

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1089/2019

Date of Institution: 28.08.2019
Date of Decision: 09.02.2021

Sardar Ali S/o Gulzam R/o Wanda Kotana, Tehsil & District Lakki Marwat presently
Girdawar Circle Titter Khel Gulijan, Tehsil & District Lakki Marwat.
... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary and four others.
... (Respondents)

Syed Nouman Ali Bukhari
Advocate ... For Appellant

Mr. Asif Masood Ali Shah,
Deputy District Attorney ... For Respondents

Mr. MUHAMMAD JAMAL KHAN ... MEMBER (J)
Mr. ATIQ UR REHMAN WAZIR ... MEMBER (E)



JUDGEMENT: -

ATIQ UR REHMAN WAZIR: - Brief facts of the case are that the appellant, while serving as Girdawar Circle Baist Khel in district Lakki Marwat during 2016-17 was proceeded against on the charges of committing certain alleged interpolation in land record as well as mutations of the said land. Consequently, major penalty of reduction to a lower pay scale for three years was imposed upon the appellant vide impugned order dated 03-05-2019. Feeling aggrieved, the appellant filed departmental appeal dated 14-05-2019, which was rejected vide order dated 30-07-2019, hence the instant service appeal with prayers that impugned order dated 03-05-2019 and 30-07-2019 may be set aside and the appellant may be restored to his previous position without any further agony.

02. Written reply/comments were submitted by respondents.

03. Arguments were heard and record was perused.

04. Learned counsel for the appellant contended that the appellant served as Halqa Girdawar, whose responsibilities as per Land Revenue Act, 1967, is to compare and verify the mutation with the existing record, after it is submitted by Halqa Patwari, which the appellant did as per available record just from khewat bandobasth for the years 1992-93 and Jamabandi Zar-e-Kar for the years 2011-12 and correctly verified the area, which was further signed by the revenue officer. That the appellant was posted in such Halqa patwar in 2016, whereas the record pertains to the years 1992-93 and the appellant is not aware as to who tempered such record as Halqa Patwari is the sole custodian of record. That four consecutive inquiries were conducted in the case, but no malafide, corruption or over writing on part of the appellant was proved in first, second and third inquiry and the fourth inquiry was conducted to apportion responsibility to anyone just to complete the codal formalities without any proof, which was done in case of the appellant. That unless and until prosecution proves accused guilty beyond any shadow of doubt, he would be considered innocent. Reliance was placed on 1983 PLC (CS) 152. The learned counsel added that in the fourth inquiry the inquiry officer only suggested penalty based on supposition and conjunctures, which cannot take place of proof of fact. Reliance was placed on PLD 335- 1989. That conducting inquiry after inquiry is illegal to the effect that competent authority must pass a speaking order containing reasons as to why fresh inquiry was necessary, which however was not done in case of the appellant and which shows malafide on part of the respondents. Reliance was placed on PLJ 2003 Tr. C (Services) 247, 2011 PLC (CS) 1094, 2011 SCMR 1504 and Service Appeal No 831/2012. The learned counsel added that the so called inquiry proceedings were replete with deficiencies, as inquiry report was not provided with the show cause notice, thus violated Rule 14© of E&D Rules, 2011. That content of the inquiry report suggests that neither statements of witnesses were obtained in presence

of appellant nor they were cross-examined by the appellant, thus the whole proceeding is void ab-initio in the eyes of law. Reliance was placed on 2008 SCMR 609, 2016 SCMR 108, 2010 SCMR 1554, 2008 PLC (CS)1107 and Service Appeal No 1084/2015. That while rejecting the departmental appeal of the appellant, the respondents violated section 24-A of the General Clauses Act, by not providing any reason for rejection of his departmental appeal, which is not tenable in the eyes of law. Reliance was placed on 1991 SCMR 2332. The learned counsel contended that action of the respondents was discriminatory to the effect that other accused in the case were awarded minor penalties, whereas major penalty was imposed upon the appellant inspite of the fact that appellant having responsibility to tally the existing record with the mutation, whereas Halqa Patwari as well as revenue officer were mainly responsible for any omission or change in the record as is evident from the record. That the respondents also violated article 25 of Constitution of Pakistan. That such discriminatory behavior of respondents has already been thwarted by the apex court vide judgments in 2000 SCMR 669, 2012 SCMR 82, 2007 SCMR 410 as well as in Service Appeal No. 960/2016. The learned counsel prayed that in order to meet the ends of justice and in view of the injustice done to the appellant, the impugned order dated 03-05-2019 may be set aside and the appellant be restored to his original position as he held before passage of the impugned order dated 03-05-2019 with all consequential benefits.

05. Learned Deputy District Attorney appeared on behalf of official respondents contended that all codal formalities were fulfilled before imposition of major penalty upon the appellant. That proper inquiry was conducted and in light thereof, charge sheet/statement of allegations as well as show cause notice were served upon the appellant, to which he accordingly responded. That every opportunity of defense was afforded to the appellant including personal hearing, but the appellant failed to prove his innocence. The learned Deputy District Attorney contended that the appellant filed two departmental appeals to the respondents which is violation of Section-4 of Service

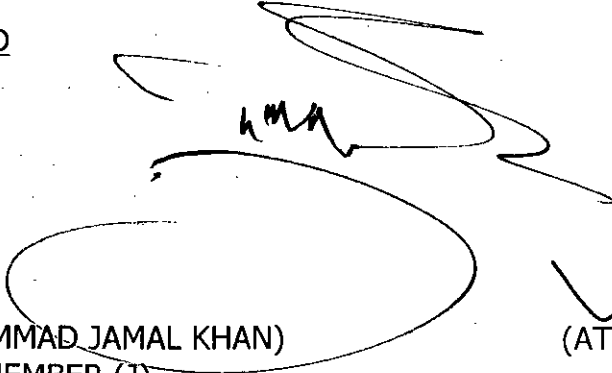
Tribunal Act 1974 as well as period of limitation could not be extended by repeated representation. Reliance was placed on 2004 SCMR 497 and 2013 SCMR 911. The learned Deputy District Attorney prayed that the instant appeal being devoid of merit may be dismissed.

06. We have heard learned counsel for the parties and perused the record. Record reveals that the subject issue erupted among parties on sale/purchase of a piece of land. One of the parties i.e. Mr. Inamullah filed a complaint before Senior Member Board of Revenue regarding issue of non-transfer of a purchased land, which complaint was targeted against another private party. Upon such complaint, three inquiries were conducted, which were filed every time under the plea that complainant is a third party having no concern in the said landed property. During the course, certain changes were noticed in the record of the land in dispute as well as process of mutation of the said land, which however was stopped and the said mutations rendered cancelled. Simultaneously an inquiry was also conducted against the revenue staff to ascertain as to who is responsible for such interpolation. It was noted that the proceedings initiated to this effect were replete with deficiencies, as it took almost three years in settling such issue. Findings of the earlier inquiries suggests that such record pertained to the years 1992-93 taking along the error until 2011-12 Jamabandi and its final transformation into computerized record. Posting tenure of the appellant is 2016, whereas traces of such error travel back to 1991. The appellant and others were held responsible for being incumbent of the posts, as the error surfaced in their tenure, but without any proof, evidence or material to show that incumbents were the one who committed interpolation. The whole proceedings are limited to the extent of fulfilling a formality and the inquiry officer, without reaching to a solid conclusion supported by proof have divided penalties randomly among the staff ignoring their level of responsibilities even. The only justification with the inquiry officer is their incumbency and as is evident from his findings, he himself is not sure as to who is responsible, nor

about the time line, but still was adamant to declare someone responsible without reaching to the bottom of the case, which is highly undesirable. Needless to mention that the inquiry proceedings is lacking in important mandatory steps, which prevented the appellant to properly defend his case. Findings of the inquiry are based on supposition and conjunctures, devoid of any piece of evidence. We are of the firm opinion that injustice is done to the appellant in terms of imposing major penalty without any proof.

07. In view of the situation, the impugned orders dated 03-05-2019 is set aside and the appellant is restored to his original position as before the impugned order with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
02.02.2021



(MUHAMMAD JAMAL KHAN)
MEMBER (J)



(ATIQ UR REHMAN WAZIR)
MEMBER (E)

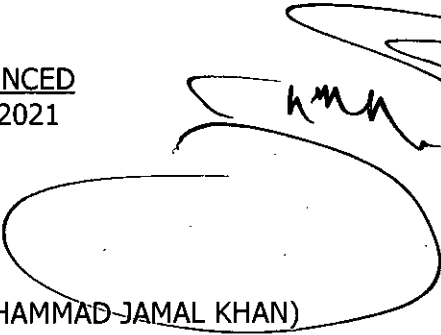
09.02.2021

Learned counsel for the appellant and Mr. Asif Masood Ali Shah, learned


Deputy District Attorney for respondents present.

Vide our detailed judgment of today of this Tribunal placed on file, the impugned orders dated 03-05-2019 is set aside and the appellant is restored to his original position as before the impugned order with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
09.02.2021



(MUHAMMAD JAMAL KHAN)
MEMBER (J)



(ATIQ UR REHMAN WAZIR)
MEMBER (E)

29-12-2020

Due to summer vacation, case is adjourned to
2.2.2021 for the same as before.


Reader

09.02.2021

Learned counsel for the appellant and Mr. Asif Masood Ali Shah, learned
Deputy District Attorney for respondents present.

Arguments heard. To come up for order on 09.02.2021 before D.B

(ATTIQ UR REHMAN WAZIR)
MEMBER (J)


(MUHAMMAD JAMAL KHAN)
MEMBER (E)

14.10.2020

Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mukhtiar Assistant Secretary for respondents present.

Former requests for adjournment that his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 11.11.2020 before D.B.


(Atiq-Ur-Rehman Wazir)
Member

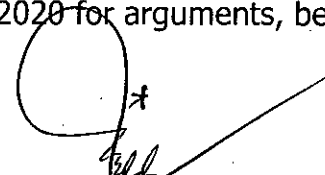

(Muhammad Jamal Khan)
Member


11.11.2020

Appellant present in person.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

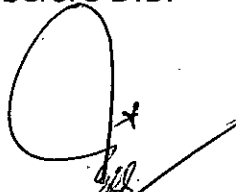
Lawyers are on general strike, therefore, case is adjourned to 29.12.2020 for arguments, before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

06.03.2020

Counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. M. Arif, supdt for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.04.2020 before D.B.


Member


Member

6-4-2020

Due to COVID 19, the case is adjourned to 1-7-2020 for same as before.



01.07.2020

Due to COVID-19, the case is adjourned to 11.08.2020 for the same.


Reader

11.08.2020

Due to summer vacations case to come up for the same on 14.10.2020 before D.B.


Reader

12.11.2019

Appellant in person and Addl. AG alongwith Muhammad Arif, Superintendent and Farmanullah, Superintendent for the respondents present.

Representative of respondents No. 1, 2 & 3 has furnished parawise comments on behalf of the respondents. Placed on record. Representative of respondents No. 4 & 5 relies on the parawise comments of respondents 1, 2 and 3. To come up for arguments before D.B on 19.12.2019. The appellant may submit rejoinder, within a fortnight, if so advised.


Chairman

19.12.2019

Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 29.01.2020 before D.B.


Member


Member

29.01.2020

Junior to counsel for the appellant and Addl. AG alongwith Afaq Samad, Junior Clerk for the respondents present.

Former requests for adjournment due to general strike of the Bar. Adjourned to 06.03.2020 for arguments before the D.B.


Member


Member

20/09/2019

Counsel for the appellant present.

Contends that although a ~~defective~~^{departmental} enquiry was conducted against the appellant, he was not served with any statement of allegations or show cause notice before passing of the impugned order dated 03.05.2019 whereby major penalty was imposed against him. Learned counsel relies on judgment reported as 2008-SCMR-608.

Instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To ^{also} come up for written reply/comments on 20.10.2019. On the date fixed complete record of enquiry(s) against the appellant be also produced.

Alongwith the appeal an application for suspension of order dated 07.08.2019 is filed. Notice of the application be also given to the respondents for the date fixed.


Chairman

21.10.2019

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney alongwith M/S Farman Superintendent and Muhammad Arif Superintendent for respondents present.

Representatives of respondents request for time to furnish written reply/comments. Granted. To come up for written reply/comments on 12.11.2019 before S.B.

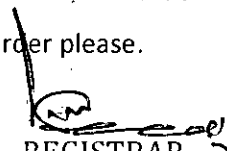


Chairman

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1098/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/08/2019	<p>The appeal of Mr. Sardar Ali presented today by Mr. Muhammad Tariq Qaureshi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 28/8/19</p>
2-	07/09/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/09/19</u>.</p> <p> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

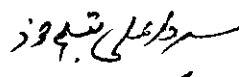
Service Appeal No. 1098 /2019

Sardar AliAppellant

VERSUS

Govt. of Khyber Pakhtunkhwa and othersRespondents

S.No.	Description of documents.	Annexure	Page
1.	Memo of appeal with affidavit.		1-7
2.	Stay application with affidavit		8-10
3.	Addresses of parties		11
4.	Copy of Jamabandi year 1995-96	A	12
5.	Copy of Jamabandi year 1992-93	B	13
6.	Copy of Jamabandi year 2003-04	C	14
7.	Copy of Jamabandi year 2007-08	D	15
8.	Copy of Jamabandi year 2011-12	E	16
9.	Copy of Computerized Jamabandi about disputed Khatak	F	17-18
10.	Copy of mutation No. 3971	G	19
11.	Copy of mutation No. 3972	H	20
12.	Copy of mutation No. 3973	I	21
13.	Copy of mutation No. 3974	J	22
14.	Copy of mutation No. 3975	K	23
15.	Copy of mutation No. 3976	L	24
16.	Copy of order dated 14.09.2018 of civil judge No.II Lakki along with decree sheet	M	25
17.	Copy of Complaint	N	26-30
18.	Copy of letter No. 28894-96 dated 01.12.2017	O	31
19.	Copy of 1st inquiry report conducted by AAC Lakki	P	32-35
20.	Copy of 2nd inquiry report conducted by AAC revenue Naurang	Q	36-39
21.	Copy of 3rd inquiry report of Assistant Secretary Board of Revenue	R	40-41
22.	Copy of letter No. 110 dated 09.01.2018 of DC Lakki	S	42-43
23.	Copy of reply of appellant dated 30.10.2018 about charge sheet	T	44
24.	Copy of 4th inquiry conducted by MBR-II Peshawar	U	45-48
25.	Copy of reduction order vide letter No. 18335-40 dated 03.05.2019	V	49
26.	Copy of departmental appeal and order of Assistant Secretary (Revenue) dated 30.07.2019 on departmental appeal	W-X	50-56
27.	Wakalatnama		57

Appellant 

Through


Muhammad Tariq Qureshi
Advocate
Supreme Court of Pakistan

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1098/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1210

Dated 28/8/2019

Sardar Ali S/o Gulzam
R/o Wanda Kotana, Tehsil & District Lakki Marwat
Presently Girdawar Circle Titter Khel, Gulijan
Tehsil & District Lakki Marwat

.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through its Chief Secretary, Peshawar.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. Secretary Revenue Khyber Pakhtunkhwa, Peshawar.
4. Deputy Commissioner, Lakki Marwat.
5. Additional Deputy Commissioner, Lakki Marwat.

.....Respondents

**SERVICE APPEAL U/S 4 OF SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER NO. ESTT:V/PF/SHER
BALI DATED 03.05.2019 OF THE SMBR AND
AGAINST THE INQUIRY CONDUCTED BY
MBR-II MR. FAKHAR ZAIRIAN**



Filed to-day

Registrar

28/8/19

PRAYER

**ON ACCEPTANCE OF INSTANT APPEAL, THE
IMPUGNED ORDER NO. ESTT:V/PF/SHER
BAHADUR/ D.I.KHAN/18335-40 DATED
03.05.2019 OF THE SMBR MAY VERY**

②

GRACIOUSLY BE CANCELLED AND INQUIRY CONDUCTED BY MBR-II MR. FAKHUR-UZ-ZAMAN MAY KINDLY BE DECLARED NULL AND VOID AND THE APPELLANT MAY KINDLY BE REINSTATED ON HIS OWN PREVIOUS POSITION (GIRDAWAR CIRCLE) WITHOUT ANY FURTHER AGONY. THE COMPLAINANT MAY KINDLY BE FINED IN ORDER TO COMPENSATE THE APPELLANT .

