

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 15266/2020

Shakeel Ahmad, EX. Patwari, DC Office, Mardan.....(Appellant)

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

1. Additional Commissioner Mardan Division, Mardan.
2. Deputy Commissioner, Mardan.
3. Himmat Ali s/o Redi Gul, r/o Village Alo, Tehsil Katlang.

Entry No. 3222

Dated 30-1-2023

.....(Respondents)

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Assistant Establishment
DC Office, Mardan

197/AAC-IV//Inquiry Officer, dated 19.03.2018, with the findings that the Patwari had received the alleged amount from the complainant to purchase land for him, by misusing his official capacity. Furthermore, the land was not purchased for the complainant, and provided fake document to him regarding the purchase of land, as such guilty of wrongdoing. In view thereof, vide letter No. 702-60/06-DK/RA, dated 12.04.2018, statement of allegation alongwith charge sheet was issued to him, and Mr. Fawad Khattak, Addl Assistant Commissioner (Rev), Mardan was appointed as Inquiry Officer.

**(Copy of report dated 19.03.2018 is Annex-B)
(Letter dated 12.04.2018 is Annex-C)**

The Inquiry Officer submitted his report vide No. 133 AAC Rev (M), dated 21.05.2018, concluding therein that Mr.Shakeel, while working as Patwari Halqa Alo, misused his office to gain illegal and fraudulent financial benefits from the complainant. Consequently, vide letter No. 1133/06(Shakeel Ahmad)-DK/RA, dated 04.06.2018, show cause notice was issued to him, to which he submitted his reply dated 05.06.2018.

**(Report dated 21.05.2018 is Annex-D)
(Show Cause notice dated 04.06.2018 is Annex-E)**

Later on, the accused Patwari alongwith the complainant were called for personal hearing, wherein the complainant submitted his statement dated 14.09.2018 that issue between them was settled by the local elders, amicably; and that he did not want further proceeding on his complaint. Therefore, office of the Commissioner Mardan was informed accordingly, vide this office letter No.584/53/Dk/EA, dated 17.09.2018.

**(Statement dated 14.09.2018 is Annex-F)
(Letter dated 17.09.2018 is Annex-G)**

Since the Patwari had admitted his guilt of receiving the amount from the private respondent No. 03 and deceived him for long time by misusing his official position; therefore, office of Commissioner, vide letter dated 21.10.2018 shared its observation with Respondent No. 02 that the Patwari seemed involved in illegal activities as such guilty of misconduct and asked for inquiry into the matter. **(Letter dated 21.10.2018 is Annex-H)**

Therefore, vide latter No. 849/06/Shakeel Ahmad/EA-RA dated 07-11-2018, the respondent No. 02 directed the Additional Assistant Commissioner (Rev) Mardan to conduct a de-novo inquiry into the matter and submit

report, who submitted his report vide No. 89/AAC(R), dated 28.01.2019, stating therein that the Patwari concerned failed to clarify his position with regard to compromise with the complainant; misused his official capacity to gain illegally and fraudulently financial benefits from the complainant.

**(Letter dated 07.11.2018 is Annex-I)
(Report dated 28.01.2019 is Annex-J)**

Consequently, on 10.05.2019, both the respondent NO.03 (Mr. Himmat Ali) and the appellant Mr. Shakeel Ahmad Patwari were called by respondent No.02 for personal hearing and their statements were recorded. Both were called again on 26.06.2019 and were personally heard, wherein it was established that the appellant committed fraud with the complainant by misusing his official capacity, which warranted imposition of major penalty upon him, under E&D rules.

4. As explained above.
5. As above.
6. Does not pertain to the answering respondents.
7. As above.
8. Incorrect. During personal hearing dated 14.09.2018, the complainant submitted his statement that issue between them was settled by the local elders, amicably; and that he did not want further proceeding on his complaint. Therefore, the complaint was filed and office of the Commissioner Mardan was informed accordingly, vides this office letter No.584/53/Dk/EA, dated 17.09.2018 by the answering respondent No. 02.

But during a de-novo inquiry, followed by personal hearing, dated 10.05.2019 and 26.06.2019, it came to fore that the appellant had not kept his promise/commitment with private Respondent No.3 as neither the land was purchased for him nor did return the amount to him which proved that he was guilty of misusing his office and cheating the complainant.
9. Incorrect. The departmental appeal was dismissed on merit.
10. Incorrect. The appellant was proceeded against on a well-proofed complaint. He has been sacked from service after properly establishing the charges leveled against him and fulfillment of all formalities; therefore, no illegality can be attributed to the whole proceedings.

(4)

REPLY ON GROUNDS:

- A. Incorrect. The said order is just and in accordance with law & rules, hence, maintainable.
- B. Incorrect. De-novo inquiry has been ordered by the competent authority.
- C. Incorrect; as explained in reply of para 03 & 06 above.
- D. Incorrect; all proceedings have been mentioned in detail in para-03, above.
- E. Incorrect. Charges against him have properly been established.
- F. Incorrect. The said order is just and in accordance with law & rules.
- G. Incorrect. He has confessed regarding the charges in his statement during personal hearing, and during the inquiry proceedings.
- H.
- I. His proven misconduct warranted major penalty, therefore, same was imposed upon him.
- J. Incorrect. The said order is just and in accordance with law & rules, hence, maintainable.
- K. The Commissioner/Additional Commissioner are next higher authority of Deputy Commissioner as such they have powers to decide the departmental service appeals.
- K. Incorrect. Proper show cause notice was served upon him. Besides, he was personally heard, twice.

(Copy of show cause is Annex- "K", his reply is Annex- "L", statements recorded during personal hearing is Annex "M"-

- L. Incorrect. A complaint filed by one Mr. Himmat Ali against the appellant was properly probed into, wherein he has been proved guilty of misconduct.

