

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD.**

Service Appeal No. 1702/2019

BEFORE: KALIM ARSHAD KHAN --- CHAIRMAN
FAREEHA PAUL --- MEMBER(E)

Khalid Mehmood S/O Mohammad Ayub (Ex-Patwari, Ghazi haripu), R/O Chamba Pind, tehsil & District haripur.

..... (*Appellant*)

VERSUS

1. Senior Member Board of Revennue, Govt: of Khyber Pakhtunkhwa Peshawar.
2. Commissioner. Hazara Division, Abbottabad.
3. Deputy Commissioner, Haripur.

..... (*Respondents*)

Present:

MOHAMMAD ASLAM KHAN TANOLI,
Advocate --- For Appellant.

MUHAMAMD RIAZ KHAN PAINDAKHEL,
~~Assistant~~ Advocate General --- For respondents.

Date of Institution.....06.12.2019

Date of Hearing.....17.05.2022

Date of Decision18.05.2022

JUDGEMENT.

KALIM ARSHAD KHAN, CHAIRMAN:- The service appeal has been instituted under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 26.03.2019 of the Deputy Commissioner Haripur whereby the appellant has been dismissed from service and the Commissioner Hazara Division Abbottabad order dated 28.11.2019 whereby his departmental appeal has been dismissed.

02. Brief facts of the case are that the appellant was appointed as Patwari in the respondent-department; that the appellant while posted as Patwari halqa Ashrah, union Council Bait Gali, district Haripur was

suspended from service vide order dated 21.01.2019. Thereafter the appellant was issued a charge sheet by Deputy Commissioner Haripur on 29.01.2019. The said charge sheet was duly replied with by the appellant on 04.02.2019 and denied all the allegations leveled against him. Thereafter a show cause notice was served upon the appellant on 28.02.2019 alongwith inquiry report delivered on 15.03.2019 which was also replied by the appellant on 16.03.2019; that vide impugned order dated 26.03.2019 imposed major penalty of dismissal from service on the appellant. Feeling aggrieved of the impugned order, the appellant preferred departmental appeal on 28.03.2019 which was dismissed on 28.11.2019, thereafter the instant service appeal has been filed in this Tribunal on 06.12.2019.

03. Notices were issued to the parties who submitted written replies/comments on contents of the appeal. We have heard learned counsel for the appellant and Assistant Advocate General and perused the case file with connected documents thoroughly.

04. There were two allegations against the appellant in the charge sheet one that you prepared fake, bogus and fabricated voucher of compensation of the acquired land amounting to Rs. 8,575,890/- in favour of Mr. Kamran Nazakat S/o Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur and second he committed forgery to transfer Government money into your personal account No. 000255091691 United bank Ltd Sarai Gadai Branch haripur titled as "Khalid Mehmood". After departmental proceedings and enquiry, the appellant was dismissed from service by Deputy Commission, Haripur vide order No. 3708-14-1(1)HCR/DC(H) dated 26.03.2019 against

18/12/22
15/81

which he filed departmental appeal which was turned down by the Commissioner, Hazara Division vide order bearing No. Appeal/HVC/ACR/CHD/3588-90 dated Abbottabad 28.11.2019.

05. We have perused the enquiry report annexed with the reply. According to the findings of the enquiry officer, the appellant was found guilty of preparing fake, bogus and fabricated voucher of compensation of the acquired land amounting to Rs. 8575890/- in favour of Mr. Kamran Nazakat S/O Nazakat Hussain under the fictitious signature of the Deputy Commissioner, Haripur with the contention to transfer the said money in his personal account No. 000255091691, United Bank Limited, Serai Gadai Branch, Haripur which was specifically opened for this purpose. Regarding the above allegations and it was recommended that any of the penalty provided under the Khyber Pakthunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 might be imposed on the appellant.

06. After hearing the learned counsel for the appellant, when we confronted the learned Assistant Advocate General representing the respondents to show the Tribunal even a copy of a voucher which has been alleged to be fake and forged and fabricated bearing signature of the Deputy Commissioner, Haripur but the learned AAG as well as respondents could neither place any such voucher on the file or till the conclusion of the arguments such voucher could be produced what to talk of its fakeness and fabrication or putting fictitious signature of the Deputy Commissioner by the appellant. The respondents have not annexed any document to show that any government money was transferred to any personal account of the appellant. The respondents

18/11/2019

have annexed with the reply a photocopy of account statement of account No. 000255091691, United Bank Limited, Serai Gadai Branch, Haripur in the name of one Khalid Mehmood which shows that the opening and closing balance was zero.

07. Therefore, we hold that the allegations were not substantiated by any documentary proof as no such document was produced before the Tribunal to justify the impugned order. The upshot of the above discussion is that we allow this appeal and set aside the impugned orders original as well as appellate and as a resultant consequence, we direct reinstatement of the appellant in the service with all consequential back benefits. Costs shall follow the event. Consign.

08. *Pronounced in open court in Camp Court Abbottabad and given under our hands and seal of the Tribunal this 18th day of May, 2022.*



(KALIM ARSHAD KAHN)
CHAIRMAN
CAMP COURT ABBOTTABAD

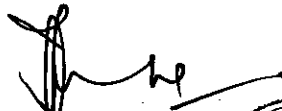
(FAREEHA PAUL)
MEMBER(E)
CAMP COURT ABBOTTABAD

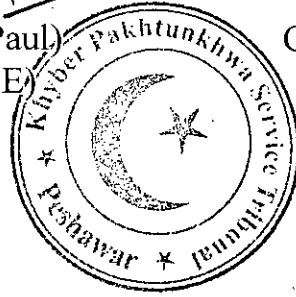
18.05.2022

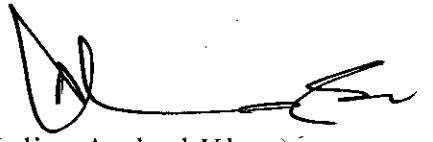
Learned counsel for the appellant present. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present.

Vide our detailed judgment of today, separately placed on file, we hold that the allegations were not substantiated by any documentary proof as no such document was produced before the Tribunal to justify the impugned order. The upshot of the above discussion is that we allow this appeal and set aside the impugned orders original as well as appellate and as a resultant consequence, we direct reinstatement of the appellant in the service with all consequential back benefits. Costs shall follow the event. Consign.

Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal this 18th day of May, 2022.


(Fareeha Paul)
Member(E)

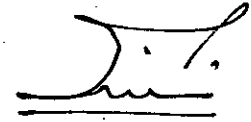



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

20.12.2021

Learned counsel for the appellant present. Mr. Muhammad Afzal, Assistant alongwith Mr. Riaz Ahmed Painsdakhel, Assistant Advocate General for the respondents present.

Para-wise reply on behalf of respondents No. 1 to 3 submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 17.02.2022 before the D.B at Camp Court Abbottabad.



(Salah-Ud-Din)
Member (J)

Camp Court Abbottabad

17.05 2022

Mr. Muhammad Aslam Tanoli, Advocate for the appellant present. Mr. Muhamad Riaz Khan Painsdakhel, Assistant Advocate General for the respondents present.

Arguments hear. To come up for order before D.B on 18.05.2022 at camp court Abbottabad.



(Fareeha Paul)
Member (E)



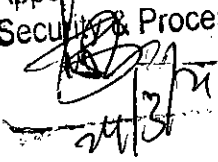
(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

15.03.2021

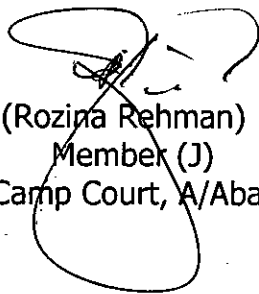
Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days.

Appellant Deposited
Security & Process Fee



Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 16/06/2021 before S.B at Camp Court, Abbottabad.



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

16.06.2021

Due to COVID-19, tour to Abbottabad has been cancelled, therefore, case to come up for the same as before on 11.10.2021.




Reader

11.10.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Written reply of the respondents is still awaited. Respondents are directed to furnish reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck off. Case to come up on 20.12.2021 before the S.B at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

19-3-21

Due to covid ,19 case to come up for the same on 15/4/20
at camp court abbottabad.


Reader

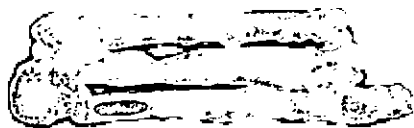
Due to summer vacation case to come up for the same on 11/4
9/20 at camp court abbottabad.

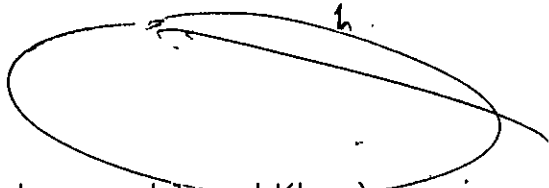

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14.09.2020

Mr. Muhammad Aslam Tanoli, Advocate for the
appellant is present.

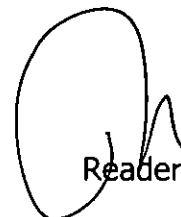
Preliminary arguments to some extent heard. The
learned counsel is seeking time to render assistance on the
point of limitation involved in the instant appeal. Time given.
Adjourned to 17.12.2020. File to come up for remaining
preliminary arguments before S.B at Camp Court,
Abbottabad.




(Muhammad Jamal-Khan)
Member (Judicial)
Camp Court Abbottabad

17.12.2020

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



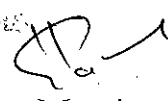

Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1702/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/12/2019	<p>The appeal of Mr. Khaled Mehmood presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR <i>6/12/19</i></p> <p>2-</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>24-01-20</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>24.01.2020</p> <p>Appellant in person present and seeks adjournment on the ground that his counsel is not in attendance. Adjourn. To come up for preliminary hearing on 19.03.2020 before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> Member Camp Court, A/Abad</p>

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No.....1702/2019

Khalid Mehmood S/O Mohammad Ayub (Ex-Patwari, Ghazi Haripur) R/O Chamba Pind, Tehsil & District Haripur.

