Name of Copyist
Date of Completion 09-03-2020
Cause of delay
Date of delivery 09-03-2020

Attested to be true
Attesting Officer
Date
Authorized UJS 76 Pakistan
Evidence Act

ANNEXURE 'H'

Annexure D

Phone & Fax No. 0997 - 321627

No. 2587 /AC (Oglt) Dated: 30 / 10 / 2019

27

To,

The Deputy Commissioner,
Manshra

Subject: INQUIRY



DC
31. 10. 2019

Respected Sir,

Brief

It is submitted that the undersigned was appointed as the Inquiry Officer to probe into the matter. As a result, the complainant, Naseer Khan, Patwari, Mr. Naeem Jehangiri of Patwar Halqa (Manshra-2), Office Kanungo Manshra, Muhammad Riaz, were summoned for inquiry proceedings in the office of the undersigned on (28/8/19) along with relevant record. The following inquiry report includes the background, detailed findings and relevant recommendations.

The main accusation is that Mr. Jehangiri committed fraud and collusion by cheating with the complainant and manipulating revenue record.

Proceedings

1. Statement of Mr. Naeem Jehangiri, the then Patwari of Halqa Manshra's reply: mutation number 88682 dated 4/3/2015 was submitted by him with a value of 29 lakh as per law, in the name of his brother since he himself was a Patwari in Manshra and the property was part of his Patwar circle. Further, the complainant had challenged the same mutation in the civil court and the application was rejected. Then, the complainant appealed in District Court that was also rejected.

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09/10/19

Further, one iqarnama took place in 6/3/2015 with complainant's brother and second one was with the complainant dated 17/8/2015. But the complainant has not mentioned these in his complaint. Moreover, a previous inquiry on the same issue was done by Tehsildar (M) where it was recommended to stop the inquiry until High Court's verdict. The complainant has not mentioned verdicts given by the courts.

1. Statement of Office Kanungo Mansehra Muhammad Riaz: he verified the mutation and declared it as correct on 13/3/2015.

Background

Complainant (Naseer) said that Patwari Naeem Jahangiri entered into a land agreement worth 71 lakh (5/3/15) with complainant's brother (Shabbir) in his absence. (Appendix 1)

Out of which, a total of 12 lakh via cheque on 6/3/15 was paid to the brother and 23 lakh was promised to be paid in cash on 9/3/15, as per iqarnama (Appendix 2). Remaining 36 lakh promised to be paid on 6/7/15.

However, the complainant claims that he did not receive a penny. Further, Naeem Jahangiri colluded with complainant's wife and managed to get her signatures. Then they got signatures from the complainant and promised that remaining 42 lakh will be paid after mutation's verification. However, on paper, as per first agreement (iqarnama) on 6/3/15, 36 lakh was promised to be paid in 4 months. (Appendix 2)

Complainant went to the Patwari's Office for a copy of the Mutation but the latter did not provide anything and Patwari's brother gave an application in the police station whereby he wanted the complainant to vacate the premises.

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Date 9/03/2020

complainant said that instead of one mutation, there have been two mutations with the same number (Appendix 3.1 and Appendix 3.2). One (88682) is of 40 lakhs (25/3/15) signed by Tehsildar, Girdawar and Patwari. Other mutation, with same number has a value of 29 lakhs (31/12/15).

Moreover, he asked NOK for copy of the mutation but got a reply that such mutation has not been registered yet. (Appendix 4)

Further, Office Kanungo provided the real mutation. He says that mutation (88682) was registered on 4/3/15; then 'girdawar' spartal took place in 24/3/15. Then Shabbir (complainant's brother) went to the Tehsildar and claimed that the complainant was in jail and the wife did parda. Hence Tehsildar formed a commission headed by the Girdawar on 13/3/15.

Key Findings

1. The following 3 procedures were done on the same day:
 - I. Commission formed for mutation (Appendix 3.2.1)
 - II. Got their signatures (Appendix 3.2.2)
 - III. Sent the report back to Tehsildar (Appendix 3.2.3)
2. There is no documentary proof such as jail superintendent's report or stamp which proves that the seller was indeed in jail or not.
3. Further, mutation was verified on 31/12/15 i.e. after 9 months. (3.2.4) It can be argued that in order to avoid tax, he made another mutation worth 29 lakh instead of the actual mutation worth 40 lakh. Hence, Patwar Halqa entered the same mutation number i.e. 88686 having two different values on two different pages

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(30)

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(4)

with same entries. Also, instead of the actual amount of 71 lakh, inteqal has the amount of 29 lakh.

Moreover, mutation was verified on 31/12/15 but Patwari issued Fard to his brother on 24/7/15. (Fard Appendix). Hence Fard was issued before attestation of same mutation.

5. Further, Patwari Halqa made the agreement between parties on 05/03/2015 on plain paper in spite of knowing that Land Record Manual (3-24) bars the government servant to indulge in such activities which can potentially raise a question mark on the performance and service of the employee.
6. As per report number 475 in Roznamcha Waqiyati, brother of the complainant (Shabbir) claims he is the mukhtiar of the complainant (Naseer) and his wife; there is no proof that Patwari verified that he is indeed the Mukhtiar; and requested to transfer property of 9 marla tamer shuda makaan (out of total property land: 24 kanal 13 marla) to Naeem Jahangiri's brother (Naseem Akhtar).

