


FORM OF ORDER SHEET

Court of _____

Case No. - 582/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/03/2023	<p>The appeal of Mr. Miraj ud Din resubmitted today by Mr. Muhammad Sharif Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Miraj ud Din Patwari son of Rahim Khan/o Chowar Khel District Lakki Marwat received today i.e. on 10.03.2023 is incomplete on the following score which is returned to the co Counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Memorandum of appeal be got signed by the appellant.
- 3- Annexures of the appeal are unattested.
- 4- Index of the appeal is incomplete.
- 5- Certificate be furnished that whether any appeal on the subject matter has earlier been filed in this Tribunal.

No. 924 /S.T.

Dt. 13/3 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M. Sharif Marwat Adv.
High Court at Peshawar.

R/Sir

Re-submitted after removing the
objections.

Super
Advocate

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In S.A. 582/2023

Mr Miraj ud din (Patwari) S/o Rahim Khan R/o Chowar Khel,
District Lakki Marwat presently office of DC Lakki Marwat.

VERSUS

1. Provincial Government through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Government of KPK through its Secretary revenue & Estate Department Peshawar.
3. Commissioner Bannu Division Bannu.
4. Deputy Commissioner Lakki Marwat.

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Dated: 10-03-2023

Appellant

Through

MUHAMMAD SHARIF MARWAT
&
Shafi Ullah Khan
Advocates, High Court
Peshawar,

Shafiq
10/3/23

(1)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In S.A. 582/2023

Mr Miraj ud din (Patwari) S/o Rahim Khan R/o Chowar Khel,
District Lakki Marwat presently office of DC Lakki Marwat.

.....Appellant

VERSUS

1. Provincial Government through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Government of KPK through its Secretary revenue & Estate Department Peshawar.
3. Commissioner Bannu Division Bannu.
4. Deputy Commissioner Lakki Marwat.

.....Respondents

**APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE IMPUGNED ORDER
DATED: 16/02/2023 OF RESPONDENT NO 3,
WHEREBY, THE DEPARTMENTAL APPEAL OF
THE APPELLANT WAS PARTIALLY ACCEPTED
AGAINST THE ORDER DTED 22/09/2022 OF
THE REPENDENT NO 4.**

PRAYER:

**ON THE ACCEPTANCE OF THE INSTANT
SERVICE APPEAL BOTH THE ORDERS OF
RESPONDENTS NO 3 AND 4 MAY KINDLY BE
SET ASIDE BEING ILLEGAL, UNLAWFUL AND
AGAINST THE LAW.**

Respectfully Sheweth.

1. That the Appellant was initially appointed as Patwari BPS-9 on 31/03/2016 in Revenue Department at Lakki Marwat (copy of appointment letter is attached as Annexure A).
2. That the Appellant since his appointment always performed his assigned duties to entire satisfaction of superior and there is no complaint against appellant.
3. That on 05/08/2022 the appellant was issued show cause notice by the respondent No 4 with the following allegations.
 - i. That as per report/Qabza Kashat of Patwari Halqa Mr. Qutab Shah etc were entered as cultivator since 1992/ 1993 to 2014 to 2015 in the record of rights.
 - ii. You also submitted report through application submitted by Muhammad Nawaz etc regarding correction of record of rights (Jamabandi Zer Kar) that in the year 2010 changes have been made in the Column of Cultivation against the Khasra No 3658 and 3719 of Mouza Motora during posting as Patwari Halqa of Kaka Khel.
 - iii. That no entry has been found in the daily diary / Roznamcha of Motora Regarding the changed of ownership through illegal way, the appellant submitted his detailed reply to the show cause notice. (copy of show cause notice as well as reply are attached as as Annexur B & C).
 - iv. During your tenure as Patwari Halqa Kaka Khel you made entries in the Khasra Girdawari registered against No. 3658 and 3719 in respect of Muhammad Nawaz Instead of Qutab Shah etc in the year back in 2010 and change the ownership through illegal way, the appellant submitted his detailed reply to show cause notice. (copy of Registered Khasra No 3658 & 3719 are attached as Annexure D).