Respectfully Sheweth:-

- 1) That the appellant was posted as Girdawar Circle Baist Khel during the year 2017.
- 2) That the Patwari Halqa of moza Gandhi Umar Chikair namely Ishfaq Khan produced to the appellant mutation number 3971 regarding Sehet-&-nam from Gul Mast' as to Mir Mast, mutation number 3972 regarding Sehet-e-nam from Sher Mast as to Mir Mast and mutation number 3973 regarding Sehet-e-nam from Muhammad Ali as to Mammal on dated 06.03.2017 nad sale mutation 3976. The appellant compared and scanned the record and area of Khata number 872 within the meaning of column number 3 of mutations. The appellant gone through all the relevant record of revenue including Kheot for the year 1992-93 till Jamabandi Zer-e-Kar (for the year 2011-12). The appellant correctly ratified the area as 62 kanlas 3 marlas in the column number 3 of the mutations mentioned above and that was the responsibility rested upon the appellant by the law.

(3)

- 3) That, inquiry after inquiry has been conducted into the said facts on the same cause and subject whereof total 3 inquiries have been conducted into the facts. Lastly, 4th inquiry was initiated and finally as a result of 4th consecutive illegal inquiry on the same cause and subject, the appellant has been imposed a major penalty of reduction to lower post pay scale for 3 years vide order No.Estt V/ PF/ Sher Bahadar/ D.I.Khan/ 18335-40 dated 30.05.2019 by SMBR, Peshawar, which cannot be justified in any way. The appellant has been punished for wrong-doing of the official staff before 1991-92 and that too in 4th inquiry. Against which appellant preferred departmental appeal on 14.05.2019, which has been decided/ filed on dated 30.07.2019.
- 4) That, the following are the documents on which appellant places his reliance:

Copies of Jamabandi year 1995-96, Jamabandi year 1992-93, Jamabandi year 2003-04, Jamabandi year 2007-08, Jamabandi year 2011-12, Computerized Jamabandi about disputed Khata, mutation No. 3971, mutation No. 3972, mutation No. 3973, mutation No. 3974, mutation No. 3975, mutation No. 3976, order dated 14.09.2018 of civil Judge No.II Lakki along with decree sheet, Plaint, letter No. 28894-96 dated 01.12.2017, 1st inquiry report conducted by AAC Lakki, 2nd inquiry report conducted by AAC revenue Naurang, 3rd inquiry report of Assistant Secretary Board of Revenue, letter No. 110 dated 09.01.2018 of DC Lakki, reply of appellant dated 30.10.2018 about

Revenue, letter No. 110 dated 09.01.2018 of DC Lakki, reply of appellant dated 30.10.2018 about charge sheet, 4th inquiry conducted by MBR-II Peshawar, reduction order vide letter No. 18335-40 dated 03.05.2019, departmental appeal and order of Assistant Secretary (Revenue) dated 30.07.2019 on departmental appeal are annexed herewith as Annexure "A,B,C,D,E,F, G,H,I,J, K,L, M, N, O,P,Q,R,S,T,U,V, W, X".

- 5) That being aggrieved, the appellant filed a W.P.No. 4621-P/019 before the hon'ble Peshawar High Court, Peshawar which was disposed-of

GROUND.

- A. That as far as change of title by the Patwari halka is concerned, the record remained under the custody of Patwari Halqa and these mutations were entered by the Patwari Halqa on the request of complainants duly authenticated by reliable witnesses and on objection regarding change of title for appellant's satisfaction, the Patwari Halqa produced Shajra-e-Nasab of the applicants/ landowners of another Moza Manjiwala, presented to the concerned revenue officer in Jalsa-e-Aam and were attested by then revenue officer namely Sher Bahadur (Naib Tehsildar) and this is responsibility only rests with the concerned revenue officer in Khana/ Column No. 09 of the mutations as provided in the Land Revenue Act.

- B. That there is no provision for inquiry after inquiry in law and the appellant has been punished in 4th inquiry which was conducted against law. The order of the appellant's punishment is against law, void ab-initio, based in melafide and beyond the jurisdiction /authority.
- C. That the complainant namely Inarn Ullah son of Sultan, Bahadur khan etc sons of Ghulam Qadir is third party having no concern with the said property as they are neither vendee nor vendor and they are not co-sharer in the property in question, but have some personal grudges with the land owners due to which they filed such nature of Complaints against their opponent parties including revenue field staff.
- D. That these complaints have already inquired by the Additional Assistant Commissioner-1, Additional Assistant Commissioner revenue Lakki Marwat and Assistant Secretary Stamp Board of Revenue respectively and have been filed/ closed and appellant has been exonerated from all charges.
- E. That another / almost 4th inquiry was initiated by MBR Fakhar Zuman, which was blatantly biased and not fair, wherein the appellant has been condemned unheard, no formalities and requirements of the enquiry have been observed by the enquiry officer. The appellant has not been given opportunity to cross examine the witnesses. The appellant has not been heard in person.
- F. That personal hearing being mandatory was not afforded to the appellant what to speak of providing him opportunity of self-defense.



(6)

- G. That the appellant being employee was not amenable to anyone penal action, so the Impugned orders are based on an ulterior motive.
- H. That, counsel for appellant seeks leave of this Hon'ble Court to argue further points, having legal bearing, at the time of arguments.

It is humbly prayed that on acceptance of instant appeal, the impugned order No.Esstt:V/PF/Sher Bahadar/ D.I.Khan/ 18335-40 dated 03.05.2019 of the ^{order 30/7/19 of Appellate Authority} SMBR may kindly be cancelled / rescinded and inquiry conducted by MBR-II Mr. Fakharuz-Zaman may kindly be declared null and void. The appellant may kindly be reinstated on his own previous position without any further agony. The complainant may kindly be fined in order to compensate the appellant.

Any other relief which this hon'ble court deems appropriate in the circumstances of the case though not specifically asked for may kindly also be granted.

Dated:

Appellant 

Through 

Muhammad Tariq Qureshi
Advocate
Supreme Court of Pakistan

(7)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2019

Sardar AliAppellant

VERSUS

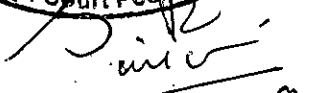
Govt. of Khyber Pakhtunkhwa and others ,...Respondents

AFFIDAVIT

I, Sardar Ali S/o Gulzam R/o Wanda Kotana, Tehsil & District Lakki Marwat Presently Girdawar Circle Titter Khel, Gulijan Tehsil & District Lakki Marwat (Appellant) do hereby affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.


Deponent




28-08-19

(8)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2019

Sardar AliAppellant

VERSUS

Govt. of Khyber Pakhtunkhwa and others ,...Respondents

APPLICATION FOR SUSPENSION OF
IMPUGNED ORDER NO.ESTT:V/PF/SHER
BAHADUR/ D.I.KHAN / 1833-5/40 DATED
03.05.2016 AND SUBSEQUENT^{ly} ORDER OF
DEPUTY COMMISSIONER LAKKI DATED
07.08.2019 IN COMPLIANCE TO THE
IMPUGNED ORDER

Respectfully Sheweth:

- 1) That the above captioned case is pending adjudication before the hon'ble Court, wherein the impugned order of SMBR has been challenged.
- 2) That the grounds of main appeal may kindly also be considered as part and parcel of this application.
- 3) That during pendency of departmental appeal, respondent No.4 (DC Lakki) has passed order dated 07.08.2019 in continuation to the impugned order of SMBR, whereby, the petitioner has been revert from his post and in compliance, the respondent No.4 relieved the petitioner from his post and at this stage the order of DC Lakki may also be suspended.

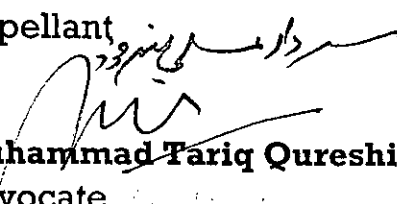
(9)

- 4) That the suspension of order of DC Lakki are as much necessary as those of impugned order of SMBR. If orders are not suspended the appeal in hand would become infrucous and justice would not be served.
- 5) That appellant is having a good prima-facie case in his favour and is also sanguine about its success.
- 6) That balance of convenience also lies in favour of appellant.

It is, therefore, humbly prayed that the impugned order of SMBR dated 03.05.2019 and subsequent order dated 07.08.2019 of Deputy Commissioner Lakki (made during pendency of departmental appeal) may kindly be suspended till the disposal of the instant appeal.

Appellant

Through


Muhammad Tariq Qureshi
Advocate
Supreme Court of Pakistan

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2019

Sardar AliAppellant

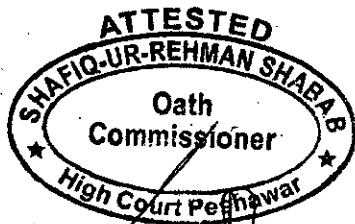
VERSUS

Govt. of Khyber Pakhtunkhwa and others ,...Respondents

AFFIDAVIT

I, Sardar Ali S/o Gulzam R/o Wanda Kotana, Tehsil & District Lakki Marwat Presently Girdawar Circle Titter Khel, Gulijan Tehsil & District Lakki Marwat (Appellant) do hereby affirm and declare on oath that the contents of the Application are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.

سردار علی
Deponent



Shafiq-ur-Rehman Shaba
28-08-19

(11)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2019

Sardar AliAppellant

VERSUS

Govt. of Khyber Pakhtunkhwa and others ,...Respondents

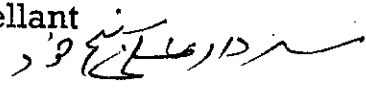
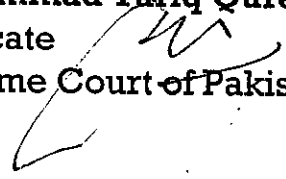
ADDRESSES OF PARTIES

APPELLANT

Sardar Ali S/o Gulzam
R/o Wanda Kotana, Tehsil & District Lakki Marwat
Presently Girdawar Circle Titter Khel, Gulijan
Tehsil & District Lakki Marwat

RESPONDENTS

1. Govt. of Khyber Pakhtunkhwa through its Chief Secretary, Peshawar.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. Secretary Revenue Khyber Pakhtunkhwa, Peshawar.
4. Deputy Commissioner, Lakki Marwat.
5. Additional Deputy Commissioner, Lakki Marwat.

Appellant
Through 
Muhammad Tariq Qureshi
Advocate
Supreme Court of Pakistan


حاصل زر زمین موضع قدامتدار طرف تحصیل زر زمین موضع قدامتدار سال 1995-96

1	2	3	4	5	6	7	8	9	10
نمبر کھاتا	نمبر کھتونی	نام ملک مو احوال	نام کاشت کار	نمبر کھت مو نام	نوع کھت زر زمین	وسائل پاشی نام	لگان مو شرح	مالیہ دیگر	کیفیت نام نمبر وار
200	1702
249	1418
204
202	1429

677 ...
 2/62 ...
 11/10 ...
 9/11 - 2/11 ...
 5/2 ...

...

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 Examined Copying Branch

12

برسر تقاضای زمین موضع گدزی عمود

طرف

تخصیص
 خلع کما درج
 سال ۱۹۹۲-۹۳
 ورق نبر ۱۲۸۵

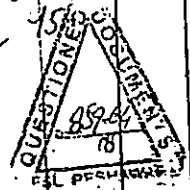
شماره	تاریخ	موضوع	مبلغ		توضیحات
			در وقت	در حال حاضر	
۱		مبلغ اهرام و غیره مانده درج	۴۵۵	۸۴۲	۱۰۴۲
۲		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۳		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۴		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۵		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۶		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
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۸		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۹		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۱۰		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۱۱		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۱۲		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۱۳		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۱۴		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
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۲۱		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
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۳۰		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۳۱		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۳۲		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۳۳		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۳۴		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۳۵		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۳۶		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۳۷		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۳۸		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۳۹		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۴۰		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۴۱		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۴۲		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۴۳		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۴۴		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۴۵		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۴۶		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۴۷		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
۴۸		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰
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۵۰		مبلغ اهرام و غیره مانده درج	۴۵۴	۸۴۲	۱۰۴۰

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برداشتن مبلغ اشتغال
 ۹۴۸۲

۱۱/۱۰/۱۱
 ۹۱۱/۲۰۱۹
 ۵۰۲-۵۰۱
 ۱۲-۳
 ۱۲-۳
 ۱۲-۳

۹۸۷ ۲۷۱ ۱-۳

میرزا...
 شاه...
 رضا...
 محمد...

۲۰۲
 ۱۰۴۶
 ۱۱۰

۲

برجسته تقدیران زمین موضع طرف تحقیق ضلع سال ۱۳۰۰ کتاب نمبر ورق نمبر

۱	۲	۳	۴	۵	۶	۷	۸	۹	۱۰
نمبر کفایت	نمبر کفایت	نام مالک و احوال	نام کاشت کار و احوال	نبر کفایت معد نام (در اگر کوی بد)	نبر کفایت معد نام (در اگر کوی بد)	وساقل یا پانچ نام چاه و اجابه و غیر	نگین و شرح چو مزاره ادا کرت است	مالیه و دیگر اطلاعات	کیفیت نام بردار شرح با چه مالیه
۱۱۰ ۴۴	۱۶۰۹	زود دست در دست شیرت - مدخل بر روزگ دست کسیه لخت و در جادرم شم یکان قیف بل مسهم معد و در جادرم معد و در جادرم	دور زمانه در دست معد و در جادرم	۵۰۰ ۵۰۱ ۵۰۲	۶-۲۲ ۶-۱۶ ۱۱-۲۳	۶-۳	۶-۳	۶-۳	۶-۳
۱۱۷ ۴۴	۱۶۶	معد و در جادرم معد و در جادرم	معد و در جادرم معد و در جادرم	۶-۳	۶-۳	۶-۳	۶-۳	۶-۳	۶-۳

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(۱۶)

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رجسٹر حق داران زمین

طرف تحصیل ضلع سال 2007ء کتاب نمبر ورق نمبر

۱	۲	۳	۴	۵	۶	۷	۸	۹	۱۰
نمبر کھاتا	نمبر کھتلی کاشتکار	نام مالک معاحوال	نام کاشت کار معاحوال	نمبر کھت مع نام (اگر کوئی ہو)	رقبہ کھت دار قسم زمین اور میزان کھتوں کاشت کارو کھاتا مالک	وسائل آبپاشی نام چاہہ ناجاہہ وغیرہ	انگان معہ شرح جو مزادے ادا کرتا ہے	مالیہ دیگر بطلالیہ جات	کیفیت نام نمبر وار شرح باچہ مالیہ
862	1764	ذو درست و درویش اور لطف	ذو حسن و درویش	500	22-7	کھت حسن			
815		سید حسن محمد علی پور	سیدہ دیوبند و دیگر	501	18-8	خیر محمد			
		سید حسن محمد علی پور	درہ چھان	502	23-10				
		نور محمد بن حسین جن سکنہ دہ	عسکریہ محمد بن دہ لہو محمد بن دہ						
		محمد حسن محمد بن دہ لہو محمد بن دہ	محمد حسن محمد بن دہ لہو محمد بن دہ						

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رجسٹر حق داران زمین گندم طرف تحصیل نورنگ ضلع مگھڑ محال 200ء کتاب نمبر ورق نمبر

12-2011

۱۰	۹	۸	۷	۶	۵	۴	۳	۲	۱
کیفیت نام سردار شرح باجہ مالہ	مالیہ دیگر مطالبات	لگان معیہ شرح جوہزارہ ادا کرتا ہے	دیسائل آبپاشی نام خواہ ناجاہ وغیرہ	رقبہ کھت دار قسم زمین اور میزان کھتوں کا کاشت کارو کھاتہ مالک	نمبر کھت موصوف نام (اگر کوئی ہو)	نام کاشت کار مع احوال	نام مالک مع احوال	نمبر کھتوں کا شمار	نمبر کھاتہ
				22-7 5-7	500	دور رسائی چند لوگوں سے سند زمین غلام دہلوی	دور رسائی دور رسائی سنت۔ نو عمل خان پیران گنہ سنت نور گنہ	1763	872 862
501-500	11/10/03	2018		16-6 3-10 2-3	501 502 3	در حیات ہے قوم تھوڑے تھوڑے ہیں سنت۔	عزیز محمد خان اور جلال محمد محمد صہاب محمد محمد۔		



APPEAL
 Ex. In. No. _____
 Copying Branch of Punjab
 Bahki Marwal

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Annex - F

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پنجاب دیویژن

طرازمان

در وقت سیرکس

27 10	500
10 6 0	501
23 10-0	502

17 3 05

3 اقساط ہر سال 300 روپے

میان گزرتی

کلی صحت 1

42301	7 15 107	0.125/1
20921	3 17 34	0.067/1
21170	3 18 31	0.053/1
253825	26 12 18	0.75/1

