19.04.2019

Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 10.06.2019 before S.B.

∴⁄a Member

10.06.2019

Counsel for the appellant present.

Counsel for the appellant submitted an application for sinedie adjournment of the appeal. The ground taken in the application is to the effect that the order for the reopening of the enquiry has been passed by the Commissioner Bannu Division. The said exercise is likely to take considerable time and also may affect the grievance of the appellant.

The application is allowed and the instant appeal is adjourned sine-die. The appellant may apply of its fixation for preliminary hearing as and when required under the law.

Chairman

## Form- A

## FORM OF ORDER SHEET

Court of		
Case No	166 <b>/2019</b>	

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/2/2019	The appeal of Mr. Nafeer Ullah presented today by Mr. Shahid Qayyum Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.
2-		REGISTRAR  This case is entrusted to S. Bench for preliminary hearing to be
		put up there on $14-3-19$
		CHAIRMAN
y way i	ر الإ الإ	Junior to counsel for the appellant present and
,	•	seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for preliminary
		hearing on 19.04.2019 before S.B
		Member
٠,		
		<b>*</b>

# BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 166 /2019

Nafeer Ullah ...... Appellant

Versus

Government of Khyber Pakhtunkhwa & others ......Respondents

## INDEX

S.No.	Description of Documents	Annexure	Pages
1.	Memo of appeal with Affidavit		1-6
2.	Address of the parties		7
3.	Charge Sheet	A	8-9
4.	Show Cause Notice	В	10
5.	Reply to Show Cause Notice	C	11-16
6.	Copy of impugned order dated 27/09/2018	D .	17
7.	Copy of Appeal/representation	E	18-19
8.	Other documents		20-39
9	Wakalat Nama		40

Through

Shahid Qayum K

Advocate, Supreme Cour

Dated: 84/02/2019

OFF: 105-A Town Tower, University Road,

Jahingir Abad, Peshawar

Cell No. 0333-9195776

## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 166 /2019

Nafeer Ullah	S/o Khair Ali Khan R/o Shabaz Azmat Khail,
Tehsil Domel	District Bannu Appellan

Khyber Pakhtukhwa Service Tribunai

Versus

Dated 04-02-2019

- 1. Government of Khyber Pakhtunkhwa through Secretary Revenue & Estate Department, Peshawar
- 2. Senior Member Board of Revenue, (SMBR) Peshawar
- 3. Commissioner, Bannu Division, Bannu
- 4. Deputy Commissioner, Bannu

.....Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 27/09/2018 PASSED BY RESPONDENT NO. 4 BY WHICH MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN AWARDED TO APPELLANT AND THE REPRESENTATION OF THE PETITIONER HAS NOT YET BEEN DECIDED BY THE RESPONDENT NO. 3

#### **PRAYER**



On accepting this service appeal, the impugned order dated 27/09/2018 may graciously be set aside by declaring it illegal, void, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable and the appellant is entitled for reinstatement to his post with all back benefits of pay and service

Respectfully Sheweth;

1. That the appellant was appointed as Patwari in the year 2010 and performed his duty with full zeal and enthusiasm to the entire satisfaction of his superior.



- 2. That respondent No. 4 issued a charged sheet to the appellant on 26/02/2018 containing the allegation that as per allegations leveled by one Hayat Ullah S/o Wali Ullah, you had prepared bogus and fake mutations due to which the complainant has sustained huge financial loss. (Copies of charge sheet is attachedis Annexure "A")
- 3. That on 31/08/2018 the respondent No. 4 issued a show cause notice which was properly replied by the appellant 06/09/2018. (Copies of SCN and reply are attached as Annexure "B" and "C")

Cy

- 4. That respondent No. 4 with out giving proper opportunity of hearing to appellant passed the impugned order bearing No. 4986-99/DC/AE dated 27/09/2018 wherein a major punishment of removal from service has been awarded to the appellant without complying the legal and codal formalities. (Copy of the Impugned order is attached as Annexure "D")
- 4. That appellant filed departmental appeal against the impugned order before worthy respondent No. 3 on 15/10/2018 but till date the same has not been decided after the laps of statutory period hence, the appellant feeling aggrieved from the above order filling this appeal on the following amongst other grounds inter. (Copy of the representation is attached as Annexure "E")

### **GROUNDS:**

- a. That the impugned orders is illegal, without lawful authority thus untenable and is liable to be set aside.
- b. That order of respondent No. 4 is against the rule and regulation and contrary to the settle principle of service rules.
- c. That no proper opportunity of hearing has been provided by the respondent to the appellant, hence he has been condemned unheard and the case has been decided in a mechanical manner with out application of judicious mind.
- d. That appellant has been awarded major penalty of Removal from Service on the allegation that he has prepared bogus mutations No. 8943 to 8949 while posted as Patwari Halqa.

Bezan Khel in Tehsil Domel (Bannu); without least considering the fact that the said mutations have been checked and dound correct by the concerned Girdawar and attested by the Tehsildar/Revenue Officer Domel (Bannu) on 12/06/2012.

- e. That without prejudice to the above the respondent has not arrayed the concerned and responsible person i.e Girdawar Circle, whose main responsibility is to check the mutation with record and Tehsildar/ Revenue officer who attested the mutation, if for the sake of argument any offence has been committed by appellant.
- f. That appellant prepared the said mutations from Perth Patwar of previous Mutations no. 8257, 8258, 8315, 8316, 8349,8353, 8355 & 8404 entered during the period from may to August 2011 by the previous Patwari Halqa Bezan Khel, checked and verified by the same Girdawar Circle, who has checked and verified as correct the mutation prepared by the appellant from the above mutations, therefore, the clerical errors; if any; in the figures of Khata/ Khasra numbers entered in the relevant mutations was attributable to the previus Patwari Halqa and Girdawar Circle. The appellant has been treated in very arbitrary manners and has been make a escape goat.
- g. That the concerned Girdawar Halqa has categorically stated in his statement recorded before the enquiry officer that he has checked and found correct the Mutation prepared by appellant. Under the law it is the duty of concerned Girdawar/ Qanungo (under Para 7:4 (ii) of the Land Record Manual) to check the entries made by the Patwari. Besides the Girdawar Halqa, the Tehsildar / Revenue Officer is also bound under Para; 7.4 (iii) of the Land Record Manual to check the entries made in the mutation with the record and after his satisfaction attest the Mutation, therefore, appellant can not be blamed for any error in the Khatha/ Khasra number and its area of mutated and award of major punishment is not sustainable in the eyes of law.