- (3)
4. That it is important to note here that respondent No 4 on dated: 05/08/2022 suspended the services of the appellant. **(copy of the suspension order dated: 05/08/2022 is attached as Annexure E).**
 5. That Respondent no 4 through impugned order dated: 22/09/2022 imposed minor penalty by withholding of three annual increments for the year 2022, 2023 & 2024 upon the appellant. **(Copy of impugned order dated: 22/09/2022 is attached as Annexure F).**
 6. That thereafter filed a departmental appeal before the worthy, the respondent no 4 but departmental appeal of the appellant was partially accepted by set aside two annual increment without accumulative affect for the year 2022 was imposed upon the appellant vide order dated: 16/02/2023. **(copy of departmental appeal and order dated: 16/02/2023 are attached as Annexure G).**
 7. The feeling aggrieved from order / judgment the respondent no 3 and respondent no 4 the appellant prefer the appeal inter alia on the following grounds.

Grounds:

- A. That the impugned orders of the respondents no 3 & 4 are illegal, unlawful against the revenue record hence liable to be set aside.
- B. That it is evident from the revenue papers couple with first appointment of the appellant, the appellant has not constituted any illegality or changed the names of ownership in revenue papers, rather at the time of there were some others Patwaris, so the appellant has no nexcuse with the alleged mis-conduct as mentioned in the show cause notice, hence both the orders are liable to be set aside (copy of khasra , Girdawari is attached.).

(4)

C. That it is also important to note here that complaint of Muhammad Nawaz/ Abdul Sattar was on 11/05/2017 while, entry in the registered was in 2010 at the tenure of Mr Saif Ullah Patwari which was also endorsed by circle Girdawar revenue officer, so allegation of 2010 upon the appellant is immaterial as the appellant was appointed in the year 2016, furthermore the appellant in 2010 till 2014 was not posted as Patwari in Mouza Matora.

D. That other grounds will be raised at the time of arguments with the permission of this Hon'ble Tribunal.

It, is therefore, very humbly prayed that on acceptance of instant service appeal, the impugned orders dated 22/09/2022 and 16/02/2023 of the respondents no. 3 & 4 may very graciously be set-aside to meets the ends of justice.

Dated: 10/03/2023.

Through

Appellant

MUHAMMAD SHARIF MARWAT
&
Shafi Ullah Khan
Advocates, High Court
Peshawar,

NOTE:

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one before this Hon'ble Tribunal.

Advocate.

10/3/23

5

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In S.A _____/2023

Mr Miraj ud din (Patwari) S/o Rahim Khan R/o Chowar Khel,
District Lakki Marwat presently office of DC Lakki Marwat.

VERSUS

1. Provincial Government through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Government of KPK through its Secretary revenue & Estate Department Peshawar.
3. Commissioner Bannu Division Bannu.
4. Deputy Commissioner Lakki Marwat.

AFFIDAVIT

I, Mr Miraj ud din (Patwari) S/o Rahim Khan R/o Chowar Khel, District Lakki Marwat presently office of DC Lakki Marwat, do hereby solemnly affirm & declare on oath that all content of the instant Service Appeal, are true & correct to the best of my knowledge & belief and nothing has been concealed or misstated from this Hon'ble Tribunal.

DEPONENT

CNIC:

Cell No:

Identified by:

MUHAMMAD SHARIF MARWAT

&

**Shafi Ullah Khan
Advocates, High Court
Peshawar,**

6

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In S.A. _____/2023

Mr Miraj ud din (Patwari)

VERSUS

1. Provincial Government through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Government of KPK through its Secretary revenue & Estate Department Peshawar.
3. Commissioner Bannu Division Bannu.
4. Deputy Commissioner Lakki Marwat.

ADDRESSES OF PARTIES

APPELLANT

Mr Miraj ud din (Patwari) S/o Rahim Khan R/o Chowar Khel,
District Lakki Marwat presently office of DC Lakki Marwat.