338407

3 اقساط ہر سال 300 روپے

میان گزرتی

1764

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79

(1)

(17)

1765

کلی صحت 1

11050	884	11-0
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10958

2 0 68

0.25/1

11050

2 0 68

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ہلے دقت سے چھپائی

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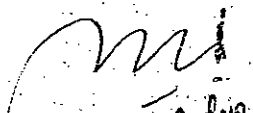
Better copy

F

69750				زمان و غیره					
				کل حصص 1			تاریخ دولت حداران		1784
	2770	500	✓	نظر نهاده در این مورد تغییر					67 79
	16600	501	✓			42301	71570-2	0.125/1	روشن و بی. میوه یک قسم
	23100	502	✓			20981	31718	0.062/1	نور دست و غیره نصف
	میزان مجموعی					21520	3188	0.053/1	شرکت. آرم علی خان
67.30	3 قطعات 62 نال در 2 نال و هر 2					253805	46218	0.75/1	پلان کلی مست در نصف در چهار حصه
	میزان صفت					352407			آرم علی خان و غیره یک قسم نال
	3 قطعات 62 نال در 2 نال و هر 2					میزان صفت			

(18)

				کل حصص 1			مقبوضه مالکین		1765
	8010	986				10958	2068	0.25/1	میر باقر خان و ولید بار شاه خان (حقیقت نال حصه امرام)
	میزان مجموعی					10158	10158	0.25/1	منیع امرام خان و ولید بار شاه خان نصف سهم در همه (حقیقت نال حصه امرام)
	مقبوضه مالکین					10158	10158	0.25/1	آرم علی خان و غیره نصف سهم در همه (حقیقت نال حصه امرام)

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بنبر قديم 11-10

اقطعه 8 نال امرام
8 نال امرام

Annex G

12	11	10	9	8	7	6	5	4	3	2	1
<p>صحت و تربیت</p> <p>دانشگاه آزاد اسلامی</p> <p>کمیسیون عالی</p> <p>11/2017</p>	<p>سازمان</p> <p>7-3166004-11201</p> <p>کمیسیون عالی</p>	<p>سازمان</p> <p>11/2017</p> <p>کمیسیون عالی</p>	<p>سازمان</p> <p>11/2017</p> <p>کمیسیون عالی</p>	<p>سازمان</p> <p>11/2017</p> <p>کمیسیون عالی</p>	<p>سازمان</p> <p>11/2017</p> <p>کمیسیون عالی</p>	<p>سازمان</p> <p>11/2017</p> <p>کمیسیون عالی</p>	<p>سازمان</p> <p>11/2017</p> <p>کمیسیون عالی</p>	<p>سازمان</p> <p>11/2017</p> <p>کمیسیون عالی</p>	<p>سازمان</p> <p>11/2017</p> <p>کمیسیون عالی</p>	<p>سازمان</p> <p>11/2017</p> <p>کمیسیون عالی</p>	<p>سازمان</p> <p>11/2017</p> <p>کمیسیون عالی</p>

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B

Annex III

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
اندرج ذیل کے سرکاری اوقاف و املاک میں کاروبار کے حوالے سے														
نام کاروبار														
<p>1. ...</p> <p>2. ...</p> <p>3. ...</p> <p>4. ...</p> <p>5. ...</p> <p>6. ...</p> <p>7. ...</p> <p>8. ...</p> <p>9. ...</p> <p>10. ...</p> <p>11. ...</p> <p>12. ...</p> <p>13. ...</p> <p>14. ...</p> <p>15. ...</p>														
<p>ATTESTED</p> <p><i>[Signature]</i></p> <p>Secretary Copying Branch De office Society Market</p>														

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Annex - I

1	2	3	4	5	6	7	8	9	10	11	12
<p>Handwritten notes in Urdu, including a signature and the number 3971.</p>	<p>Handwritten notes in Urdu, including a signature and the number 3971.</p>	<p>Handwritten notes in Urdu, including a signature and the number 3971.</p>	<p>Handwritten notes in Urdu, including a signature and the number 3971.</p>	<p>Handwritten notes in Urdu, including a signature and the number 3971.</p>	<p>Handwritten notes in Urdu, including a signature and the number 3971.</p>	<p>Handwritten notes in Urdu, including a signature and the number 3971.</p>	<p>Handwritten notes in Urdu, including a signature and the number 3971.</p>	<p>Handwritten notes in Urdu, including a signature and the number 3971.</p>	<p>Handwritten notes in Urdu, including a signature and the number 3971.</p>	<p>Handwritten notes in Urdu, including a signature and the number 3971.</p>	<p>Handwritten notes in Urdu, including a signature and the number 3971.</p>

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Annex J

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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دریافت محل خان

محل خان
 در وقت رسیدن در وقت صبح
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محل خان
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Signature

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 Copy to Lt. Office

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Annex-K

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1

در انتهای هر صفحه

فاج
در تمام اسامی در هر صفحه
اسامی را در هر صفحه
در انتهای هر صفحه

توجه
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Amul

اندران صنعتی لاجی یا آخری باقیہ انتقال جس کی رقم طلب ہے۔

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
3976	372	3976	27	3424	3925	620	1243	1243	640	1243	31	120000	120000	150000
3976	372	3976	27	3424	3925	620	1243	1243	640	1243	31	120000	120000	150000
3976	372	3976	27	3424	3925	620	1243	1243	640	1243	31	120000	120000	150000
3976	372	3976	27	3424	3925	620	1243	1243	640	1243	31	120000	120000	150000
3976	372	3976	27	3424	3925	620	1243	1243	640	1243	31	120000	120000	150000

مع قطع

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Signature

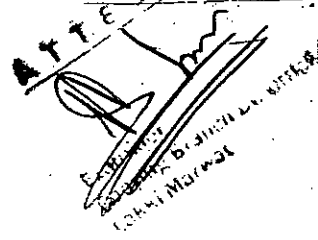
Notary Public

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7
112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7
112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7
112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7	112-037660-7

Handwritten notes in Urdu script, likely providing details or corrections for the entries in the table. The text is dense and includes various numbers and names.

Additional handwritten notes in Urdu script, continuing the details or corrections from the previous section. It includes more numbers and names, possibly related to the same project or set of records.

اندرج مشوری کو شہری یا آخری راجسٹریشن میں کیا گیا ہے



Handwritten signature or initials in Urdu script, located at the bottom right of the page.

(95) 1
Annex M

IN THE COURT OF MUHAMMAD FAROOQ AHMAD
CIVIL JUDGE NAURANG-II, LAKKI MARWAT

(Mst. Islam Bibi VS Sardar Ali etc)

Or.....15
14.09.2018

Plaintiffs and defendants through attorney alongwith
counsel present.

The counsels requested for requisitioning case file fixed
on 02.10.2018. File requisitioned.

An application for disposal of the suit on basis of
compromise was filed which is placed on file as EX-PA. Joint
statement of the parties was recorded overleaf. CNIC No. 11201-
3475715-3 of the special attorney for plaintiff No. 1 to 22 is EX-PB.
While that of special attorney for defendants namely Sharif Ullah
Khan is EX-PC.

Both the parties have alleged in the application and joint
statement that compromise has been affected between the parties
wherein the suit property is given to plaintiff whereof consideration of
Rs. 1200000/- has been paid to the defendant No. 1. That suit of the
plaintiff be decreed to the instant of Mutation No. 3976.

Perusal of the plaint would reveal that the plaintiffs have
got the instant suit for cancellation of Mutation No. 3976 in respect of
property in Khata No. 872 bearing Khasra No. 500, 501, 502 Qitta
3 situated in Mozza Gandhi Omar Chikar, Tehsil Naurang, Distt Lakki
Marwat, and subsequent Mutation No. 4016, 4020, 4021 and 4053
alleged to be base on fraud and collusion.

ATTESTED

23 OCT 2018

Examiner to
District & Session Judge
Lakki Marwat.

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[Signature]
14/9/18
Civil Judge
Naurang-II Distt: Lakki Marwat

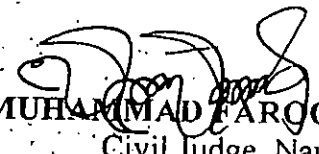
Keeping in view the joint statement of the parties the instant suit is hereby decreed in favour of the plaintiff to the extent of the mutation No. 3976 which shall be deemed as cancelled, henceforth, whereas suit of the plaintiffs to the extent of Mutation No. 4016, 4020, 4021 and 4053 is dismissed.

The cancellation of mutation No. 3976 and transfer to be plaintiffs thereof shall have no effect on the property given to the mosque (Masjid Sardar Ali, Lakki Marwat).

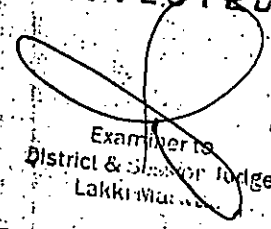
File of the court be consigned to record room after its completion and compilation.

Announced.
14.09.2018

Handwritten Urdu text: *مسجد سردار علی لکی ماروات*


(MUHAMMAD FAROOQ AHMAD)
Civil Judge, Naurang-II
Lakki Marwat
Civil Judge
Naurang-II Distt: Lakki Marwat


Civil Judge
Naurang-II Distt: Lakki Marwat

ATTESTED

Examiner to
District & Senior Judge
Lakki Marwat

23 OCT 2018

میں تقدیر کر کے کیلئے کسی ایسی چیز کو جس کے روپ میں وہ سب سے پہلے
میں انتقال کرے گا اور اس کے بارے میں کوئی بیان دیا ہے۔ اور وہ اس میں
کو انتقال کے بارے میں کسی قسم کے اندر لکھا جائے گا۔ یہ ہے کہ اس کے بارے میں
نے دھوکہ دہی اور بولس کر لیا ہے۔ یہ ہے کہ اس کی مدد ہو جو اس میں انتقال ہے۔

Senior Hamid Qasim
Senior Civil Judge
Lakki Marwat

3976 نمبر ہوا درج و تقدیر کر لیا ہے۔ اور انتقال کر کے کیلئے
کارڈ کی بولس کر لیا ہے۔ یہ ہے کہ اس کے حقوق پر کاغذی طور پر
میں ہو گیا ہے اور اس کے بارے میں اس کے انتقال کے بارے میں
1952 اور 1954 کو اس کے بارے میں اس کے انتقال کے بارے میں

درج و تقدیر کر لیا ہے۔ یہ ہے کہ اس کے حقوق پر کاغذی طور پر
میں ہو گیا ہے اور اس کے بارے میں اس کے انتقال کے بارے میں
میں ہو گیا ہے اور اس کے بارے میں اس کے انتقال کے بارے میں
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میں ہو گیا ہے اور اس کے بارے میں اس کے انتقال کے بارے میں
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جس کے بارے میں اس کے انتقال کے بارے میں

میں ہو گیا ہے اور اس کے بارے میں اس کے انتقال کے بارے میں
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میں ہو گیا ہے اور اس کے بارے میں اس کے انتقال کے بارے میں

Examiner
District & Session Judge
Lakki Marwat

20 OCT

دیکھا بُت کرے، امتداد میں جو دلتہ لیا گیا ہے۔ حالانکہ ہم حیدر علیا کے علاوہ کسی اور جگہ پر
 کوئی سلاخ بھی نہیں لیا گیا ہے۔ اور نہ کسی کیونیا ہے یا کسی اور امتداد کے لئے۔
 کے لئے نہیں ہوئے۔ نہ اس لئے کہ کوئی بیانیہ یا ہے۔ نہ کوئی اور سلاخ و سول کیا ہے۔ جبکہ ہمیں
 نے حیدر علیا میں ہر امتدادی حذکون عتد لڑیں اور حیدر علیا کے لئے ہم کو لیا گیا ہے۔
 ہر جگہ پر دیکھا گیا ہے، جو کہ ہم حیدر علیا کے حقوق پر کالعدم طور پر اور اس میں منوط ہے

Syed Hamid Qasim
 Senior Civil Judge
 Lakkhi Marwat

نقل بہت زیادہ 397 حیدر علیا 11/17
 (3) یہ کہ حیدر علیا کے اس طرح کے بیلابیل حذکون قانون اور حیدر علیا کے حقوق پر کالعدم اور اس میں
 امتداد سے ناجائز خاندان کے سوتے امتدادات 4016، 4020، 4021، 4024، 4025
 حقہ علیہم رہے تاکہ عتد کو ہر درجہ دلتہ لیا گیا ہے جو کہ ہم حیدر علیا کے حقوق پر کالعدم اور اس میں
 تقورات امتدادات

(4) یہ کہ ہم حیدر علیا کو جو کراہ عتد امتدادات دلتہ لیا گیا ہے، بائیں جلی اراہی علیہم رہے لیکن حیدر علیا
 اور حیدر علیا کے پاس حذکون امتدادات کے بائیں علیہم رہے۔
 (5) یہ کہ ہم حیدر علیا کے لئے کیا گیا ہے، امتدادات حذکون کو جسے ہم اس میں لیا گیا ہے
 حیدر علیا میں حیدر علیا کے نام پر حیدر علیا کے حذکون کو لیا گیا ہے، ایک ہفتہ کے بعد اس میں
 (6) یہ کہ ہم نے دعویٰ و بیانیہ حذکون کے لئے حذکون کو لیا گیا ہے، ایک ہفتہ کے بعد اس میں
 حیدر علیا میں حیدر علیا کے پاس حذکون اور حیدر علیا کے لئے حذکون کے لئے حذکون کے لئے
 (7) یہ کہ ہم نے حیدر علیا کو کورٹ میں ورنہ اس میں حذکون کے لئے حذکون کے لئے حذکون کے لئے
 حیدر علیا میں حیدر علیا کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے

حیدر علیا کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے
 حیدر علیا کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے
 حیدر علیا کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے

حیدر علیا کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے
 حیدر علیا کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے
 حیدر علیا کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے

حیدر علیا کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے
 حیدر علیا کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے
 حیدر علیا کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے

حیدر علیا کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے حذکون کے لئے

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Handwritten text in Urdu script, appearing to be a list or set of instructions.

23 OCT 2018

Examiner to District & Session Judge Larkhi Mankar

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ATTESTED

Senior Judge Larkhi Mankar

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Handwritten text in Urdu script, possibly a list of items or names.

Syed Hamid-ud-Din Senior Civil Judge Larkhi Mankar

Handwritten text in Urdu script, containing a list of numbered items (1 through 15).

14-9-08 83-4-08 68/

(83)

(Handwritten signature)

کے لئے لکھ کر کے کسی دوسرے کو بھیج دیا ہے اور یہ بھیج دیا ہے۔
 کہ اس میں جو کوئی بات کوئی بیان دیا ہے۔ اور نہ ہی اس میں
 کوئی ایسا لکھا ہے جس سے اس کا کوئی بھی حصہ لکھا گیا ہے۔
 کے دعوے کی دہرائی اور اس کے لئے یہ بھیج دیا گیا ہے۔

Qasim
 Senior Civil Judge
 Lakki Marwat

3976 نمبر ہزار درج و قریبی لکھا ہے۔ اور اس میں جو کوئی بھی
 کا رد کیا گیا ہے اس کے لئے یہ لکھا ہے۔ کہ اس میں جو کوئی بھی
 لکھا ہے اس کے لئے اس کا کوئی بھی حصہ لکھا گیا ہے۔
 اور اس کے لئے اس کا کوئی بھی حصہ لکھا گیا ہے۔

درج ذیل لکھا ہے۔ کہ اس میں جو کوئی بھی
 اس کے لئے اس کا کوئی بھی حصہ لکھا گیا ہے۔
 کہ اس میں جو کوئی بھی لکھا گیا ہے۔
 کہ اس میں جو کوئی بھی لکھا گیا ہے۔
 کہ اس میں جو کوئی بھی لکھا گیا ہے۔

درج ذیل لکھا ہے۔ کہ اس میں جو کوئی بھی
 اس کے لئے اس کا کوئی بھی حصہ لکھا گیا ہے۔
 کہ اس میں جو کوئی بھی لکھا گیا ہے۔
 کہ اس میں جو کوئی بھی لکھا گیا ہے۔
 کہ اس میں جو کوئی بھی لکھا گیا ہے۔

مدرسہ دعویٰ بتا رہا ہے کہ اس کے لئے اس کا کوئی بھی
 حصہ لکھا گیا ہے۔ کہ اس میں جو کوئی بھی
 لکھا گیا ہے۔ کہ اس میں جو کوئی بھی
 لکھا گیا ہے۔ کہ اس میں جو کوئی بھی
 لکھا گیا ہے۔ کہ اس میں جو کوئی بھی

23 OCT 2018
 District & Sessions Judge
 Lakki Marwat
 Civil Judge
 Mairang-II Distt: Lakki Marwat

P.T.O.