Recommendations

The findings suggest that Patwari Mr. Naeem Jehangiri is guilty of corruption, misconduct and inefficiency. Therefore, a major penalty, as per Section 4 (b) of Government Servants (Efficiency & Discipline Rules) should be levied on the guilty.

The inquiry is composed of (53) Pages.

SN

(MULHAMMAD SHOJAIN VISTRO)
Assistant Commissioner,
Oghi

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Date

02/03

2020

Aurangzaib Haider Khan, Deputy Commissioner, Mansehra, as ^{enquiry} competent authority, as ^{competent authority} Mr. Muhammad Naeem Jehangri, Ex-Patwari Halqa-Mansehra No. 2, as follows:-

31

- i) That as per fact finding enquiry conducted by the Assistant Commissioner, Oghi and furnished report vide No. 2587/AC (Oghi), dated 30.10.2019, on the complaint of Mr. Naseer Khan S/O Gohar Kehman R/O Akbar Khan Colony Near High School No. 2 for boys Chitti Dehri Mansehra received from Divisional Complaint Cell, Office of the Commissioner, Hazara Division-Abbottabad vide No. DCC/M/Rev/ACR/CHD/5276-78, dated 26.9.2019, you while posted as Patwari Halqa Mansehra No. 2, on 04.03.2015 entered and completed mutation No. 88682 attested on 31.12.2015 vide report No. 475 of "Roznamcha Waqiyati" on the statement of Mr. Shabbir Khan (who was not owner of the house) regarding sale of house owned by the complainant (Mr. Naseer Khan) and his wife Mst. Nadia Naseer situated in Khasra No. 10568/4045 measuring 09 marlas of Revenue Estate, Mansehra in favour of your brother (Mr. Naseem Akhter S/O Mir Awaid Khan caste Swati Jehangri R/O Mansehra.
- ii) You provided two (دو برت) of mutations number 88682 having two different values one worth Rs. 2,900,000/- and second Rs. 4,000,000/- regarding sale of the above mentioned house in the name of your real brother Mr. Naseem Akhtar which is an open corruption and misconduct.
- iii) (دو برت) worth Rs. 4,000,000/- of the same mutation placed in file seems to be fake and is an attempt to cover the cost of house through ambiguous means and fall with the meaning of corrupt practices.
- iv) That you entered with an agreement (اقرارنامہ) in your own name of the said house on 05.03.2015 with the brother of complainant Mr. Shabbir Khan S/O Gohar Rehman (who was not owner of the house) in which the cost of house was fixed Rs. 7,100,000/-. It was agreed in the (اقرارنامہ) that half cost is to be paid soon while the rest would be paid later on. Another agreement was executed on 06.05.2015 by Shabbir Khan (who was not owner of the house) with Naseem Akhtar your real brother.
- v) In light of the above, you are liable to be proceeded against under the Khyber Pakhtunkhwa, E&D Rules-2011 on account of the charged mentioned above.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Khyber Pakhtunkhwa Government 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. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer.

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

5. Intimate whether you desire to be heard in person.

6. A statement of allegations and list of witnesses are enclosed.

(Capt. (R) Aurangzaib Haider Khan)
Deputy Commissioner
Mansehra
Dated 11/11/2019

No. 19390-93 /AE
Copy forwarded to:-

- 1. The Commissioner, Hazara Division-Abbottabad with reference to his office letter No. DCC/M/Rev/ACR/CHD/5276-78, dated 26.9.2019 for information please.
- 2. The AC Mansehra alongwith copy of relevant record to conduct inquiry against the accused official and furnish finding within 30-days positively to this office for further necessary action.
- 3. The District Kanungo, Local Office with the direction to assist the Inquiry Officer.
- 4. Mr. Muhammad Naeem Jehangri, Patwari for necessary action.

ATTESTED

Examine 09/11/2019 Deputy Commissioner
Date 09/11/2019 Mansehra

DISCIPLINARY ACTION

32

Muhammad Naeem Jehangri, Ex-Patwari Halqa-Mansehra No.2 has rendered himself liable against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i) That as per fact finding enquiry conducted by the Assistant Commissioner, Oghi and furnished report vide No. 2587/AC (Oghi), dated 30.10.2019, on the complaint of Mr. Naseer Khan S/O Gohar Rehman R/O Akbar Khan Colony Near High School No. 2 for boys Chitti Dehri Mansehra received from Divisional Complaint Cell, Office of the Commissioner, Hazara Division-Abbottabad vide No. DCCM/Rev/ACR/CHD/5276-78, dated 26.9.2019, he while posted as Patwari Halqa Mansehra No. 2, on 04.03.2015 entered and completed mutation No. 88682 attested on 31.12.2015 vide report No. 475 of "Roznamcha Waqati" on the statement of Mr. Shabbir Khan (who was not owner of the house) regarding sale of house owned by the complainant (Mr. Naseer Khan) and his wife Mst. Nadia Naseer situated in Khasra No. 10568/4045 measuring 09 marlas of Revenue Estate, Mansehra in favour of his brother (Mr. Naseem Akhter S/O Mir Awaid Khan caste Swati Jehangri R/O Mansehra.
- ii) He provided two (دو برت پتوار) of mutations number 88682 having two different values one worth Rs. 2,900,000/- and second Rs. 4,000,000/- regarding sale of the above mentioned house in the name of his real brother Mr. Naseem Akhtar which is an open corruption and misconduct.
- iii) (دو برت پتوار) worth Rs. 4,000,000/- of the same mutation placed in file seems to be fake and is an attempt to cover the cost of house through ambiguous means and fall with the meaning of corrupt practices.
- iv) That he entered with an agreement (اقرارنامہ) in his own name of the said house on 05.03.2015 with the brother of complainant Mr. Shabbir Khan S/O Gohar Rehman (who was not owner of the house) in which the cost of house was fixed Rs. 7,100,000/-. It was agreed in the (اقرارنامہ) that half cost is to be paid soon while the rest would be paid later on. Another agreement was executed on 06.05.2015 by Shabbir Khan (who was not owner of the house) with Naseem Akhtar his real brother.
- v) In light of the above, he is liable to be proceeded against under the Khyber Pakhtunkhwa, E&D Rules-2011 on account of the charged mentioned above.