ADDRESSES OF RESPONDENTS


1. Provincial Government through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Government of KPK through its Secretary revenue & Estate Department Peshawar.
3. Commissioner Bannu Division Bannu.
4. Deputy Commissioner Lakki Marwat.

Dated: 10/03/2023

Appellant

Through

6

Sh. 
Adv.
10/3/23

**MUHAMMAD SHARIF MARWAT
&
Shafi Ullah Khan
Advocates, High Court
Peshawar,**



OFFICE OF THE
DEPUTY COMMISSIONER
LAKKI MARWAT.

No: 270 /DC/ Lakki
Dated: 30/ 03/2016

Phone No: 0969-538330-31
Fax No: 0969-538333

OFFICE ORDER.

In compliance with the Judgement of Honourable Peshawar High Court Bannu Bench dated 25.11.2015 passed in Writ Petition No.476-B/2014 and on the recommendation of Departmental Selection / Promotion Committee in its meeting held on 15.03.2016, **Mr Miraj ud Din** Son of Rahim Khan Resident of Chuhar Khel Tehsil & District Lakki Marwat, is hereby appointed as a Patwari BPS-09 (8015-495-22865) plus usual allowances on regular basis with immediate in the interest of public with the following terms and conditions:-

1. The appointee will be on probation for a period of one year.
2. The appointee will have to submit his medical fitness certificate within 15 days.
3. The appointee will have to submit his arrival report for duty within 15 days.


Deputy Commissioner
Lakki Marwat

Even No. & date.

Copy forwarded to:-

1. The Additional Registrar, Peshawar High Court Bannu Bench.
2. The Secretary Board of Revenue Khyber Pakhtunkhwa.
3. The Additional Deputy Commissioner, Lakki Marwat.
4. The Medical Superintendent, DHO Hospital Lakki Marwat.
5. The District Accounts Officer, Lakki Marwat.
6. PS to Commissioner, Bannu Division.
7. Mr. Miraj ud Din S/O Rahim Khan Resident of Village Chuhar Khel Tehsil & District Lakki Marwat for necessary action.


Deputy Commissioner
Lakki Marwat

Annex - B

OFFICE OF THE
DEPUTY COMMISSIONER

LAKKI MARWAT (KHYBER PAKHTUNKHWA) Ph: # 0969-538330-31 Fax: # 0969-538333
email: delakki@marwat@hotmail.com facebook: www.facebook.com/delakki@marwat website: www.lakki@marwat.gov.pk

No. 473 DC/LM/HC(Rev)/2022.

Dated: 05/08/2022

SHOW CAUSE NOTICE

I, Fazal Akbar, Deputy Commissioner Lakki Marwat as Competent Authority, under Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules, 2011 do hereby serve upon you, Mr. Miraj-ud-Din Patwari Halqa Kaka Khel now Patwari Halqa Jabu Khel as follow:

I am satisfied that you have committed the following acts /omissions specified in rules-3 of the above rules.

- a. That as per report / Qabza Kasht of Patwari Halqa, Mr. Qutab Shah etc were entered as cultivator since 1992-93 to 2014-15 in the Record of Rights.
 - b. That you submitted your report through application submitted by Muhammad Nawaz etc regarding correction of Record of Rights (Jamabandi Zerekar) that in the year 2010 changes have been made in the column of cultivation against the Khasra No. 3658 and 3719 of Mouza Matora during posting as Patwari Halqa Kaka Khel.
 - c. That, no entry has been found in the Daily Dairy/ Roznamcha of Mouza Matora regarding changes in the column of cultivation by the concerned patwari Halqa in the previous years.
 - d. That during your tenure as Patwari Halqa Kaka Khel, you made entries in the Khasra Girdawari Register against No. 3658 and 3719 in respect of Muhammad Nawaz etc instead of Mr. Qutab Shah etc in the years back in 2010 and changed the ownership through illegal way.
 - e. By reasons of the above, you appear to be guilty of misconduct under rules 3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, and have rendered yourself liable to all or any of the penalties specified in rules 4 of the rules-ibid.
2. In terms of Rules-5 of Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011; I, as Competent Authority, dispense with the Inquiry and serve you with a show case notice under Rules-7 of the ibid rules.