In view of the above, it is requested that the appeal being devoid of law & merit, may be dismissed with costs.


DEPUTY COMMISSIONER
MARDAN (R-2)


ADDITIONAL COMMISSIONER
MARDAN (R-1)

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 15266/2020

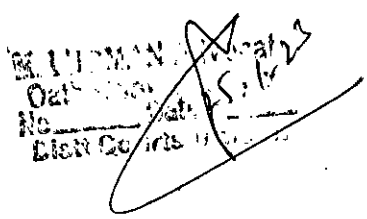
Shakeel Ahmad, EX. Patwari, DC Office, Mardan.....(Appellant)

VERSUS

1. Additional Commissioner Mardan Diviison, Mardan.
2. Deputy Commissioner, Mardan.
3. Himmat Ali s/o Redi Gul, r/o Village Alo, Tehsil Katlang.
.....(Respondents)

AFFIDAVIT


I, Hussain Akbar (Assistant Establishment DC Office Mardan do hereby solemnly affirm and declare on oath that the contents of the accompanying Comments on behalf of respondent No.1 & 2 are correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.



 Hussain Akbar

 DC Office Mardan

 Date: 15/05/2020



Deponent

 Hussain Akbar

 CNIC#: 16101-7306270-3

 Cell#: 03005844549

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Annex-A¹



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

Website: <http://sites.google.com/site/commissionerMardandivision>
Address: Opposite Town Hall, Near College Chowk Mardan
Phone: 0937-9230579, Fax: 0937-9230578, Email: commissionermrd@yahoo.com

No: 305 /Sec/Com (M)

Dated Mardan the: 01/01/2018

To
The Deputy Commissioner Mardan.

Subject:- Complaint against Shahkili Patwari.

I am directed to refer to the subject noted above and to enclose herewith a copy of self explanatory complaint alongwith enclosures against Shahkili Patwari, received from Mr. Himat Ali s/o Red Ali Gul r/o Jangla Alo Tehsil Katlang District Mardan for inquiry and report within 15 day for perusal of Worthy Commissioner Mardan Division please.

[Signature]
Secretary to Commissioner
Mardan Division Mardan

Copy forwarded to the:-

- 1- Chief Minister Complaint Cell Khyber Pakhtunkhwa Peshawar.
- 2- PS to Commissioner Mardan Division Mardan.

Commissioner Complaint Cell Mardan

✓ 2435

1-2-18

EA
PU draft as
directed.

[Faint stamps and handwritten notes]

(7)

جناب کشر صاحب ضلع مردان

درخواست برادری حصول قانونی کارروائی بر خلاف

کھلی احمد ولد لال بہادر سیکڑ کا ٹنگ ضلع مردان

موبائل نمبر: 03149639942 03002444351

جناب عالی!

گزارش حسب ذیل عرض ہے یہ کہ ساکن کو کھلی احمد زکوره بالائے 2016-03-13 کو فون کیا کہ آپ کی زمین واقع موضع
 قلا آلو کا ٹنگ ضلع مردان کے ساتھ کچھ زمین ہے آپ آئیں میں آپ کو یہ زمین بالکوں سے خرید دوں گا۔ کھلی احمد زکوره بالا
 چونکہ کا ٹنگ میں موضع قلا آلو کا پڑوسی ہے۔ اس لیے میں نے اس کی بات کا اعتبار کرنے کے چارہ کنال زمین کی قیمتیں لاکھوں روپے
 (=/RS 2300000) دو گواہوں کے سامنے کو کھلی احمد زکوره بالا کو ادا کیے۔ گواہ نمبر 1 مکرم خان ولد شاہ زمین خان
 ساکن آلو جگہ کا ٹنگ ضلع مردان گواہ نمبر 2 ذور علی ولد حکیم گل ساکن آلو کا ٹنگ ضلع مردان کے سامنے ادا کیے۔ ادا کی
 کے بعد کھلی زکوره بالائے مجھے ہاتھ کی بنی فرود نقش زمین اور کہیں ٹری فرودی اور کہا کہ زمین آپ کے نام ہوگی ہے۔ پھر میں
 نے پورا خانہ آلو کا ٹنگ میں جا کر ریکارڈ چیک کیا لیکن ہمارے نام کوئی انتقال درج نہ تھا۔ کوئی کاغذات سب جعلی
 تھے۔ (کاغذات کی فوٹو سیٹ ساتھ لف ہے۔)

لہذا آپ سے استدعا کی جاتی ہے کہ کھلی زکوره بالا کے خلاف قانونی کارروائی کر کے مجھے اپنی رقم واپس دلوائی جائے۔

العارض

ہمت علی ولد رید علی گل 1-5701223-16102
 ساکن جگہ آلو کا ٹنگ ضلع مردان
 فون نمبر: 9355817-0346

مورخہ: 30-01-2018



(8)

Annex - B

**OFFICE OF THE ADDITIONAL ASSISTANT COMMISSIONER-IV/INQUIRY
OFFICER MARDAN.**

No. 197 AAC-IV/Inquiry Officer

Dated: 19/03/2018

SUBJECT: COMPLAINT AGASINT SHAKEEL PATWARI.

INQUIRY REPORT

Kindly refer your memo No. 457/DC(M)/FA-16 dated 2-2-2018, whereby the subject inquiry was entrusted to the undersigned to probe into the matter and submit report.

After the relevant documents were received, the petitioner and official concerned were summoned to record their statements.