2. For the purpose of inquiry against the said accused official with reference to the above allegations, an inquiry Officer, named below, is appointed under Rule 10 (1) (a) of the ibid Rules:-

The AC Mansehra

3. The Inquiry Officer shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record his findings and make within 30-days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

ATTESTED

Deputy Commissioner
Mansehra

Examiner: _____
Date: 09/03/2020

Inquiry against Mr. Muhammad Naeem Jehangri, Ex-Patwari Halqa-Mansehra No. 2

S# Name of Witnesses

1. District Kanungo, Local office, representative on behalf of Department alongwith relevant record.
2. The then Revenue Officer Circle, Mansehra.
3. The then Girdawar Circle Mansehra.
4. Muhammad Naeem Jehangri accused Patwari.
5. Naseer Khan S/O Gohar Rehman R/O Akbar Colony Near High School No. 2 for Boys, Chitti Dehri, Mansehra (complainant).
6. Mst. Nadia Naseer Khan D/O Abdul Qayyum wife of Naseer Khan R/O Akbar Colony Near High School No. 2 for Boys, Chitti Dehri, Mansehra.
7. Present Patwari Halqa Mansehra No. 2 alongwith relevant record.
8. Office Kanungo, Mansehra alongwith mutation No. 88682 attested dated 31.12.2015 Revenue Estate, Mansehra.
9. Naseem Akhtar S/O Mir Awaid Khan R/O Muhallah Sadiqabad Chitti Dehri, Mansehra.
10. Shabbir Khan S/O Gohar Rehman R/O Dab No. 1, Mansehra.
11. Malik Zahid Khan S/O Malik Muhammad Khalid R/O Dab, Mansehra.
12. Zaheer Khan S/O Gohar Rehman R/O House No. 981 Muhallah Dab No. 1, Mansehra.
13. Abdul Waheed S/O Haji Aziz-ur-Rehman Khan Swati R/O Thakra, Mansehra.
14. Moulana Shahid, Khateeb Jamia Masjid Chitti Dehri, Mansehra.
15. Moulana Faiz-ul-Bari, Khateeb Jamia Masjid Sonehri, Baidra Chowk, Mansehra.
16. Haji Abdullah S/O Haji Khalid R/O Muhallah Dab No. 1, Mansehra.
17. Malik Ehtesham Ali, Member District Council, City Mansehra.
18. Basharat Ahmad Khan, Advocate, District Mansehra.
19. Sahibzada Mian Tufail Ahmad S/O Sahibzada Ghulam Sarwar R/O Banda Lal Khan, Mansehra.
20. Any other witness if deem necessary by the Inquiry Officer during inquiry proceedings.

ATTESTED

Examiner

Date

09/03/2020

Deputy Commissioner
Mansehra

Amne F

OFFICE OF THE DEPUTY COMMISSIONER MANSEHRA

No. 548 /AE

Dated 10 /01/2020

102

To
The Assistant Commissioner,
Mansehra/Inquiry Officer.

Subject:

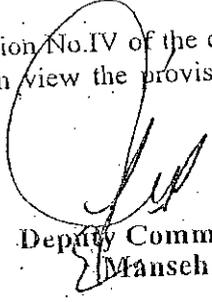
CHARGE SHEET.

Reference inquiry report vide No.94/P-2/AC(M) dated 03.01.2020 in the subject charge sheet.

The original enquiry file containing 112 pages received vide your letter under reference is returned herewith (in original).

Perusal of the same revealed that as per findings of the enquiry report, the allegations have been proved, but penalty(s) in the recommendation is lacking.

Please also take into consideration allegation No.IV of the charge sheet/statement of allegations and furnish complete inquiry report keeping in view the provision of E&D Rules 2011 at the earliest for further course of action.