Appellant

VERSUS

1. Senior Member Board of Revenue, Govt of KPK, Peshawar.
2. Commissioner, Hazara Division, Abbottabad.
3. Deputy Commissioner, Haripur.

Respondents

SERVICE APPEAL

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Appellant

(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 6 -12-2019

1

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No... 1702/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1776

Dated 06/12/2019

Khalid Mehmood S/O Mohammad Ayub (Ex-Patwari, Ghazi Haripur)
R/O Chamba Pind, Tehsil & District Haripur.

Appellant

VERSUS

1. Senior Member Board of Revenue, Govt of KPK, Peshawar.
2. Commissioner, Hazara Division, Abbottabad.
3. Deputy Commissioner, Haripur.

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 26-03-2019 OF THE DEPUTY COMMISSIONER HARIPUR WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE AND THE COMMISSIONER HAZARA DIVISION ABBOTTABAD ORDER DATED 28-11-2019 WHEREBY HIS DEPARTMENTAL APPEAL HAS BEEN DISMISSED.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH THE IMPUGNED ORDERS DATED 26-03-2019 AND 28-11-2019 OF THE RESPONDENTS NO. 2&3 MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RE-INSTATED IN SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully sheweth,

1. That the appellant was appointed as Patwari in the respondents department on -1996 thus has rendered about 23 years service.
2. That while appellant posted as Patwari Halqa Ashrah, Union Council Bait Gali, Tehsil Ghazi, District Haripur was suspended from service vide order dated 21-01-2019. (Copy of suspension order dated 21-01-2019 is attached annex-"A")

Filed to-day

[Signature]
6/12/19

3. That the appellant was issued a Charge Sheet by the Deputy Commissioner Haripur on 29-01-2019 with the following allegations:
- (i) *That you prepared fake, bogus and fabricated voucher of compensation of acquired land amounting to Rs.8,575,890/- in favour of Mr. Kamran Nazakat s/o Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur.*
 - (ii) *That you committed forgery to transfer Govt money into your personal Account No.000255091691 United Bank Ltd Sarai Gadai Branch Haripur titled as "Khalid Mehmood".*
(Copy of Charge Sheet is Annexed- "B").
4. That the aforementioned Charge Sheet was duly replied on 04-02-2019 explaining all facts in detail by denying the allegations as false, fabricated and baseless against the appellant.
(Copy of reply dated 04-02-2019 to the Charge Sheet is attached as Annexure- "C").
5. That thereafter the appellant was served upon with a Show Cause Notice dated 28-02-2019 alongwith inquiry report delivered on 15-03-2019 with the allegations as before.
(Copies of inquiry report and Show Cause Notice dated 28-02-2019 are attached as Annexure-"D & E").
6. That the above mentioned Show Cause Notice was replied on 16-03-2019 explaining all facts and the allegations were denied.
(Copy of reply dated 16-03-2019 to the Show Cause Notice is attached as "F").
7. That without taking into consideration reply submitted to the Charge Sheet & Show Cause Notice, the Deputy Commissioner Haripur vide Order dated 26-03-2019 imposed major penalty of "Dismissal from Service" upon appellant without any proof and reason. Opportunity of personal hearing was also not provided.
(Copy of order dated 26-03-2019 is attached as Annexure-"G").

8. That so far as the allegation of preparation of Compensation Voucher is concerned; no such voucher was ever prepared by appellant. Appellant has no concern with any "**Kamran Nazakat s/o Nazakat Hussain**". Even otherwise the charge was ambiguous as no specification pertaining to voucher number, date, land etc. was mentioned in the Charge Sheet, Show Cause Notice as well as in the Impugned Order. The charge was false; fabricated and baseless rather mere allegation based on misleading information communicated to worthy officer by persons having enmity and personal grudge towards appellant. Hence allegations had been vehemently denied being false, fabricated and baseless.

9. That the allegation of transfer of government money into personal account at United Bank Ltd Sara-e-Gadai Branch is also false and baseless. Alleged account was opened for GPF Advance which appellant had applied on 15-01-2019 as amount required for education of his children and UBL Serai Gadai Branch was nearer to his home. GPF Advance had been sanctioned but since not released to which effect an application had also been submitted by appellant. **(Copies of Bank statement, Application for GPF Advance, GPF Balance Sheet and application for release of GPF Advance are attached as "H, I, J & K")**.

10. That it is not understood as to how a person without going through the prescribed process of payment of acquired land can transfer government money to his account and that too by only preparing a fake voucher through a third person. The person trying in such a way may be a non-sense one. The way and manner of fraud for pocketing government money as has been alleged is a very strange and ridiculous one and is beyond approach of a prudent mind, however, the appellant has been penalized and dismissed from service without any reason and proof.

11. That no proper departmental inquiry was conducted against the appellant. Neither was he provided the opportunity to cross examine the witness, if any. Even opportunity of personal hearing was provided to him. He was condemned unheard.
12. That the inquiry findings recorded by Enquiry Officer are based on surmises, conjectures and speculations without any reason and proof and nothing adverse could be brought on record against the appellant. Inquiry Officer has leveled unnecessary allegations against appellant which are denied being baseless and false. The appellant is jobless since his dismissal from service and has no source of income. Appellant was also not paid his monthly salary during suspension.
13. That against order dated 26-03-2019 of the Deputy Commissioner Haripur, the appellant preferred a departmental appeal dated 28-03-2019 before the Commissioner, Hazara Division, Abbottabad wherein he agitated all the facts and circumstances of the matter by denying the allegations leveled against him. **(Copy of the departmental appeal dated 21-01-2019 is attached as annex-"L")**.
14. That the Commissioner, Hazara Division, Abbottabad without giving any heed to the appellant's departmental appeal and providing opportunity of personal hearing dismissed the same vide his order dated 28-11-2019. **(Copies of the order dated 20-11-2019 and 28-11-2019 are attache as annexure-"M & N")**.
15. Hence instant service appeal, inter alia, on the following amongst others:-

GROUND:

- a) That both the impugned orders dated 26-03-2019 and 28-11-2019 of respondents are illegal, unlawful against the facts and circumstances of the matter hence are liable to be set aside.

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- b) That no proper departmental inquiry was conducted. The so-called Inquiry Officer acted in a flimsy and whimsical manner. He conducted inquiry in utter violation and negation of the procedure set forth by the law for the dispensation of justice at the preliminary stages during the course of departmental inquiries, hence penalty awarded on the basis of such inquiry through orders impugned herein is liable to be set aside.
- c) That neither a single witness was produced in presence of appellant before the so-called Inquiry Officer nor was appellant provided a chance to cross examine such witness, if any. That the appellant was never confronted with documentary evidence, if any, produced against him.
- d) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- e) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal. Thus the impugned order of respondent is contrary to the law as laid down in the KPK Govt Servants (E&D) Rules 2011, other departmental rules regulations read with section 24-A of General Clause Act 1897 read with Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- f) That appellant was also not provided opportunity of personal hearing before awarding penalty which was mandatory under law thus he has been condemned unheard.
- g) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

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PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal both the orders dated 26-03-2019 and 28-11-2019 of respondents No.2 & 3 may graciously be set aside and appellant be re-instated in his service with all consequential service back benefits. Any other relief which this Honourable Tribunal may deem fit in circumstances of the instant case may also be granted.

Through:


Appellant
(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 6-12-2019

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 6-12-2019


Appellant

7

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khalid Mehmood S/O Mohammad Ayub (Ex-Patwari, Ghazi Haripur) R/O Chamba Pind, Tehsil & District Haripur.

Appellant

VERSUS

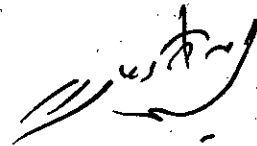
1. Senior Member Board of Revenue, Govt of KPK, Peshawar.
2. Commissioner, Hazara Division, Abbottabad.
3. Deputy Commissioner, Haripur.

Respondents

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been filed in this Honourable Service Tribunal or any other court prior to the instant one.



APPELLANT

Dated: 6-12-2019

8

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khalid Mehmood S/O Mohammad Ayub (Ex-Patwari, Ghazi Haripur) R/O Chamba Pind, Tehsil & District Haripur.

Appellant

VERSUS

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2. Commissioner, Hazara Division, Abbottabad.
3. Deputy Commissioner, Haripur.

Respondents

SERVICE APPEAL

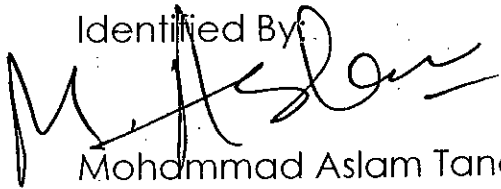
AFFIDAVIT:

I, Khalid Mehmood, appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.


Deponent/Appellant

Dated: 6-12-2019

Identified By:



Mohammad Aslam Tanoli
Advocate High Court
At Haripur



Dated 6-12-2019


Appellant



9

Annex-A

OFFICE OF THE
DEPUTY COMMISSIONER, HARIPUR

☎ 0995 613391-19 | 📠 0995-615412 | 📧 @dcharipur | 📧 @dcharipur | 📧 hollodcharipur@gmail.com | 📞 0335 5613376

OFFICE ORDER:

Mr. Khalid-Mehmood Ex-Patwari Acquisition Section, DC Office Haripur presently posted at Patwar Halqa Ashra is hereby suspended from service with immediate effect on the charges of preparing bogus and fake voucher amounting to Rs. 8,575,890/- in favour of Mr. Kamran Nazakat s/o Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur for compensation of the acquired land for the establishment of Pak-China Economic Zone.



Deputy Commissioner
Haripur

No. 1009-14/1(1)/HCR/DC (H).