DISMISSAL FROM SERVICES.

3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate that you have to appear before the undersigned within seven days.
4. If no reply to this notice is received within Seven 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.

(FAZAL AKBAR)
Deputy Commissioner
Lakki Marwat.

Miraj-ud-Din
Patwari (BPS-09)
DC Office Lakki Marwat

(033358376071)

باجلاس

Amme

(4)

واجب القدر ڈپٹی کمشنر صاحب کی مروت بااختیارات مجاز حاکم تحت قواعد ملازمت سال 2011ء

عنوان: فرد جرم نمبر 473/Rev.HC/LM.DC 2022/مورخہ 05 اگست 2022 موصول شدہ بتاریخ 11.08.2022

جناب عالی! الزام علیہ Accused respondant حسب ذیل عرض گزار ہے۔

معلومات ابتدائی Preliminary Notes:

1- الزام علیہ مورخہ 31.03.2016 کو بطور پنواری بھرتی ہوا۔ اس دوران دیرہ منورہ کارچسٹر حقداران زمین سال 2014-15 زیر کار تھا جو آج تک زیر کار ہے۔

2- سال 2010 کے ربیع سے قبل کھتونی نمبر 447 کے اندراجات کے مطابق خسرہ نمبر 3658 پر رحمان اللہ ولد میران شاہ اور خسرہ نمبر 3719 پر قطب شاہ وغیرہ کا قبضہ کاشت درج چلا آ رہا تھا کہ ربیع 2010 میں اچانک Overnight تغیر Change بقلم سیف اللہ پنواری کا اندراج ہوا۔ نقل خسرہ، گرداوری از سال 2007 تا ربیع 2011 لف Enclosed ہے جو کہ اہم کلیدی Crucial نکتہ آغاز ہے اور محمد نواز وغیرہ کے حق میں اندراج خسرہ گرداوری سال 2014 تک ہوتا رہا۔

3- یہ کہ اس اندراج پر عمل درآمد، رجسٹر حقداران زمین سال 2014-2015 میں ہوا اور سابقہ اندراج دیرہ منورہ بحق رحمان اللہ و قطب شاہ وغیرہ قائم رکھا گیا۔

4- یہ کہ مورخہ 12.04.2017 کو عبدالستار ولد شربت خان نے تحصیلدار کی مروت کو درست گرداوری کرنے کا مطالبہ کیا۔ نقل درخواست لف ہے جو پنواری حلقہ کو 11.05.2017 کو ارسال ہوا۔ اور

5- عبدالستار وغیرہ من الزام علیہ کو مسلسل زبرداب رکھا کہ خسرہ گرداوری کے اندراجات از ربیع 2010 تا ربیع 2014 تک مزید بحال بھی رکھے جائیں و من الزام علیہ نے از خود Suomate تغیر قبضہ نہیں کیا بلکہ سابقہ اندراجات کو بحال رکھا۔ بحوالہ حکم نمبر 138 مورخہ 24.04.2019 موصول شدہ از تحصیلدار کی مروت۔ نقل رجسٹر حقداران زمین زیر لف Enclosed ہے اور ربیع 2018 میں سابقہ اندراج کو بحال رکھا۔ نقل خسرہ، گرداوری از خریف 2016 تا خریف 2018 لف ہے نقل درخواست 02.04.2019 بھی لف ہے۔

6- یہ کہ تغیر اندراج ایک بدعت سیدہ کے طور پر ضلع کی مروت میں نافذ ہے اور تنازعہ کاشت کے انتقال درجہ کرنے کو ترک کر دیا گیا ہے اور اسی طور بلاء ارادہ غلطی Generated Mistake کی وجہ سے تحصیلدار کے حکم کے تحت ربیع سال 2018 میں موجودہ زیر عذر اندراج ہوا جو کہ قصداً نہیں ہے اور نہ ہی یہ پہل Initiative۔ من الزام علیہ سے ہوا ہے۔ بلکہ یہ سیف اللہ پنواری کی ایما پر ہوا تھا اس لیے من الزام علیہ Accused Respondant کو استثناء Exception عطا کی جاوے اور بری الزمہ قرار دیا جاوے۔

ب- جواب برواقتات فرد جرم Show Cause نوٹس مورخہ 05.08.2022

a- اس کا من الزام علیہ سے تعلق نہ ہے۔ البتہ یہ اندراجات درست ہیں۔

b- یہ کہ درخواست محمد نواز عبدالستار 11.05.2017 کا ہے جب کہ اندراج 2010 ربیع میں سیف اللہ پنواری نے کیا تھا جس کی پڑتال سرکل

گرداوری اور RO نے کر دی تھی۔ 2010 کا الزام من الزام علیہ پر نہ تھوپا جاوے جب من الزام علیہ ربیع 2016 میں بھرتی ہے۔ یہ

2010 سے 2014 تک من الزام علیہ منورہ میں تعینات نہ تھا اس پیرا کا من الزام علیہ سے تعلق نہ ہے۔

- d یہ کہ اندران زیر غور تحصیلدار RO کے حکم مورخہ 24.04.2019 سے ہوا تھا من مسئول الیہ کی اپنی پہل نہ تھا۔ اس لیے پیرانذکورہ "نی غلط مرتب ہوا ہے درست تسلیم نہ ہے۔
- e حسب گذارشات بالامن مسئول الیہ Respondant خطا کار نہیں ہے اور کی صحیح چھان بین کا متقاضی ہے جب اندران راج 2010 پر عمل درآمد Incorporation رجسٹر مقداران زمین سال 2014 میں نہ کیا جاسکا اور الزامات سے مسئول الیہ کو بری الذمہ قرار دیا جاوے۔
- 2 قاعدہ نمبر 5 قواعد سال 2011 کا نفاذ اس تنازعہ Dispute کے حوالہ سے قانون کی صحیح تادیل نہ ہے جب اصل Sponsor سیف اللہ پٹواری اور بعد یا تحصیلدار رہا ہے۔
- 3 یہ کہ خسرہ گردادری کو افتراض صداقت حاصل نہ ہے اور اس کی ہر ملاحظہ کے دوران تصحیح کی جاسکتی ہے اس لیے مجوزہ مزا Penalty کا اطلاق نہ کیا جاوے اور نوٹس کو Withdraw کیا جاوے اور الزامات سے انکار ہے۔
- 4 یہ کہ من مسئول الیہ Respondent زبانی شنوائی Personal Hearing کا مطالبہ بھی کرتا ہے تاکہ معزز اتھارٹی کو الزامات واپس لینے کی ترغیب دے سکوں۔

The Accused / Respondent may kindly be exonerated

آداب کے ساتھ

Humble Respondent معراج الدین، پٹواری حلقہ جابوخیل

مورخہ 15.08.2022

معراج الدین

12



رجوع خسرہ گزارداری موضع سولہ

مجلس

ضلع بلوچ

کتاب نمبر

داتی نمبر

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
کیفیت	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی
تعداد	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29
مبلغ	3658	3658	3658	3658	3658	3658	3658	3658	3658	3658	3658	3658	3658	3658	3658	3658	3658
تاریخ	29-11	29-11	29-11	29-11	29-11	29-11	29-11	29-11	29-11	29-11	29-11	29-11	29-11	29-11	29-11	29-11	29-11
محل	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی	مہنگی

صوبہ بلوچستان
گورنمنٹ سولہ
14/11/2019

Handwritten signatures and stamps in the bottom right area.

Handwritten text and stamps at the bottom right corner.

Annex - (B)

①

13

①



OFFICE OF THE
DEPUTY COMMISSIONER

LAKKI MARWAT (KHYBER PAKHTUNKHWA) Ph: # 0969-538390-81 Fax: # 0969-538399
email: dclakki@marwat@hotmail.com facebook: www.facebook.com/dclakki@marwat Website: www.lakki@marwat.gov.pk

No. 472 DC/LM/HC(Rev)/2022.

Dated: 05/08/2022

ORDER

WHEREAS; it has come to the notice of the undersigned that Mr. Miraj-ud-Din Patwari Halqa has entered the names of Muhammad Nawaz etc the in the Khasra Girdawari of Shamilat-e-Deh vide Khasra No. 3658 and 3719 of Mouza Matora through illegal manners and against the law/rules during his posting as Patwari Halqa Kaka Khel now Patwari Halqa Jabu Khel.

NOW THEREFORE; the undersigned being appointing / Competent Authority, hereby suspend the services of Miraj-ud-Din Patwari Halqa Kaka Khel now Jabu Khel with immediate effect.

Deputy Commissioner
Lakki Marwat

Even No & Date.

Copy forwarded to the:

1. Additional Deputy Commissioner Lakki Marwat.
2. Assistant Commissioner HQrs Lakki Marwat
3. Tehsildar Ghazni Khel for information.
4. Official concerned for strict compliance.

Deputy Commissioner
Lakki Marwat

Annex F



**DEPUTY COMMISSIONER
LAKKI MARWAT (KHYBER PAKHTUNKHWA)**

Ph# 0969-538330-31 Fax# 538333

email: dclakkimarwat@hotmail.com facebook: www.facebook.com/dclakkimarwat website: www.lakkimarwat.okp.pk

No. 3705/Estab.F-22(R) Dated: 22/09/2022

OFFICE ORDER

Disciplinary proceedings under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 was initiated against Mr. Miraj-ud-Din Patwari Halqa Kaka Khel on account of charges "Entered the name of Muhammad Nawaz etc in the Khasra Girdawari of Shamilat-e-Deh vide Khasra No.3658 and 3719 of Mouza Matora through illegal way and against the law/rules)" he was suspended from service vide order No.472/DC/LM/HC(Rev)/2022 dated 05.08.2022.

Show cause Notice was also issued to him with the direction to submit his written reply to the undersigned within seven days as to why not the major penalty "Dismissal from Service" should be imposed upon him under Rule-4 of Efficiency & Discipline Rules 2011 vide No.473/DC/LM/HC(Rev)/2022 dated 05.08.2022, but he did not submitted his written reply till date, however, on his request he was personally heard.

Now, therefore, after examining record of the case, defense of the accused including arguments put forth during personal hearing, the undersigned as a Competent Authority hold and order as follow:-

1. Minor penalty, withholding of three annual increments for the year 2022, 2023 and 2024 is hereby imposed upon the official concerned.
2. Mr. Miraj-ud-Din the then Patwari Halqa Kaka Khel and now under suspension is hereby re-instated in Service with immediate effect at the same Halqa.

(FAZAL AKBAR)
Deputy Commissioner
Lakki Marwat

Even No. & dated

Copy forwarded to:

1. The Additional Deputy Commissioner (G) Lakki Marwat
2. The Assistant Commissioner, Hqrs Lakki Marwat.
3. The Tehsildar Ghazni Khel
4. Mr. Miraj ud Din Patwari.

Deputy Commissioner
Lakki Marwat

Annex-615

IN THE COURT OF COMMISSIONER BANNU DIVISION
BANNU

Mr. Miraj ud Din (Patwari), Office of DC, Lakki Marwat..... (Appellant)
Versus
Deputy Commissioner, Lakki Marwat..... (Respondent)

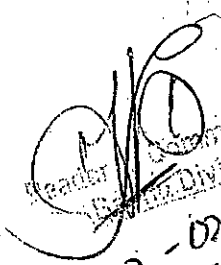
ORDER:

Mr. Miraj ud Din (Patwari) of the office of the Deputy Commissioner, Lakki Marwat has preferred an appeal against the impugned order No. 3705/Instab/F 22 (R), dated 22-09-2022 passed by the Deputy Commissioner Lakki Marwat vide which a minor penalty has been imposed on the appellant i.e. withholding three annual increments for the year 2022, 2023 and 2024.

Brief history of the case is that initially a show cause notice was issued to the appellant on 05-08-2022 vide which the appellant was requested to show cause for the acts / omissions committed by the appellant as mentioned therein in details e.g. as per Report / Qabza Kasht of Patwari Halqa, Mr. Qutab Shah etc were entered as cultivators since 1992-93 to 2014-15 in the record of rights and during the appellant tenure as patwari in Halqa Kaka Khel, changes have been made in the column of cultivation against the Khasra No.3658 and 3719 of Mouza Matora in the back date of 2010 through illegal ways. Consequently, minor penalty was imposed upon the appellant i.e. withholding of three annual increments for the year 2022, 2023 and 2024.

Parties present and heard in detail.




Deputy Commissioner
Bannu Division
22-02-2023

Annex 6 (15)

Comments furnished by the Deputy Commissioner Lakki Marwat and case file perused. Perusal of the record shows that the penalty imposed upon the Appellant is very much harsh.

For what has been observed and stated the above impugned order of the Deputy Commissioner, Lakki Marwat is hereby set aside. The undersigned orders as follows:

“Withholding of three annual increments for the year 2022, 2023 and 2024 has been reduced to withholding of only one-year annual increment without accumulative effect for the year 2022 which is hereby imposed upon the appellant”

File is consigned to the record room after necessary compilation.

Announced
16-02-2023

Reader to Commissioner
Bannu Division
22-02-2023

COMMISSIONER,
BANNU DIVISION

To

The Commissioner,
Bannu Division

Subject: Appeal against the order No3705/Estab F.22(R) Date 22-9-022 passed the worthy DC Lakki Marwat

Respectfully stated the following facts

1. That legal proceeding has been started against me on the complaint of land owner of resident of village Matora.
2. That I was charge sheet by DC Lakki Marwat and penalized me for stoppage of three consecutive annual increment for year 2022,2023,2024 on the ground of non submission of replay
3. That I accordingly replied about fact that I had replied on the day of receipt of letter in person (To Habib ullah cha P.S) ad whatsapp and accordingly review
4. Petition was submitted for his kind consideration which was replied vide letter No3870/BST dt.07.10.022 (copy enclosed).Hence appealed is submitted for your kind consideration

Ground of appeal

1. That complaint was submitted against the change of Girdawari in2010 where as I was appoint as patwari in 2016. The change was made by Saifullah patwari at that time. Thus I am not involved in the case .I only maintained the previous record
2. That reason against the accused are required to be dispensed with inquiry under Rule 5(initiation of proceeding of Efficiency Discipline Act 2011 which has not been properly adopted/Followed
3. That penalty of stoppage of three consecutive annual increment has been order(2022.2023.2024) which is unlawful unjust inhumane and without any reason Fause/law

Prayer

It is most humbly requested that the order issued vide order NO3075 dt 22.09.2022 may kindly be set aside and stoppage of three consecutive annual increment may be viewed off please.

Yours Obediently

فیڈرل جوڈیشل کمپلیکس خیبر پختونخواہ پشاور

18

فیڈرل لائٹرز فورم

بعدالت جناب صبر علی صاحب سروس کنٹرول
عنوان: نصر 12/12/11 بنام: صلوة
مقدمہ نمبر: منجانب صاحب سروس
مورخہ: پولیس سٹیشن

دعویٰ

جرم

وکالت نامہ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل
کاروائی متعلقہ آن مقام کے لیے محمد شہزاد اسفند الی اور اس کے
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل
صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اور قبالی دعویٰ اور بصورت
ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط
کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی بر آمدگی اور منسوخی نیز دائر
کرنے کا اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے
کل یا جزوی کاروائی کے واسطے اور وکیل با مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔
اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر دختہ
منظور قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اس کے مستحق
وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ
پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی مذکورہ کریں۔

لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہے۔

بد گواہ شد العبد

Advocate IDBC: 30-16-0502

Contact No: 0343-7878013

Bar Association: Peshawar

Accepted & Attested

10/5/23 Signature/Stamp