Deputy Commissioner
Mansehra

Amma-6

116

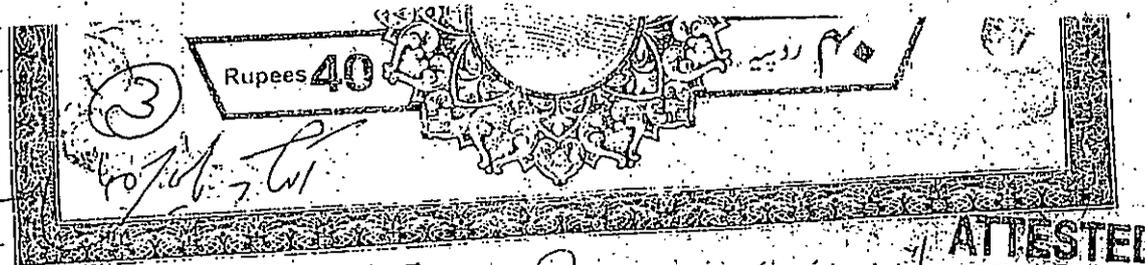
PAKISTAN National Identity Card

Name: Naseem Akhtar
 Date of Birth: 01.04.1982
 Date of Issue: 05.03.2013
 Date of Expiry: 05.03.2020

13503-2148270-1

09/02/1987

Holder's Signature



ATTESTED

Muhammad Sajid Tahir

NOTARY PUBLIC

13503-2148270-1

امان ولد محمد نواز صاحب نے اپنے حق میں ایک دستاویز تحریر کیا ہے جس میں اس کی جائیداد کے بارے میں لکھا گیا ہے۔

اس دستاویز کی کاپی مندرجہ ذیل افراد کو دی گئی ہے:

1. امیر خان ولد محمد نواز صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 13503-2148270-1

2. محمد امجد علی صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 13503-0591586-7

3. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

4. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

5. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

6. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

7. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

8. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

9. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

10. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

اس دستاویز کی کاپی مندرجہ ذیل افراد کو دی گئی ہے:

1. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

2. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

3. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

4. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

5. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

6. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

7. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

8. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

9. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

10. امیر خان صاحب (پتہ: کھانہ نہ ڈب، کراچی) - 4045

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ردیف	تاریخ	شرح	مبلغ	تاریخ	شرح	مبلغ	تاریخ	شرح	مبلغ
1	13/24	...	10568	13/24	...	475	13/24
2	13/24	...	4045	13/24	...	...	13/24	...	...
3	13/24	...	9900000	13/24	...	...	13/24	...	...
4	13/24	...	...	13/24	...	...	13/24	...	...
5	13/24	...	...	13/24	...	...	13/24	...	...
6	13/24	...	...	13/24	...	...	13/24	...	...
7	13/24	...	...	13/24	...	...	13/24	...	...
8	13/24	...	...	13/24	...	...	13/24	...	...
9	13/24	...	...	13/24	...	...	13/24	...	...
10	13/24	...	...	13/24	...	...	13/24	...	...
11	13/24	...	...	13/24	...	...	13/24	...	...
12	13/24	...	...	13/24	...	...	13/24	...	...
13	13/24	...	...	13/24	...	...	13/24	...	...
14	13/24	...	...	13/24	...	...	13/24	...	...
15	13/24	...	...	13/24	...	...	13/24	...	...
16	13/24	...	...	13/24	...	...	13/24	...	...
17	13/24	...	...	13/24	...	...	13/24	...	...
18	13/24	...	...	13/24	...	...	13/24	...	...
19	13/24	...	...	13/24	...	...	13/24	...	...
20	13/24	...	...	13/24	...	...	13/24	...	...
21	13/24	...	...	13/24	...	...	13/24	...	...
22	13/24	...	...	13/24	...	...	13/24	...	...
23	13/24	...	...	13/24	...	...	13/24	...	...
24	13/24	...	...	13/24	...	...	13/24	...	...
25	13/24	...	...	13/24	...	...	13/24	...	...
26	13/24	...	...	13/24	...	...	13/24	...	...
27	13/24	...	...	13/24	...	...	13/24	...	...
28	13/24	...	...	13/24	...	...	13/24	...	...
29	13/24	...	...	13/24	...	...	13/24	...	...
30	13/24	...	...	13/24	...	...	13/24	...	...
31	13/24	...	...	13/24	...	...	13/24	...	...
32	13/24	...	...	13/24	...	...	13/24	...	...
33	13/24	...	...	13/24	...	...	13/24	...	...
34	13/24	...	...	13/24	...	...	13/24	...	...
35	13/24	...	...	13/24	...	...	13/24	...	...
36	13/24	...	...	13/24	...	...	13/24	...	...
37	13/24	...	...	13/24	...	...	13/24	...	...
38	13/24	...	...	13/24	...	...	13/24	...	...
39	13/24	...	...	13/24	...	...	13/24	...	...
40	13/24	...	...	13/24	...	...	13/24	...	...
41	13/24	...	...	13/24	...	...	13/24	...	...
42	13/24	...	...	13/24	...	...	13/24	...	...
43	13/24	...	...	13/24	...	...	13/24	...	...
44	13/24	...	...	13/24	...	...	13/24	...	...
45	13/24	...	...	13/24	...	...	13/24	...	...
46	13/24	...	...	13/24	...	...	13/24	...	...
47	13/24	13/24	13/24
48	13/24	13/24	13/24
49	13/24	13/24	13/24
50	13/24	13/24	13/24

13/24
2015

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31/12
31/12

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Annex I

113

ردیف	تاریخ	رقم سند قسم زمین	شماره	نام کاشکار معاد اجوال	نام مالک معاد اجوال	شماره برگه
۱۱۶	۸۷۸۲	24-13 9 493 9-0 (فرضی زمین)	1-078 2-20	بد سوز	سیدم افتر ولد میراویز مان قوم سرائی جنابگری ساکن نزد پو (C9) بد سوز --- (C9A)	۲۰۲ ۶۶۴۹