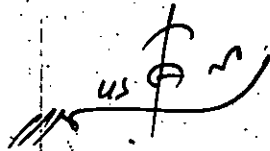
Dated: 21, 01, 2019.

Copy to the:-

1. Director Anti-Corruption Establishment, Government of Khyber Pakhtunkhwa Peshawar alongwith a copy of the report of Addl. Deputy Commissioner, Haripur and copies of its enclosures with the request to direct the local Anti-Corruption Establishment to lodge FIR against the accused official and private persons mentioned in the report.
2. Addl. Deputy Commissioner, Haripur.
3. Assistant Commissioner, Ghazi.
4. Tehsildar Ghazi for necessary action.
5. District Nazar (local).
6. Patwari concerned.

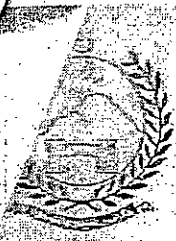

Deputy Commissioner
Haripur

Attested



10

Annex-B



OFFICE OF THE
DEPUTY COMMISSIONER, HARIPUR

© 0995 613391-19 | ☎ 0995-615412 | ✉ @dcharipur | 📠 @dcharipur | 📧 helpline@dcharipur

CHARGE SHEET

I, Zabid Pervez Warraich, Deputy Commissioner Haripur, as Competent Authority, hereby charge you Mr. Khalid Mehmood Ex-Patwari Acquisition Section, DC Office Haripur presently posted on Patwar Halqa Ashra on account of the following act/omissions:-

You have committed the following forgery and gross misconducts:-

- i. That you prepared fake, bogus and fabricated voucher of compensation of the acquired land amounting to Rs. 8,575,890/- in favour of Mr. Kamran Nazakat s/o Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur.
 - ii. That you committed forgery to transfer Govt. money into your personal Account No. 000255091691 United Bank Ltd Sarai Gadai Branch Haripur titled as "Khalid Mehmood".
2. By reason of the above, you appear to be guilty of misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules ibid.
 3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer, as the case may be.
 4. Your written defence, if any, should reach the inquiry officer/inquiry committee within the specified period, failing which it shall be presume that you have no defence to put in and in that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.

Attested
Mustafa


Competent Authority



OFFICE OF THE
DEPUTY COMMISSIONER, HARIPUR

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DISCIPLINARY ACTION

Mr. Khalid Mehmood, Ex-Patwari Acquisition Section, DC Office Haripur, presently posted on Patwar Halqa Ashra on account of the following act/omissions:-

STATEMENT OF ALLEGATIONS

While posted as Patwari Acquisition Cell, Deputy Commissioner Office Haripur he has committed the following forgery and gross misconduct:-

- i. Prepared fake, bogus and fabricated voucher of compensation of the acquired land amounting to Rs. 8,575,890/- in favour of Mr. Kamran Nazakat s/o Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur.
- ii. Committed forgery to transfer Govt. money into his personal Account No. 000255091691 United Bank Ltd Sarai Gadai Branch Haripur titled as "Khalid Mehmood".

2. For the purpose of inquiry against him with reference to the above allegation, Mr. Adil Ayub, Additional Assistant Commissioner-II, Haripur is appointed as Inquiry Officer under rule 10(1)(a) of the ibid rules.

3. The inquiry officer shall, in accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

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

Attested
us

[Signature]
Competent Authority

To

Addl. Assistant Commissioner-II,
(Inquiry Officer),
Haripur.

(12)

Annex 'C'

6/2/19

01:05 PM

Subject:- REPLY TO THE CHARGE SHEET.

Sir,

With most reverence it is submitted that Charge Sheet alongwith Statement of Allegations issued by Deputy Commissioner Haripur has been delivered to me vide your letter No.483-86/AAC-II (H) dated 29-01-2019 bearing the following charges:-

- (i) That you prepared fake, bogus and fabricated voucher of compensation of acquired land amounting to Rs.8,575,890/- in favour of Mr. Kamran Nazakat s/o Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur.
- (ii) That you committed forgery to transfer Govt money into your personal Account No.000255091691 United Bank Ltd Sarai Gadai Branch Haripur filled as "Khalid Mehmood".

1. That so far as the allegation No.1 about preparation of Compensation Voucher is concerned, in this respect it is stated that neither any such Voucher was prepared by me nor it had ever been my duty to prepare the vouchers. I did not have any concern with any "Kamran Nazakat s/o Nazakat Hussain". Even otherwise the charge is ambiguous as no detail of the said voucher is given in the instant charge sheet. The charge is incorrect, false, fabricated rather mere allegation based on concocted and misleading information communicated to my worthy officers by someone with malafide intention and due to personal grudge. The allegation is vehemently denied being incorrect and false one.

2. That to the extent of allegation No.2, it is submitted that the same is also ambiguous one. No particulars of Govt. money, means, date of transfer and quantity of amount etc are mentioned. The transfer of Govt. money into a personal

Attested

[Signature]


account in the bank is a matter pertains to record. A human being can but paper can not tell a lie. I have never done any such thing. The charge is nothing but mere allegation. My account number as mentioned in the Charge Sheet is very much available in the said Bank. The same can be checked any time. If any such Govt. money is found transferred by me in personal account then I can be held responsible and penalized for the same. These incorrect and baseless allegations have put me in serious mental agonies. The allegation is denied being incorrect and misleading one. **(Bank statement is attached for kind perusal).**

3. That I have rendered more than 21 years service in Revenue Department. I always performed my assigned duties with care, caution and honesty to the entire satisfaction of my superiors and never provided them a chance of reprimand. I have unblemished rather meritorious service record at my credit.
4. That if I am provided with a chance of personal hearing then I shall really prove the allegations as false and baseless and myself as innocent in this respect by explaining all facts and circumstances of the matter.

In view of the aforementioned facts it is humbly requested that necessary recommendation may kindly be made to the worthy Deputy Commission Haripur for filing the instant Charge Sheet without further proceeding being the charges incorrect for which act of kindness I shall be grateful of your Highness.

Thanking you sir in anticipation.

Your obedient servant



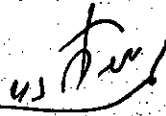
(Khalid Mehmood)

Patwari,

Patwar Halqa Ashra. Haripur

Dated: 4-02-2019

Attested



INQUIRY PROCEEDINGS AGAINST MR. KHALID MEHMOOD, PATWARI HALQA ASHRA, DISTRICT HARIPUR.

Background:

The Deputy Commissioner, Haripur appointed the undersigned as Inquiry Officer, which was conveyed vide letter No. 1015/P.F/(11)HCR/DC(H) dated 21.01.2019 to inquire into the allegations leveled against Mr. Khalid Mehmood, Patwari Halqa Ashra, District Haripur vide Charge Sheet and Statement of Allegations reproduced as under:

1. That you prepared fake, bogus and fabricated voucher of compensation of the acquired land amounting to Rs. 8,575,890/- in favour of Mr. Kamran Nazakat S/O Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur.
2. That you committed forgery to transfer Govt. money into your personal Account No. 000255091691 United Bank Ltd Serai Gadai Branch Haripur titled as "Khalid Mehmood".

Proceedings

In pursuance of the direction contained in Para-4 of the Charge Sheet, the accused Official Mr. Khalid Mehmood, Patwari Halqa Ashra submitted his written defense dated 04.02.2019 (Copy attached as Annexure-A). The accused Official was also summoned to appear before the undersigned on 19.02.2019 at 04:00 PM for inquiry proceedings. Mr. Muhammad Hasrat Khan, Tehsildar, Khanpur also attended the proceedings to assist the Inquiry Officer while Mr. Naveed Akhtar Khan, Assistant Acquisition Branch attended as departmental representative.

Statement of the accused Official recorded who stated on oath that he was serving in Acquisition Branch, DC Office, Haripur and remained posted in the said branch 3/4 times but he did not remember the tenure of his posting as such. (Original questions & answers duly signed by the accused official are attached as Annexure-B).

Findings

From the perusal of record produced before the Inquiry Officer, written statement and cross examination etc of the accused official Mr. Khalid Mehmood, Patwari Halqa Ashra has committed the act of fraud by preparing fake, bogus and fabricated voucher of compensation of the acquired land amounting to Rs. 8,575,890/- in favour of Mr. Kamran Nazakat S/O Nazakat Hussain under the fictitious signature of the Deputy Commissioner, Haripur with the contention to transfer the said money in his personal account No. 000255091691, United Bank Limited, Serai Gadai Branch, Haripur which was specifically opened for this purpose. The charges leveled against the accused official have, therefore, been proved beyond any doubt. The accused official has remained habitual of illegal, negligent and irresponsible acts because of which he was proceeded against more than once but he has not mended his attitude towards his official responsibilities. The gross misconduct conducted by him in the instant case renders him for imposition of any of the Penalties as envisaged in Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules-2011.

Submitted please.

Attested
[Signature]

[Signature]
Adil Ayub,
Add: Assistant Commissioner-II,
Haripur/Inquiry Officer

SHOW CAUSE NOTICE

15

Annex-E

1. Zahid Pervéz Warraich, Deputy Commissioner, Haripur under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules-2011 serve you Mr. Khalid Mahmood Ex-Patwari Acquisition Section, DC Office Haripur presently posted on Patwar Halqa Ashra (under suspension) Show Cause Notice on the basis of findings of Additional Assistant Commissioner-II, Haripur vide No. 552/AAC-II(H) dated 21.02.2019.

After going through the findings of the Inquiry Officer, I am satisfied that you have committed the following forgery and gross misconduct:-

That you prepared fake, bogus and fabricated voucher of compensation of the acquired land amounting to Rs. 8,575,890/- in favour of Mr. Kamran Nazakat s/o Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur.

That you committed forgery to transfer Govt. money into your personal Account No. 000255091691 United Bank Ltd Sarai Gadai Branch Haripur titled as "Khalid Mahmood".

You are, therefore, required to show cause as to why any of the major penalties should not be imposed upon you. Furthermore, you are directed to appear on 11.03.2019 at 10:00am before the undersigned for personal hearing.