ATTESTED

بدلت جناب قہ فاروق احمد سون ۹/۱۱ حج فیلی کورٹ ٹراننگ II کاروت

معدنہ ۶۱
۱
رجوع ۱۸-۴-۲۳
فیصلہ ۱۴-۹-۵۱۸

حماة اسلام بی بی متوفیہ بیوہ محل خان بہ قاضی میر صاحب خان - موز خان - عزیز خان
 ربیعہ امیہ خان - سلیم خان پیران - مشال بی بی - صنم بی بی - بس حبیبہ - حبیب خیلہ -
 دختران محل خان درعیان داتا ۹ - بذاتیہ واقعاتمان متوفیہ اسلام بی بی بیوہ محل خان -
 حماة پیرا خیلہ - اسلام بی بی بیوہ گان میر مست - نواب خان - میر خانم خان - گل صاحب خان -
 قہ حاکم - سخی فرحان - لہر نواز پیران - یوسف خیلہ - اعقینہ خیلہ - اباضیلہ - مینا خیلہ
 رحمان بی بی - خانی بی بی دختران میر مست درعیانہ ۱۴-۱۵ بذاتیہ واقعاتمان اسلام بی بی بیوہ
 میر مست کنائے میر مست منجی والہ تحصیل و محلہ لکارت
 سردار علی ولد میر عباس خان سکنا اوڑکی لکارت تحصیل و محلہ لکارت
 ولد و رضی ولد حقو از خان سکنا باز لکھ پکارت - جلیل خان ولد اکبر خان سکنا اوڑکی لکارت
 وقف شدہ سجد کوٹہ سردار علی لکارت - ۵ غلام قادر ولد رسول خان سکنا کوٹہ غلام قادر
 ۶ تحصیلہ درحلقہ موضع گندھی عمر حیکر لکارت ۹ گرجا در سول موضع گندھی عمر حیکر لکارت
 ۱۵ پٹواری صلحہ موضع گندھی عمر حیکر تحصیل ٹونڈ محلہ لکارت (درعیان)

جنرالف ۱ - دعویٰ ملک ڈگری استراریہ بحق درعیان بر خلاف درعیانم بدین جھون کہ درعیان
 اراک کھانہ ۸۷۲ حشرہ بڑات ۵۵۵ - ۵۵۱ - ۵۵۲ قطعہ میں لکادی ۶۲ کنال سے ۶۲ کنال
 لکادی ۳۲ کنال یا جو کھانہ جات فراخ حشرہ جات یا جن قدر حصہ ورقہ منتقلہ ثابت ہو واقعہ
 موضع گندھی عمر حیکر تحصیل ٹونڈ محلہ لکارت کسان کان قلعینان - حوجہ اراک درعیان میں - اور منتقلی لکادی اراک
 ۳۲ کنال یا جن قدر ثابت ہو - مندرجہ کھانہ میں بروکے انتقال ۳۹۷۶ حصہ ۴/۱۱ بنجاب درعیان
 بحق درعیانم بل - بیع قطعی غلط - خلاف قانون - جینی بر دھوکہ دہی اور بڑے بڑے وجہ پر ہم درعیان کے حقوق
 پر کالعدم اور غیر حوثیہ - کیونکہ درعیان نے درعیان کے ساتھ کوئی سودا اراک بیع و قطعی نہیں کیا
 ہے - نہ ہی کوئی زر بیع وصول کیا ہے - اور ضریبی انتقال ۳۹۷۶ کے لکادی کے نتیجے میں ریونیو آفسر

ATTESTED

کے روپر پیش ہوتے ہیں۔ نہ انتقال مذکورہ کا بابت کوئی بیان دیا ہے۔ اور نہ ہی اس
مکس کو انتقال کے بابت کسی قسم کے انوکھا پاس بٹ بھیجے ہیں۔ مگر مدعا علیہ

نے دعوہ دی ہے اور ٹوکس پر لکھتے ہیں مدعیان کی عدم موجودگی میں انتقال 3976
بتام مزدوری و نقدی کیا ہے اور انتقال مذکورہ کا منتقلہ کاروائی ٹوکس پر نوٹس
کی گئی ہے، جو کہ مدعیان کے حقوق پر کالعدم وغیر جو ٹر ہے اور وعدہ مدعا علیہ کرنے

انتقالات 4016 - 4020 - 4021 - 4053 بحق مدعا علیہ 2 تا 5 مختلف طور
پر دعوہ دی ہے مدعیہ و نقدی کی ہے۔ جو کہ ہم مدعیان کے حقوق پر کالعدم وغیر جو ٹر
اور قابل دستخط ہیں۔ ہم مدعیان الاضداد مدعوہ کے یہ سوراں ان قالینان صحت داران ہیں۔
اگر قبضہ مدعیان ثابت نہ ہو۔ تو قبضہ ادا کیا جاتا ہے۔ اور مدعیان کو ضررہ حصہ ہی دلایا جاتا
ہے۔ حصہ ضررہ حصہ و دیگر دار کی جو قرین النافہ ہو۔

جز 1 - دعوہ ملنے کی ڈگری حکم استقامی دوائی تاکید کی و حکمہ بابت الاضداد جز اول
میں صراحت کرتے۔ قبضہ کرتے۔ تعمیرات کرتے۔ کھدائی کرتے۔ کاشت دیر است کرتے
اولاد دیگران کے ہاں فروخت کرتے۔ حیثیت از اخراجات و تہہ بل کرتے و دیگر ہر قسم صرافاً
بے جا سٹالٹیفیکیشن حصہ باز و ممنوع رہے۔ بحق مدعیان میرضلاف مدعا علیہ جو کہ ضررہ
حصہ :-

عرض دعویٰ بتاریخ $23 \frac{4}{018}$ کو رجوع ہوا اور آج حوزہ
 $14 \frac{9}{018}$ کو واسطے حکم پیش ہو کر سماعت ہوا۔ لیں

حکم ہوا۔

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Keeping in view the joint statement of the parties the instant suit hereby decreed in favour of the plaintiff to the extent of the mutation No. 3976 which shall deemed as cancelled, henceforth, whereas suit of the plaintiffs to the extent of Mutation No. 4016, 4020, 4021 and 4053 is dismissed.

The cancellation of mutation No. 3976 and transfer to be plaintiffs thereof shall have no affect on the property given to the mosque (Masjid Sardar Ali, Lakki Marwat).

[Handwritten Signature]

خرچہ نامہ

نمبر	مدعی المدعیان	روپے	مدعی المدعیان	روپے
1	خرچہ کوہاں	500/-	خرچہ کوہاں	500/-
2	اسٹامپ کورٹ فیس	500/-	اسٹامپ کورٹ فیس	500/-
3	اسٹامپ مختار نامہ	300/-	اسٹامپ مختار نامہ	300/-
4	فیس اہل کیشن		فیس اہل کیشن	
5	سٹروک		سٹروک	
	ٹوٹل	1800/-	ٹوٹل	1800/-

آج بتاریخ 14 ماہ ستمبر سال 2018 کو یہ شدت میرے دستخط، مہر عدالت سے جاری ہوا۔

[Handwritten Signature]
Civil Judge
Nauyang Distt: Lakki Marwat



ATTESTED

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[Handwritten Signature]
Examiner
District & Sessions
Lakki Marwat

29 OCT 2018

31 Annex O

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Ad:IV/Inq/Inamullah S/O Sultan/Sharifullah/L.Marwat/28894-96
Dated 11/12/2017

To:

The Deputy Commissioner, DC
Lakki Marwat.

SUBJECT: INQUIRY AGAINST MR. SHARIFULLAH S/O FERUZ KHAN (LATE) EX: SHO R/O GANDI UMAR CHAKAR TEHSIL SARAI NAURANG, DISTRICT LAKKI MARWAT.

I am directed to refer to the subject and to enclose a copy of a complaint submitted by Mr. Inamullah S/O Sultan Sikandar Kotka Ghulam Qadir Dakhli Haji Abad Tehsil Sarai Naurang, District Lakki Marwat & Others, against Mr. Sharifullah S/O Feroz Khan (Late) Ex: SHO R/O Gandi Umar Chakar Tehsil Sarai Naurang, District Lakki Marwat (copy enclosed).

I am therefore, directed to request you to inquire into the matter and furnish report to this Department within a week time positively for onward submission to the Competent Authority, please.

Encl: As Above.

(Khanzada Wazir)
Assistant Secretary (Admn)
Board of Revenue
Ph No. 9210039

Encls: No. & Date even.

Copy forwarded for information to the:-

1. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. Mr. Inamullah S/O Sultan Sikandar Kotka Ghulam Qadir Dakhli Haji Abad Tehsil Sarai Naurang, District Lakki Marwat & Others.

A.D.C.
Part of Inquiry already conducted

(Khanzada Wazir)
Assistant Secretary (Admn)
Board of Revenue
Ph No. 9210039
(Inquiry Officer)

RECEIVED	
No.	11885
Date	13-12-17
Return Date	
Action	
DC - Lakki Marwat	

ATTESTED
Attested
Adv.

Dated Lakki Marwat, the

12/2017

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Amir P

To: The Deputy Commissioner,
Lakki Marwat.

32

Subject: ENQUIRY REPORT IN COMPLAINT OF INAM ULLAH VERSUS
SHARIF ULLAH AND REVENUE FIELD STAFF PATWAR HALQA
GUNDI UMER CHIKAR TEHSIL NAURANG DISTT LAKKI MARWAT.

(I)

Memo:-

Reference your order dated 11.10.2017 in above cited case.

After going through the complaint of Mr Inam Ullah son of Sultan Sikander R/O Kotka Ghulam Qadir Dakhli Hajiabad Tehsil Naurang District Lakki Marwat, statements of the complainant, Sharif Ullah respondent, Mr Ishfaq Ahmad the then Patwari Halqa Gundi Umr Chikar and available record, enquiry report is submitted as under:-

1. Complainant, Inam Ullah who is neither vendee nor vendor in the land in question stated that:-

a. He has purchased a piece of land from Mr Sharif Ullah S/O Feroz Khan measuring 26 Kanal situated in Mouza Gundi Umer Chikar at the rate of Rs. 65000/- per Kanal on 26.08.2007 and paid Rs 125000/- on the spot in the presence of Mr Alamgir, Jalil Khan and Sami Ullah R/O Gundi Umer Chikar, the reliable witnesses and payment of remaining amount decided after Eid Ul Azha.

b. After affecting the said sale deed, the complainant on self help basis enquired about the area of the land regarding Khata No. 872 Khasra No. 500,501 & 502 and found that there is some addition/alteration in the revenue record carried out by Mr Sharif Ullah with closed collaboration of revenue officials whereas the actual land is 10/12 Kanal in the revenue record but some one has tempered the record by increase of some figure in Karaman then the land increased upto 62 Kanal 3 Marla.

c. He further stated that he has checked the record in the office of District Kanungo wherein Field Book, Jamabandi Kiwat Bandobast for the year 1991-92 showing the area of the said Khasra No as 62 Kanal 3 Marla etc.

2. Respondent Sharif Ullah son of Feroz Khan stated on oath regarding Khata No. 872 Khasra Nos, 500,501 & 502 measuring 62 Kanal 3 Marla that:-

a. He is an legal attorney of Mr Sardar Ali S/O Mir Abbas Khan R/O Gundi Umer Chikar and is the only owner of the said land as evident from revenue record Jamabadni for the year 2011-12 but the complainant Inam Ullah has illegally occupied/possession the said land and has no concern with the land in question and this respect they have filed a complaint U/S 3 (2) Illegal possession Act 2005 in the court of Session Judge Lakki and is presently under trial in the court of Additional Session Judge-III Lakki, copy of which is placed on

file

Attested

[Signature]

ATTESTED

Patwari Halqa No. 2 Gundi Umar chak
 stated on oath that on retirement of Mr Afnan Shah Patwari
 10.08.2016; the charge was assigned to him being adjacent Patwari and
 handed over to Mr Habib Ur Rehan Patwari Halqa Pasani on 25.02.2017
 thus he worked in the same Halqa for about over six month while prior
 to his charge, the Jamabandi 2011-12 of the same Halqa was handed
 over for Computer Scanning by the then Patwari Halqa Mr Afnan Shah
 now retired and he has really on the same record worked further and on
 the demand of land owners in the presence of reliable witnesses entered
 the mutation Nos. 3971 Sehat-e-Waldiyat, 3972 Sehat-e-Name, 3973
 Sehat-e-Name, 3974, 3975 inheritance, 3976 sale mutation strictly in
 accordance with available revenue record of Jamabandi for the year
 2011-12 and after Partal by Girdawar attested by Revenue Officer
 concerned Bajalsa-e-Aam on 11.4.2017. Neither he tempered the record
 nor any changes made therein in the revenue record. He further stated
 that the complainant Inam Ullah is third party and is neither co-sharer
 in the same Khata and vendee nor vendor in the same Khasra Numbers.
 The sale deed between the complainant Inam Ullah and respondent
 Sharif Ullah affected at their own village and have never come to the
 Patwar Halqa for verification of the said record before their sale deed and
 neither requested for entrance of mutation of the sale deed under
 dispute. The complaint of the complaint is baseless, malafide and based
 on their personal grudges between each other which is evident from their
 cases presently under trial in the courts. He stated that he is innocent
 and has hardly worked as additional charge for few months.

After above discussion, the undersigned came to the conclusion
 that:-

1. There exist some land disputes between the parties.
2. The then Patwari Halqa has worked in the same Halqa with additional charge for few months.
3. The Patwari concerned has relied over the existing available record for the year 1991-92 and 2011-12 which was handed over for computer scanning prior to his charge.

RECOMMENDATIONS.

1. Complainant has affected a private sale deed with the respondents without any prior checking of revenue record with the Revenue Field Staff and no mutation has been entered by the Patwari concerned upto now.
2. Complainant is found a third party.
3. However, complainant if so desire may be directed to seek his remedy in civil court of competent jurisdiction.

Submitted for further orders as deemed appropriate please.

Attested

[Signature]
ATTESTED

[Signature]

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OFFICE OF THE ADDITIONAL ASSISTANT COMMISSIONER-I LAKKI MARWAT

No.11953/ Dated Lakki Marwat, the /12/2017

To:- The Deputy Commissioner,
Lakki Marwat.

Subject: **ENQUIRY REPORT IN COMPLAINT OF INAM ULLAH VERSUS
SHARIF ULLAH AND REVENUE FIELD STAFF PATWAR HALQA
GUNDI UMER CHIKAR TEHSIL NAURANG DISTT LAKKI MARWAT.**

Memo:-

Reference your order dated 11.10.2017 in above cited case.

After going through the complaint of Mr. Inam Ullah son of Sultan Sikander R/O Kotha Ghulam Qadir Dakhli Hajiabad Tehsil Naurang District Lakki Marwat, statements of the complainant, Sharif Ullah respondent, Mr. Ishfaq Ahmad the then Patwari Halqa Gundi Umr Chikar and available record, enquiry report is submitted as under:-

1. Complainant Inam Ullah who is neither vendee nor vendor in the land in question stated that:-
 - a. He has purchased a piece of land from Mr. Sharif Ullah S/O Feroz Khan measuring 26 Kanal situated in Mouza Gundi Umer Chikar at the rate of Rs.65000/- per Kanal on 26.08.2007 and paid Rs.125000/- on the spot in the presence of Mr. Alamgir, Jalil Khan and Sami Ullah R/O Gundi Umer Chikar, the reliable witnesses and payment of remaining amount decided after Eid Ul Azha.
 - b. After affecting the said sale deed, the complainant on self help basis enquired about the area of the land regarding Khata No.872 Khasra No.500, 501 & 502 and found that there is some addition/alternation in the revenue record carried out by Mr. Sharif Ullah with closed collaboration of revenue officials whereas the actual land is 10/12 Kanal in the revenue record but some one has tempered the record by increase of some figure in Karaman then the land increased upto 62 Kanal 3 Marla.
 - c. He further stated that he has checked the record in the office of District Kanungo wherein Field Book, Jamabandi Kiwat Bandobast for the year 1991-92 showing the area of the said Khasra No as 62 Kanal 3 Marla etc.
2. Respondent Sharif Ullah son of Feroz Khan stated on oath regarding Khata No.872 Khasra Nos.500, 501 & 602 measuring 62 Kanal 3 Marla that:-
 - a. He is an legal attorney of Mr. Sardar Ali S/O Mir Abbas Khan R/O Gundi Umer Chikar and is the only owner of the said land as evident from revenue record Jamabandi for the year 2011-12 but the complainant Inam Ullah has illegally occupied/possession the said land and has no concern with the land in question and this respect they have filed a complaint U/S 3 (2) Illegal Possession Act, 2005 in the court of Session Judge Lakki and is presently under trial in the court of Additional Session Judge-III LAKKI, copy of which is placed on file.

ATTES

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b. Mr. Ishfaq Patwari Halqa Moza Gundi Umer Chikar stated on oath that on recruitment of Mr. Afnan Shah Patwari on 10.08.2016, the charge was assigned to him being adjacent Patwari and handed over to Mr. Habib Ur Rehan Patwari Halqa Pasani on 25.02.2017, thus he worked in the same Halqa for about over six month while prior to his charge, the Jamabandi 2011-12 of the same Halqa was handed over for Computer Scanning by the then Patwari Halqa Mr. Afnan Shah now retired and he has really on the same record worked further and on the demand of land owners in the presence of reliable witnesses entered the mutation Nos. 3971 Sehat-e-Waldiyat, 3972 Sehat-e-Name, 3973 Sehat-e-Name, 3974, 3975 inheritance, 3976 sale mutation strictly in accordance with available revenue record of Jamabandi for the year 2011-12 and after Partal by Girdawar attested by Revenue Officer concerned Bajalsa-e-Aam on 11.4.2017. Neither he tempered the record nor any changes made therein in the revenue record. He further stated that the complainant Inam Ullah is third party and is neither co-sharer in the same Khata and vendee nor vendor in the same Khasra Numbers. The sale deed between the complainant Inam Ullah and respondent Sharif Ullah affected at their own village and have never come to the Patwar Halqa for verification of the said record before their sale deed and neither requested for entrance of mutation of the sale deed under dispute. The complaint of the complainant is baseless, malafide and based on their personal grudges between each other which is evident from their cases presently under trial in the courts. He stated that he is innocent and has hardly worked as additional charge for few months.

After above discussion, the undersigned came to the conclusion that:-

1. There exist some land dispute between the parties.
2. The then Patwari Halqa has worked in the same Halqa with additional charge for few months.
3. The Patwari concerned has relied over the existing available record for the year 1991-92 and 2011-12 which was handed over for computer scanning prior to his charge.

RECOMMENDATIONS

1. Complainant has affected a private sale deed with the respondents without any prior checking of revenue record with the Revenue Field Staff and no mutation has been entered by the Patwari concerned upto now.
2. Complainant is found a third party.
3. However, complainant if so desire may be directed to seek his remedy in civil court of competent jurisdiction.

Submitted for further orders as deemed appropriate please.


ATTESTED

دفتر ایڈیشنل اسٹینڈنگ کمنشنر ریونیو انکوآری آفیسر کی مروت

عنوان۔ انکوآری بر خلاف شریف اللہ اور اہلکاران محکمہ مال قذی غریبہ جیلو تحصیل ڈیرہ گلی مروت۔

13-03-2018

درخواست کنندہ انعام اللہ خان اور اہلکاران محکمہ مال حاضریں۔ شہ آوری کا بیورو ملا جٹ کیا گیا۔

- 1- برطانیہ بیان ڈسٹرکٹ ٹائون گوگی مروت کی صورت 05-1904 سے 03-1980 تک 12 کنال جا رہا ہے۔ اور جمہندی میں جمہندی میں درست چلا آ رہا ہے۔ لیکن 92-1991 بندہ دست میں 03-12 کنال کی ہے۔ 03-62 کنال درج جمہندی ہے۔ جسکی تصحیح ضروری ہے۔
- 2- برطانیہ بیان ہر داہلی خان گردا در سرکل باسیٹ خیل 92-1991 جمہندی سے لیکر 12-2011 تک 03-62 کنال چلا آ رہا ہے۔ درخواست کنندہ انعام اللہ نے مالک ہے۔ اور نہ کاشکار۔ جو درخواست انعام اللہ نے مالک اخراج ہے۔ جو کہ ہمراہ انکوآری لف ہے۔

- 3- برطانیہ بیان کلیم اللہ خان پنواری ملحقہ کہ بندہ دست سے پہلے 03-12 کنال اور بندہ دست کے بعد 03-62 کنال درج جمہندی ہے۔ جو کہ ہمراہ انکوآری لف ہے۔

- 4- برطانیہ بیان اشفاق خان پنواری ملحقہ کنڈی غریبہ جیلو حال کنڈی خانیل ڈیرہ گلی مروت۔ 10-08-2016 کو حوالہ لیا گیا اور پیش ہونے پر اور سینٹ خالی ہونے پر کنڈی غریبہ جیلو کا چارج مورہ 25-02-2017 کو کنڈی غریبہ جیلو کا چارج واپس حبیب الرحمن پنواری ملحقہ کسی کو دست دیا گیا۔

زیر کار جمہندی مذکورہ 12-2011 آٹھ شاہ پنواری نے برائے کپڑا سٹیک دست دیا تھا۔ لیکن سال کے انتقال پر 3976 3977 دورہ 11-04-2017 برطانیہ کاغذات مال جمہندی 12-2011 کے ساتھ 872 کے ساتھ

اطلاقیہ درست رو بہت گواہان بنا کر برائے پنہال گردا در سرکل پیش کیا۔ جو کہ دورہ 11-04-2017 کے ساتھ ریونیو آفیسر سرکل نے منظور کیا۔ اس کے مسائل نے اور رائٹنگ کیا ہے۔ اور نہ رد بدل کیا ہے۔ جبکہ سین ملحقہ کالی سر

ملحقہ میں ریکارڈ پر موجود تھا۔ درخواست کنندہ چونکہ قرض پارٹی ہے۔ مذکورہ انتقال سے کہتا ہے کہ شہری اور نہ مالک ہے۔ حصہ دار کہتا ہے۔ البتہ توثیح پر شریف اللہ ولد نیر اور انعام اللہ درخواست کنندہ رو بہت گواہان حاضریں ملحقہ جان سخی اللہ خان

کیا تھا۔ جسکے بارے میں مذکورہ سال کے پاس زمین کی حصص وغیرہ کیلئے آیا تھا۔ نہ کہ اس کے انتقال سے پہلے۔ اور توثیح تک پہنچے۔ لیکن درخواست کنندہ موقع پر بغیر قانونی تابانی ہے۔ درخواست انعام اللہ خان ملحقہ اور یہ زیادہ سے زیادہ زمین جان ہے گناہ ہے۔ اور صرف پانچ ماہ کا عرصہ گزارنے کے بعد تبدیل ہوا ہے۔ جو کہ ہمراہ انکوآری لف ہے۔

2018-03-13

محمد انکوآری رپورٹ

Attested

ATTESTED

Advo

بمطابق بیان انعام اللہ خان درخواست کنندہ کی پوری حلقہ بندی (سٹیشن اور ریل اور سرکاری سر زمینوں کو منظور کرنے کے لئے) اس ساری کے رقم کان کر بلاحا کر 58 سے 158 اور 16 سے بلاحا کر 116 اور 46 سے بلاحا کر 146 تک رقبہ کے لئے ہے۔ اور یہ بھی استدعا کی ہے۔ کہ ادارے ساتھ اس جنگل زمین کا سودا بھی کیا اور 185000/- روپے کی رقم سے باندھ دیا ہے۔ اور لوگوں کو کوئی ایسے زمین میں اندھ قیمت پر نام فروخت کر کے انتقالات کئے ہیں۔ یہ کہ انعام اللہ خان نے 28-08-2017 کو فریق اول سے فریق دوم کو زمینوں پر 65000/- روپے کے حساب سے زمین فروخت کی ہے۔ اور موقع پر 125000/- روپے دی ہے۔ جبکہ بتایا تم فیہ لائی کے چوتھے روز انتقال کے حساب سے وصول کر لیا۔ جو کہ ہمراہ انکوائری لف ہے۔

6- بیان سرورانی خان ولد میرت عباس خان مالک زمین بخاری خاص شریف اللہ خان نے یہ استدعا کی ہے۔ کہ اس زمین پر انعام اللہ خان نے غیر پورے پورے سلطان مسکن خان قابض ہیں۔ اور اس کو ہڑپ کرنے کیلئے مختلف حربے استعمال کرتے ہیں۔ عاگانہ انکار انہی ملکیت کے ساتھ کوئی تعلق نہیں ہے۔ جس کا ذکر اور اسٹیٹ کوٹنگ کرنے کیلئے یہ حربے استعمال کرتے ہیں۔ لہذا استدعا ہے، کہ درخواست انعام اللہ خان خارج کیا جائے۔ جو کہ ہمراہ انکوائری لف ہے۔ یہ کہ انکوائری ACC اور SMBR سے بھی میاں ہے۔ کہ مذکورہ ہزاروں نے اس ملٹھ پر کئے مینے کام کیا۔ اور پھر چارج چھوڑ دیا۔ اور چارج سمٹا کر سے پہلے محمد علی کیسیوڑ سرنگ کیلئے انجان شاہ ہزاری نے بھیجے تھے۔ یہ کہ انکوائری ACC اور SMBR میں بھی درخواست کنندہ مسائل کو صاف طور پر اجابت جاری کی ہے۔

① اور یہ کہ اس میں ہزاری مذکورہ نے کوئی رود بدل نہیں کی ہے۔ اور یہ بندوبست سے پہلے اس میں رود بدل ہوا ہے۔

② اور یہ کہ درخواست کنندہ عمرز پارٹی ہے۔ اسکا اس زمین سے کوئی تعلق نہیں ہے۔

اور یہ کہ درخواست کنندہ کو ہدایت کی جانی ہے کہ وہ 09 ضابطہ برائے (CPC) سول کورٹ سے رجوع کرے۔

یہ کہ انکوائری آفیسر اس نتیجے پر پہنچا ہے۔ کہ درخواست کنندہ صاحب پارٹی ہیں۔ اور اسکا اس زمین سے کوئی تعلق نہیں ہے۔ اور ہزاری مذکورہ نے انتقالات کئے ہیں۔ بمطابق ریکارڈ مال سچ اور درست کئے ہیں۔ چونکہ ریکارڈ مال میں بندوبست سے پہلے غلطی ہوئی ہے۔ لہذا درخواست کنندہ کو ہدایت کی جائے۔ کہ وہ سول کورٹ سے رجوع کریں۔

لہذا رپورٹ برائے مزید کارروائی ارسال خدمت ہے۔

اساتے کی روغ شدہ انکوائری آفیسر

کی سرنت
ATTESTED

محمد انوار علی

دفتر ایڈیشنل سٹیشنر ریونیو/انکوائری آفیسر کراچی

عزان - انکوائری بچہ ف شریف اللہ خان اور اہلکاران حکمہ حال گندھی عمر چیکر تحصیل نونہ منہ پکروت ۔

13-03-2018

درخواست کنندہ انعام اللہ خان اور اہلکاران حال حاضر میں بیٹل انکوائری کا لفظ موجود ہے

- 1- مطابق ڈسٹرکٹ قانونی پکروت۔ کیوٹ 05-1904 سے 1980 تک 3-12 کنال چلہ آرہا ہے۔ اور صوبہ میں بھی جمعہ درست چلہ آرہا ہے۔ لیکن 92-1991 بندولبت میں 3-12 کنال کا بجائے 62-3 کنال درج صوبہ ہے۔ جس کی لقمہ ضروری ہے۔
- 2- مطابق بیان سردار علی گرد اور سرکل بائیسٹ ضیل 92-1991۔ صوبہ سے لے کر 12-11-2011 تک 62-03 کنال چلہ آرہا ہے۔ درخواست کنندہ نہ مالک ہے۔ اور نہ کاشت کار۔ لہذا درخواست انعام اللہ خان قابل احراج ہے۔ جو کہ ہمراہ انکوائری لقمہ
- 3- مطابق بیان کلیم اللہ پٹواری حلقہ۔ کہ بندولبت میں 3-12 کنال اور بندولبت لبر 3-62 کنال صوبہ صوبہ ہے۔ جو کہ ہمراہ لف انکوائری ہے۔
- 4- مطابق بیان پٹواری استفاق خان حلقہ گندھی عمر چیکر حال گندھی خانچیل نونہ منہ پکروت۔ کہ افغان شاہ پٹواری کے پٹن پٹن پر اور سیت خالی پٹن پر گندھی عمر چیکر ڈاکا چارج 08-08-10 کو حوالہ لیا اور حوضہ 07-2-25 کو گندھی عمر چیکر ڈاکا چارج والین حبیب الرحمن پٹواری حلقہ لسنی کو دے دیا۔ جو کہ میرے سے پہلے زیر صوبہ 02-11-11 اعلیٰ افغان شاہ پٹواری نے ہائے کمپوٹر کیننگ دے دیا تھا۔ لہذا میں سائل کے انتقال نمبر 3971 تا 3976 حوضہ 07-4-11 مطابق کاغذات حال صوبہ سال 11-07-2011 بہ کفایت 872 کے عین مطابق درست رو بہ رو کے دوران بنوا کر برائے پٹن مال گرد اور سرکل پیش کیا۔ جو کہ حوضہ 07-4-11 کو صلحاً ریونیو آفیسر سرکل نے منظور کیا۔ نہ میں سائل نے اور رائیٹنگ کیا ہے اور نہ ردوبدل کیا ہے۔ جبکہ کین شدہ کاپی میرے سے پہلے حلقہ میں رکھارڈ پر موجود تھا۔ درخواست کنندہ چونکہ تحریر پارٹی ہے۔ مذکورہ انتقال بہ کفایت میں نہ مستری اور نہ بائیسٹ ہے۔ اور نہ حوضہ کھاتہ ہے۔ البتہ حوضہ پر شریف اللہ خان ولید فیروز اور انعام اللہ درخواست کنندہ رو بہ رو اہل عالمگر خان جلیل خان۔ سیم اللہ خان کیا تھا۔ جس کے بارے میں میں سائل کے پاس زمین کے حصص وغیرہ کپڑے آتیا تھا نہ میں سائل نے انتقال بتایا ہے۔ اور نہ آج تک ہے۔ لیکن درخواست کنندہ حوضہ پر غیر قانونی قابض ہے۔ درخواست انعام اللہ خان غلط۔ بنیاد ہے۔ میں سائل کے گناہ ہے۔ اور صرف پانچ ماہ کا عرصہ گزارنے کے بعد تبدیل ہوا ہے۔ جو کہ ہمراہ انکوائری لقمہ ہے۔

TESTED

مطابق بیان افغان اللہ خان درخواست کنندہ پٹواری حلقہ تہ استفاق اور گرد اور پیکل سردار علی و محمد علیہار نے اصل مساوی کے کمرے کان بڑھا کر 58 سے 158 اور 16 سے بڑھا کر 116 اور 46 سے بڑھا کر 146 کر کے رقبہ بڑھا لیا ہے۔ اور یہ بھی استدعا کی ہے کہ ہمارے ساتھ اس جعلی زمین کا سودا بھی کیا جائے۔ اور 185000 ہزار روپے ہم نے بیان دیا ہے۔ اور لوگوں کو بھی اس جعلی زمین میں نصف قیمت پر نام فروخت کر کے انتقال کیے گئے ہیں۔ یہ کہ افغان اللہ خان نے 17-8-28 کو فریقین اول سے فریق دوم کو بھون منہا 65000 روپے کے حساب سے زمین فروخت کیا ہے۔ اور موقع پر 125000 روپے دیا ہے۔ جبکہ بقایا رقم عبدالغنی کے چوتھے روز انتقال کے حساب سے وصول کرے گا۔ جو کہ ہمراہ انکوائری لے کر

6۔ بیان سردار علی خان ولہ میر عباس خان صاحب زمین مختیار خاص شریف اللہ خان نے یہ استدعا کی ہے کہ اسی زمین پر افغان اللہ خان و عزیز پیکل سلطان کندر خان قابض ہیں۔ اور اسی کو ہرٹ کر کے کھدے مختلف ہرٹ اسفال کرتے ہیں۔ حالہ کنہ ان کا اراغی حکمیت شاہ کوئی تعلق نہیں ہے محض مالک الراج کو کھدے یہ ہرٹ اسفال کرتے ہیں۔ لہذا استدعا ہے کہ درخواست افغان اللہ خان پر کی جائے۔ جو کہ ہمراہ انکوائری لے کر

یہ کہ انکوائری AAC اور SMBR سے بھی بیان ہے۔ کہ مذکورہ پٹواری اس حلقہ پر کتنا زمین کا کیا اور پھر چارج چھوڑ دیا۔ اور چارج بنوائے سے پہلے حبندی کمپیوٹر سٹینڈ کلکے افغان شاہ پٹواری نے بھی حق ہے۔ یہ کہ انکوائری AAC اور SMBR میں بھی درخواست کنندہ سائل کو مفاد معلوم ہر ایات جاری کی ہے۔

اور یہ کہ اس میں پٹواری مذکورہ نے کوئی رد و بدل نہیں کیا ہے۔ اور یہ بندوبست سے پہلے اس میں رد و بدل ہوا ہے۔ اور یہ کہ درخواست کنندہ ہرٹ پاری ہے۔ اس کا اس زمین سے کوئی تعلق نہیں ہے۔

اور یہ درخواست کنندہ کو ہدایت کی جاتی ہے کہ وہ دفعہ ضابطہ 9 ضابطہ دیوانی (CPC) سول کورٹ سے رجوع کرے یہ کہ انکوائری آفیسر اس نتیجے پر پہنچا ہے کہ درخواست کنندہ سائل ہرٹ پاری ہے اور اس کا اس زمین سے کوئی تعلق نہیں ہے۔ اور پٹواری مذکورہ نے جو انتقال کیے گئے ہیں۔ مطابق ریکارڈ حال در دست کیے ہیں۔ چونکہ ریکارڈ حال میں بندوبست سے پہلے غلطی ہوئی ہے۔ لہذا درخواست کنندہ کو ہدایت کی جاتی ہے کہ وہ سول کورٹ سے رجوع کرے۔

اے ای سی (یونیورسٹی انکوائری) آف کنڈر

لہذا رپورٹ سبٹلے مذیہ کاروائی ارسال خدمت ہے۔

(40) Annex-R

Inquiry By Asstt. Secretary Board of Revenue.

3

An inquiry in connection with complaint of Mr. Inanullah S/O Sultan Sitandar r/o Kotka Ghulam Qadir Dakhli Haji Abad Tehsil Sarai Naurang District Lakh Marwat & others was conducted through Additional Assistant Commissioner and a copy of the said inquiry has been received from Additional Deputy Commissioner Marwat.

The inquiry officer has reported the conclusion of the complaint to exist some land disputes between the parties. The then Patwari Halqa has worked in the same Halqa with additional charge for few months. The Patwari concerned has relied over the existing available record for scanning prior to his charge.

The inquiry officer has further recommended that:

1. Complainant has affected a private sale deed with the respondents without any prior checking of revenue record with the Revenue Field Staff and no mutation has been entered by the Patwari concerned upto now.
2. Complainant is found a third party.
3. However, complainant if so desire may be directed to seek his remedy in civil court of competent jurisdiction.

The outcome of inquiry in the subject complaint is submitted for further orders as deem appropriate, please.

Asstt. Secy: (Admin)

If agreed we may file the same case.

Supdt: Admn
22/1/2008

AS (A)

22/1

ccs
2

Attested

[Signature]
Advo.

[Signature]
ATTESTED

(41)

INQUIRY BY ASSISTANT SECRETARY BOARD OF REVENUE

An inquiry in connection with complaint of Mr. Inamullah S/o Sultan Sikandar r/o Kotka Ghulam Qadir Dakhli Haji Abad Tehsil Sarai Naurang District Lakki Marwat & others was conducted through Additional Assistant Commissioner and copy of the said inquiry has been received from Additional Deputy Commissioner, Lakki Marwat.

The inquiry officer has reported the conclusion of the complaint that there exist some land dispute between the parties. The then Patwari Halqa has worked in the same Halqa with additional charge for few months. The Patwari concerned has relied over the existing available record for scanning prior to his charge.

The inquiry officer has further recommended that:

- ① Complainant has affected a private sale deed with the respondents without any prior checking of revenue record with the Revenue Field Staff and no mutation has been entered by the Patwari concerned upto now.
- ② Complainant is found a third party.
3. However, complainant if so desire may be directed to seek his remedy in civil court of competent jurisdiction.

The outcome of inquiry in the subject complaint is submitted for further orders deem appropriate, please.

Sd/-
Supdt: Admn

Asstt: Secy: (Admn)

If agreed, we may file the same case.

Sd/-

AS (A)

جسٹس 2nd

ATTESTED



OFFICE OF THE
DEPUTY COMMISSIONER

LAKKI MARWAT (KHYBER PAKHTUNKHWA) Ph.# 0969-538332 Fax # 0969-
Email: dclakkiarwat@hotmail.com Facebook: www.facebook.com/dclakkiarwat
No. 110 IDC/LM/H/C(Rev)/F.14 Dated 09/10/11

OFFICE ORDER.


Consequent upon the power under section 172 (2) (iv) of Land Revenue Act, it is hereby ordered by the undersigned that necessary correction be made in revenue record vide Khata No. 872 Khasra No. 500, 501 and 502 Mouza Gaudi Umer Chieker where it has been found via an inquiry conducted by Assistant to Commissioner (Rev) Bannu that the record has been tampered in terms of area as to wrongly/ fraudulently enter the total area 62 Kanal 03 Marlas against the correct total area of 12 Kanal 03 Marlas.


It is further ordered that as per inquiry report the mutations No. 3971, 3972 (Sehat Nam) and Mutations No. 3974 and 3975 (inheritance) also stand cancelled with immediate effect.

Even No & Date.

Copy forwarded to the:

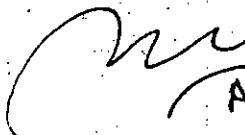
1. Naib Tehsildar Lakki Marwat for necessary compliance as per law.
2. District Kanungo Lakki Marwat for similar action.


Deputy Commissioner,
District Collector
Lakki Marwat.
DISTRICT COLLECTOR
LAKKI MARWAT


Deputy Commissioner
District Collector
Lakki Marwat.
DISTRICT COLLECTOR
LAKKI MARWAT


ATTESTED

Attested


Advo

Scanned by

(43)

BETTER COPY

OFFICE OF THE
DEPUTY COMMISSIONER

LAKKI MARWAT (KHYBER PAKHTUNKHWA) Ph # 0969-538332 Fax # 0969-538333
Email: dclakkimarwat@hotmail.com Facebook: www.facebook.com/dclakkimarwat

No.110/DC/LM/HC(Rev)/F.14

Dated 09/01/2018

OFFICE ORDER

Consequent upon the power under section 172 (2) (iv) of Land Revenue Act, 1967, it is hereby ordered by the undersigned that necessary correction be made in revenue record vide Khata No.872 Khasra No.500, 501 and 502 Mouza Gandi Umer Chieker where it has been found via an inquiry conducted by Assistant to Commissioner (Rev) Bannu that the record was tempered in terms of area as to wrongly/fraudulently enter the total area 62 Kanal 03 Marlas against the correct total area of 12 Kanal 03 Marlas.

It is further ordered that as per inquiry report the mutations No.3971, 3972 3973 (Sehat Nam) and Mutations No.3974 and 3975 (inheritance) also stand cancelled with immediate effect.

Sd/-
Deputy Commissioner/
District Collector
Lakki Marwat.

Even No & Date.

Copy forwarded to the:

1. Naib Tehsildar Lakki Marwat for necessary compliance as per law.
2. District Kanungo Lakki Marwat for similar action.


ATTESTED

Sd/-
Deputy Commissioner/
District Collector
Lakki Marwat.

محکمہ جناب محرزبان صاحب - آبدھار ڈیوٹیوں پر غیر مستحقوں کو (انٹرنل میٹریس)

جناب عالی

پورا - پورا سٹیٹ سر جوہرہ بڈلکہ بد ملاک DC آفیس میں گذشتہ مورخہ 2018-10-29

درج ذیل ہے۔ مورخہ 2017 میں دوران فراغ صحت سے متعلق لیکچر تھا۔

1. میں نے مورخہ 2017 میں بائیس جنرل سے انتقال ہوا تھا۔ مورخہ 2017-10-29

اشفاق بیواری حلقہ گندمی بلوچستان کے انتقال سے مورخہ 2017-10-29 مورخہ 2017-10-29

انتقال سے مورخہ 2017-10-29 مورخہ 2017-10-29 مورخہ 2017-10-29

کے لیے جو تو میں سائل کے خانہ گیری کے انتقال سے مورخہ 2017-10-29

پر انتقال کی اور متعلقہ ریکارڈ تحفظ حال کے مورخہ 2017-10-29

ان کے مورخہ 2017-10-29 کے مطابق کفایت سے مورخہ 2017-10-29

اور 2017-10-29 کے مطابق کفایت سے مورخہ 2017-10-29

جہاں تک تفریق کی جائے اور اندراج کے انتقال سے مورخہ 2017-10-29

تعمیر میں مورخہ 2017-10-29 اور اندراج کے انتقال سے مورخہ 2017-10-29

بیواری کی ذمہ داری ہے جو کہ اس کے لئے لکھی گئی ہے اور اندراج

کے بارے میں مورخہ 2017-10-29 کے لئے لکھی گئی ہے اور اندراج

مستند مورخہ 2017-10-29 کے لئے لکھی گئی ہے اور اندراج

درست لکھی گئی ہے اور اندراج کے لئے لکھی گئی ہے اور اندراج

محکمہ صحت کے لئے لکھی گئی ہے اور اندراج کے لئے لکھی گئی ہے اور اندراج

میں نے مورخہ 2017-10-29 کے لئے لکھی گئی ہے اور اندراج

میں نے مورخہ 2017-10-29 کے لئے لکھی گئی ہے اور اندراج

Attested

[Signature]

Advo

ATTESTED

مورخہ 2018-10-29

(45) Annex U

(A)

**ENQUIRY AGAINST TEHSILDAR SHER BAHDUR,
GIRDAWAR SARDAR ALI AND PATWARI ISHFAQ OF
DISTRICT LAKKI MARWAT AND FURTHER
CANCELLATION OF FAKE INTOALAT.**

The instant enquiry was entrusted under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, to the undersigned with the approval of Senior Member Board of Revenue vide letter No. Estt.V/PF/DIK/Sher Bahadur/35271-73, dated 22.10.2018 to look into the issues involved in the subject case. (Annexure-A).

The charges leveled against the accused are as under: -

1. That the Patwari fraudulently entered the area of khasra No. 500, 501, 502 in the revenue record of Mouza Gandhi Umar Chikar as 62 kanals and 3 marlas against the correct area of 12 kanals and 3 marlas. The same was not checked by him with revenue record.
2. That the patwari changed title of the land khata No. 872 Khasra No. 500, 501, and 502 in the Revenue Record of Mouza Gandhi Umar Chikar through mutation No. 3971, 3972 and 3973 without justification. Title of the land in respect of Mr. Gul Mast and Muhammad Ali was substituted with Mr. Sar Mast and his successors namely Mir Mast and Mamal.
3. That the Girdawar compared the area of khasra No. 500, 501 and 502 in revenue record of Mouza Gandhi Umar Chikar as 62 kanals 3 marlas against the correct area of 12 kanals and 3 marlas.
4. That the Tehsildar blindly attested the said mutation No. 3971, 3972 and 3973 without justification and comparing with the revenue record.

PROCEEDINGS

On 26.10.2018, letter was issued to the District Collector, Lakki Marwat to inform the accused revenue officials to attend the office of the undersigned on 02.11.2018, alongwith a departmental representative. On the date fixed, the accused Girdawar and Halqa patwari attended the office alongwith departmental representative. The accused Naib Tehsildar did not attend the office as he was posted in South Waziristan. However, he attended the office on 12.11.2018. The accused officials submitted their written statement and they were questioned as well.

Attested
Advo

ATTESTED

(46)

The Naib Tehsildar namely Sher Bahdar stated in his written statement that he was posted as Naib Tehsildar Sarai Nourang in November 2014, to September 2017. The Periodical record of rights was prepared in the year 2011-12, and the said mutations were entered from the said Periodical record of rights for the year 2011-12. He further stated that he has no fault, as it is the responsibility of Girdawar Circle to tally the mutation with revenue record and the revenue officer has just to attest the mutation after examination in Jalsai Aam. Even during attestation of mutation no complaint was received. (Copy of reply is at annexure-B).

The Girdawar Circle Mr. Sardar Ali stated that during his posting Mr. Ashfaq Ahmad, the then Patwari Halqa Umer Chikar presented mutations No. 3971 regarding Sehat Waldiyat from Gul Mast as Mir Mast, Mutation No. 3972 regarding Sehat-e-Nam from Sher Mast as Mir Mast, Mutation No. 3973 Sehat-e-Nam from Sher Mast as Mamal on 06.03.2017, and I have compared the area of khata No. 872 bearing khasra Nos. 500, 501 and 502 examining the available record just from khewat Bandubast 1992-93 and Jamabandi Zer-e-Kar for the year 2011-12 and correctly verified the area as 62 kanals and 3 marlas only as per my responsibility provided in Land Revenue Act, 1967. The Girdawar Circle has further stated that the complainant namely Inamullah son of Sultan Bahdur Khan is a third party having no concern with the said property as he is neither a vendee nor vendor but has some personal grudges with the land owners due to which they filed complaints against their opponent parties including revenue field staff. (Copy of reply is at annexure-C).

The patwari halqa Ashfaq Ahmad stated that he was posted as patwar halqa Gundi Khan Khel during the year 2016, and the additional charge of Mouza Gandi Umer Chikar was also entrusted to him as additional charge on 10.08.2016, due to retirement of Mr. Afnan Shahi patwari, and worked there only for a period of six months. No change in area has been made but prior to my posting the available record revealed that in kiwat Bandobast 1992-93, field book, Jamabandi 1995-96, 2007-08, 2001-12.

Attested

[Signature]
Adv

ATTESTED

(47)

Zer-e-kar and computer Scanning copy of khasra No. 500, 501 and 502 having total area of 62 kanals and 3 marlas. He further stated that on 11.02.2017 Mr. Yousaf Khan son of Nawab Khan attended my office accompanied by witness namely Alamgir Khan for correctness of names. I entered his statement in Roznamcha vide No. 193, 194 and 195 on 11.02.2017, and after documentary evidence prepared Sehat-e-Nam mutation No. 3971, 3972 and 3973 on the same day and put forward before the Girdawar Circle who examined the same and then attested by the revenue officer in Jalsa-e-Aam on 11.04.2017. (Copy of reply is at annexure-D).

FINDINGS.

1. The mutation No. 3971, 3972, and 3973 were instituted by patari from Zer-e-kar Jamabandi and attested without any legal justification and any past reference. The entries made by the patwari is quite astonishing and without any legal footing.
2. The kiwat Bandobast 1992-93, Field Bood, Jamabandi, 1995-96, 2007-08. and Zer-e-Kar Jamabandi, 2011-12 reveals that the said land is 62 kanals and 3 marlas, while the actual area was 12 kanals and 3 marlas before Settlement Operations, but someone is definitely involved in this illegal game. All the revenue field staff who was involved in attestation of these mutation are responsible for this illegal story.
3. The Girdwar Circle is required to tally the entered mutation with the revenue record, which he did and completed his legal responsibility, but it is also the responsibility of the Girdawar to see whether all the proceedings is in accordance with law / rules, but that has not been done by the concerned Girdawar.
4. The revenue officer attested the said mutations in Jalsa-e-Aam. Title of the land in respect of Mr. Gul Mast and Muhammad Ali was substituted with Mr. Sar Mast and his successors namely Mir Mast and Mamal, therefore it was necessary for the revenue officer to get approval from the Deputy Commissioner concerned but he failed, which shows his negligence and in-efficiency on the part of revenue officer.
5. The actual area as per previous revenue record before is 12 kanals and 3 marlas, but was wrongly entered as 62 kanals and 3 marals. The title of the land in respect of Mr. Gul Mast and Muhammad Ali was substituted with Mr. Sar Mast and his successors namely Mir Mast and Mamal without approval of the District collector.

Attested
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[Signature]

[Signature]

(43)

6. Office order dated 09.01.2018 of the Deputy Commissioner Lakki Marwat reveals that necessary correction has been ordered by the Deputy Commissioner in khata No. 872 khasra Nos. 500, 501 and 502. Mutation No. 3971, 3972 and 3973 have also been cancelled and as such it is sufficient to prove that the proceedings were not in accordance with law and rules.
7. Another name Aziz Muhammad S/O Tila Muhammad Khan was also there in revenue record and his name was removed without bringing the matter into the notice of higher authority. As there is no other criteria to bring a name to record without mutation or a registered deed, so it needs another inquiry on the part of the District Administration as to why, if necessary to their stance, a stranger, was inserted in record.
8. Anti-corruption establishment has also taken notice of the same as the complainant party provided the report of FSL, wherein it has been reported that cutting / overwriting is there and the area has been changed. (Annexure-E). Although the inquiry is still with the same agency but it also shows prima facie that who are interested in this game.
9. According to the third party the real owners of the land are missing and are not traced, so this was also a reason for all the accused officials and beneficiaries and it is also to be inquired if it is so then if no one is there, then the District Collector being custodian of record and public property should decide the fate of the said property.

RECOMMENDATIONS:

In view of the above, it is suggested that patwari and Field Kanungo have played pivotal role in the said game and are liable to major punishment while Naib Tehsildar should be given minor punishment for his careless conduct. As discussed above Deputy Commissioner should hold an inquiry as mentioned above in the findings regarding insertion and removal of name from the record and property, owned by untraceable persons.

Attested
[Signature]

[Signature]
(Fakhruz Zaman)
Member-II / Inquiry Officer

[Signature]
ATTESTED

(49) Annex-V
GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 03/05/2019

ORDER.

No. Estt:V/PF/Sher Bahadur/DIKhan/_____ WHEREAS, Mr. Sardar Ali Kanungo Circle Serai Naurang District Lakki Marwat was proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet.

AND WHEREAS Mr. Fakhr-uz-Zaman Member - II Board of Revenue was appointed as Inquiry Officer to probe into the charges leveled against the said official and submit finding / recommendation.

AND WHEREAS, the Inquiry Officer after having examine the charges evidence produced before him and statement of accused official, submitted his report whereby the charges against the accused official stand proved.

AND WHEREAS, I Dr Fakhr Alam Senior Member Board of revenue after having examined the charges, evidence produced, statement of accused official, finding of Inquiry Officer and after personal hearing of the accused concur with the recommendation of the Inquiry Officer.

NOW THEREFORE; I as Competent Authority in exercise of powers conferred by Rule 14 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 impose major penalty of reduction to lower post pay scale for a period of 03 three years under Rule 4 (1)(b)(i) of the rules ibid upon Mr. Sardar Ali Kanungo Circle Serai Naurang District Lakki Marwat with immediate effect.

sd/-
Senior Member

No. Estt:V/PF/Sher Bahadur/DIKhan/18335-40.

Copy forwarded to the: -

1. Commissioner Bannu Division Bannu with reference to his letter No. 2284-85/PO/Gcn-DT/18 dated 04.05.2018.
2. Deputy Commissioner Lakki Marwat.
3. District Accounts Officer Lakki Marwat.
4. P.S to Senior Member Board of Revenue.
5. Official concerned.
6. Personal File.

Attested

M Adva

Dr
ATTESTED

[Signature]
Assistant Secretary (Estt.)

(52)

Annex W

BEFORE THE CHIEF SECRETARY KHYBER PAKHTUNKHWA
PESHAWAR

SERVICE APPEAL/REPRESENTATION No. _____/2019

SUBJECT: REDUCTION TO LOWER POST PAY SCALE FOR A PERIOD
OF THREE YEARS VIDE ORDER NO. ESTT:V/PF/SHER
BAHDAR/D.I.KHAN/18335-40 DATED 03.05.2019 OF SMBR

PRAYER: ON ACCEPTANCE OF INSTANT
APPEAL/REPRESENTATION, AGAINST IMPUGNED ORDER
DATED 03.05.2019 MAY KINDLY BE SET ASIDE OR
ANNULLED AND THE APPELLANT MAY KINDLY BE RE-
INSTATED IN HIS OWN PREVIOUS POSITION
INCUMBENCY OF GIRDAWAR CIRCLE IN DISTRICT
LAKKI MARWAT WITH ALL BACK BENEFITS.

That, succinct and germane facts culminating in Instant Appeal are as such:

(1) That, the appellant was posted as Girdawar Circle Baist Khel during the year 2017.

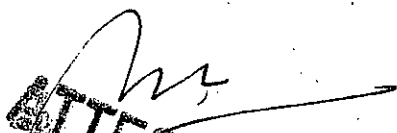
(2) That, the Patwari Halqa of Moza Gandi Umar Cheekar namely Ishfaq produced to the appellant mutation No. 3971 regarding Sehet Waldiyat from Gul Mast as to Mir Mast, Mutation No. 3972 regarding Sehet-e- Nam from Shermast as to Mir Mast and Mutation No. 3973 Sehet-e- Nam from Muhammad Ali as to Mamal on dated 06.03.2017. The appellant compared and scanned the record and area of Khata No. 872 within the meaning of column No. 3 authority. The appellant gone through all the relevant record of Revenue including Kheot for the year 1992-93 till Jamabandi Zer Kaar (for the year 2011-12). The appellant correctly rarified the area as 62 Kanal 03 Marlas in the column No. 03 of the mutations mentioned above, and that

ATTESTED

(51)

was the sole responsibility of the appellant as rested upon the appellant by the law.

- (3) That, the change in title of the said khatas / record / discrepancy has caused the appellant a major penalty of reduction of lower post / scale for three year which cannot be justified in any way. The appellant has been punished for wrong doing of the Patwari Halqa.
- (4) That, as well as change of title by the Patwari Halqa is concerned, the record remained under the custody of Patwari Halqa and these mutations were entered by the Patwari Halqa on the request of the applicants duly authenticated by reliable witnesses and on objection regarding change of title for my satisfaction, the Patwari Halqa produced Shajr-e-Nasb of these applicants / land owner of another Mouza Manjiwala, presented to the concerned Revenue Officer in Jalsa-e-Aam and were attested by the then Revenue Officer namely Sher Bahadar Naib Tehsildar and this responsibility rest with Revenue Officer concerned in Khana No. 09 of the Mutations as provided in Land Revenue Act.
- (5) That, the complainant namely Inam Ullah son of Sultan, Bahadar Khan etc sons of Ghulam Qadir are third party having no concern with the said property as they are neither vendee nor vendor but have some personal grudges with the land owners due to which they filed such nature of complaints against their opponent parties including revenue field staff for sum hand-sum.
- (6) That, these complaints have already enquired by the AAC-I and AAC (Revenue) Lakki and Assistant Secretary (Stamp) Board of Revenue respectively and filed.
- (7) That, the inquiry was not fair and biased, wherein the appellant has been condemned unheard. No formalities and requirements of the inquiry have been observed by the inquiry officer. The appellant has not been given


ATTESTED

(59)

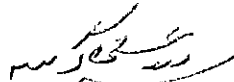
opportunity to cross examine the witness. The appellant has not been heard in person.

(8) That, personal hearing, being mandatory, was not afforded to the appellant what to speak of providing him opportunity of self defense.

(9) That, appellant being employee, was not amenable to any penal action, so the impugned orders are biased on ulterior motive.

It is, humbly prayed that the impugned order No.Estt:V/PF/Sher Bahdar/D.I.Khan/18335-40 dated 03.05.2019 of SMBR may kindly rescinded and appellant may kindly be reinstated on his own previous position, without any further agony. The complainant may kindly be fined in order to compensate the appellant.

Dated: 14.05.2019.



Appellant

Sardar Ali

Girdawar Cirle Halqa mouza Baist Khel

Now ADK Lakki Marwat



ATTESTED

(53)

**BEFORE THE SECRETARY BOARD OF REVENUE KHYBER
PAKHTUNKHWA PESHAWAR**

SERVICE APPEAL/REPRESENTATION No. _____/2019

**SUBJECT: REDUCTION TO LOWER POST PAY SCALE FOR A PERIOD
OF THREE YEARS VIDE ORDER NO. ESTT:V/PF/SHER
BAHDAR/D.I.KHAN/18335-40 DATED 03.05.2019 OF SMBR**

**PRAYER: ON ACCEPTANCE OF INSTANT
APPEAL/REPRESENTATION, AGAINST IMPUGNED ORDER
DATED 03.05.2019 MAY KINDLY BE SET ASIDE OR
ANNULLED AND THE APPELLANT MAY KINDLY BE RE-
INSTATED IN HIS OWN PREVIOUS POSITION
INCUMBENCY OF GIRDAWAR CIRCLE IN DISTRICT
LAKKI MARWAT WITH ALL BACK BENEFITS.**

That, succinct and germane facts culminating in Instant Appeal are as such:

- (1) That, the appellant was posted as Girdawar Circle Baist Khel during the year 2017.
- (2) That, the Patwari Halqa of Moza Gandi Umar Cheekar namely Ishfaq produced to the appellant mutation No. 3971 regarding Sehet Waldiyat from Gul Mast as to Mir Mast, Mutation No. 3972 regarding Sehet-e- Nam from Shermast as to Mir Mast and Mutation No. 3973 Sehet-e- Nam from Muhammad Ali as to Mamal on dated 06.03.2017. The appellant compared and scanned the record and area of Khata No. 872 within the meaning of column No. 3 authority. The appellant gone through all the relevant record of Revenue including Kheot for the year 1992-93 till Jamabandi Zer Kaar (for the year 2011-12). The appellant correctly rarified the area as 62 Kanal 03 Marlas in the column No. 03 of the mutations mentioned above, and that

[Signature]
ATTESTED

(54)

was the sole responsibility of the appellant as rested upon the appellant by the law.

(3) That, the change in title of the said khatas / record / discrepancy has caused the appellant a major penalty of reduction of lower post / scale for three year which cannot be justified in any way. The appellant has been punished for wrong doing of the Patwari Halqa.

(4) That, as well as change of title by the Patwari Halqa is concerned, the record remained under the custody of Patwari Halqa and these mutations were entered by the Patwari Halqa on the request of the applicants duly authenticated by reliable witnesses and on objection regarding change of title for my satisfaction, the Patwari Halqa produced Shajr-e-Nasb of these applicants / land owner of another Mouza Manjiwala, presented to the concerned Revenue Officer in Jalsa-e-Aam and were attested by the then Revenue Officer namely Sher Bahadar Naib Tehsildar and this responsibility rest with Revenue Officer concerned in Khana No. 09 of the Mutations as provided in Land Revenue Act.

(5) That, the complainant namely Inam Ullah son of Sultan, Bahadar Khan etc sons of Ghulam Qadir are third party having no concern with the said property as they are neither vendee nor vendor but have some personal grudges with the land owners due to which they filed such nature of complaints against their opponent parties including revenue field staff for sum hand-sum.

(6) That, these complaints have already enquired by the AAC-I and AAC (Revenue) Lakki and Assistant Secretary (Stamp) Board of Revenue respectively and filed.

(7) That, the inquiry was not fair and biased, wherein the appellant has been condemned unheard. No formalities and requirements of the inquiry have been observed by the inquiry officer. The appellant has not been given

ATTESTED

(55)

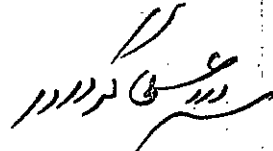
opportunity to cross examine the witness. The appellant has not been heard in person.

(8) That, personal hearing, being mandatory, was not afforded to the appellant what to speak of providing him opportunity of self defense.

(9) That, appellant being employee, was not amenable to any penal action, so the impugned orders are biased on ulterior motive.

It is, humbly prayed that the impugned order No. Estt:V/PF/Sher Bahdar/D.I.Khan/18335-40 dated 03.05.2019 of SMBR may kindly rescinded and appellant may kindly be reinstated on his own previous position, without any further agony. The complainant may kindly be fined in order to compensate the appellant.

Dated: 14.05.2019.




Appellant

Sardar Ali

Girdawar Cirle Halqa mouza Baist Khel

Now ADK Lakki Marwat



ATTESTED

(56)

Annex - X

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Estt: V/Sher Bahadur/DIK/ 25678
Peshawar dated the 30/07/2019.

Registered

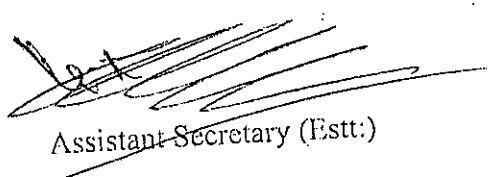
میرزا علی احمد
کتاب خانہ
لاہور

Mr. Sardar Ali,
Ex - Girdawar Circle Halqa Mouza Baist Khel
now Additional District Kanungo Lakki Marwat.

Through Deputy Commissioner,
Lakki Marwat.

SUBJECT: REDUCTION TO LOWER POST PAY SCALE FOR A PERIOD OF
THREE YEARS VIDE ORDER NO. ESTT: V/PF/SHER
BAHADUR/DIK/IAN/18335-40 DATED 03.05.2019 OF SMBR

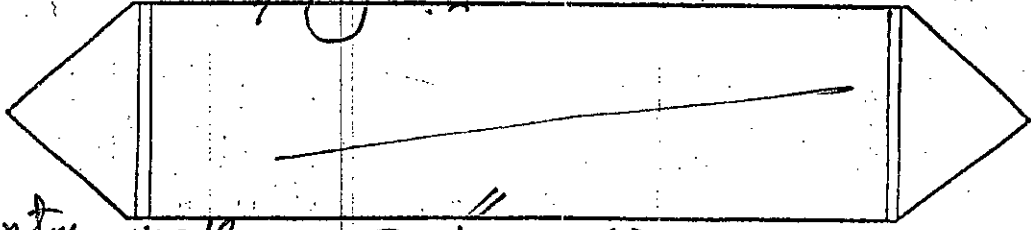
Your Departmental appeal dated 14.05.2019 has been examined and filed
by Appellate Authority.


Assistant Secretary (Estt.)


ATTESTED

(56)

بعد الٹ سروس ٹریبونل لٹاور



Appellant 2019ء پنجاب

بنام حکومت KPK وغیر

27 اگست

سردار علی

سروس اینٹل

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ
آن مقام لٹاور کیلئے ہر طرف فرسٹ ایس آر اس

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز اس کی

03005768804

دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لے جانے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے اتوائے مقدمہ کے سبب سے وہ ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ مندر ہے۔

المرقوم 27 ماہ اگست 2019ء

واہ

Accepted کے لئے منظور ہے۔

بمقام لٹاور

سردار علی

(سردار علی)

Advo

VAKALAT NAMA

NO. 1098 /2019

IN THE COURT OF K.P Service Tribunal, Peshawar,

Sardar Ali

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Revenue Deptt

(Respondent)
(Defendant)

I/We, Sardar Ali

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI, Advocate High Court Peshawar,** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 20-09 /2019.

[Signature]
(CLIENT)

ACCEPTED

[Signature]
SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1098/2019

Saxtar ALI..... Appellant

Versus

The Chief Secretary Khyber Pakhtunkhwa and others.....Respondent

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5.	Copy of show cause notice	(Annexure - C)
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Assistant Secretary (Lit- II)
Board of Revenue KPK

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 1098/2019.

Sardar Ali.....Appellant

VERSUS

The Chief Secretary Khyber Pakhtunkhwa and others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1,2 & 3 ARE AS UNDER

RESPECTFULLY SHEWETH.

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action or locus standi.
2. That the appeal is bad for mis- joinder and non- joinder of necessary parties.
3. That appellant is estopped by his own conduct to institute the instant appeal.
4. That the appellant has not come to the Tribunal with clean hands.

ON FACTS


1. Pertains to record.
- ✓ 2. Incorrect. The Girdawar Circle is required to tally the entered mutation with the revenue record which he did and completed his legal responsibility, but it is also the responsibility of the Girdawar to see whether all the proceedings is in accordance with law / rules, but that has not been done by the concerned appellant.
- ✓ 3. Correct to the extent that on the basis of last enquiry, major penalty of reduction to lower post pay scale for a period of 03 three years was imposed upon the appellant being the responsible official (Copy of enquiry report is at Annexure - A).
- ✓ 4. Incorrect. All the relevant papers i.e jamabandi mutation and decrees of the courts have been examined by the Inquiry Officer, but the appellant has not proved his innocence therefore the Inquiry Officer in his report, recommended major penalty to be imposed upon the appellant.
5. Incorrect. The High Court has lacks jurisdiction to entertain writ petition in presence of Article 2012 of the Constitution of Islamic Republic of Pakistan.

GROUND.