بنا ۱۵۰
تقلی و نقل اصل
۹ ۸۷۸۲
29/07
2015

(112)

رجسٹر انتقال موضع امرہ

نمبر حدیث ۵۶ تحصیل

۱	۲	۳	۴	۵	۶	۷	۸	۹	۱۰	۱۱	۱۲	۱۳	۱۴	۱۵
اگر ایسی تبدیلی گنہگار یا آخری واقعہ انتقال جس کی رو سے مندرجہ مذکور ہے۔														
بھاری نام نمبر ۱۵														
ورق نمبر ۸۲														

(۱)
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۱۵	۱۴	۱۳	۱۲	۱۱	۱۰	۹	۸	۷	۶	۵	۴	۳	۲	۱
۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰
۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰
۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰
۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰
۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰	۱۰۰۰

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اصلاح
تاصیف

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Annex 105

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بیان کیفیت خان ولد گوہر الرحمن منسلکہ حیثی ذمہ داری کے تحت خان کاوٹی مال
پر ملک بیانا گیا۔

۱۴ مئی ۲۰۱۵ء کو خان واقعہ نظامی خانہ میں خان کاوٹی مال کے ساتھ
سجالی لکھنؤ خان ولد گوہر الرحمن کے ساتھ لکھنؤ میں ملاوٹ (اسٹریٹنگ)
میں ملے ہوئے خان کاوٹی مال کے متعلقہ اسٹریٹنگ میں لکھنؤ خان کاوٹی مال
نور ۲۰۱۵ء کو ایک سارہ پستری نمبر ۱۴/۲۰۱۵ کے تحت خان کاوٹی مال
میں اسٹریٹنگ میں موجود ہے۔ لکھنؤ کو میں نے دور دیکھا ہے اس
مذکورہ خان کاوٹی مال کی اصل نمبر ۱۴/۲۰۱۵ میں موجود ہے جو برائے ملاحظہ
پیش کر رہوں (اصل لکھنؤ ملاحظہ والیں سہ)

ذرا اسٹریٹنگ (EX-PA) ہے XXXX

ملزم ہوا کی کو جرح کے لئے موقع دیا گیا۔ جو کہ بیانی ہوا کے میں
مشورہ ہے۔ یا لیں آتا ہے سلیں والیں دفتر میں ہوا۔

ATTESTED

Examined
Date 09/03/2020

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(12)
(43)

بہر حلف بیان کیا کہ میں نے 9 دن جیل اور اس کے بعد 29 دن
ریاستوں اور ریٹائرڈ اور ریٹائرڈ کے صاحب بقایا تھا جس پر میرے
کھانہ بیوی 1/2 اکڑ اور کھانہ ہے اور مکان میں خود رہائش
ہو اور میرے ساتھ کوئی اور نہیں رہائش پذیر نہ ہے۔ 6000000/-
مجھے میرے مکان کا دیئے رہے تھے میں نے پیش کیا ایک اکڑ اور
9500000/- روپے دیئے تھے میں نے مکان فروخت نہیں کیا یہ بات

(4) چار سال پہلے ہی ہے جو میں جیل سے باہر آیا جب میں گد
آیا تو میرے بھائی نے اولاد کے باہر آگے گرا اور اور قلیلہ آئے ہو۔

تھے میرے بھائی نے میری بیوی سے دستی لکرائے اور مجھے سے بھی دستی
کرائے تھے اور میری بیوی کو کچھ پتہ نہیں تھا۔ لیکن 3 سال پہلے اور
میرا بیوی کی عمر 33 سال ہے۔ میں نے اپنے بھائی سے پوچھا ہے پیسے دو

تو میرے بھائی نے مجھے لول کے تم چپ رہو میں نے دستی لکرایا۔ سو روپے 500000/-
لاگو میں ہوا ہے اور درخواست غور لورہ میں۔ 7100000/- روپے لکھا ہوا ہے
اور مجھے سے لکھو کہ سے دستی لکرائے ہے۔ جب میں نے بھائی کو فون کیا
کہ پیسے دو۔ اور مجھے پتہ چلا کہ پیسے ماٹام 4 سالہ ہوا تھا۔ اور میرے

بھائی نے مجھے جو کاغذات دیئے اس میں 7100000/- لکھے ہوا تھا
پہلے مجھے 1200000/- لاکھ روپے لکھے چیب میرے بھائی کو دیئے۔ اس
کے بعد دوبارہ 1700000/- لاکھ روپے لکھے چیب میرے بھائی کو دیئے۔

استعمال کے بعد لکھ بیونے کے کچھ دن کے بعد میرے گھر پر نسیم اختر اور نسیم
آئے تو مجھے لولا کہ یہ گھر میں نے خرید لیا ہے تو آ پاپا یہ مکان خانی
کر دو تو بہار کے درمیان چھڑا ہوا تو اس نے عقانہ میں میرے خلاف درخواست