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

A copy of the report is attached herewith.

Deputy Commissioner
Haripur

No. 2718 /HCR/DC (H)
Dated Haripur the 28/02/2019
Mr. Khalid Mahmood Patwari
Through Tehsildar Ghazi.

*Girdawar Circle - (Muz) Nasa Amozai
Please informed the*

*No 119 old Ghazi
13/3/19
Received on 15/3/19
23/03/19
Girdawar Circle Nasa Amozai*

Concerned Patwari

Attested

*11/3/2019
T(G)*

16

Annex-F

To

The Worthy Deputy Commissioner,
Haripur.

Subject:- REPLY TO THE SHOW CAUSE NOTICE.

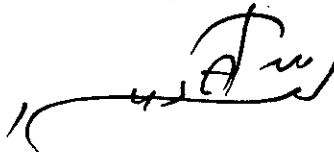
Sir,

With most humble submission it is stated that Show Cause Notice issued vide No.2713/HCR/DC(H) dated 28-02-2019 has been delivered to me on 15-03-2019. The following charges, like before, have been included therein:-

- (i) That you prepared fake, bogus and fabricated voucher of compensation of acquired land amounting to Rs.8,575,890/-in favour of Mr. Kamran Nazakat s/o Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur.
- (ii) That you committed forgery to transfer Govt money into your personal Account No.000255091691 United Bank Ltd Sarai Gadai Branch Haripur titled as "Khalid Mehmood".

1. That while responding the Charge Sheet, I have already submitted my detailed reply to the aforementioned allegations. However, one again it is stated that so far as the allegation No.1 about preparation of Compensation Voucher is concerned, neither any such Voucher was prepared by me nor it had ever been my duty to prepare the vouchers. I did not have any concern with any **"Kamran Nazakat s/o Nazakat Hussain"**. Even otherwise the charge is ambiguous as no detail of the said voucher is given in the instant Show Cause Notice. The charge is incorrect, false, fabricated rather mere allegation based on concocted and misleading information communicated to my worthy officers by someone with malafide intention and due to personal grudge. The allegations are vehemently denied being incorrect and false one.
2. That to the extent of 2nd allegation it is stated that the same is also ambiguous one. No particulars of Govt. money, means, date of transfer and quantity of amount etc are mentioned

Attested



therein. The transfer of Govt. money into a personal account in the bank is a matter pertains to record. A human being can but papers can not tell a lie. I have never done any such thing. The charge is nothing but mere allegation. My account number as mentioned in the Charge Sheet is very much available in the said Bank. The same can be checked any time. If any such Govt. money is found transferred by me in personal account then I can be held responsible and penalized for the same. The Account was opened just to keep GPF Advance money in it. UBL Serai Gada Branch is near to my home. As I had applied for GPF Advance required for the education of my children. The same had been sanctioned but since not released to which an application has been submitted **(Copy attached)**. Allegations being incorrect and baseless are vehemently denied. **(Bank statement is attached for kind perusal)**.

3. That throughout 21 years of my service about 3 to 4 times I had been posted in Acquisition Branch but neither I prepared any "Voucher of Compensation" nor it had ever been my duty. My entire service record in this respect can be checked please.
4. That the inquiry findings recorded by Enquiry Officer are based on his own surmises, conjectures and speculations without any reason and proof. Nothing credible could be brought on record against me by the Enquiry Office. It is incorrect that I remained ever habitual of illegal, negligent and irresponsible acts because of which I was ever proceeded against and I did mend my attitude towards my responsibilities. I vehemently denied the allegations of the Enquiry Officer being incorrect and baseless.
5. That I have rendered more than 21 years service in Revenue Department. I always performed my assigned duties with care, caution and honesty to the entire satisfaction of my superiors and never provided them a chance of reprimand. I have unblemished rather meritorious service record at my credit.

Attested
45/12

18

6. That if I am provided with a chance of personal hearing then I shall really prove the allegations as false and baseless and myself as innocent in this respect by explaining all facts and circumstances of the matter.

In view of the aforementioned facts it is humbly requested that instant Show Cause Notice may kindly be withdrawn being the alleged charges incorrect and baseless for which act of kindness I shall be grateful of your Highness.

Thanking you sir in anticipation.

Your obedient servant



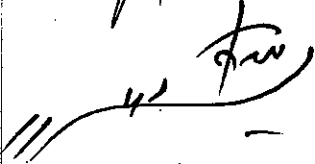
(Khalid Mehmood)

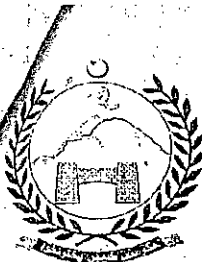
Patwari,

Patwar Halqa Ashra. Haripur

Dated: 16-03-2019

Attested





(19)

Annex - G

OFFICE OF THE
DEPUTY COMMISSIONER, HARIPUR

☎ 0995 613391-19 | 📠 0995-615412 | 📧 @dcharipur | 📧 @dcharipur | 📧 hellodcharipur@gmail.com | 📞 0335 5613376

OFFICE ORDER

Consequent upon the report of Additional Deputy Commissioner, Haripur vide No. 1(8)/1340-41/ADC(H)/ dated 17.01.2019, Mr. Khalid Mehmood Patwari halqa Ashra was suspended from service vide this office No. 1009-14/1(1)/HCR/DC(H) dated 21.01.2019 and proceeded against under the E&D Rules-2011 on the charges of preparation of fake, bogus and fabricated voucher of compensation of the acquired land amounting to Rs. 8,575,890/- in favour of Mr. Kamran Nazakat s/o Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur. He also committed forgery to transfer the aforesaid Govt. money into his personal account No. 000255091691 at United Bank Ltd Sarai Gadai Branch. Additional Assistant Commissioner -II, Haripur was appointed to conduct formal enquiry as per charge sheet and statement of allegation against the accused Patwari and submit his report within 15 days positively.

As per report of AAC-II(H) received vide No. 552/AAC-II(H) dated 21.02.2019 the charges of preparation of fake and bogus voucher of compensation of the acquired land and forgery to transfer the said amount into his personal account under the fake signature of Deputy Commissioner, Haripur have been proved against the accused Patwari. Consequently Show-cause notice was served upon accused Patwari vide No. 2718/HCR/DC(H) dated 28.02.2019 with the direction to submit reply in his defense and appear before the undersigned for personal hearing on 11.03.2019. The accused Patwari could not appear on the date fixed due to strike of Patwaris. He appeared before the undersigned on 25.03.2019 at 11:30 am and submitted his reply. The reply to show-cause notice submitted by the accused Patwari was found quite unsatisfactory and contrary to the facts. During the personal hearing neither his written defense was convincing nor he could augment the same.

In view of above, as per Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rule 2011, major penalty of dismissal from service under Rule 4(1) (b) (iv) is hereby imposed upon Mr. Khalid Mehmood Patwari of this district with immediate effect.


Deputy Commissioner
Haripur

No. 3708-14 1(1)/HCR/DC (H).

Dated: 26 / 03 / 2019.

Copy to the:-

1. Additional Deputy Commissioner, Haripur.
2. Assistant Commissioner Ghazi with the direction to handover the charge of Patwar Halqa Ashra to the Patwari of adjacent halqa. The Girdawar concerned may also be directed to take the revenue record of the said halqa into his custody till the additional charge is assigned by your office.
3. Senior District Accounts Officer, Haripur.
4. Tehsildar Ghazi.
5. District Nazar (local).
6. Mr. Khalid Mehmood, Ex-Patwari R/o Village Chamba Pind P.O Kotnajibullah, Tehsil & District Haripur.
7. Personal File.

Attested


Deputy Commissioner
Haripur

20

0851-SARAI GADAI BRANCH HARIPUR

KHALID MEHMOOD
VILLAGE CHAMBA PIND P/O
SARAI GADAI HARIPUR

Reg Cell No : 0920334222
IBAN No : PK91 UNIL 0109 0002 5509 1691 CIF#: 39261197

Statement Period : From 19-JAN-2019 To 29-JAN-2019
Account No : 000255091691
Account Type : CURRENT
Product Type : UBL CURRENT ACCOUNT
Currency : PAKISTANI RUPEE
Balance : .00
As of : 29-JAN-2019

Date	Particulars	Inst No.	Debit	Credit	Balance
19-JAN-2019	** OPENING BALANCE **				.00
29-JAN-2019	** CLOSING BALANCE **				.00
Total Withdrawals & Total Deposits			.00	.00	
Total number of Transactions			0		

Attested
[Signature]

Note: The items and balance shown on this statement should be verified and the branch manager notified within 2 weeks of any discrepancies, otherwise it will be assumed as correct.

21

Annex-3

لیدر حزب دینی مکتبہ ہدیٰ

درخواست مراد علی شاہی

۹۲ فنڈ

جہاں سے سائل کی سولہ عشرہ پر تقسیمات سے وضع کی گئی، وضع ہونے

کا ایک لاکھ چارچ بھی یہ رقم سائل کا ۹۲ فنڈ میں 229234/ روپے

بنا جسکا نمبر 183387 Nom. 92 fund سائل کو چاہیے اسلئے

ہیٹہ سائل کو حسب منالہ ۹۲ فنڈ کے منظور دیئے مشکر فرمائیں

عین نواز بیگم ضروریات کا خزانہ لفظ درخواست میں درج ہے

الفار

ضلع خود پور، ضلع عشرہ

درخواست

15/1/2019

DN

Office of the District Officer
City No. 2246

17/01/19

D C H. pur.
16/01/19

Attested

43

Annex-J



LEGS P: 156.
(A. T. M.-80)
(See para. 252. Audit Manual)

Office of the DAO Haripur
Year of Account 2017-2018

P.O.N # 252304

Name of Subscriber Khalid Mahmood

Account No. LEGS/HR/19/CSS

22

Opening Balance	Deposits during the year	Particulars of missing credits of previous years adjusted during the year		Interest for the year		Withdrawals during the year	Balance (1)+(2)+(4)+(6)+(7)	Months of the current year for which credits have not been included in column (2)
		Months and year	Amount adjusted	Rate	Amount			
1	2	3	4	5	6	7	8	9
Rs.	Rs.		Rs.		Rs.	Rs.	Rs.	
= 175827	= 31615	—	—	—	21762	—	—	= 229234

Attested
W.S.P.A.