- h. That all the mutation were laying before the revenue officer for attestation but attested the present mutation and the previous one already fully process have been left unattended which illegality can not be attributed to appellant under the law.
- i. That under the law clerical mistakes in the number of Khatha / khasra or area of land is correctable under the Land Record Manual and such the error in Number of Khatha / Khasra No. 1431 or its area in the dispute Mutations as well as the previous mutations at the best constituted inefficiency at the part of the previous Patwari, which cannot based ground for imposition of Major Penalty on appellant.
- j. That the whole departmental file against appellant has been prepared in violation of law and rules as the enquiry officer has based his finding on assessment and speculations. The findings have not been based on sound reasons and any solid, material and cogent evidence.
- k. That no opportunity of cross examination of the witnesses has been provided to appellant but still he fails to prove the allegation leveled against appellant as no witness utter a single word against appellant.
- 1. That the learned respondent No. 4 has not taken into consideration the detail reply submitted by the appellant and passed the impugned order without applying its judicious mind to the fact and circumstance of the case.
- k. That the case of appellant has been treated in very arbitrary manners and no evidence what so ever has been brought on record to substantiate the allegation leveled against appellant rather he has been proceeded under the rules and regulation which are not at all applicable to petitioner being a civil servant.
- m. That the entire service record of the appellant is unblemished therefore, the impugned order would be a black stigma on the clean service career of the appellant, therefore, the same is liable to be set aside. Furthermore performing official duties as per directions of the senior official, appellant can not be held responsible for any alleged offence.



n. That appellant also seeks permission of this Hon'ble Forum to raise additional points at the time of arguments.

It is, therefore, most humbly prayed that by accepting this service appeal, the impugned order dated 27/09/2018 may graciously be set aside by declaring it illegal, void, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable and the appellant is entitled for reinstatement to his post with all back benefits of pay and service

Any Other relief which has not been specifically prayed for but deem appropriate in the circumstances of the case may also be granted

Through

Dated: 04/02/2019

Shahid Qayum Khattak Advocate, Supreme Court

Certifed that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.

Advocate



## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service A	Appeal	No.
-----------	--------	-----

/2019

Versus

Government of Khyber Pakhtunkhwa & others ......Respondents

### AFFIDAVIT

I, Nafeer Ullah S/o Khair Ali Khan R/o Shabaz Azmat Khail, Tehsil Domel District Bannu, do hereby solemnly affirm and declare on Oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

Identified by

Shahid Qayum Khattak

Ad**y**ocate

Deponent

0 4 FEB 2019

AT 11 SQUE TO THE STORY AT THE



### BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Serv	ice Appeal No. /2019
Nafe	er Ullah Appellant
	Versus
Gove	rnment of Khyber Pakhtunkhwa & othersRespondents
<u>APPE</u>	ADDRESS PF THE PARTIES
	er Ullah S/o Khair Ali Khan R/o Shabaz Azmat Khail, il Domel District Bannu
RESI	PONDENTS
1.	Government of Khyber Pakhtunkhwa through Secretary Revenue & Estate Department, Peshawar
2.	Senior Member Board of Revenue, (SMBR) Peshawar
3.	Commissioner, Bannu Division, Bannu
4.	Deputy Commissioner, Bannu  Appellant  Through
	Through

Dated: 04/02/2019

Shahid Qayum Khattak Advocate, Peshawar







Annesure - A



## THE DEPUTY COMMISSIONER, BANNU.

Tel: 0928-9270032, Fax: 0928-9270079, 🚮 dcbannu

Dated: 26-02-2018

### **CHARGE SHEET**

I, (Muhammad Ali Asghar, Deputy Commissioner Bannu), as competent authority, hereby charge you, Mr. Nafeer Ullah then Patwari Halqa Bizen Khel Tehsil Domel District Bannu as follows:

That you, while posted as Patwari Halqa Bizen Khel, committed the following irregularities:

- a. That as per allegations leveled by one Hayat Ullah s/o Wali Ullah, you had prepared bogus and fake mutations due to which the complainant has sustained huge financial loss.
- 2. By reason of the above, you appear to be guilty of Misconduct, guilty of inefficient and guilty of corruption under Rule-3 (a), (b) and (c), of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties
- You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer.
- 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-
- 5. Intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.

> (MUHAMMAD ALI ASSHAR) DEPUTY COMMISSIONER

### No. & Date Even: -

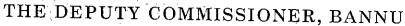
Copy is forwarded to the: -

- 1. Additional Assistant Commissioner-III, Bannu.
- 2. AE to please assist the Inquiry Officer in the process of inquiry. 3. Official concerned.

DEPUTY COMMISSIONER







Tel: 0928-9270032, Fax: 0928-9270079, 🖫 dcbannu



Dated: 26-02-2018

#### **DISCIPLINARY ACTION**

I, (Muhammad Ali Asghar, Deputy Commissioner Bannu), as competent authority, am of the opinion that (Mr. Nafeer Ullah Patwari Halqa Bizen Khel Tehsil Domel) has rendered himself to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

### STATEMENT OF ALLEGATIONS

- i. That as per allegations leveled by one Hayat Ullah s/o Wali Ullah, he had prepared bogus and fake mutations due to which the complainant has sustained huge financial loss.
- 2: For the purpose of inquiry against him with reference to above allegations, Additional Assistant Commissioner-III. Bannu is hereby appointed as Inquiry Officer to conduct inquiry under rule-10(1) (a) of the ibid rules.
- 3. He is, therefore, required to submit his written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer.
- 4. His written defense, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that he has no defense to put in and, in that case, ex-parte action shall be taken against him.

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

Cotto althun

(MUHAMMAD ALI ASGHAR)
DEPUTY COMMISSIONER

N. XI-S

1 De Ioria Luis

190

26.5

## $\mathcal{B}^{\prime}$

### THE DEPUTY COMMISSIONER, BANNU

Tel: 0928-9270032, Fax: 0928-9270079, dcbannu

114 XY YOC/AE

Dated: 31 - August - 2018 4

Annex El

#### SHOW CAUSE NOTICE

I. (Withammad Ali Asghar Deputy Commissioner Bannu), as competent authority, under the Khyber Bakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. 160/2001 Ullah the then Halga Patwari Bizen Khel as follows:

that consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given full opportunity of hearing vide summon bearing No. 96-AAC-III Bannu dated 15.03.2018 and your written reply/statement available at record; and

ongoing through the findings and recommendations of the inquiry officer, material on record and other connected papers including your defense before the inquiry officer;

Lam satisfied that you have committed the following acts/omissions specified in rule 3 (a), (b) and (c) of the said rules:

- (a) | Guilty of inefficiency.
- (b) Guilty of misconduct.
- (c) Guilty of corruption.

2. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you, penalty including major penalty under rule-4 of the said rules.

You are, therefore, served with show cause notice under Rule 7 of Efficiency and Disciplinary Rules 2011, as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

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

A copy of the findings of the inquiry officer along-with copies of charge sheet and statement of allegations is enclosed.

(MUHAMMAD ALI ASGHAR)
DEPUTY COMMISSIONER

Trentro, & Date: -

Cupy innwerded to the:

Additional Assistant Commissioner-III, Bannu.

Tehsildar Domel.

official concerned.

ED of

DEPUTY COMMISSIONER

N. for S

Annewire - 'C' Annex Eta الله المراجعة ما المراجعة المر عنوان: - موالمشركارات أو 4429 من على ورم الحورب زىلى رەن كۇما برك . عالما بي صيار من سائل سالترحلقر شورر سرن ص ك دار من سائل سالترحلقر شورر سرن ص ك دارة مي دران الله ردوى الله عدم معمد عرب عربي عمامة مرسادولس احلى · Le W by Contitue Colinis الدونسية المراد و المعالمة الله المراد المالية المراد المر www. AACH is Similar Simular 3' العالم المراسي من ورفورست من ورفورست من ورفورست من ورفورست من ورفورست من ورفورست من المالية من المالية المالي (d'élévelens l'éléveles es coppi en ci le élement l'abjurbes en Finding SEURE NOTATE SOCIETE & La ON TON S. من من من روان زمور ان وروان من وروان دور ان صى سى كالم أرسالتر شورخلىسر يعنى درولك كالدرولك كالمسالة على (38949) 8948 - 8947 - 8946 - 8945 (8949) (8943 her Clos i times es la cique dia al الله على مورن الروالي عام و موركة بنون والمام و المام deni o wind wind was a when on one a self on 

100 col 2 100 (D) (D) Confinion - 1888) 1888 terli ( 2001) 3 8948 (884) (8946 (8945 1338.1339 3503 1341 6908 - 11 Cbo 0940'2 651 8 3314 .33 13 .33 12 . 3311 -3310 - 3309 -3304 - 3307 كادو ممك وزى الدحسره وات راكها در سى حورية كالتي كاشمنه 440 مس व रवश्री दी दी है। - ω νως σ 940 - είω bic (1341 io peb 6 / Lo = - 9 مدکا در این اول 21-4 دکھام کیا ہے اور این صوف درمری دار انتقال م € (dus (v c 130-1 (s) 2) 8948 السيم من دانسالات مات وقت المرجوسيرى كرمار المراك مي سي الم من مسك دوران الورام ي سالقه علته الور نا فرفائ و الورام ي المرك والم المرك المرك والمرك المرك والم جسى أس قدرى ور اندرتم الأرائي المسرط كورنى عامان دما لها . ولك لا من مسرون زندرم ی تنسیع الله گردا مرحلتم بری مل و رسان و رسان و می من Tolering the Postptivelyte /11/2 w come is ico. Will المرين في عده و فروس وناك يما عا - لورانشقالات مشروب و يما ركا لموت مرس كيسائم انتفاست في كول انتفادت ادر فيسال من وزهما لكان ك frewdist with in wil will will ما الما الما ما من المرام كالرب الموام كالرب الموام كالمرام كالمرب الموام كالمرب الموام كالمرب الموام كالمرب المرب المر المعان كا كا مسان قرار كالحرام وبنان ربا با ده ما ما مسام

Lew Linder and The Many Sound INDUIRY OFFICER Findings ي مي ده ادر مامات مي المراس ا Jojes Careinst & www. winken esport INJULY des I LEVEL VIEW LICENT LEVEL WE ANNEXT عى كوارس وى دروارشروط كل به مك ما تورس وى ترواوتى ولى ادرنس كوى نوك ورت در ما مرك كافترورى كامار من المن ومردور مراما No - Cr. Endings Findings is findings is with the con زرد را المان الدينسان و المسائل و الله من را المان المان الم المان الما Grand I person II justing illy with a ... 2 8945 . 8944 6 8943 indivise 55 his will pains 341 -12-00 Samo in 940 in 11 8948 W8947 N8946 3312 3311 6 3816 - 3504 - 3307 6 1338 - 1339 6 3503 515E . 1138 hr. 3315 m 3 cec 2 sin rice 0 940 or min from 33 15 Findgy I Conscious to a Condens Indivino ركي بدُمال كي ماني درست محرج نبر ما عام ترابة عادي على زمور كالمادروه عن شرك المالية مسطوس الله المالية Distriction in les Findaign Con TIESI

ع مد زر در می اصل ناس سامی اند کرداد شعیم الله کو 13412 Jule de silve incompretency ك دلكارد س ركعافك س - جدام بوالس في مذبور كامالى 926/5136 W JUNG WING WILL 1992-93 Will's ررار حیال میں تا) تر در دری، سراک سرو کررنا کے کر دس سورولت دورالخ ورتانی مار کرے دسفالات جمعسریاسے تیار کوئیس . تورس مالور کردادر/ ط دنسارت برنال رئيس. داروي مال مادس على برن مو . تورس كالارس كرداررك مرتال من درست رئا الم ما حلة بيرر ر مرف موسك ادرالها در مال سے از تعامد کی رہے۔ اندائی کی بیمی کولی و ب ملاحظم اور ما مل توجهمات سر مع کر در انتها لات مشروبهم تو ما ماعده طروبه معالمفه وانتهالد صد گردادر رک ن شرفال ملک الدر بوشور در مامن گفته تی عاقبه و انتظالات کوللم ومنهاس سے شاری کی اگرفت سی ساتی مال دینشا مد کان مول او که عنى ملى خدور مشرراً الدوب دنسفامه كولم انسفامه سي ما لك مد المراك اشراعا ن قدید ارات ک میرس صب ساس می ساز ماری میرس ک اور در او او ماک این میرسی میرسی میرسی میرسی میرسی میرسی میرسی می Un bie III , in Finding Bown - on lie al will ple - a Cir PRREquelarity Osco U, Willis i Sucitive من من من تر دنسفام - مندوم لعبرى وزواد من منادلت من رس طرع بسرار الآ عند ار دندف دا تناث ا ATTESTEL

Para wise written reply of the Show Cause Matice, of under سے مسا من سام رسکورٹری آورم کورس کورس کورس کورس فی میں کا را تنا ما رو كرول والمرود مع - مر رور المرار المان مالاي المرار ديك الله وكرول المارة مانات ، كومكسر فور نظر زنداز كل كل من سائل كى مى رشى دم در رى مى كومامى منين كى يى ـ اردموا دقت العدن طركية \_ ماني كون مال رسي دُونى مرايام ديا . ادر دركي دركمال كالحفظ مي كوكيا عے یہ سے میک من سامنے تھے میں مدہ روہی احتصال موسی کے ادر دوان کرول تعي ترويك درسال ومع سرى دول ورلز-ريارس سى بالدين مان بالمرسان خوش رماری سه سرای م رمان ر امل حفائی بون عسار زناورترای استروال دوالرزما سرنساد رندرمری نظافیس اردرست رصحه نهدید کیرند درستون اردوق چسنری سی دورس و دراف یک دار رمی سی معلیت دانی در مال می حروق سىرى الم المصرون مناعر عمام نناك الرسارى عابد حروس وَرَيْرًا عَلَى وَسَلَى كَالْمُورُكُولُولُولُ كَالْوَلُولُ كَالْوَلُ كَالْوَلُولُ الْمُعَالِحُ اللَّهُ وَالْمُولِمُ 1967 من مور الم- من سائل نے ورنسفا لات مسرعوم بنار کے س اس م سالة انسالات كالماك كالمتاك والمالي والمالي المالية المالية المالية . fewart June . medicine procedure Juliani سے دیجائے س -ارد میں دنسفالات آمندن فاؤلو کھیں کے دس وور دہا میں ATTESTED

81346 18945 18949 (8943 C) interior Colin Line 3 ا درم رك درشمال كساقع كوللم زيشمالد كفي 43 وبشمال كسيا تعديلم ونسمال 8349 اس طرح 449 و زنناك كوسا تو كورله زنتمال <u>8353 ا 188</u> كور كورا كو Charle 8257 2 Child Fam 8946 1 8350 2 Chillings و998 زسياد كساتو كورام زرسال 8258 ادر 848 زشمال كس تو كوالمراديال 6.4048 lacinal mages 8488 mi se 204 (12) La 2188 0 6/69(1) صنوردار رك فاعده مرف كويورا - اركفيدروك كويول كالعبر م رستماند سندور من سائل كريما دروه س وكركف فورب حدا س emark. 4 is in spine die se die sin is 1 م ريسوس سي الم ركيد من سياك عياني فاون ال دوي مرايع وي كى كۈسى نىيى كى سے جوان كى دىشوت كافعتى كى بدىغانى مانون سرادم لا تعلى سيادت حرا در در الم وورد برا له در من ما العود ارتعام استمر استعا حسكرس سازل كدورة شرط زولى مد سرده کورول در مل دوسر کامل - من سام کهی اور این کالوج سی دکی Drow f w 2 2 2 2 2 1 - Com 69 cm - Basker Wellsci مافسرون مرع برركاحالم سرف مر محمد وور اصلي ATTESTED! THE DEPUTY COMMISSIONER, BANNU

Tel: 0928-9270032, Fax: 0928-9270079. | dobannu

No. 4986 499

OFFICE ORDER:

Dated: 3 7-September-2018

Whereas, Mr. Nafeer Ullah (then Patwari Halqa Bezan Khel Tehsil Domail) Bannu was proceeded under E&D rules for allegations of making fake / illegal mutation with malafid intention within the meaning of Rule-3 (a)(b) & (c) of the Khyber Pakhtunkhwa Govt. Servant (Efficiency & Discipline) Rules, 2011 during his posting as Patwari Halqa Bezan Khel Tehsil Domail Bannu.

Whereas, proper show cause notice was issued to the said employee as well as opportunity of personal hearing was provided by the undersigned as evident from show cause notice No. 4429/DC/AE dated 31/08/2018 and his detailed reply to show cause notice as well as his statement recorded during personal hearing before the undersigned, dated 19/02/2018.

Whereas, ongoing through the record, including written defense of the said employee before the inquiry officer, as well as his verbal and written defense / statement before the undersigned during his personal hearing, I am satisfied that the said employee had committed the said offence thus found guilty under Rule-3(a)(b) & (c) accordingly and the guilt has been confirmed / proved.

(Muhammad Ali Asghar, Deputy Commissioner Bannu), as competent authority. hereby impose major penalty of "Removal from Service" as provided under rule 4 (b)(iii) of Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rule 2011 on Mr. Nafeer Ullah, Patwari with immediate effect:

> (MUHAMMAD ALI ASGHAR) **DEPUTY COMMISSIONER**

Copy forwarded to the:

- 1. Secretary to Govt. of Khyber Pakhtunkhwa Revenue & Estate Department, Peshawar.
- 2. Commissioner Bannu Division, Bannu.
- 3. Additional Deputy Commissioner Bannu.
- 4. Assistant Commissioner, Bannu.
- 5. All AACs Bannu
- 6. Tehsildar Bannu and Domel.
- 7. District Comptroller of Accounts, Bannu.
- 8. District Nazir, Bannu.
- 9. Official concerned.

ATTESTED DEPUTY COMMISSIONER.



To; The Commissioner
Bannu Division, BANNU



## Appeal Under Rule: 3 of the KPK Civil Servants (Appeal) Rules-1986

### Respected Sir:

- 1. It is respectfully submitted that the Deputy Commissioner Bannu has; vide his Office Order No. 4986-99/DC/AE dated 27-9-2018 (copy submitted herewith as Annex "A"); illegally imposed on me the major penalty of "REMOVAL FROM SERVICE", on the allegation that I have prepared bogus Mutations No. 8943 to 8949; while posted as Patwari Halqa Bezan Khel in Tehsil Domel (Bannu); without least considering the fact that the said mutations have been checked and found correct by the concerned Girdawar and attested by the Tehsildar/Revenue Officer Domel (Bannu) on 12-6-2012. Copies of the relevant mutations are filed herewith as Annex "B/1-7".
- 2. It is pertinent to submit that I had prepared the said Mutations from Perth Patwar of previous Mutations No. 8257, 8258, 8315, 3816, 8353, 8355 & 8404 entered during the period from May to August 2011 by the previous Patwari Halqa Bezan Khel, checked and verified by the same Girdawar Circle namely **Shafiullah Khan**, who has checked and verified as correct the mutation prepared by me from the ibid mutations. Therefore, the clerical errors; if any; in the figures of Khatha/Khasra numbers entered in the relevant mutations was attributable to the previous Patwari Halqa and Girdawar Circle. Copies of the ibid 7xMutations are filed herewith as **Annex \*C/1-7\***.
- 3. It is further pertinent to submit that the concerned Girdawar Halqa namely Mr. Shafiullah Khan (now retired) has stated; in his statement before the Inquiry Officer (which has been filed as Annex "H" with the Inquiry Report bearing Ref; No. 214/AAC-III dated 17-8-2018, copy of the Inquiry Report alongwith enclosures is submitted herewith as Annex "D"); that he has checked and found correct the Mutations prepared by me. Since it is the duty of concerned Girdawar/Qanungo (under Para: 7:4(ii) of the Land Record Manual) to check the entries made by the Patwari. Besides the Girdawar Halqa, the Tehsildar/Revenue Officer is also bound under Para; 7.4(iii) of the Land Record Manual to check the entries made in

D.No: 6388 15-10-2018

N: Wr. S





the mutation with the record and after his satisfaction attest the Mutation. Therefore, I cannot be blamed for any error in the Khatha/Khasra number and its area of lands mutated.

- 4. It is also pertinent to submit that clerical mistakes in the Number of Khatha/Khasra or area of land is correctable under Para; 7:44 of the Land Record Manual and as such the error in Number of Khatha/Khasra No. 1431 or its area in the dispute Mutations as well as the previous mutations at the best constituted inefficiency at the part of the previous Patwari, which cannot constitute the ground for imposition of Major Penalty on me as well as the previous Patwari.
- 5. All the above facts have been explained in my reply to Charge Sheet, in my statement before the Inquiry Officer as well as in my reply dated 06-9-2018 to the Show Cause Notice dated 31-8-2018 but neither the Inquiry Officer nor the Competent Authority has considered my above submissions. Copies of the Show Cause Notice and its reply are submitted as Annex "E/1&2".
- 6. In view of the above humble submissions, it is earnestly prayed that Your Hon'ble Office may kindly be pleased to set aside the impugned penalty order of removal from service imposed on me by the worthy Deputy Commissioner Bannu by way of the impugned penalty order dated 27-9-2018 and may further be pleased to reinstate me in service with all back benefits.

Prayed accordingly in the interest of justice.

APPFII ANT

Bannu;

Dated: 15-10-2018

Encls, (Annex "A" to "E/2")

: C

NATIONILLAH

Ex-Patwari Halqa Bezan Khel R/O; Village Shahbaz Azmath Khel,

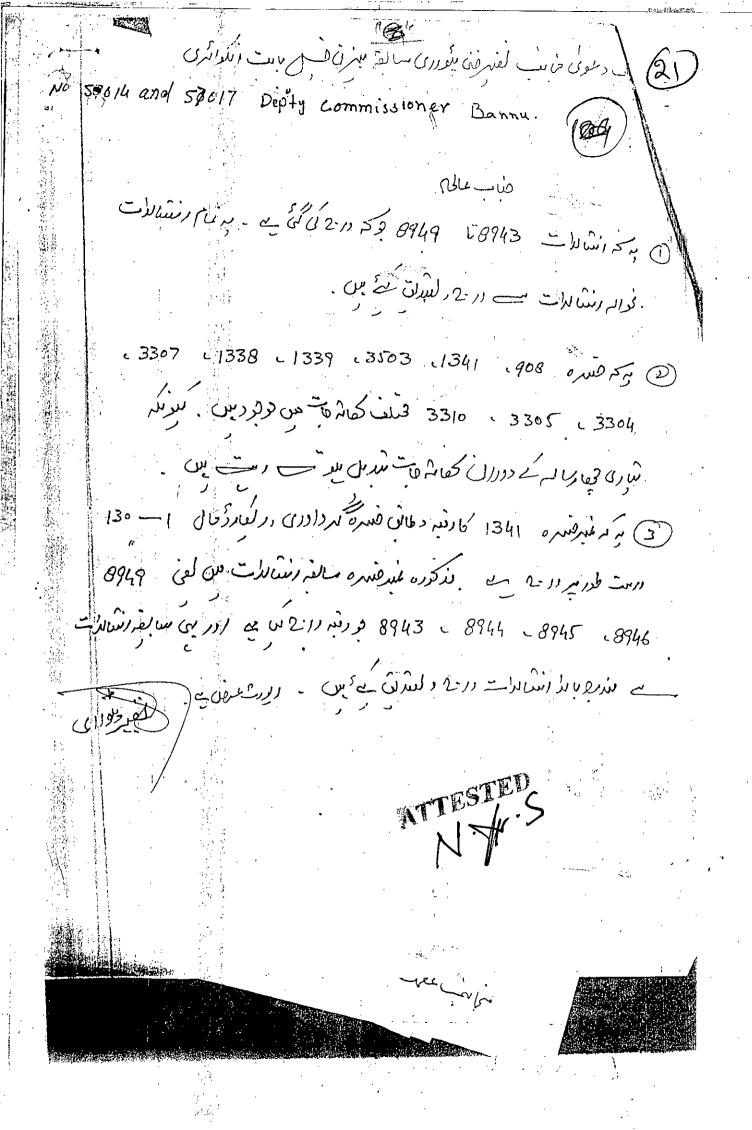
Teh & Distt; BANNU

ATTESTE'S

prayton By Me.

she's Muhamad Khay Advocate for Appellant

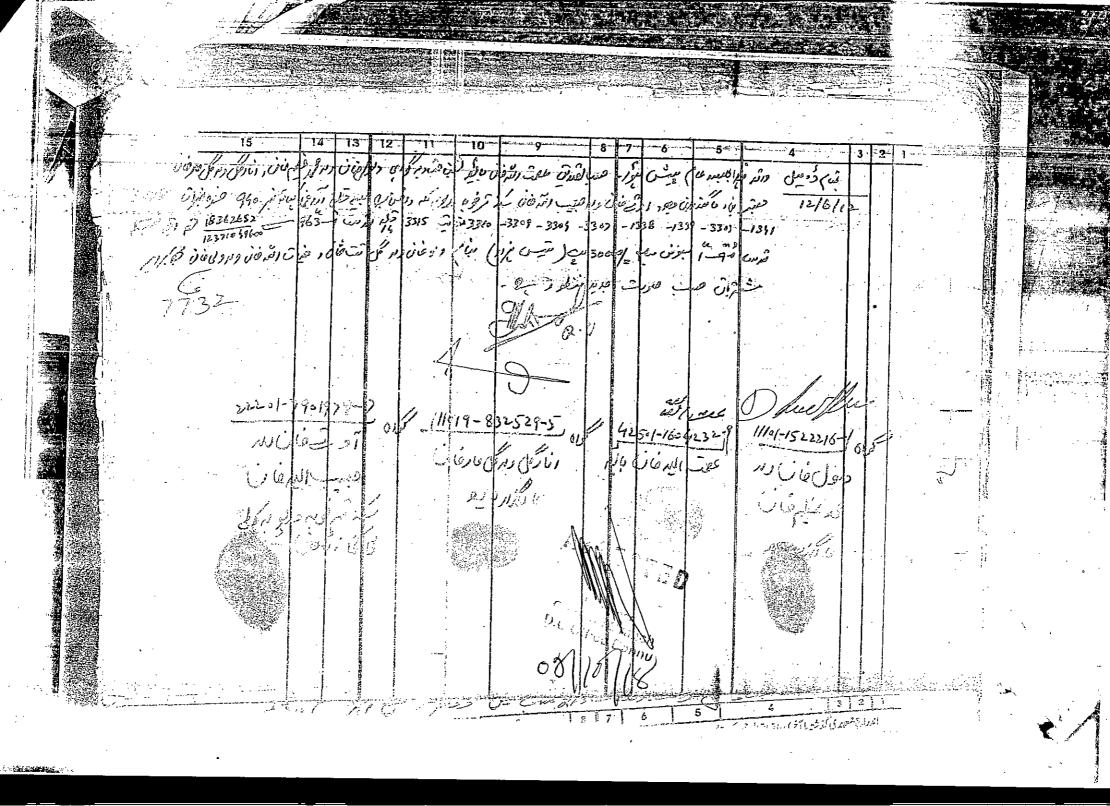
The man of the many well in which whilin who - If on we we will war - Le is Charley Suice of Nheri. 30 35 monde - Dis Elino Jude ... Jude - an of the sound in English Box ع مردن سال الراندوس سموا كوي في ما ما ان لين رونورسة 2 Jula - 163 Charas - 2010 on Procedure, estil considé de su jour de construel . Or 2, stant & ill bill by ouis of & Billians 113 Com out of the stand of the contractions 19-09 w,39 on - News



سُمَامِتَ كَسَدُهُ صَبَاتِ اللَّهُ عَالَى وَلِدُولَى فَاللَّهِ فَي فِي اللَّهِ فَي اللَّهُ فَاللَّهُ فَاللَّهُ اللَّهُ فَاللَّهُ فَاللّلُهُ فَاللَّهُ فَاللَّا لَلَّهُ فَاللَّهُ فَاللّلَّا فَاللَّهُ فَاللَّاللَّا لَا لَّاللَّهُ فَاللَّهُ فَاللّلَّ فَاللَّهُ فَاللَّهُ فَاللَّهُ فَاللَّهُ فَاللَّهُ فَاللَّهُ فَاللَّا لَا لَّا لَّا لَا لَّا لَا لَّا لَا لَّا لَاللَّهُ فَاللَّا لَا لَلَّهُ فَاللَّهُ فَاللَّا لَلْمُلَّا لَلْمُ لَّا لَا لّ 8949 8948 - 8947 - 8946 - 8945 - 8944 - 8943 Edici, L. J. Seins Tilling سَمَالِينَ كَ زِر لِيكِ مَل رفيم 18 \_ 25 في مِن عَلَيْ اللَّهُ فَأَن وَلِر السِّيَّا فَانَ مَنْ إِلَى فَانَ ولدس سياه ، فيات الله فال ولدول فالله ليدرس در ع ولعد لي سير على الله ولا ا 1341 - 908 Out 240 in Novil 8948 - 8947 - 8946 - 8945 - 8944 3 313 -3312 - 3311 - 3310 - 3309 - 3304 - 3307 - 1338 - 1339 عبد انعالي 8948 مين اسي تعبوسو ليني <u>الم134 كو كماثر 209 مين فلم لرك</u> -8353 \_ 8349 ENLES (2) 956, 903, 940 Em, men & www. sow w 113 8315 ب معلی رنا کر آیا عیت الملافاق بالے کی فاق درست فیر میں در الم الحا ک ادر اُس سے شمات کسندہ فیات اللہ فدکور نے حواماتی بروے رسفالی فعکورہ مام ار قدیم یے دو ک فائل درست کے بیزیہ فیم دشقالی نظام فور ہر لفندی سے سارئیس می در میشدانشاندی در انتقالات در ای دانسان می ای میسان در ای دانسان می ای میسان می اینسان سادی کونا بیاں و لور سے لیزا بیر موکا کم رس مر مفعل زمورتری کھیا۔ MIESTEN

Ø

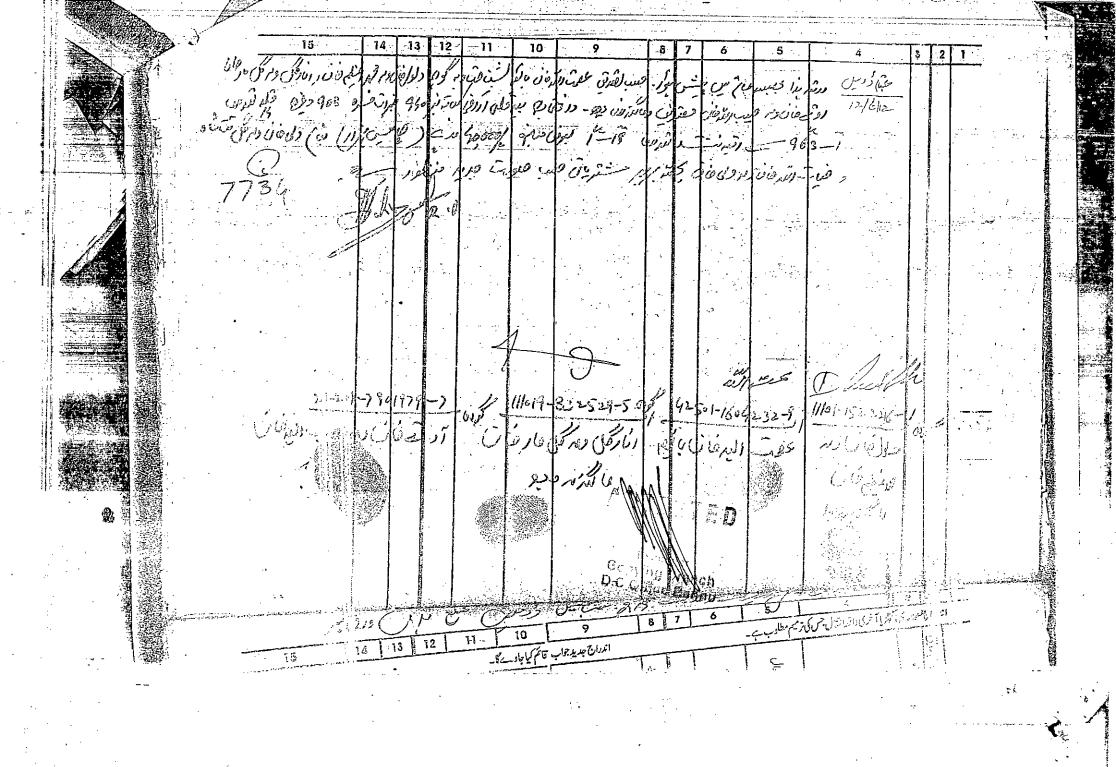
14 15 المداج عمدية كأنشته ياآخرى واقتدانتال جس كى ترميم مطلوب ب-اغدان جديد بواب المركب المكران والمال مرامليدركان نام ما لك واحوال 18362652 19032381



14 13 اندران معديدي كذائر إآخرى واقعانقال جس كى ترميم مطلوب ي اندراج جديد جواب قائم كياجاو\_ع رايدت يتدادي فيس داخل خارج موالمدولكان نام ما لك واحوال

15 フラごう Coblact Salon コレートアタイタアダーン 42/5011-1604432-آد النَّهِ فَإِنْ مُلْكِيدًا أناريل وله ال عاره ا الراس ورن م الدراج جعود كأندشته يا حماه الغالقال حق كارتيم مطا

11 15 1.1 اعداج جوز جواسبه قائم كياجاو ي ع رپورٹ پٹواری وتصدیق گرداور فيس داخل خارج معالمدولةك والمرنابة نام بالك واحوال 3745 87 4560



13 12 14 15 اندراج بديد جواب، قائم كياجاو عا رېږرت پۇارى فيس داغل خارج رم اورتارخ انتال معرد بيدز رو يزن نام ما لك دا حوال 8996 1338 16 330 g 3316 33/ 331 33/3 Conying Harch

3 2 1 عَن) دوسي انتروق N TED 22201-7901479-701 8 7

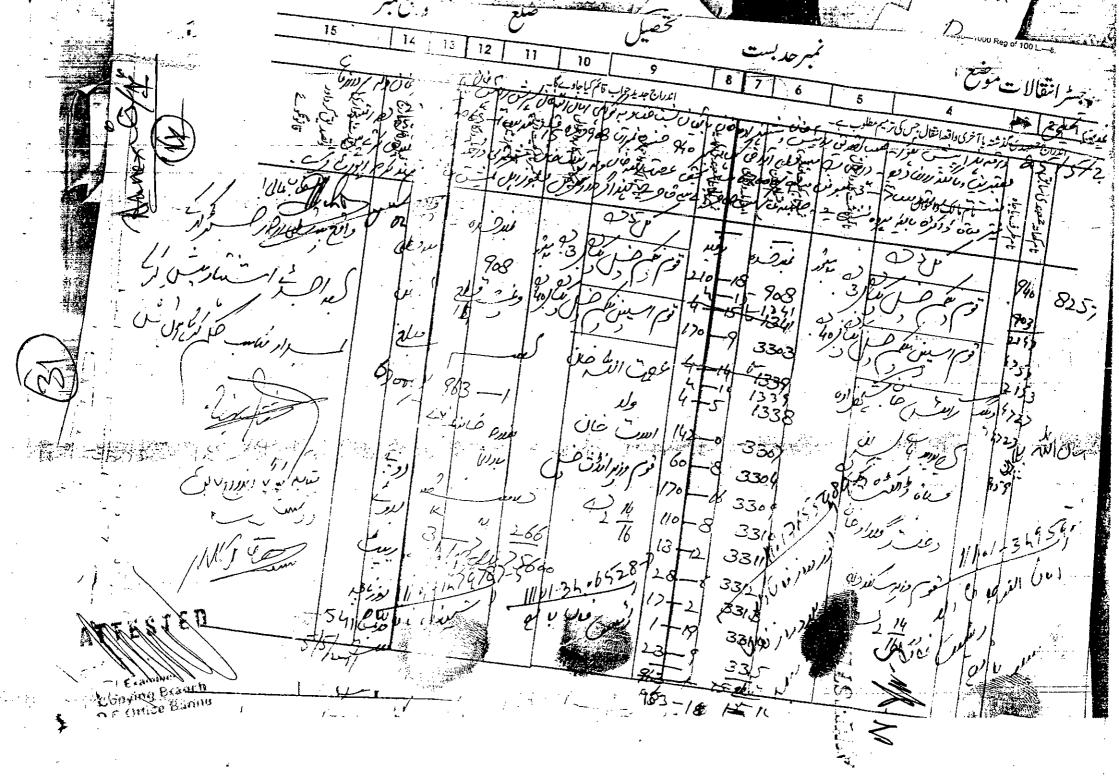
			· · ·	<del></del>	الرازة الماديان والمتباشين فعصادهم	ومعاور والمعادمة والمعادمة	<u></u>	<b></b>		3			
	ر چرے پٹارئ قصرین گرداور کا فوٹلو نے	م مهارمنان شاخل معدر بعیدادر زاز کسی داخل خارج	نمبرنا مکعیت دونتر وقسیم زئین منا ملدولگان	ة مركا شدية رواحوال	Joseph J.	معنی طبیع ولال ک این موسول میساند افزای کار این	فيم المكينة ووقر	نامېكاشىتەكەرداددال	نام یا لک داحوال -	نام کھا تہ "متعبدی کا سالاً نام کم ف یا جاد			
2 CV	UV:00 U(Bright		908 808 وفيمرو	260	5 () -2 (6) 11 (3)	2/0-16 170-1	303 3303	درنسود چ		92	89%>		
	Washell will		12	30	وي المان ولد	142-6	33°5 33°5 33°6 33°6		Januar Com		Clarine Comme	5	THE STATE OF THE S
(88)		week	3-18 3-18 1-9 11111	893 40400	میات الندخاد ولدولی هاک	13 12 28 -6 17 - 2	3312 3313 3313	9)	de Since		A STATE OF THE STA	N	Roman Bracker of the Company
Color 26	2007	ر المراز		2)	384 384 11 4320	1-19 23-9 953-18	3315		9 His	) linate			· · · · · · · · · · · · · · · · · · ·
	18 21 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2	3/3 W			7-	Section of the sectio	(1)10	(2011)	Will by	0.0 0.0	Malch Mice Dalmu	A CONTRACTOR OF THE PROPERTY O	Market Control of the
			· · · · · · · · · · · · · · · · · · ·			name de la company				07			September 18 19 19 19 19 19 19 19 19 19 19 19 19 19
				<b>3</b> 81	7								

طين) ﴿ وسلِّي 15 12/6/012 عدم أرفيلي فأن 7736 10 084 DI 10 10 10 10 3.1 = 11 -13 E الدراج من رن گرشته يا آخين واقعات لجس كي ترميم مطاوب -اندران جديد جواب قائم كيا جاوكا\_ رپورٹ پنواری معامليدلكان يام بالكيه واحوال 330) 

14 13 12  13 13 12  13 13 12  14 13 13 12  15 15 15 15 15 15 15 15 15 15 15 15 15 1	11 10 9 (Wassel 1/200) Ours (cir. 1/2/6/en. 1/2/6/en. 1/2/6/en. 1/2/6/en. 1/2/6/en.	8 7 6 5 14 15 3317 14 15 3318 3 18 3>5 9 5 3>5 8 3 3>5 8 3 3>6 42 2 2 25	Copying Ch D.C Ohice Borne	
2220-112141		4 501-16 42	E Dhelles 32-15 1(101-1321-150) Clocked	

أغرال يالا نام ما لك داحوال الافتقوا 330) 

15 10. 12/3/12 Eville. File Jack 1001



يرشرنها فالصفي أبير 11 15 اندراج عنعبدي كذشته ما آخرى واقعدانقال جس كى ترميم مطلوب ي-اندران جديد جواب قائم كياجاد عكا\_ مرنا کمیت ورقب میرنا کمیت ورقب 18523 383 330) 330 :11 330 3310 3311

رسائيل والمربيل من المود - عيد للدن والمورزفان ولله مذن فوروفي SSP IIIe المعروف المخوام - س دور - المرين عمره و منانه و المون مرح و شعر مه جوز ا !! II. ?? !!(Y) (Y) مريد المعنى عدم المعنى 6-1 cum 1-ind 2013 to 953-18 con 2 12 03 908 0 individio 11384 (6.) برنوسا مي مي عبد رسف وير رسة فان حديد السال درسة مي دوستان عبد رسيد مي دوستان دوستان مي دوستان دوست in ( Just cicros sung) 0 C> VULY > . 11101-80 3 513 - 7 لارفاق دلدسرم فيان 11/01-16/83395 00 عيد عي فا من سرعيه ما سنى معيدة . فعوله ليل لا مرس وعدا م يرمود إلا ن 6/44 in - Colo 1000 100 - CCum 15 199 - 1990 1.5 mm ( 1990 ) A VIVE 1918 AT WESTED Copying Balach D.C Office Baltinu

פני מית رجشرانقالات موضع سبرن هر اندراج جديد جواب قائم كياجاوكا-3303 1/4 80 300) 33/2 ارسركا درادها يند) دليو

219 كيميل دويمل فذيه رضلع سي ندير مورق نمبر رجيثرانقالات موضع نرن بمله لديور र्वेद्धे 5 درن جديد جواب قائم كياجاوك-اندران عمعبدی گذشته یا آخری واقعه انقال جس کی زمیم مطلوب --حا لمدولگان نام ما لك داخوال 7/6/2011

15 12 Tille La 908 8349 1339 (381 27000 ره تی 33041 18362 AZ उ<sub>उ०१</sub>! K3210 33101 18362652-1 33/21 12032384

10 9 817 ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) (	
5	
M & G C C C C C C C C C C C C C C C C C C	
The state of the s	accine.
John College of the State of th	
10/2-33/3-33/2-33/1-33/0 -3300-3300-3300 -3000 -	
1358-1359-3360 - 3367-131-908 miroposin 3000 - 1318-1338-1319-908 miroposin 3000 - 3363	
2314-3313-3312-3312-3301-3301-3300-3300-3300	9
1358-1359-131-908 min (a)	
The contraction of the contracti	
I william in the second in the	Annual Section
Control of the contro	
Listone	
and the second of the second o	3
- 1 1 1 2 2 1 1 1 2 2 1 1 1 2 2 1 1 2	
The Company of the first of the state of the	
in the same state of the same with the same	
WWW. Cocks	
2 tur	
The state of the s	

ورق مبر رجيرانقالات مؤت سبارت d= (ii. EU3 Show 

1 5

8 1 1 1 5 T		0 9 8 7	ومع ومع 6 5 4	رجرانقالات	
1) Signal (288)	1000 1000 1000 1000 1000 1000 1000 100	125 13-12 10 10 10 10 10 10 10 10 10 10 10 10 10	34) 38 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	\$ 5. E.	
	, · · ·	•			in process

اندراج جديد جواب قائم كيا جاوے گا۔ اندراج ععبدى كذشته باآخرى واقعات عم كاشت كاروا وال فيس داخل خارج معامله ولكان ندره 263. 03 1423-5 6/011 *ેે811* 

ایدوک ایدون ایدون

بعدالت جناب: مروس مر التروط كيشا ور

 العلم المسلم

 | العلم

باعث تحرير آنكه

مقدم مندرج عنوان بالا میں اپی طرف ہے واسطے بیروی وجواب وہی کاروائی متعلقہ می کو اور آگا کہ کو کی است مقدم مندرج عنوان بالا میں اپی طرف ہے واسطے بیروی وجواب وہی کاروائی کا کال افتیار ہوگا ، نیز و کیل صاحب کو راضی نامہ کرنے و تقر ر ثالث و فیصلہ بر طف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہرقتم کی تصدیق زریں پر دشخط کرنے کا افتیار ہوگا ، نیز بصورت عدم بیروی یا ڈگری کی طرفہ یا ایک کی برآ مدگی اور منسوفی ، نیز وائر کرنے ایک گرانی و نظر نانی و بیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدہ نہ کورہ کی کل یا جزوی کا اور اس کا ماختہ پر داختہ منظور و تبول ہوگا اور صاحب مقرر شدہ کو وہی جملہ نہ کورہ با افتیارات حاصل ہوں کے اور اس کا ساختہ پر داختہ منظور و تبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدہ کے سب سے ہوگا کوئی تاریخ بیشی مقام دورہ یا حد سے دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدہ کے سب سے ہوگا کوئی تاریخ بیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یابند نہ ہوں گے کہ بیروی نہ کورہ کریں ،الہذا وکالت نامہ ککھ دیا تاکہ سند رہے

الرقوم:

مراکا نوے اس وکالت ناسری فوٹو کا پی نا قابل قبول ہوگی۔

Before The Service Tonbunal Knyber Pakhtunkhur Peshawar Surre Append No. 166 12079 GNI J Knyber parhtukhura **N2** Na feer Whah Application for Adjournment of the Cas Sin die Respectfully Sherreth, That above soll appeal is pending adjudication before this Mening today 1-2 10-06-2079. That although departmental appeal has been kep!

That although departmental appeal has been passed pending but denesses enjury order has been reinestated accordingly the petitionies has been reinestated and accordingly the petitionies. It is; Therefore, must hamly proyed that till the out come of departmental proceeding the come of departmental proceeding the come of the adjanned Sin die. Applicant / Appellant Shahid Dalyum Schallan Aderral, Supram Consort Parenta