دی تو مجھے پولیس والے لکھائے آئے۔ تو میرے خلاف 107 بیوی
اس کے بعد میری ضمانت بیوی اور کچھ دنوں کے بعد رخصتی بیوی
کے نسیم اختر میرے گھر آئے تو لولا کے یہ گھر خانی کر دو میں نے لول
کہ بقایا پیسے دو تو نسیم اختر لولا کہ ہم پیسے پیش دیتے ہیں

ATTESTED
Examined
Date 09/03/2020

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(13)

سوال کوڈ میں 2900000 لاکھ روپے میں بنوا تھا اور
 سوال کوڈ میں 4000000 لاکھ روپے کا دوسرا انتقال ہوا
 اور اس میں بھی 2900000 لاکھ روپے کا انتقال ہوا ہے
 اور عدالت میں لے گیا اور عدالت میں لے گیا
 اور عدالت میں لے گیا اور عدالت میں لے گیا
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کفیر خان ولد لویہ خان سکنہ البرخان
 کاتونی مالنگرا

Commissioner
 Office

ATTESTED

Examiner

Date

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 09/03
 2020

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آج بروز 05/03/2015 درج ذیل مکان پر اسٹریٹ لائٹس لگانے کی درخواست

جو مکان کے پتے پر ہے۔ مکان کے پتے پر اسٹریٹ لائٹس لگانے کی درخواست ہے۔

جس کا پتہ ہے۔ مکان کے پتے پر اسٹریٹ لائٹس لگانے کی درخواست ہے۔

مکان کے پتے پر اسٹریٹ لائٹس لگانے کی درخواست ہے۔

مکان کے پتے پر اسٹریٹ لائٹس لگانے کی درخواست ہے۔

مکان کے پتے پر اسٹریٹ لائٹس لگانے کی درخواست ہے۔

مکان کے پتے پر اسٹریٹ لائٹس لگانے کی درخواست ہے۔

مکان کے پتے پر اسٹریٹ لائٹس لگانے کی درخواست ہے۔

مکان کے پتے پر اسٹریٹ لائٹس لگانے کی درخواست ہے۔

مکان کے پتے پر اسٹریٹ لائٹس لگانے کی درخواست ہے۔

مکان کے پتے پر اسٹریٹ لائٹس لگانے کی درخواست ہے۔

Diary No. 649
Dated: 26/04/21

BEFORE THE SERVICE TRIBUNAL KPK
PESHAWAR

Naeem Akhtar Jehangiri Son of Mir Awaid
Khan Cast Swati, Resident of Mohallah Sadiq
Abad Baidra Chowk Tehsil & District
Mansehra.....**Appellant**

VERSUS

1. Deputy Commissioner Mansehra
2. Commissioner Hazara Division Abbottabad
.....**Respondents**

RE-JOINDER ON BEHALF OF APPELLANT

Respected Sir!

REPLY TO BASIC OBJECTIONS

1. Para No.1 of the written statement in
incorrect.
2. Para No.2 of the written statement in
incorrect.

3. Para No.3 of the written statement in
incorrect.

4. Para No.4 of the written statement in
incorrect.

5. Para No.5 of the written statement in
incorrect.

REPLY ON FACTS

1. Para No.1 has been admitted as correct
to the extent of appointment of the
appellant the rest is incorrect and
requires solid and concrete proof.

2. That, Para No.2 is correct only to the
extent of complaint submitted by
Naseer Khan. In fact complaint was

marked to AC Mansehra, who marked the same to Tehsildar Mansehra who returned the complaint with the observation that the matter is sub-judice before the High Court and no inquiry can be held in this respect.

3. That, Tehsildar Mansehra has given cogent reasons in respect of the inquiry marked to him. Respondent No.1 entrusted inquiry to Assistant Commissioner Oghi who opined that no evidence is found against the appellant and also held that the matter is sub-judice before the High Court and also opined to file the proceedings and after the decision of the case by the High Court, the matter can be re-opened. Respondent No.1 was not satisfied with

the finding opinion of AC Oghi and sent the inquiry again to be conducted by AC Oghi. As a result thereof AC Oghi gave his opinion/findings as desired by Respondent No.1.

4. That, from the inquiry conduction by AC Oghi it is Crystal Clear that AC Oghi was persuaded to give opinion as desired from him.

5. That, No proper reply is submitted by respondents.

6. That, Assistant Commissioner Oghi has given two inquiry reports, quit contrary to each other so the charge sheet and statement of allegations are also defective in this respect.

7. That, Para No.7 of the comments is incorrect.

8. That, it is quit obvious that appellatant was held responsible for irregularities and the complainant was also held responsible in the first inquiry but in the Second inquiry AC Mansehra has given al together different findings, both the findings are at variance with each other.

9. That, as the proceedings conducted in respect of charge sheet, statement of allegation and mode of inquiry were defective therefore there was no any reasons to issue a showcase notice to the appellatant.

10. Reply as above.

11. That, the order of dismissal was passed against the spirit of efficiency and disciplinary rules 2011, as no solid evidence was led to established the allegations.

12. That, personal hearing was not conducted in accordance with law, therefore the petitioner was deprived of to place his case before the competent authority.

Grounds

A. Para No.A of the Written Statement is incorrect, dismissal order was passed against the spirit of E&D rules 2011.

B. That, Para B of the written statement is incorrect the order was never passed after observing the legal formalities laid down by law.