- A Incorrect. The Revenue Officer concerned was also held responsible by the Inquiry Officer and accordingly he was also awarded minor penalty of withholding of one (01) increment for a period of two (02) years reduction of lower post pay scale for a period of (03) three years
- B Incorrect. Enquires have been conducted against the appellant under the provision of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011

- C Correct to the extent of complainant as a third party but he pointed out the wrong doing of Patwari as well as the appellant on the basis of which enquiry was conducted against all the responsible officers / officials and were awarded penalties under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011 according to their responsibilities.
- D Incorrect. Pertains to record.
- E. Incorrect. Proper charge sheet was served upon the appellant (Annexure - B). On receipt of report of Inquiry Officer, show cause notice was served upon him (Annexure - C) and was heard by the Competent Authority on 04.04.2019, but his reply before the Competent Authority was not found satisfactory and was awarded major penalty of reduction to lower post pay scale for a period of three (03) years.
- F. Incorrect. The appellant was given proper opportunity of hearing by the Inquiry Officer as well as Competent Authority (Copy of reply submitted before the appellant is at Annexure - D).
- G. Incorrect. Penalty was imposed by the Competent Authority on the basis of recommendation of the Inquiry Officer which is just fair and according to law / rules.
- H Respondent will also seek permission to submit additional grounds at the time of arguments.

Keeping in view the above, the appeal of the appellant is devoid of force may be dismissed with costs.


Respondent No. 1,2&3

**ENQUIRY AGAINST TEHSILDAR SHER BAHDUR,
GIRDAWAR SARDAR ALI AND PATWARI ISHFAQ OF
DISTRICT LAKKI MARWAT AND FURTHER
CANCELLATION OF FAKE INTOALAT.**

1. The instant enquiry was entrusted under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, to the undersigned with the approval of Senior Member Board of Revenue vide letter No. Estt:V/PF/DIK/Sher Bahadur/35271-73, dated 22.10.2018 to look into the issues involved in the subject case. (Annexure-A).

The charges leveled against the accused are as under: -

1. That the Patwari fraudulently entered the area of khasra No. 500, 501, 502 in the revenue record of Mouza Gandi Umar Chikar as 62 kanals and 3 marlas against the correct area of 12 kanals and 3 marlas. The same was not checked by him with revenue record.
2. That the patwari changed title of the land khata No. 872 Khasra No. 500, 501, and 502 in the Revenue Record of Mouza Gandi Umer Chikar through mutation No. 3971, 3972 and 3973 without justification. Title of the land in respect of Mr. Gul Mast and Muhammad Ali was substituted with Mr. Sar Mast and his successors namely Mir Mast and Mamal.
3. That the Girdawar compared the area of khasra No. 500, 501 and 502 in revenue record of Mouza Gandi Umar Chikar as 62 kanals 3 marlas against the correct area of 12 kanals and 3 marlas.
4. That the Tehsildar blindly attested the said mutation No. 3971, 3972 and 3973 without justification and comparing with the revenue record.

PROCEEDINGS

2. On 26.10.2018, letter was issued to the District Collector, Lakki Marwat to inform the accused revenue officials to attend the office of the undersigned on 02.11.2018, alongwith a departmental representative. On the date fixed, the accused Girdawar and Halqa patwari attended the office alongwith departmental representative. The accused Naib Tehsildar did not attend the office as he was posted in South Waziristan. However, he attended the office on 12.11.2018. The accused officials submitted their written statement and they were questioned as well.

3. The Naib Tehsildar namely Sher Bahdar stated in his written statement that he was posted as Naib Tehsildar Sarai Nourang in November 2014, to September 2017. The Periodical record of rights was prepared in the year 2011-12, and the said mutations were entered from the said Periodical record of rights for the year 2011-12. He further stated that he has no fault, as it is the responsibility of Girdawar Circle to tally the mutation with revenue record and the revenue officer has just to attest the mutation after examination in Jalsai Aam. Even during attestation of mutation no complaint was received. (Copy of reply is at annexure-B).

4. The Girdawar Circle Mr. Sardar Ali stated that during his posting Mr. Ashfaq Ahmad, the then Patwari Halqa Umer Chikar presented mutations No. 3971 regarding Sehat Waldiyat from Gul Mast as Mir Mast, Mutation No. 3972 regarding Sehat-e-Nam from Sher Mast as Mir Mast, Mutation No. 3973 Sehat-e-Nam from Sher Mast as Mamal on 06.03.2017, and I have compared the area of khata No. 872 bearing khasra Nos. 500, 501 and 502 examining the available record just from khewat Bandubast 1992-93 and Jamabandi Zer-e-Kar for the year 2011-12 and correctly verified the area as 62 kanals and 3 marlas only as per my responsibility provided in Land Revenue Act, 1967. The Girdawar Circle has further stated that the complainant namely Inamullah son of Sultan Bahdur Khan is a third party having no concern with the said property as he is neither a vendee nor vendor but has some personal grudges with the land owners due to which they filed complaints against their opponent parties including revenue field staff. (Copy of reply is at annexure-C).

5. The patwari halqa Ashfaq Ahmad stated that he was posted as patwar halqa Gundi Khan Khel during the year 2016, and the additional charge of Mouza Gandi Umer Chikar was also entrusted to him as additional charge on 10.08.2016, due to retirement of Mr. Afnan Shah patwari, and worked there only for a period of six months. No change in area has been made but prior to my posting the available record revealed that in kiwat Bandobast

Zer-e-kar and computer Scanning copy of khasra No. 500, 501 and 502 having total area of 62 kanals and 3 marlas. He further stated that on 11.02.2017 Mr. Yousaf Khan son of Nawab Khan attended my office accompanied by witness namely Alamgir Khan for correctness of names. I entered his statement in Roznamcha vide No. 193, 194 and 195 on 11.02.2017, and after documentary evidence prepared Sehat-e-Nam mutation No. 3971, 3972 and 3973 on the same day and put forward before the Girdawar Circle who examined the same and then attested by the revenue officer in Jalsa-e-Aam on 11.04.2017. (Copy of reply is at annexure-D).


FINDINGS.

1. The mutation No. 3971, 3972, and 3973 were instituted by patari from Zer-e-kar Jamabandi and attested without any legal justification and any past reference. The entries made by the patwari is quite astonishing and without any legal footing.
2. The kiwat Bandobast 1992-93, Field Bood, Jamabandi, 1995-96, 2007-08. and Zer-e-Kar Jamabandi, 2011-12 reveals that the said land is 62 kanals and 3 marlas, while the actual area was 12 kanals and 3 marlas before Settlement Operations, but someone is definitely involved in this illegal game. All the revenue field staff who was involved in attestation of these mutation are responsible for this illegal story.
3. The Girdwar Circle is required to tally the entered mutation with the revenue record, which he did and completed his legal responsibility, but it is also the responsibility of the Girdawar to see whether all the proceedings is in accordance with law / rules, but that has not been done by the concerned Girdawar.
4. The revenue officer attested the said mutations in Jalsa-e-Aam. Title of the land in respect of Mr. Gul Mast and Muhammad Ali was substituted with Mr. Sar Mast and his successors namely Mir Mast and Mamal, therefore it was necessary for the revenue officer to get approval from the Deputy Commissioner concerned but he failed, which shows his negligence and in-efficiency on the part of revenue officer.
5. The actual area as per previous revenue record before is 12 kanals and 3 marlas, but was wrongly entered as 62 kanals and 3 marals. The title of the land in respect of Mr. Gul Mast and Muhammad Ali was substituted with Mr. Sar Mast and his successors namely Mir Mast and Mamal without approval of the District collector.

6. Office order dated 09.01.2018 of the Deputy Commissioner Lakki Marwat reveals that necessary correction has been ordered by the Deputy Commissioner in khata No. 872 khasra Nos. 500, 501 and 502. Mutation No. 3971, 3972 and 3973 have also been cancelled and as such it is sufficient to prove that the proceedings were not in accordance with law and rules. ✓
7. Another name Aziz Muhammad S/O Tila Muhammad Khan was also there in revenue record and his name was removed without bringing the matter into the notice of higher authority. As there is no other criteria to bring a name to record without mutation or a registered deed, so it needs another inquiry on the part of the District Administration as to why, if necessary to their stance, a stranger, was inserted in record. ✓
8. Anti-corruption establishment has also taken notice of the same as the complainant party provided the report of FSL, wherein it has been reported that cutting / overwriting is there and the area has been changed.(Annexure-E). Although the inquiry is still with the same agency but it also shows prima facie that who are interested in this game. ✓
9. According to the third party the real owners of the land are missing and are not traced, so this was also a reason for all the accused officials and beneficiaries and it is also to be inquired if it is so then if no one is there, then the District Collector being custodian of record and public property should decide the fate of the said property. ✓

RECOMMENDATIONS:

6. In view of the above, it is suggested that patwari and Field Kanungo have played pivotal role in the said game and are liable to major punishment while Naib Tehsildar should be given minor punishment for his careless conduct. As discussed above Deputy Commissioner should hold an inquiry as mentioned above in the findings regarding insertion and removal of name from the record and property, owned by untraceable persons.


(Fakhruz Zaman)
Member-II / Inquiry Officer

CHARGE SHEET

I Dr. Fakhre Alam, Senior Member, Board of Revenue Khyber Pakhtunkhwa as Competent Authority, hereby charge you Mr. Sardar Ali Girdawar as follow:

That you while posted as Kanungo Circle Serai Naurang District Lakki Marwat committed the following irregularities.

- a) That you compared the area of Khasra No. 500,501,502 in the Revenue Record of Mouza Gandi Umar Chikar as 62 Kanal 3 Marlas against the correct area of 12 Kanal 3 Marlas.
- b) That the Patwari changed title in the land Khata No. 872 Khasra No. 500,501,502 in the Revenue Record of Mouza Gandi Umer Chikar through mutation No. 3971,3972 and 3973 without justification. Title of the land in respect of Mr. Gul Mast S/O Sher Ahmad and his successors namely Sher Mast and Mohammad Ali was substituted with Mr. Sar Mast and his successors namely Mir Mast and Mamal, but the same was not pointed out by you.
- c) Your this act tantamount to misconduct and make you liable to be proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

2. By reason of the above, you appear to be guilty of misconduct and in subordination under rules - 4 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 Rules 4 of the rules ibid.

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

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

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

6. Statement of allegations is enclosed.


Senior Member

DISCIPLINARY ACTION

I, Dr. Fakhre Alam, Senior Member, Board of Revenue Khyber Pakhtunkhwa as Competent Authority, am of the opinion that he Mr. Sardar Ali Kanungo Circle Serai Naurang District Lakki Marwat has rendered himself liable to be proceeded against, as he committed the following acts / omission within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATION

- a) That he compared the area of Khasra No. 500,501,502 in the Revenue Record of Mouza Gandhi Umar Chikar as 62 Kanal 3 Marlas against the correct area of 12 Kanal 3 Marlas.
- b) That the Patwari changed title in the land Khata No. 872 Khasra No. 500,501,502 in the Revenue Record of Mouza Gandhi Umer Chikar through mutation No. 3971,3972 and 3973 without justification. Title in the land in respect of Mr. Gul Mast S/O Sher Ahmad and his successors namely Sher Mast and Mohammad Ali was substituted with Mr. Sar Mast and his successors namely Mir Mast and Mamal, but the same was not pointed out by him.
- c) His these acts tantamount to misconduct and make him liable to be proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

For the purpose of inquiry against the said accused with reference to the above allegations Mr. FAKHARUL ZAMAN MBR II is appointed as Enquiry Officer under Rule 10(1)(a) of the rules ibid.

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

The accused and a well conversant representative of the Deputy Commissioner Lakki Marwat shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

SHOW CAUSE NOTICE

I, Dr. Fakhre Alam Senior Member, Board of Revenue Khyber Pakhtunkhwa, Competent Authority, under the Khyber Pakhtunkhwa, (Efficiency & Discipline) Rules 2011, do hereby serve show cause notice on you Mr. Sardar Ali Kanungo Circle Serai Naurang Lakki Marwat as follow:-

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

- a) That you compared the area of Khasra No. 500,501,502 in the Revenue Record of Mouza Gandhi Umar Chikar as 62 Kanal 3 Marlas against the correct area of 12 Kanal 3 Marlas.
- b) That the Patwari changed title in the land Khata No. 872 Khasra No. 500,501,502 in the Revenue Record of Mouza Gandhi Umar Chikar through mutation No. 3971,3972 and 3973 without justification. Title of the land in respect of Mr. Gul Mast S/o Sher Ahmad and his successors namely Sher Mast and Mohammad Ali was substituted with Mr. Sar Mast and his successors namely Mir Mast and Māmal, but the same was not pointed out by you.
- c) Your these acts tantamount to misconduct and make you liable to be proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

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

3. You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you. Furthermore, you are directed to appear on 04.04.2019 at 12:00 PM before the undersigned for personal hearing.

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


Senior Member

No.Estt: V/PF/Sher Bahadur/DIK 10664-65
Peshawar, dated 29/03/2019
Mr. Sardar Ali Kanungo Circle Serai Naurang ,

To:- Mr Fakhar Uz Zaman,
Member Board of Revenue-II/
Enquiry Officer

Subject: REPLY TO THE CHARGE SHEET.

Respected Sir,

Reference to the Charge Sheet and Statement of Allegation received through Bill Clerk on 29.10.2018.

Parawise statement to the charge sheet is submitted as under:-

1. That while posted as Girdawar Circle during the year 2017, Mr Ashfaq Ahmad, the then Patwari Halqa Gandi Umer Chikar presented Mutations No. 3971 regarding Sehat Waldiyat from Gul Mast as Mir Mast, Mutation No. 3972 regarding Sehat-e-Nam from Sher Mast as Mir Mast, Mutation No. 3973 Sehat-e-Nam from Muhammad Ali as Marnal on 06.03.2017 and I have compared the area of Khata No. 872 bearing Khasra Nos. 500,501 & 502 examining the available revenue record just from Kiwat Bandubast 1992-93 and Jamabandi Zer-e-Kar for the year 2011-12 and correctly verified the area as 62 Kanal 3 Marla in Khana No. 3 of the mutations concerned only as per my responsibility provided in Land Revenue Act.
2. As well as change of title by the Patwari Halqa is concerned, the record remained under the custody of Patwari Halqa and these mutations were entered by the Patwari Halqa on the request of the applicants duly authenticated by reliable witnesses and on objection regarding change of title for my satisfaction, the Patwari Halqa produced Shajr-e-Nasb of these applicants/land owner of another Mouza Manjiwala, presented to the concerned Revenue Officer in Jalsa-e-Aam and were attested by the then Revenue Officer namely Sher Bahadar Naib Tehsildar and this responsibility rest with Revenue Officer concerned in Khana No. 9 of the Mutations as provided in Land Revenue Act.

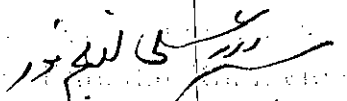
Note:- It is further that:-

1. the complaints namely Inam Ullah son of Sultan, Bahadar Khan etc sons of Ghulam Qadir are third party having no concern with the said property as they are neither vendee nor vendor but have some personal grudges with the land owners due to which they filed such nature of complaints against their opponent parties including revenue field staff for some hand sum.
2. These complaints have already enquired by the AAC- I and AAC (Revenue) Lakki and Assistant Secretary (Stamp) Board of Revenue respectively and filed.

It is prayed that I am innocent and may please be exonerated from the chargers leveled against me.

However, I desire to be heard in person.

Dated 30/10/2018



Sardar Ali
Ex Girdawar Circle

Baist Khel now ADK Lakki Marwat

:- Mr Fakhar Uz Zaman,
Member Board of Revenue-II/
Enquiry Officer

Subject: REPLY TO THE CHARGE SHEET

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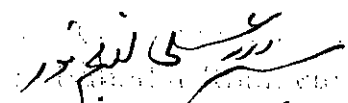
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Dated 30/10/2018



Sardar Ali

Ex Girdawar Circle

Baist Khel now ADK Lakki Marwat

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 345 /ST

Dated 15/02 / 2021

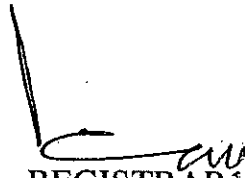
To

The Senior Member Board of Revenue,
Government of Khyber Pakhtunkhwa,
Peshawar .

Subject: - **JUDGMENT IN APPEAL NO. 1098/2019, MR. SARDAR ALI.**

I am directed to forward herewith a certified copy of Judgement dated 09.02.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.