The petitioner while recording his statement reiterated the version given in his application and further added that the Patwari Halqa while holding the charge of Patwari Halqa Ghala, Alo and Katlang, called him that some persons owned land adjacent to his land want to sell their land, which he will purchase for him and asked him to provide him Rs. 2300000/-, as the official concerned was holding the charge of Mauza Alo, as such, he trusted upon him and paid the amount, asked for in presence of Mukaram Khan and Zard Ali Khan. He further added that the official concerned told him that after attestation of mutation he will provide him a copy thereof and after sometime he provided sketch, Manual Fard and Computerized Fard in respect of the land. In order to satisfy himself he went to Patwar Khana and SDC Mardan, but the official concerned told him that the documents provided by the Patwari Halqa were fake and bogus. The petitioner requested for recovery of amount paid to the Patwari Halqa.

The petitioner in support of his contention produced two witnesses whose statements were recorded wherein they stated that the alleged amount was paid by the Petitioner in their presence to Patwari Halqa.

The Patwari Halqa was summoned and on his appearance his statement was recorded, wherein he denied the allegations leveled against him by the Petitioner.

I have gone through the relevant papers and statements so recorded, during the inquiry proceedings.

Perusal of documents produced by the petitioner and statements so recorded it reveals that the official concerned received the alleged amount from the Petitioner purchase of land for the Petitioner, in official capacity being Patwari Halqa, Alo, however, the land was not purchased but he provided fake documents regarding sale in respect of land referred to above. The Patwari Halqa is guilty of wrong doing, as such, is liable for action under E & D Rules.

Submitted please.

E MARDAN	
548 DI: 19-376	
(Jawad Ali) Additional Asstt. Commissioner-IV/ Inquiry Officer Mardan	
Rev. Asstt.	ADZ
Subst: ✓	Put up S.O.A & C-sheet with A.C.R. as inquiry
Slono	

DC Mardan



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OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN
No. ~~702-06~~ / 06-DK/RA
Dated Mardan the 12/04/2018

Annex-C

1. I, Muhammad Usman Mehsud, the Deputy Commissioner, Mardan, as competent authority, hereby charge you, Mr. Shakeel Ahmad, Ex Patwari Halqa Alo as follows:
 - i. That office of the Commissioner Mardan Division Mardan, vide letter No. 305/Sec/Com(M), dated 01.02.2018, forwarded a complaint of Mr. Himmatt Al S/O Redi Gul R/O Alo for inquiry & report. The complainant stated that you while posted as Patwari Alo asked him that you would purchase certain land for him situated in mauza Alo and he paid you Rs. 23,00,000/- for purchase of the land. Later on, you handed over him revenue papers and ensured him that the property had been transferred in his name; but on confirmation, he came to know that no property was transferred in his name and the papers handed over to him were fake.
 - ii. That vide this office letter No. 457/DC(M)/EA-16, dated 02.02.2018, the matter was entrusted to the Addl Assistant Commissioner-IV, Mardan for facts finding inquiry, who submitted his report vide No. 197/AAC-IV/Inquiry Officer, dated 19.03.2018, with the findings that you had received the alleged amount from the complainant for purchase of land by misusing your official capacity, and the land was not purchased for him. Furthermore, you provided fake documents to him regarding the purchase of land, as such you were guilty of wrongdoing.
 - iii. That the abovementioned report proved you guilty of misuse of official position and extortion of money dishonestly, which warrants disciplinary action against you under the E & D rules.
2. By reason of the above, you have appeared to be guilty of misconduct under the Khyber Pakhtunkhwa Govt Servants (E&D) 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 to the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and that ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. Statement of allegations is enclosed.

Deputy Commissioner
Mardan

No & Date Even:

Cc:

1. The Addl Deputy Commissioner, Mardan.
2. Secretary to Commissioner Mardan Division Mardan w/r to above.
3. The Settlement Officer Nowshera with the request to serve this statement of allegations alongwith charge sheet on Mr. Shakeel Ahmad Patwari presently serving in settlement Nowshera.
4. Addl Assistant Commissioner (Rev), Mardan for inquiry and report.
5. Mr. Shakeel Ahmad Ex. Patwari Halqa Alo with the direction to submit written defence within 7 days of the receipt of this charge sheet to the Inquiry Officer.

DISCIPLINARY ACTION:

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1. I, Muhammad Usman Mehsud, Deputy Commissioner, Mardan, as competent authority, am of the opinion that Mr. Shakeel Ahmad Ex- Patwari Halqa Alo has rendered himself liable to be proceeded against, as he has committed the following acts/omission, within the meaning of rule 3 of the Khyber Pakhtunkhwa Govt Servants Efficiency & Discipline O.Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. That office of the Commissioner Mardan Division Mardan, vide letter No. 305/Sec/Con(M), dated 01.02.2018, forwarded a complaint of Mr. Himmat Ai S/O Redi Gul R/O Alo for inquiry & report. The complainant stated that Mr. Shakeel Ahmad Ex-Patwari Halqa Alo asked him that he (Shakeel Ahmad) would purchase certain land for him situated in mauza Alo. The complainant paid Rs. 23,00,000/- to him for purchase of the land; the Patwari handed over him revenue papers and ensured him that the property had been transferred in his name; but on confirmation, he came to know that no property was transferred in his name and the papers handed over to him were fake.
 - ii. That vide this office letter No. 457/DC(M)/EA-16, dated 02.02.2018, the matter was entrusted to the Addl Assistant Commissioner-IV, Mardan for facts finding inquiry, who submitted his report vide No. 197/AAC-IV/Inquiry Officer, dated 19.03.2018, with the findings that Mr. Shakeel Ahmad Patwari had received the alleged amount from the complainant for purchase of land by misusing his official capacity; the land was not purchased for him; and provided fake documents to the complainant regarding the purchase of land, as such he is guilty of wrongdoing.
 - iii. That the abovementioned report proved Mr. Shakeel Ahmad Ex-Patwari Halqa Alo, guilty of misuse of official position and extortion of money dishonesty, which warrants disciplinary action against him under the E & D rules.
2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Fawad Khatak, Addl Assistant Commissioner (Revenue), Mardan is hereby appointed as Inquiry Officer under rule 10(1)(a) of the ibid rules.
 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 report, within 15 days of the receipt of this order, recommendations as to punishments or other appropriate action against the accused.
 4. The accused Patwari shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

Deputy Commissioner
Mardan



OFFICE OF THE ADDITIONAL ASSISTANT
COMMISSIONER (REVENUE) MARDAN.