C. Para C of the written statement is incorrect Assistant Commissioner has written true facts during the inquiry.

D. Para D of the Written Statement is incorrect AC Mansehra and Tehsildar Mansehra had given true facts of the case which did not favour Respondent No.1.

E. Para E of the Written Statement is incorrect, in fact AC Oghi has given Correct view but when he was forced, he deviated from his earlier findings.

F. Para F Assistant Commissioner Mansehra

had not conducted inquiry in accordance with law, therefore the recommendations so made was defective.

G. Para G of the comments is incorrect AC

Mansehra conducted inquiry against the Spirit of E&D Rules 2011 and the allegations are shown established on the basis of surmises and conjectures and as such the recommendations/findings is defective and could not be made the foundation of impugned order .

It is therefore prayed that on acceptant of Appeal the impugned order of dismissal may kindly be set-aside and the appellatant may kindly be reinstated in service.

Dated: 24/04/2021

Naeem Akhtar Jehangiri

Appellant

Through

SHAD MUHAMMAD KHAN

Advocate Supreme Court
at Mansehra

AFFIDAVIT

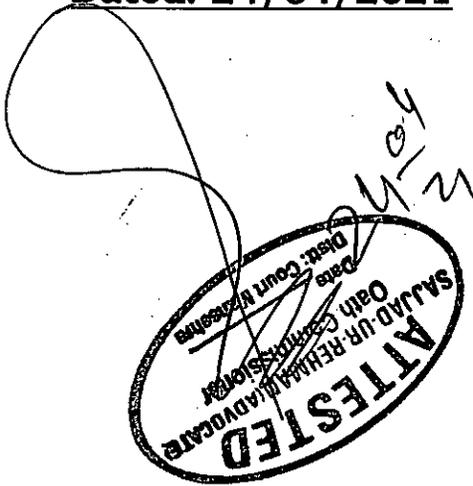
NAEEM AKHTAR JEHANGIRI SON OF MIR
AWAID KHAN CAST SWATI RESIDENT OF
MOHALLAH SADIQ ABAD BAIDRA CHOWK
TEHSIL & DISTRICT MANSEHRA DO HEREBY
SOLEMNLY AFFIRM AND DECLARE THAT THE
CONTENTS OF FORE-GOING RE-JOINDER ARE
TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF AND NOTHING HAS
BEEN CONCEALED FROM THIS HONOURABLE
COURT.

Dated: 24/04/2021



Naeem Akhtar Jehangiri

Deponent



نقل از روزنامه و اخباری پیوسته جلد ۱۰۰
روزنامه و اخباری پیوسته جلد ۱۰۰

تخصیص ضلع

روزنامه و اخباری پیوسته جلد ۱۰۰

رپٹ نمبر	تاریخ و یوم	موضع	تفصیل اندراج
475		88682	<p>۱۰ مسیحی شیخ خان ولد گوہر خان قوم جبرون شاہان ساکنہ مالکینہ زمینداران زمینداران کہ ممبر عالی مسیحی لہر خان ولد گوہر خان جو کہ جیل میں قید ہے اور اس کے اور اسی بیوی عاتقا نامہ لہر خان زوجہ لہر خان کے نام کو اس کا 65455 پتہ ہے اور ان کے 105689 تعدادی 13-24 سے لکھرا 9-10 مسیحی خان ہے جس کا سودا بلوچستان 4045 لہر خان کا قرض چکانے کیلئے ہے جس کے اختتام و لہر خان اور لہر خان قوم کوئی جہانگیر ساکنہ مالکینہ کے ساتھ صلحہ 29000000 روپے میں ہے تاکہ قرض کی رقم اور لہر آسکو جیل سے نکال کر اس کو اس کا انتقال ہو نہ نام مستحقانہ طور پر جس کا انتقال نہ کرنے کے بعد لہر خان اور لہر خان خد کوئی طرف سے اگر کوئی غلط بیانی یا بیہوشی یا کوئی امر قرض یا لہر خان یا لہر خان کی تمام تر عداوتیں ہیں یا کوئی نہ کوئی کا قرض ہیں اس میں کوئی غلط بیانی نہیں ہے اور اس کا 3-2148270-13503 لہر خان کوئی ہے اور لہر خان کوئی ہے اور لہر خان کوئی ہے شیخ خان ولد گوہر خان اور لہر خان کے انتقال میں ہے</p>
476		88683	<p>۱۰ مسیحی غلام خان ولد میر قسم قوم ساکنہ کوئی زمینداران زمینداران بیان تاکہ از انہی قوت ختم 3115 تعداد 1-1 سے لکھرا 5-6 دفتر ختم 3116 تعدادی 5-3 سے لکھرا 3-3-0 دفتر ختم 8088 تعدادی 9-0 سے لکھرا 1-1 کل 10-10 انتقال ہو نہ نام لہر خان ولد دراکان قسم کوئی ساکنہ بائوہ ختم تحصیل مالک کوئی نام جمع 8000000 تعدادی 1-1</p>
			<p>لہر خان کوئی ہے اور لہر خان کوئی ہے اور لہر خان کوئی ہے اور لہر خان کوئی ہے اور لہر خان کوئی ہے اور لہر خان کوئی ہے اور لہر خان کوئی ہے اور لہر خان کوئی ہے</p>