4/10 = 30-6-18

Signature [Signature]
Designation [Signature]
Dated [Signature]

- NOTES:
- 1.—The subscriber is requested to state whether he desires to make any alteration in any nomination made under the rules of the Fund.
 - 2.—In case where the subscriber had made no nomination in favour of a member of his family owing to his having no family at the time but acquired a family thereafter the fact should be reported to the Accounts Officer forthwith together with a formal nomination.
 - 3.—The subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Accounts Officer, within three months from the date of its receipt.

To
The Deputy Commissioner,
Haripur.

23

Annex K

Subject:- **REQUEST FOR RELEASE OF SALARY/GPF ADVANCE**


Sir,

With most reverence and humble submission it is stated:-

1. That now-a-days I am under suspension because of a departmental inquiry and my salary has been stopped due to the said departmental action.
2. That stoppage of monthly salary due to departmental inquiry is against the law, departmental rules and regulations. Stoppage of salary in these days of high dearness when the prices of edible commodities and other daily utilities of life are speaking to the sky tantamount to put an employee along with his innocent family members into starvation. Due to the reason I have been facing financial hardships. Even the education of my school/college going children is suffering badly for want of money and their future is at stake due to non-paying of monthly fee.
3. That I had also applied for GPF advance so that I could be able to spend something on the education of my children upon their admissions in higher-education institutions. Entire process for payment of GPF advance has been completed by the concerned office but the same has not been released to me till today. With-holding of GPF advance has also become a barrier in the way of my children's education.
4. That I am a low paid employee and have no source other than monthly salary to live on and to afford the educational expenses of my school/college children.

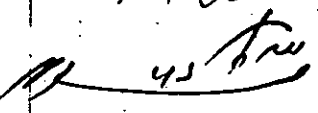
In view of the aforementioned facts and circumstances, it is humbly requested that necessary instructions may kindly be passed for release of my monthly salary and payment of GPF advance already applied for and sanctioned. I shall be grateful to your kind honor for this act of kindness. Thanking you sir in anticipation.

Your obedient servant


(Khalid Mehmood)
Patwari,

Patwar Halqa Ashra, Haripur

Dated: 25-02-2019

Attested


24

Annex-L

BEFORE HONOURABLE COMMISSIONER, HAZARA
DIVISION, ABBOTTABAD

DEPARTMENTAL APPEAL AGAINST ORDER NO. 3708-14 -1(1) /
HCR/DC(H) DATED 26-03-2019 OF THE DEPUTY COMMISSIONER
HARIPUR WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR
PENALTY OF "DISMISSAL FROM SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL
THE IMPUGNED ORDER DATED 26-03-2019 MAY KINDLY BE SET
ASIDE AND APPELLANT BE REINSTATED IN SERVICE WITH ALL
CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

With most reverence and humble submission the following few lines are laid down before your Highness for kind consideration and favourable order please:-

1. That appellant while posted as Patwari Halqa Ashrah Haripur was suspended from service vide order dated 21-01-2019 (Copy attached as "A") and issued Charge Sheet by the Deputy Commissioner Haripur and Mr. Adil Ayub, Additional Assistant Commissioner, Haripur appointed as his Inquiry Officer who delivered the Charge Sheet vide his letter dated 29-01-2019 with the following allegations:
 - (i) That you prepared fake, bogus and fabricated voucher of compensation of acquired land amounting to Rs.8,575,890/-in favour of Mr. Kamran Nazakat s/o Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur.
 - (ii) That you committed forgery to transfer Govt money into your personal Account No.000255091691 United Bank Ltd Sarai Gadai Branch Haripur titled as "Khalid Mehmood". (Copy of the Charge Sheet is attached as "B").
2. That the aforementioned Charge Sheet was duly replied on 04-02-2019, explaining all facts and circumstances of

Attested

4.5.9

CHD

Received

Adil Ayub

28/03/2019

the matter in detail denying the allegations leveled against the appellant being incorrect and baseless. **(Copy of reply dated 04-02-2019 to Charge Sheet is attached as "C").**

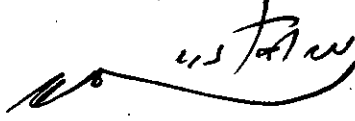
- 3. That on receipt of inquiry report the appellant was served upon with a Show Cause Notice dated 28-02-2019 delivered on 15-03-2019 with the same allegations as were incorporated in the Charge Sheet. **(Copies of inquiry report and Show Cause Notice dated 28-02-2019 are attached as "D&E").**
- 4. That the above mentioned Show Cause Notice was replied on 16-03-2019 with same averment as to the Charge Sheet explaining all facts of the matter and the allegations were denied. **(Copy of reply dated 16-03-2019 to Show Cause Notice is attached as "F").**
- 5. That without considering the reply submitted to the Charge Sheet & Show Cause Notice, the Deputy Commissioner Haripur vide his Order dated 26-03-2019 awarded the appellant with major penalty of "Dismissal from Service" without any proof and reason. **(Copy of impugned order dated 26-03-2019 is attached as "G").**
- 6. That so far as the allegation about preparation of Compensation Voucher is concerned, neither any such Voucher was ever prepared by appellant nor it had been his duty to prepare the same. Appellant has no concern

Attested
[Signature]

with any "**Kamran Nazakat s/o Nazakat Hussain**". Even otherwise the charge was ambiguous as no detail of the said voucher was given in the Charge Sheet, Show Cause Notice as well as in the Impugned Order. The charge was incorrect, false; fabricated rather mere allegation based on misleading information communicated to worthy officer by persons having enmity and personal grudge towards appellant. Hence allegations are vehemently denied being false and fabricated.

7. That the allegation of commission of forgery to transfer the govt money into personal account at United Bank Ltd Sara-e-Gadai Branch is also false and ridiculous one. No particulars of govt money, means, date of transfer and quantity of amount etc were mentioned shown and proved against appellant. The transfer of govt. money into personal account is a matter of record. A human being can but papers can not tell a lie. Appellant have never done any such thing. The charge is mere allegation. Actually the alleged account was opened just to keep GPF Advance because UBL Serai Gadai Branch was nearer to appellant's home. As appellant had applied for GPF Advance required for the education of his children. The same had been sanctioned but since not released to which an application had also been submitted by appellant. Allegations being false and fabricated are vehemently denied. **(Copies Bank statement, Application for GPF Advance, GPF Balance Sheet and application for release of GPF Advance are attached as "H,I,J & K")**.

Attested



8. That for the sake of discussion it is not understood as to how a person without going through the prescribed lengthy process of payment of acquired land can very easily draw and transfer govt money to his account and that too by only preparing and producing a fake voucher through the cheque of a third person. The person trying such thing may be a non-sense one. The way and manner of fraud for pocketing govt money as has been alleged in appellant's case is a very strange and ridiculous one and is beyond approach of a prudent mind, however, the appellant has been penalized and dismissed from service without any reason and proof against him.
9. That throughout 21 years of his service the appellant was posted in Acquisition Branch for 3 to 4 times but he neither prepared any such "Voucher of Compensation" nor it had ever been his duty.
10. That no proper departmental inquiry conducted against the appellant. He was not provided the opportunity to cross examine the witness, if any. Even opportunity of personal hearing was provided to him. He was condemned unheard.
11. That the inquiry findings recorded by Enquiry Officer are based on surmises, conjectures and speculations without any reason and proof and nothing adverse could be brought on record against the appellant. It is incorrect that appellant ever remained habitual of illegal, negligent

Attested

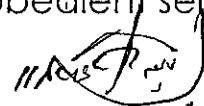
43/10

and irresponsible acts because of which he was proceeded against and he did not mend his attitude towards his responsibilities. Appellant denies allegations of the Enquiry Officer being incorrect and baseless.

12. That appellant has always performed his assigned duties with care, caution and honesty to the entire satisfaction of his superiors and never provided them a chance of reprimand. Appellant has unblemished rather meritorious service record at his credit.
13. That if appellant is provided with a chance of personal hearing then he will really prove the allegations as false and baseless and himself as innocent in this respect by explaining all facts and circumstances of the matter.

In view of the aforementioned facts it is humbly requested that impugned order dated 26-03-2019 of the Deputy Commissioner Haripur may kindly be set aside and the appellant be reinstated in service with all consequential service back benefits for which act of kindness I shall be grateful of your Highness. Thanking you sir in anticipation.

Your obedient servant



(Khalid Mehmood)
S/O Mohammad Ayub
Ex-Patwari, Distt: Haripur

R/O Village: Chamba-pind,
Tehsil & District Haripur.
Cell No.0334-1116665

Dated: 28-03-2019

Attested
us Deo

29

Annex-M

MOST URGENT



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

PH & FAX 0992-9310461-62

No: 10/2/HVC/ACR/CHD/ 3243-46

Dated Abbottabad: 20/11/2019

To

Mr. Khalid Mehmood,
S/o Muhammad Ayub,
Ex Patwari, District Haripur,
R/o Village Chamba-Pind, Haripur.

} Through Tehsildar District Haripur

Subject: PERSONAL HEARING IN DEPARTMENTAL APPEAL

Memo:

Refer to the subject noted above and to inform you to appear before the
Commissioner, Hazara Division in his personal office on Friday, 22nd November, 2019 at 02 pm.
hours for personal hearing in respect of your departmental appeal.

You are directed to ensure your presence on date, time and venue as mentioned
above.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Endst. No. & Date Even.

Copy forwarded for information to the:

1. The Deputy Commissioner, Haripur with the request to depute a well conversant officer/official alongwith record on the day of hearing, please.
2. Tehsildar District Haripur.
3. PS to Commissioner, Hazara Division.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Handwritten notes and signatures in Urdu, including a signature and the date 22/11/19.

F.K No 612
Attested
Handwritten signature and initials

No. 3500-01(CCH)
22/11/19



30

Annex-N
OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

PH & FAX 0992-9310461-62


No: Appeal /HVC/ACR/CHD/ 3000-30
Dated Abbottabad: 28 /11/2019

OFFICE ORDER

Whereas, Mr. Khalid Mehmod S/O Muhammad Ayub Ex-Patwari District Haripur had filed an appeal dated 29/03/2019 against order No. 3708-14-1(1)/HCR/DC(H) dated 26/03/2019 of the Deputy Commissioner, Haripur whereby appellant has been awarded major penalty of dismissal from service.

And whereas, the appellant was heard in person on 22/11/2019 in my office at Abbottabad. Para-wise comments received from Deputy Commissioner, Haripur were perused and placed on file. The applicant was provided full opportunity to sustain his pleadings regarding his non-involvement in preparation of fake vouchers under the fake signatures of the Deputy Commissioner, Haripur. The appellant failed to convince or bring any material evidence to mitigate the degree of major penalty i.e 'dismissal from service' imposed upon him by the Deputy Commissioner, Haripur. Therefore, there are no good grounds to interfere with the impugned order of the Deputy Commissioner, Haripur which has been passed in the light of proved facts, fulfilling all the legal course of proceedings and after giving full opportunity of the hearing to the appellant.

In view above the appeal in hand is dismissed, order of the Deputy Commissioner, Haripur bearing No. 3708-14-1(1)/HCR/DC(H) dated 26/03/2019 is upheld.



Commissioner,
Hazara Division.

Endst. No. & Date Even.

Copy forwarded to the:-

1. Deputy Commissioner, Haripur
2. PS to Commissioner, Hazara Division.
3. Official concerned.

Attested
mus atar


Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad



A 66595
S.No: _____

DBA.No: 265
BC No: _____
Name of Advocate: محمد اسلم تنویری

وکالت نامہ



بعدالت: جناب جسٹرس من صاحبہ جسٹس من صاحبہ سید منورہ بیگم اور سید منورہ بیگم
عنوان: خالد محمد زرد
منجانب: خالد محمد زرد اسپلٹ
نوعیت مقدمہ: سروریل اسپلٹ
باعث تحریر آنکہ:

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیق مقدمہ بمقام سروریل اسپلٹ کے لیے
محمد اسلم تنویری (سروریل اسپلٹ) جلی کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت
پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری
غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب
موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ
ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے
پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مٹانے کے واپس کرنے کے بھی صاحب
موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ذاختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو
عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی
اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور سرتم کار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور
اس کے تاشی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از کچہری صدر
اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم امتناعی یا قری یا گرفتاری قبل از گرفتاری و اجراء ڈگری بھی صاحب
موصوف کو بشرط ادا سنگی علیحدہ مٹانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ
مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو
بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ
التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب
موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے
برخلاف نہیں ہوگا۔

Accepted by
M. Aslam

2019 12 6
سال ماہ دن

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 6 دن 12 ماہ 2019 سال

محمد اسلم تنویری
اسپلٹ

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Service Appeal No. 1702 / 19

Khalid Mehmood S/o Muhammad Ayub (Ex-Patwari, Ghazi Haripur) R/o Village Chamba Pind,
Tehsil and District Haripur(Appellant)

Versus.

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar.
2. Commissioner, Hazara Division Abbottabad.
3. Deputy Commissioner, Haripur(Respondents)

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S. No.	Description of Documents	Annexure	Page No.
1.	Para wise Reply / Comments		01-03
2.	Affidavit		04
3.	Copy of Suspension order dated 21.01.2019	A	05
4.	Copy of letter No. 1015/P.F(11)/HCR/DC(H) dated 21.01.2019.	B	06
5.	Copy of preliminary report of Additional Deputy Commissioner Haripur dated 17.01.2019.	C	07
6.	A copy of formal enquiry report of AAC-II, (I) dated 21.02.2019	D	08-13
7.	Copy of dismissal order vide No. 3708-141(1)/HCR/DC(H) dated 26.03.2019.	E	14


Deputy Commissioner,
Haripur.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Service Appeal No. 1702 / 19

Khalid Mehmood S/o Muhammad Ayub (Ex-Patwari, Ghazi Haripur) R/o Village Chamba Pind,
Tehsil and District Haripur(Appellant)

Versus.

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar.
2. Commissioner, Hazara Division Abbottabad.
3. Deputy Commissioner, Haripur(Respondents)

Subject:- JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1-3.

Respectfully Sheweth;

Preliminary Objections:

1. That the appellant has got no cause of action.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appeal is bad in its present form.
4. That the appellant is estopped by its own conduct.

The Para-wise comments in the above petition are submitted as under: -

1. Pertains to record.
2. Correct to the extent that he was suspended from service on the basis of fake, bogus and fabricated voucher prepared by him in favour of Mr. Kamran Nazakat s/o Nazakat Hussain on account of compensation of acquired land for the establishment of Pak-China Economic Zone amounting to Rs. 8,575,890/- under the fake signature of Deputy Commissioner, Haripur (suspension order is attached as Annexure-A).
3. Pertains to record. Consequent upon his suspension, Additional Assistant Commissioner-II, Haripur was appointed to conduct formal enquiry as per charge sheet and statement of allegation against the appellant under the E&D Rules-2011 vide No. 1015/P.F(11)/HCR/DC(H) dated 21.01.2019 (Annexure-B).
4. Incorrect. The reply of charge sheet, submitted by the appellant, was found quite unsatisfactory.
5. Pertains to record.
6. Correct to the extent that the reply to the show-cause notice was submitted by the appellant, however, the reply was found unsatisfactory.

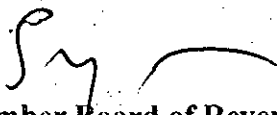
7. Incorrect. After considering the report of Inquiry Officer and reply to the show-cause notice submitted by the appellant, the major penalty of dismissal was imposed upon him. He was also provided the opportunity of personal hearing, which was conducted on 25.03.2019.
8. Incorrect. The appellant could not prove that the charges levelled against him are wrong and untrue. An illegal voucher was prepared by him under the fake signature of Deputy Commissioner Haripur and processed but the compensation mentioned therein could not be drawn and loss to government exchequer was avoided due to in time action by this office. In this connection a preliminary report of Additional Deputy Commissioner Haripur is worth perusal, which is attached as **Annexure-C**.
9. Pertains to record. He could not satisfy the Inquiry Officer as well as this office in his reply to show-cause notice that the account was opened in United Bank Limited for GPF advance
10. Incorrect. The Inquiry Officer gave him a full opportunity to defend himself but he failed to refute the charges mentioned in the charge sheet. As per enquiry report, the charges as mentioned in para-2 above were proved against him and he has been found guilty of preparing illegal voucher and transferring the compensation of acquired land into his personal account. The appellant was provided proper opportunity for his defense but he could not prove himself innocent before the inquiry officer. **(A copy of formal enquiry report is attached as Annexure-D)**. After adopting due course of lawful procedure, the appellant was dismissed from service vide order No. 3708-141(1)/HCR/DC(H) dated 26.03.2019 (**Annexure-E**).
11. Incorrect. Formal inquiry under E&D Rules, 2011 was conducted properly and all the codal formalities were fulfilled while imposing major penalty upon him.
12. Para is denied. He was properly associated with the enquiry proceedings but he could not defend himself against the charges mentioned in the charge sheet.
13. Correct to the extent that a departmental appeal was filed by the appellant before the appellate authority.
14. Incorrect. His denial of charges has no substance as he prepared the illegal voucher under the fake signature of Deputy Commissioner. The appellant failed to convince or bring any material evidence to mitigate the degree of major penalty as such after examining the material on record his departmental appeal was rightly rejected vide order dated 28.11.2019 (**Annexure-F**).
15. No comments.


GROUND:


- ~~MU~~
- a. Incorrect. Both the orders were passed as per law / rules after conducting formal enquiry as per E&D Rules, 2011 and no injustice has been done to the appellant.
 - b. The para is denied. The Inquiry Officer conducted the formal inquiry as per procedure laid down in the E&D Rules, 2011 and he was given the opportunity to defend himself but he failed to do so.

- c. The para is denied. He could not prove before Inquiry Officer that the said voucher was not prepared by him. Enquiry was conducted as per laid down procedure in E&D Rules, 2011 and he was given opportunity to defend his position against the charges and no satisfactory reply was given by him during the inquiry proceedings.
- d. The Para is denied. All the legal formalities were completed while imposing major penalty upon the appellant.
- e. The para is denied. Already explained in para 14 above.
- f. The Para is denied. His personal hearing was conducted on 25.03.2019. And his reply was found quite unsatisfactory. The point raised has already been clarified in the preceding paras.
- g. No comments.

In view of above submissions, it is requested that the appeal of the appellant is not tenable and may be rejected with cost in limine, please.


Senior Member Board of Revenue,
Khyber Pakhtunkhwa
Peshawar. (Respondent No. 01)


Commissioner, Hazara Division
Abbottabad. (Respondent No. 02)


Deputy Commissioner,
Haripur. (Respondent No. 03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Service Appeal No. 1702 / 19

Khalid Mehmood S/o Muhammad Ayub (Ex-Patwari, Ghazi Haripur) R/o Village Chamba Pind,
Tehsil and District Haripur(Appellant)

Versus.

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar.
2. Commissioner, Hazara Division Abbottabad.
3. Deputy Commissioner, Haripur(Respondents)

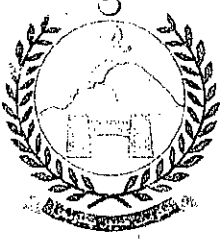
AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of para wise
comments in the above filed appeal are true and correct as per my knowledge and nothing has
been concealed from this honourable court.


DEPONENT

Annexure - "A"

(OS)



OFFICE OF THE DEPUTY COMMISSIONER, HARIPUR

☎ 0995 613391-19 | 📠 0995-615412 | 📧 @dcharipur | 📧 @dcharipur | 📧 hellodcharipur@gmail.com | 📞 0335 5613376

OFFICE ORDER:

Mr. Khalid Mehmood Ex-Patwari Acquisition Section, DC, Office Haripur presently posted at Patwar Halqa Ashra is hereby suspended from service with immediate effect on the charges of preparing bogus and fake voucher amounting to Rs. 8,575,890/- in favour of Mr. Kamran Nazakat s/o Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur for compensation of the acquired land for the establishment of Pak-China Economic Zone.

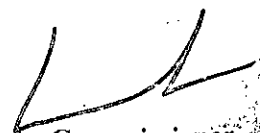

Deputy Commissioner
Haripur

No. 1003-14 /I(1)/HCR /DC (H).

Dated: 21, 01, 2019.

Copy to the:-

1. Director Anti-Corruption Establishment, Government of Khyber Pakhtunkhwa Peshawar alongwith a copy of the report of Addl: Deputy Commissioner, Haripur and copies of its enclosures with the request to direct the local Anti-Corruption Establishment to lodge FIR against the accused official and private persons mentioned in the report.
2. Addl: Deputy Commissioner, Haripur.
3. Assistant Commissioner, Ghazi.
4. Tehsildar Ghazi for necessary action.
5. District Nazar (local).
6. Patwari concerned.


Deputy Commissioner
Haripur

Annex - "B"

06



OFFICE OF THE
DEPUTY COMMISSIONER, HARIPUR

☎ 0995 613391-19 | 📠 0995-615412 | 🐦 @dcharipur | 📧 @dcharipur | 📧 hellodcharipur@gmail.com | 📞 0335 5613376

Dated: January 21, 2019.

No. 1015 /P.F(11)/HCR/DC(H).

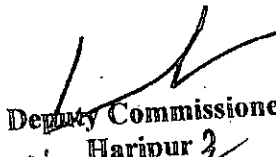
To, Additional Assistant Commissioner-II,
Haripur.

Subject DISCIPLINARY PROCEEDINGS AGAINST KHALID MEHMOOD
PATWARI HALQA ASHRA.

Memo; Enclosed please find herewith Charge Sheet and Statement of Allegations to be served upon Mr. Khalid Mehmood Patwari Ex-Patwari Acquisition Section, DC Office Haripur presently posted on Patwar Halqa Ashra.

Consequently, you are appointed as Inquiry Officer to conduct enquiry against the accused Patwari under the provision of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules-2011 in the light of attached charge-sheet / statement of allegation with the direction to submit your findings / report within a period of 15 days, positively.

Encl: (As above).


Deputy Commissioner
Haripur 2

Anner - "C"

(07)



Office of the Additional Deputy Commissioner, Haripur

Phone No. 0995-613391, 611823 Fax No. 0995-615412

No. 1(8)/1340-41/ADC(H)

Dated: 17/01/2019

To,

The Deputy Commissioner,
Haripur.

Subject: **INQUIRY REPORT.**

Upon information to the undersigned, the acquisition branch was directed to remain vigilant when a person namely Mr. Kamran Nazakat s/o Nazakat Hussain r/o Rani Wah, Teshil Khanpur and Mr. Muhammad Azam Awan s/o Muhammad Rafique Awan r/o Muhallah Raja Abad, Cental Jail came to the Assistant Acquisition Branch DC Office with a fake voucher of Rs. 8,575,890/- in favour of Mr. Kamran Nazakat s/o Nazakat Hussain under the fake signatures of Deputy Commissioner, Haripur Mr. Zahid Pervez Warraich.

When enquired, Mr. Kamran Nazakat s/o Nazakat Hussain and another stated on oath that the fake / bogus voucher has been handed over to them by Patwari Khalid Mehmood currently posted as Patwari Halqa Ashra. The said Khalid Mehmood has served as Acquisition Patwari and has old record of acquisition award decided in 2012.

It was further revealed that through mutual planning, all the three accused planned to withdraw an amount of Rs. 8,575,890/- through bogus vouchers with fake signatures of Deputy Commissioner which was to be credited to an Account No. 000255091691 United Bank Ltd Sarai Gadai Branch Haripur titled as "Khalid Mehmood". The account detail was also attached with the bogus vouchers.

Owing to the above facts, the statements of the accused have been recorded both on paper and video recording, also the bogus vouchers documents were exhibited before me now case property.

I am now of the opinion that Khalid Mehmood Patwari is the master mind of this case and the other two facilitated him thus abided under the law.

Therefore, an FIR may be registered against them preferably in Anti Corruption Establishment and Khalid Mehmood, Patwari may be proceeded under E&D Rules 2011.

The undersigned alongwith Assistant Acquisition may be encouraged by bestowing special praise certificate through Worthy Commissioner, Hazara Division, please.


Addl: Deputy Commissioner,
Haripur.

Copy to:-

The Secretary to Commissioner, Hazara Division, Abbottabad.


Addl: Deputy Commissioner,
Haripur.

HC(R)

PT PNT

WP

DC H. PWT
12/10/19

25/12

**INQUIRY PROCEEDINGS AGAINST MR. KHALID MEHMOOD, PATWARI HALQA
ASHRA, DISTRICT HARIPUR.**

Background:

The Deputy Commissioner, Haripur appointed the undersigned as Inquiry Officer, which was conveyed vide letter No. 1015/P.F/(11)HCR/DC(H) dated 21.01.2019 to inquire into the allegations leveled against Mr. Khalid Mehmood, Patwari Halqa Ashra, District Haripur vide Charge Sheet and Statement of Allegations reproduced as under:

1. That you prepared fake, bogus and fabricated voucher of compensation of the acquired land amounting to Rs. 8,575,890/- in favour of Mr. Kamran Nazakat S/O Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur.
2. That you committed forgery to transfer Govt. money into your personal Account No. 000255091691 United Bank Ltd Serai Gadai Branch Haripur titled as "Khalid Mehmood".

Proceedings


In pursuance of the direction contained in Para-4 of the Charge Sheet, the accused Official Mr. Khalid Mehmood, Patwari Halqa Ashra submitted his written defense dated 04.02.2019 (Copy attached as Annexure-A). The accused Official was also summoned to appear before the undersigned on 19.02.2019 at 04:00 PM for inquiry proceedings. Mr. Muhammad Hasrat Khan, Tehsildar, Khanpur also attended the proceedings to assist the Inquiry Officer while Mr. Naveed Akhtar Khan, Assistant Acquisition Branch attended as departmental representative.

Statement of the accused Official recorded who stated on oath that he was serving in Acquisition Branch, DC Office, Haripur and remained posted in the said branch 3/4 times but he did not remember the tenure of his posting as such. (Original questions & answers duly signed by the accused official are attached as Annexure-B).

Findings

From the perusal of record produced before the Inquiry Officer, written statement and cross examination etc of the accused official Mr. Khalid Mehmood, Patwari Halqa Ashra has committed the act of fraud by preparing fake, bogus and fabricated voucher of compensation of the acquired land amounting to Rs. 8,575,890/- in favour of Mr. Kamran Nazakat S/O Nazakat Hussain under the fictitious signature of the Deputy Commissioner, Haripur with the contention to transfer the said money in his personal account No. 000255091691, United Bank Limited, Serai Gadai Branch, Haripur which was specifically opened for this purpose. The charges leveled against the accused official have, therefore, been proved beyond any doubt. The accused official has remained habitual of illegal, negligent and irresponsible acts because of which he was proceeded against more than once but he has not mended his attitude towards his official responsibilities. The gross misconduct conducted by him in the instant case renders him for imposition of any of the Penalties as envisaged in Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules-2011.

Submitted please.


 Adil Ayub,
 Add: Assistant Commissioner-II,
 Haripur/Inquiry Officer

To

Addl. Assistant Commissioner-II,
(Inquiry Officer),
Haripur.

Subject:- REPLY TO THE CHARGE SHEET.

Sir,

With most reverence it is submitted that Charge Sheet alongwith Statement of Allegations issued by Deputy Commissioner Haripur has been delivered to me vide your letter No.483-86/AAC-II (H) dated 29-01-2019 bearing the following charges:-

- (i) *That you prepared fake, bogus and fabricated voucher of compensation of acquired land amounting to Rs.8,575,890/-in favour of Mr. Kamran Nazakat s/o Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur.*
- (ii) *That you committed forgery to transfer Govt money into your personal Account No.000255091691 United Bank Ltd Sarai Gadai Branch Haripur filled as "Khalid Mehmood".*

1. That so far as the allegation No.1 about preparation of Compensation Voucher is concerned, in this respect it is stated that neither any such Voucher was prepared by me nor it had ever been my duty to prepare the vouchers. I did not have any concern with any "Kamran Nazakat s/o Nazakat Hussain". Even otherwise the charge is ambiguous as no detail of the said voucher is given in the instant charge sheet. The charge is incorrect, false, fabricated rather mere allegation based on concocted and misleading information communicated to my worthy officers by someone with malafide intention and due to personal grudge. The allegation is vehemently denied being incorrect and false one.

2. That to the extent of allegation No.2, it is submitted that the same is also ambiguous one. No particulars of Govt. money, means, date of transfer and quantity of amount etc are mentioned. The transfer of Govt. money into a personal

account in the bank is a matter pertains to record. A human being can but paper can not tell a lie. I have never done any such thing. The charge is nothing but mere allegation. My account number as mentioned in the Charge Sheet is very much available in the said Bank. The same can be checked any time. If any such Govt. money is found transferred by me in personal account then I can be held responsible and penalized for the same. These incorrect and baseless allegations have put me in serious mental agonies. The allegation is denied being incorrect and misleading one. **(Bank statement is attached for kind perusal).**

3. That I have rendered more than 21 years service in Revenue Department. I always performed my assigned duties with care, caution and honesty to the entire satisfaction of my superiors and never provided them a chance of reprimand. I have unblemished rather meritorious service record at my credit.
4. That if I am provided with a chance of personal hearing then I shall really prove the allegations as false and baseless and myself as innocent in this respect by explaining all facts and circumstances of the matter.

In view of the aforementioned facts it is humbly requested that necessary recommendation may kindly be made to the worthy Deputy Commission Haripur for filing the instant Charge Sheet without further proceeding being the charges incorrect for which act of kindness I shall be grateful of your Highness.

Thanking you sir in anticipation.

Your obedient servant

4/2
19/2
(Khalid Mehmood)

Patwari,
Patwar Halqa Ashra. Haripur

Dated: 4-02-2019

(۱۱)

(۶)

سوال - محمد اعظم اکوان نامہ شخص نے میں کسی عامر ان سرائے سے ملنا چلتا الزام آ رہا ہے کیا یہ سب سے پہلے یہ سب سے پہلے وغیرہ آ رہے ہیں اس بارے میں یہ سب سے پہلے یہ سب سے پہلے

جواب - اگر حکومتی افکار ہیں

سوال - مذکورہ سال اشخاص میں سے عامر ان سرائے اور عظیم
 جب مذکورہ اشخاص نے کہ لوہا ہفتہ خان اسپرڈ
 ڈی ہا آفس کا پاس پورے لوہے سے یہی بتایا کہ
 یہ اشخاص آ رہے ہیں اس بارے میں
 کیا کیا فیصلے ہو گئے

جواب - اعلیٰ طور پر افکار ہیں۔ اگر حکومتی ہے

سوال - آ رہے ہیں دفاع میں کچھ اور کیا چاہتے ہیں
 جواب - جی ہاں جو میں نے چارج شیٹ کا جواب دیا ہے
 وہی وہاں ہے

19.2.2019.
 محمد علی خالد محمود سیکریٹری
 حلقہ عشرہ غازی

سوال - کیا آپ پاس دو کے لئے میں تھی اور کیا اعوان
میں ہے اور آپ سے تو یہ اعوانت آپ
کے کھولا اور اسکی ضرورت کہیں پیش آئی اور
کیا آپ نے یہ اعوانت کو لے کے لئے مجازت
میں اعوانت کی ہے۔

جواب - جی ہاں میں نے یہ اعوانت اپنا ۹۲ فیصد
کہنے کے لئے کھولا ہے اور میں نے مجازت
اعوانت میں کی۔

سوال - مسٹر مہراں ترائی نام کا آدمی جب اسٹور
DC دہلی Mr. Naveed کے پاس گیا تو
کے پاس وہ یہ قاعدت Bucher لگے حال حکومت
نے بنوا کر دیا ہے کیا یہ سچ ہے؟

جواب - یہ سراسر جھوٹ ہے اور میں مہراں ترائی
نہیں جانتا۔ خود سے بیان کیا کہ میرے خلاف
نامی شخص میرے خلاف اور میرے والد صاحب کی خلاف
"خواتین بازار" کرتا رہتا ہے اور پوسٹ نامی شخص سے
"خواتین" کو لے کر جیل سے میں Dismiss ہو گیا
اور بعد میں حال یہ ہو گیا تھا، حضور میں پیش کرنا چاہتا

ان کے اہل خانہ سے ہیں۔
اصل - ان کے خاندان کے ڈی آفس کے
کدے کے کدے کے ہیں۔

15۔ میں دو تین دفعہ Aeq پرانے میں رہا ہوں
میں گاؤں کے علم سے

سوال - کیا یہ سچ ہے کہ وہ اپنے ماہر ان نرائو
ولہ نرائو حسین کے نام سے 857589 کے اوکے
کا ڈو جبر ڈی سہارن پور کے جہلی دستخط سے تیار کیا
اس بارے میں کیا کہتے ہیں

16۔ نہ مجھے اس بارے کا علم ہے نہ بناو کے

سوال - آپ پر دو کراڑا کا ہے کہ وہ $\frac{1}{100}$ سے زیادہ
نے اپنے زانیہ اور نٹ کے 916915509000
UBL سے روئے گا کی تاریخ میں $\frac{1}{100}$ سے زیادہ

کی ہے
17۔ میں نے نرائو سٹیٹ لینڈ کے ساتھ
جس سے پتہ چلتا ہے کہ اس اور نٹ
کو کس سے نرائو نہیں ہوئے

بیان خالد محمود، پٹواری حلقہ عشرہ

بجائے بیان کیا کہ

میں پٹواری عشرہ کے حلقہ ہیں۔

سوال: آپ مختلف سول عدالتوں میں Acq. cases میں پیش ہوئے ہیں اور اگر ہوئے ہیں تو کس حیثیت میں کس کس کا دفاع کرتے ہیں؟

جواب: کوئی عرصہ اعجاز انٹھاری کی طرف سے کوئی ایسا حکم جاری نہیں ہوا کہ میں عدالتوں میں پیش ہو کر نہ صرف عدالت کا دفاع کروں۔

Handwritten signature or mark.

سوال: What is meant by assistance.

جواب: دوکروں کی مدد کرنا۔
سوال: دوکروں کا عدالتی حکم کا اثر ہے۔

جواب: جب کوئی پوچھے کہ مجھے سمجھ نہیں آ رہا تو اس کا

عدالتی حکم ہے۔
سوال: ایسا جس کا نام آپ دوکروں کا ہے اس میں آپ نے کیا کیا؟
جواب: خالد محمود کی Acquit کر کے ہیں۔

جواب: اگر مجھے کس چیز کا کچھ نہ آئے تو Acquit کرتے ہیں۔

0851-SARAI GADAI BRANCH HARIPUR.

KHALID MEHMOOD
VILLAGE CHAMBA PIND P/O
SARAI GADAI HARIPUR

Statement Period : From 19-JAN-2019 To 29-JAN-2019
Account No : 000255091691
Account Type : CURRENT
Product Type : UBL CURRENT ACCOUNT
Currency : PAKISTANI RUPEE
Balance : .00
As of : 29-JAN-2019

Reg Cell No : 0920334222
IBAN No : PK91 UNIL 0109 0002 5509 1691 CIF#: 39261197

Date	Particulars	Inst No.	Debit	Credit	Balance
19-JAN-2019	** OPENING BALANCE **				
29-JAN-2019	** CLOSING BALANCE **				
	Total Withdrawals & Total Deposits		.00	.00	
	Total number of Transactions		0		

Note: The items and balance shown on this statement should be verified and the branch manager notified within 2 weeks of any discrepancies, otherwise it will be assumed as correct.



Annex - "E" Annex - (14)
OFFICE OF THE
DEPUTY COMMISSIONER, HARIPUR


☎ 0995 613391-19 | 📠 0995-615412 | 📧 @dcharipur | 📧 @dcharipur | 📧 hellodcharipur@gmail.com | 📞 0335 5613376

OFFICE ORDER

Consequent upon the report of Additional Deputy Commissioner, Haripur vide No. 1(8)/1340-41/ADC(H)/ dated 17.01.2019, Mr. Khalid Mehmood Patwari halqa Ashra was suspended from service vide this office No. 1009-14/1(1)/HCR/DC(H) dated 21.01.2019 and proceeded against under the E&D Rules-2011 on the charges of preparation of fake, bogus and fabricated voucher of compensation of the acquired land amounting to Rs. 8,575,890/- in favour of Mr. Kamran Nazakat s/o Nazakat Hussain under the fake signature of Deputy Commissioner, Haripur. He also committed forgery to transfer the aforesaid Govt. money into his personal account No. 000255091691 at United Bank Ltd Sarai Gadai Branch. Additional Assistant Commissioner -II, Haripur was appointed to conduct formal enquiry as per charge sheet and statement of allegation against the accused Patwari and submit his report within 15 days positively.

As per report of AAC-II(H) received vide No. 552/AAC-II(H) dated 21.02.2019 the charges of preparation of fake and bogus voucher of compensation of the acquired land and forgery to transfer the said amount into his personal account under the fake signature of Deputy Commissioner, Haripur have been proved against the accused Patwari. Consequently Show-cause notice was served upon accused Patwari vide No. 2718/HCR/DC(H) dated 28.02.2019 with the direction to submit reply in his defense and appear before the undersigned for personal hearing on 11.03.2019. The accused Patwari could not appear on the date fixed due to strike of Patwaris. He appeared before the undersigned on 25.03.2019 at 11:30 am and submitted his reply. The reply to show-cause notice submitted by the accused Patwari was found quite unsatisfactory and contrary to the facts. During the personal hearing neither his written defense was convincing nor he could augment the same.

In view of above, as per Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rule 2011, major penalty of dismissal from service under Rule 4(1) (b) (iv) is hereby imposed upon Mr. Khalid Mehmood Patwari of this district with immediate effect.


Deputy Commissioner
Haripur

No. 3708-14 1(1)/HCR/DC (H).

Dated: 26 / 03 / 2019.

Copy to the:-

1. Additional Deputy Commissioner, Haripur.
2. Assistant Commissioner Ghazi with the direction to handover the charge of Patwar Halqa Ashra to the Patwari of adjacent halqa. The Girdawar concerned may also be directed to take the revenue record of the said halqa into his custody till the additional charge is assigned by your office.
3. Senior District Accounts Officer, Haripur.
4. Tehsildar Ghazi.
5. District Nazar (local).
6. Mr. Khalid Mehmood, Ex-Patwari R/o Village Chamba Pind P.O Kotnajibullah, Tehsil & District Haripur.
7. Personal File.


Deputy Commissioner
Haripur