No: 133/AAC Rev (M) PH No: 0937-9230326 Dated: 21/05/2018

To.

The Deputy Commissioner,
Mardan.

SUBJECT: INQUIRY AGAINST MR. SHAKEEL AHMAD, EX-PATWARI ALO

Please refer to your good office order No: 702-06/06-DK/RA dated: 12-04-2018 whereby allegations were levelled against Mr. Shakeel Ahmad, ex-patwari halqa Alo, and undersigned was nominated as inquiry officer in the case with directions to complete the inquiry and report.

It is most humbly submitted that the undersigned conducted a detailed inquiry in the matter whereby chances were given to all the persons directly or indirectly connected in the matter, report is submitted as under.

Background of the Inquiry:

A complaint was lodged in the office of the worthy commissioner Mardan division Mardan whereby complainant Mr. Himmat Ali s/o Redi gul stated that accused Mr. Shakeel ahmad when posted as patwari Alo asked the complainant that he would purchase some land for him for Rs 2300000. However the revenue papers handed over to him when verified by the complainant were fake.

In this connection the undersigned summoned complainant, accused and witnesses to the office of the undersigned so that a chance may be given to all the persons involved to substantiate their stance as directed in kp E&D rules 2011.

Statement of accused:

Mr. Shakeel ahmad the accused came before the undersigned one day before date fixed for the inquiry and submitted his written reply stating that he will appear again tomorrow. In his written reply the accused denied allegation levelled against him by Mr. Shakeel Ahmad patwari. Furthermore, the accused stated that a partition application is pending in the court of AAC Katlang therefore, the complainant lodged a frivolous complaint against him to pressurised him.

Statement of the complainant:

The complainant in his written reply stated that the accused promised him that he would purchase some land for him for Rs 2300000. For the purpose i gave him Rs 610000 Rs 1500000 and Rs 190000 in front witness No. 1 Mukaram khan witness No.2 Zardad Ali and myself respectively to the accused. However, the accused handed him over fake documents and fraudently taken all his money.

Statement of witness 01:

Witness number one Mr. Mukaram khan in his written statement stated that "I handed over 610000 rupees to shakeel patwari from Himmat ali complainant."

Statement of witness 02:

Witness number two Mr. Zardaali Gul in his written statement stated that "I handed over 1500000 rupees to shakeel patwari from Himmat ali complainant."

بیان... ہیئت علمی و مدیران کی طرف

با اکراد صحاح بیان کیا۔ درمیان اسٹیشن افسر، پتواری، موصیٰ اور قسطنطنیہ

کے خلاف سبکدوشی درخواست / عدالت رقم سیک / 2300000 / غائب کٹنگ

اور دیگر حکمرانوں کو روکا گیا۔ شکرانہ علیحدہ سے بیمار مابین کینیڈا اور

راضی نامہ کر لیا ہے۔ جب کو بیچ کر لیتے تو سیم بنا ہے۔ اب بیمار

مابین کی قسم اتنا زور نہیں رہا۔ شکرانہ کے خلاف زور کو کم

درخواستوں میں مزید جلدی نہیں کی گئی۔ بیمار اور دوستوں کو کمزور لکھنے

راضی نامہ سے بد مذہب اور برائی کے واقعہ کے بعد اس کا حل جاری کیا گیا ہے۔

16102-0364570-1

ڈیڑھ گھنٹہ کے دوران میں اسٹیشن
مدیرانہ خان

161025-701223-1

الہیہ ہیئت علمی و مدیران کی طرف
نیکان

16101-1287979-3

الہیہ ہیئت علمی و مدیران کی طرف

14-09-2018

0314-9639942

03469355817

14-09-2018

15

Annex-C



OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN.

No. 584 /53/DK/EA
Dated Mardan the 17 /09/2018

To:-
The Commissioner Mardan
Division Mardan.

Subject:- COMPLAINT AGAINST SHAKEEL PATWARI.

Memo:-
Reference you office letter No.305/Sec/Com (M), dated 01-02-2018,
and letter No.1495/Sec/NAB/1738 dated 19-07-2018, on the subject noted above.

During the course of proceedings the complainant Mr. Himat Ali
appeared before the undersigned and stated that issue between him and the Patwari
Mr. Shakeel had amicably been settled by the local elders, he had no further grievance
against the Patwari, he did not want further proceedings on his application, and
requested that same might be filed. Therefore his application has been filed. (His
statement is enclosed).


Deputy Commissioner
Mardan.



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

Website: <http://sites.google.com/site/commissionerMardandivision>
Address: Opposite Town Hall, Near College Chowk Mardan
Phone: 0937-9230579, Fax: 0937-9230578, Email: commissionermrd@yahoo.com
Dated Mardan the: 21/10/2018

No: 2425 /Sec/NAB
To

The Deputy Commissioner Mardan.

Subject: Complaint against Shakeel Ahmad, Patwari, Mauza Ghala Aalu, Katlang, Mardan and Others.

I am directed to refer to your office letter no. 584/53/DK/EA dated 17/09/2018 and to state that as per report, compromise reached between Mr. Shakeel Ahmad Patwari, Mauza Ghala Aalu and applicant Mr. Himat Ali, s/o Redi Gul and it is quite apparent that the Patwari concerned seems involved in illegal activities and seems guilty of misconduct therefore, he should be proceeded under E&D Rules. Hence, enquiry officer should be appointed to conduct inquiry and fix the responsibility within 15 days. The report may be submitted to this office within stipulated time for further consideration.

Mar
Secretary to Commissioner
Mardan Division Mardan

Copy forwarded to the:-

- 1- Deputy Director (Coord) Complaint Verification Cell, National Accountability Bureau, Khyber Pakhtunkhwa Peshawar and to state that although the issue has been resolved however, as the Patwari seems guilty of misconduct and be proceeded under E&D Rules, the report of action taken will be shared to your office accordingly.
- 2- PS to Commissioner Mardan Division.

DC OFFICE MARDAN	
Dairy No. 2935 Dt. 2/10/18	
A.D.C	
AC	
A.A.C	
D.O.F&P	
AO	
Subst:	✓
Signature	

(Handwritten initials)

EA
(Handwritten signature)

(Handwritten mark)



17

Annex-I

OFFICE OF THE
DEPUTY COMMISSIONER

MARDAN

No. 849 / 06(Shakeel Ahmad)-EA/RA
Dated Mardan the 07 / 11 / 2018

To

Mr. Gohar Ali,
Addl Assistant Commissioner (Rev),
Mardan.

Subject: DE NOVO INQUIRY AGAINST MR. SHAKEEL AHMAD PATWARI

1. Office of the Commissioner Mardan Division Mardan, vide letter No. 305/Sec/Com(M), dated 01.02.2018, forwarded a complaint of Mr. Himmat Ali S/O Redi Gul R/O Alo for inquiry & report. The complainant stated that Mr. Shakeel Ahmad Patwari whilst posted as Patwari Haqa Alo committed with him to purchase certain land for him situated in mauza Alo and he (Complainant) paid him Rs. 23,00,000/- for purchase of the land. Later on, the Patwari handed over him revenue papers and ensured him that the property had been transferred in his name; but on confirmation, he (The Complainant) came to know that no property was transferred in his name and the papers handed over to him were fake.
2. Vide this office letter No. 457/DC(M)/EA-16, dated 02.02.2018, the matter was entrusted to the Addl Assistant Commissioner-IV, Mardan for facts finding inquiry, who submitted his report vide No. 197/AAC-IV/Inquiry Officer, dated 19.03.2018, with the findings that the Patwari had received the alleged amount from the complainant for purchase of land by misusing his official capacity, and the land was not purchased for him. Furthermore, he provided fake documents to him regarding the purchase of land, as such guilty of wrongdoing. Vide letter No. 702-06/06-DK/RA, dated 12.04.2018, statement of allegations alongwith charge sheet was issued to him, and Mr. Fawad Khattak, Addl Assistant Commissioner (Rev), Mardan was appointed as Inquiry Officer.
3. The Inquiry Officer submitted his report vide No. 133 AAC Rev (M), dated 21.05.2018, concluding therein that Mr. Shakeel while working as Patwari Halqa Alo misused your office to gain illegal and fraudulent financial benefits from the complainant. Consequently, vide letter No. 1133/06(Shakeel Ahmad)-DK/RA, dated 04.06.2018, show cause notice was issued to him, to which he submitted his reply dated 05.06.2018.
4. Later on, the accused Patwari alongwith the complainant was called by the Deputy Commissioner, Mardan for hearing, wherein the complainant submitted his statement that issue between them was settled by the local elders, amicably; and that he did not want further proceedings on his complaint. Therefore, office of the Commissioner Mardan was informed accordingly, vide this office letter No. 584/53/DK/EA, dated 17.09.2018.
5. Now Secretary to Commissioner Mardan, vide letter No.2425/Sec/NAB, dated 31.10.2018, informed this office that the Honorable Commissioner, Mardan had observed that the Patwari seemed involved in illegal activities as such guilty of misconduct and directed for inquiry into the matter.
6. In view of the above you are hereby directed to conduct a De novo inquiry into the matter and submit your report within 15 days, positively. (Charge Sheet alongwith Statement of allegations is enclosed).

Deputy Commissioner
Mardan

Endst No. & Date Even:
Copy to:

The Secretary to Commissioner Mardan Division, Mardan w/r to letter No. 2425/Sec/NAB, dated 31.10.2018.

(18)

6



OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN

No. 849 / 06(Shakeel Ahmad)-EA/RA
Dated Mardan the 07/11/2018

To

Mr. Gohar Ali,
Addl Assistant Commissioner (Rev),
Mardan.

Subject: DE NOVO INQUIRY AGAINST MR. SHAKEEL AHMAD PATWARI

1. Office of the Commissioner Mardan Division Mardan, vide letter No. 305/Sec/Com(M), dated 01.02.2018, forwarded a complaint of Mr. Himmat Al S/O Redi Gul R/O Alo for inquiry & report. The complainant stated that Mr. Shakeel Ahmad Patwari whilst posted as Patwari Haqa Alo committed with him to purchase certain land for him situated in mauza Alo and he (Complainant) paid him Rs. 23,00,000/- for purchase of the land. Later on, the Patwari handed over him revenue papers and ensured him that the property had been transferred in his name; but on confirmation, he (The Complainant) came to know that no property was transferred in his name and the papers handed over to him were fake.
2. Vide this office letter No. 457/DC(M)/EA-16, dated 02.02.2018, the matter was entrusted to the Addl Assistant Commissioner-IV, Mardan for facts finding inquiry, who submitted his report vide No. 197/AAC-IV/Inquiry Officer, dated 19.03.2018, with the findings that the Patwari had received the alleged amount from the complainant for purchase of land by misusing his official capacity, and the land was not purchased for him. Furthermore, he provided fake documents to him regarding the purchase of land, as such guilty of wrongdoing. Vide letter No. 702-06/06-DK/RA, dated 12.04.2018, statement of allegations alongwith charge sheet was issued to him, and Mr. Fawad Khattak, Addl Assistant Commissioner (Rev), Mardan was appointed as Inquiry Officer.
3. The Inquiry Officer submitted his report vide No. 133 AAC Rev (M), dated 21.05.2018, concluding therein that Mr. Shakeel while working as Patwari Halqa Alo misused your office to gain illegal and fraudulent financial benefits from the complainant. Consequently, vide letter No. 1133/06(Shakeel Ahmad)-DK/RA, dated 04.06.2018, show cause notice was issued to him, to which he submitted his reply dated 05.06.2018.
4. Later on, the accused Patwari alongwith the complainant was called by the Deputy Commissioner, Mardan for hearing, wherein the complainant submitted his statement that issue between them was settled by the local elders, amicably; and that he did not want further proceedings on his complaint. Therefore, office of the Commissioner Mardan was informed accordingly, vide this office letter No. 584/53/DK/EA, dated 17.09.2018.
5. Now Secretary to Commissioner Mardan, vide letter No.2425/Sec/NAB, dated 31.10.2018, informed this office that the Honorable Commissioner, Mardan had observed that the Patwari seemed involved in illegal activities as such guilty of misconduct and directed for inquiry into the matter.
6. In view of the above you are hereby directed to conduct a De novo inquiry into the matter and submit your report within 15 days, positively. (Charge Sheet alongwith Statement of allegations is enclosed).

Deputy Commissioner
Mardan

Endst No. & Date Even:
Copy to:

The Secretary to Commissioner Mardan Division, Mardan w/r to letter No.



19

**OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN**

No. 850-53 / 06-DK/RA
Dated Mardan the 07/11/2018

1. I, Qasim Ali Khan, the Deputy Commissioner, Mardan, as competent authority, hereby charge you, Mr. Shakeel Ahmad, Ex Patwari Halqa Alo as follows:

- i. That office of the Commissioner Mardan Division Mardan, vide letter No. 305/Sec/Com(M), dated 01.02.2018, forwarded a complaint of Mr. Himmat Ali S/O Redi Gul R/O Alo for inquiry & report. The complainant stated that you while posted as Patwari Alo asked him that you would purchase certain land for him situated in mauza Alo and he paid you Rs. 23,00,000/- for purchase of the land. Later on, you handed over him revenue papers and ensured him that the property had been transferred in his name; but on confirmation, he came to know that no property was transferred in his name and the papers handed over to him were fake.
 - ii. That vide this office letter No. 457/DC(M)/EA-16, dated 02.02.2018, the matter was entrusted to the Addl Assistant Commissioner-IV, Mardan for facts finding inquiry, who submitted his report vide No. 197/AAC-IV/Inquiry Officer, dated 19.03.2018, with the findings that you had received the alleged amount from the complainant for purchase of land by misusing your official capacity, and the land was not purchased for him. Furthermore, you provided fake documents to him regarding the purchase of land, as such you were guilty of wrongdoing.
 - iii. That the abovementioned report proved you guilty of misuse of official position and extortion of money dishonesty, which warrants disciplinary action against you under the E & D rules.
2. By reason of the above, you have appeared to be guilty of misconduct under the Khyber Pakhtunkhwa Govt Servants (E&D) 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 to the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and that ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. Statement of allegations is enclosed.


Deputy Commissioner
Mardan

No & Date Even:

Cc:

1. The Addl Deputy Commissioner, Mardan.
2. Secretary to Commissioner Mardan Division Mardan w/r to above.
3. Addl Assistant Commissioner (Rev), Mardan for inquiry and report.
4. Mr. Shakeel Ahmad Ex. Patwari Halqa Alo with the direction to submit written defence within 7 days of the receipt of this charge sheet to the Inquiry Officer.


Deputy Commissioner
Mardan

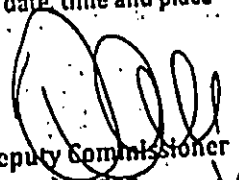
70

DISCIPLINARY ACTION:

1. I, Qasim All Khan, Deputy Commissioner, Mardan, as competent authority, am of the opinion that Mr. Shakeel Ahmad Ex-Patwari Halqa Alo has rendered himself liable to be proceeded against, as he has committed the following acts/omission, within the meaning of rule 3 of the Khyber Pakhtunkhwa Govt Servants Efficiency & Discipline O.Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. That office of the Commissioner Mardan Division Mardan, vide letter No. 305/Sec/Com(M), dated 01.02.2010, forwarded a complaint of Mr. Himmatt Al S/O Redi Gul R/O Alo for inquiry & report. The complainant stated that Mr. Shakeel Ahmad Ex-Patwari Halqa Alo asked him that he (Shakeel Ahmad) would purchase certain land for him situated in mauza Alo. The complainant paid Rs. 23,00,000/- to him for purchase of the land; the Patwari handed over him revenue papers and ensured him that the property had been transferred in his name; but on confirmation, he came to know that no property was transferred in his name and the papers handed over to him were fake.
 - ii. That vide this office letter No. 457/DC(M)/EA-16, dated 02.02.2018, the matter was entrusted to the Addl Assistant Commissioner-IV, Mardan for facts finding inquiry, who submitted his report vide No. 197/AAC-IV/Inquiry Officer, dated 19.03.2018, with the findings that Mr. Shakeel Ahmad Patwari had received the alleged amount from the complainant for purchase of land by misusing his official capacity; the land was not purchased for him; and provided fake documents to the complainant regarding the purchase of land, as such he is guilty of wrongdoing.
 - iii. That the abovementioned report proved Mr. Shakeel Ahmad Ex-Patwari Halqa Alo, guilty of misuse of official position and extortion of money dishonesty, which warrants disciplinary action against him under the E & D rules.
2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Gohar Ali Addl Assistant Commissioner (Revenue), Mardan is hereby appointed as Inquiry Officer under rule 10(1)(a) of the ibid rules.
 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 report, within 15 days of the receipt of this order, recommendations as to punishments or other appropriate action against the accused.
 4. The accused Patwari shall join the proceedings on the date, time and place fixed by the Inquiry Officer.


Deputy Commissioner
Mardan

A.D.C	
AC	
A.A.C	Inquiry Report
D.O.F&P	
AO	
Suodi:	
Simono	

De Novo Inquiry against Shakeel Ahmad Patwari

The subject inquiry was entrusted to the undersigned vide memo. No. 849/06 (Shakeel Ahmad) - EA/RA dated 07.11.18 for De-novo inquiry & submit report.

After the relevant papers received, the Patwari concerned was summoned to his statement, who appeared & submitted his statement in writing which was placed on file & he was cross examined in his statement, as well as, in cross examination he denied the allegations levelled by the petitioners against him, however he failed to furnish satisfactory reply, as to why he retailed the matter with the applicant through private compromise, when he was not received the amount from the applicant.

As the evidence of the parties was already recorded during the inquiry proceedings, on the basis of which the inquiry officer submit report, as such, I deemed not it proper to record statements of the parties again except Patwari concerned, whose statement is recorded.

EA
P.O.
D.C (St)

personal of statement of Patwari reveals that the Patwari concerned failed to clarify his position with regard to compromise with the complainant, when he has not received the amount in question, therefore, he misused his official capacity to gain illegally & fraudulently financial benefits from the complainant. But on other side the matter was solved if the complainant didn't pressure the issue, which seems that he got his satisfaction. Keeping in view, by doing so, the minor penalty under E & D rule section 4) may be awarded to the accused Patwari.

Submitted Please.

No. 89/24ER/11
28-11-19

Signature

(22)

Annex-K

OFFICE OF THE DEPUTY COMMISSIONER, MARDAN

No. 1057 /DC (M)/DK/EA-39

Dated, Mardan the 10/05/2019

PH# 0937-9230048-56

Fax No# 0937-9230303

email: dc_mardan0937@gmail.com

To :-

Mr. Shakeel Ahmad,
Patwari Muza Qasami Katlang.

Subject: - SHOW CAUSE NOTICE.

Whereas, Office of the commissioner Mardan Division Mardan, vide letter No.305/Sec/Com/(M), dated 01.02.2018, forwarded a complaint of Mr. Himmrat Ali S/O Redi Gul R/O Alo for inquiry & report. The complainant stated that you while posted as Patwari Halqa Alo committed to purchase certain land for him situated in Mauza Alo and he (Complainant) paid you Rs. 23,00,000/- for the said land. Later on, you handed over him revenue papers and ensured him that the property had been transferred in his name; but on confirmation, he (The Complainant) came to know that no property was transferred in his name and the papers handed over to him were fake; and

Whereas, vide this office letter No. 457/DC(M)/EA-16, dated 02.02.2018 the matter was entrusted to the Addl Assistant Commissioner-IV, Mardan for facts finding inquiry, who submitted his report vide No. 197/AAC-IV/Inquiry Officer, dated 19.03.2018, with the finding that you had received the alleged amount from the complainant for the purchase of land by misusing your official capacity, and the land was not purchased for him. Furthermore, you provided fake document to him regarding the purchase of land, as such you were guilty of wrongdoing. Vide letter No. 702-60/06-DK/RA, dated 12.04.2018, statement of allegation alongwith charge sheet was issued to you, and Mr Fawad Khattak, Addl Assistant Commissioner (Rev), Mardan was appointed as Inquiry Officer; and

Whereas, the Inquiry Officer submitted his report vide No. 133 AAC Rev (M), dated 21.05.2018, concluding therein that you while working as Patwari Halqa Alo, misused your office to gain illegal and fraudulent financial benefits from the complainant; and

Whereas, later on, you alongwith the complainant were called for personal hearing, wherein the complainant submitted his statement that issue was settled by the local elders, amicably; and that he did not want further proceedings on his complaint, therefore, office of the Commissioner Mardan was informed accordingly, vide this office letter No.584/53/Dk/EA, dated 17.09.2018; and

Whereas, Secretary to Commissioner Mardan, vide letter No.2425/Sec/NAB, dated 31.10.2018, informed this office that the Honorable Commissioner, Mardan Division Mardan had observed that the Patwari seemed involved in illegal activities as such guilty of misconduct and directed for inquiry into the matter and fixing responsibility; and

Whereas, vide this office letter No. 849/06/Shakeel Ahmad/EA-RA, dated 07-11-2018, Additional Assistant Commissioner (Rev) Mardan was assigned a de-novo inquiry into the matter, who submitted his report stating therein that the Patwari concerned failed to clarify his position with regard to compromise with the complainant and he misused his official capacity to gain illegally and fraudulently financial benefits from the complainant. But on the other hand the matter was solved and the complainant did not want to pursue the issue, which seems that he got his satisfaction and recommended minor penalty under E&D rules to be imposed upon him; and

Whereas, this act on your part tantamount to misconduct, and makes you liable for penalty/penalties mentioned in Rule 4 of the Khyber Pakhtunkhwa (E&D) Rules 2011.

You are therefore required to show cause as to why penalty/penalties mentioned in the ibid rules may not be imposed upon you.

You reply should reach to this office within seven (3) days, failing which it shall be presumed that you have nothing to offer in your defence and in that case ex-part action shall be taken against you.

Deputy Commissioner
Mardan

بیان... شمس الدہ بھوری علیہ السلام نے لکھی کہ اس سے صحت دینے
 بیان کیا کہ بہت سے مائیں نے بچوں کو ایسے چار کنٹن اراچی سے لیا تھا جو کہ
 اس وقت میں بونے اور بھوری تھا۔ کہ مائیں نے بچوں کو زہر داری میں لائیں
 کہ بچے / 300000 روپیہ لگا کر روپیہ ادا کر کے مائیں بچوں کو لے گئی تھیں
 حیدرآباد کی طرح سے معایہ میں فتح ہوا۔ اتفاقاً اس وقت کسی مائے سے
 کو لگواد لیا اور اسکی بازوئی میں بچہ لگا کر لائی پوئی کے مکرورہ مائیں ہر دم
 کہی صحت کیا۔ کہ ہم میں مکرورہ کے مائے سے بچے لگائے گئے تھے اور انہیں نامہ کرنا
 اور مائے سے بچے / 500000 روپیہ لگا کر روپیہ مائیں کو ادا کر کے جس پر درخواست
 زہر جوڑ کر لکھتے تھے اور انہیں نامہ فتح ہوا مائیں کی درخواست مثل پیر موہو پڑا۔
 جتنی کہ ہم میں سے مائے لگا کر رقم فرجود نہیں لگا۔ کہ میں رقم بھونے میں مائیں زمین دہے گی
 مائیں کی بچوں وہ انٹاری ہے اور دوبارہ درخواست پیر اور انہیں زمین پڑوں
 میں اپنے مائے اور مائیں اور انہیں مائیں مکرورہ دو فر لکھتے تھے زہر داری میں
 لکھا ہے کہ مائے لکھی گئی ہے۔ کہ مائیں کو نصف لکھا ہے اور
 کہ با رقم مائیں کو صحت زہر صحت ادا کر دیا

شمس الدہ بھوری علیہ السلام لکھی

20/5/6

دہلی ریور پینڈیج کمیٹی کے لیے سیکرٹری شہسوارا
 10/5/2018 کو جاری شدہ

26/6/2018 - آئی ڈی 26/6 کو فریڈن کمیٹی کے لیے

شہسوارا خلیفہ شمس الدین مسٹر ای، لا
 کے لیے جاری ہوئے

سیان پختہ کر دو اور باقی گل سانس دیکھ لو

سیان کے کھمبے سے نکلنے والی پھولوں سے صرف ایک اور

دوسرے قطر کے قوت صیف پرستی جو اس سے کچھ

سے اس طرح سے لیتے ہیں / *Bassia* روپیہ میں لیتے

نہ اس میں خردیوں اور نہ اس سے دریا لیتے۔ جو کافور سے

رشتاں کہ شکل میں دیکھ لیتے وہ کچھ لیتے۔ اس بار

میں علاوہ سے شراب سے بدست قوت لیتے۔ لیکن صبر

درد سے نہ صبر

نگار

لیتے ہیں دوسرے لیتے

بیان شکل راجہ پٹیل وقت قاضی کھیل کا کتب

بیان کیا ہے کہ پٹیل کی مثال سے موضع لاویہ چار کنال
 آرائی کا سودا کیا گیا ہے۔ چوتھے دن وقت میں موضع لاویہ چار کنال
 رہا۔ لوسائیل سے میرا ڈیم دروں میں بارڈن کو ملو ^{شیردانا} 23/11/19
 ادا کیے۔ کدین اور میں بارڈن کی فائی جیوری کی وجہ سے
 معاہدہ سے قطع صورت اتفاقاً اس وقت سے یہ سب سے
 راجہ پٹیل اور میں کی بازیا میں کچھ سے اس کی پوری سے علاوہ
 ساری کارکنوں کو ملا گیا۔ کہ میں میری یہ مشورہ سے عیاری حاکم
 خانہ راضی نام کر دیا اور میں نے ^{بانگ مانو} 20/11/19 کو ادا کیے
 جس پر درودیت زمر کجور کے کہنے سے راجہ نام قطع صورت سائل کے درودیت
 شکل پر موجود ہے۔ چوتھے دن میرا میرا راجہ لودہ راجہ پٹیل سے
 کو میں رقم کھڑا میں سائل زمین دینے کی پیشکش کی۔ میں وہ ادائیگی
 صورت اور دروازہ دینے سے کھار دیا اور اس کے بعد میں اور پٹیل
 آدمی ہوں اور اس کی طبیعت سے علاوہ وہ فرستے ہیں ڈیم دروں میں
 رکھا ہوں۔ سود بائیں رہتا ہے اور عیاری سے اسے سائل کو عطا کیا جائے
 راجہ پٹیل راجہ سائل کو صلہ نہ صلہ ادا کر دیا تھا۔

10/05/2019

27

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 15266/2020

Shakeel Ahmad, EX. Patwari, DC Office, Mardan.....(Appellant)

VERSUS

1. Additional Commissioner Mardan Diviison, Mardan.
2. Deputy Commissioner, Mardan.
3. Himmat Ali s/o Redi Gul, r/o Village Alo, Tehsil Katlang.
.....(Respondents)

AUTHORITY LETTER

Mr. Hussain Akbar (Assistant Establishment, CNIC No. 16101-7306270-3) DC Office, Mardan is hereby authorized to file comments in the Khyber Pakhtunkhwa Service Tribunal, Peshawar in the above-titled Service Appeal.


DEPUTY COMMISSIONER
MARDAN (Respondent#2)


ADDL COMMISSIONER
MARDAN Respondent#:1)