نمبر انرجسٹر انتقال موضع مارچ ۵۶ میل و ضلع

11	10	9	8	7	6	5	4	3	2	1
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اندر انرجسٹر جمعہ کی گذشتہ یا آخری واقعہ انتقال جس کی ترمیم مطلوب ہے۔ اندراج جدید جواب قائم کیا جاوے گا۔

نام مالک و احوال	نمبر انتقال	نمبر انتقال	نمبر انتقال	نمبر انتقال	نمبر انتقال	نمبر انتقال	نمبر انتقال	نمبر انتقال	نمبر انتقال	نمبر انتقال
نصیر خاں ولد گوہر رحمان برستو	1-0568	2-20	24-13	9	493	9-0	10568	4045	2900000	475
قوم جبرون بھائی صاحب										
وہا نادرہ نصیر خاں دستر										
عبد القیوم زوجہ نصیر خاں										
قوم تھولی ساکنانہ دریا										
داخلی دی کوہر 29										
برستو - 282										

خط عالی
واقعہ خیزا بہرہ مستحق و طرفہ
نمبر اولیٰ اسناد برہنہ فرست
04/03/2015

اندر انرجسٹر
2900000
475

65450

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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بیان فیضان ولد و میرزا حسن خان - ۵۲ نادیر فیضان دفتر علم القیوم خان (میرزا حسن خان) حقیقت مشترکہ بیان کیا کہ ہم آری پھر کھاتہ نمبر ۳۰۰۲ پر ختمہ ۱۰۰۶۸ تدریسی ۱۳-۲۴ سے ۹/۴۹۳ جو بقدر ۹-۵ مکان تعمیر شدہ بعض مصلح مبلغ ۲۴۰۰۰۰۰۰ روپیہ میں (پہا) نیم اختر ولد میرزا ویر خان قوم سواری جانی سائتہ ہر پھر کر دیا - ۲ -

نیم سالم وصول کر دیا - ۲ - لہذا استحقاق مقررہ ہجرت نیم اختر مشرقی مقررہ تقدیر کو سب پر ہمیں کوئی عذر - ۱ - اختیار نہیں

۲ - سن درست تسلیم کیا
۱۴ جنوری ۱۳۰۳/۱۵

۱۳۵۰۳-۵۲۷۶۷۴-۱۲ خانہ فیضان باہر
۱۳۵۰۳-۰۶۵۷۸۷۳-۳ خانہ فیضان ولد و میرزا حسن سکونہ ڈب نمبر ۳
۱۳۵۰۳-۲۱۴۸۲۷۰-۱ خانہ فیضان ولد و میرزا حسن سکونہ ڈب نمبر ۱
۱۳۵۰۳-۰۵۷۵۵۸۳-۹ خانہ فیضان ولد و میرزا حسن سکونہ ڈب نمبر ۹

Neelam

حساب رقم مہتاب کھسار صاحب مورخہ ۱۳/۳/۱۵ بطور دلیل کھسار میرزا یوسف علی ملکہ میں نے مسمیٰ فیضان خان ولد و میرزا حسن خان

۵۲ نادیر فیضان دفتر علم القیوم خان (میرزا حسن خان) حقیقت مشترکہ بیان کیا کہ ہم آری پھر کھاتہ نمبر ۳۰۰۲ پر ختمہ ۱۰۰۶۸ تدریسی ۱۳-۲۴ سے ۹/۴۹۳ جو بقدر ۹-۵ مکان تعمیر شدہ بعض مصلح مبلغ ۲۴۰۰۰۰۰۰ روپیہ میں (پہا) نیم اختر ولد میرزا ویر خان قوم سواری جانی سائتہ ہر پھر کر دیا - ۲ -

نیم سالم وصول کر دیا - ۲ - لہذا استحقاق مقررہ ہجرت نیم اختر مشرقی مقررہ تقدیر کو سب پر ہمیں کوئی عذر - ۱ - اختیار نہیں

۲ - سن درست تسلیم کیا
۱۴ جنوری ۱۳۰۳/۱۵

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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اندراج جمعیدی گذشتہ یا آخری واقعہ انتقال جس کی ترمیم مطلوب ہے۔

اندراج جدید جواب قائم کیا جاوے گا۔

نام ملک و احوال	نام مالک و احوال	نام کاشتکار و احوال	نمبر نام حکیت و رقم زمین	معاہدہ و احوال	نمبر کاشتکار و احوال	نمبر نام حکیت و رقم زمین	معاہدہ و احوال	نمبر کاشتکار و احوال	نمبر نام حکیت و رقم زمین	معاہدہ و احوال	نمبر کاشتکار و احوال	نمبر نام حکیت و رقم زمین	معاہدہ و احوال	نمبر کاشتکار و احوال	نمبر نام حکیت و رقم زمین	معاہدہ و احوال
بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا	بیسوڑا

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Handwritten notes and dates: 03/04/2015

Handwritten notes and dates: 29/3/15



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2230 /ST

Dated: 11 / 11 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The Deputy Commissioner,
Government of Khyber Pakhtunkhwa,
Mansehra.

Subject: JUDGMENT IN APPEAL NO. 5401/2020, MR. NAEEM AKHTAR JEHANGIRI.

I am directed to forward herewith a certified copy of Judgement dated 15.10.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR