



30th Jan, 2023

Junior of learned counsel for the petitioner present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Written reply/comments on behalf of respondents No. 1 & 2 not submitted despite last chance, therefore, their right for submission of written reply/comments is struck of. To come up for arguments on 13.04.2023 before S.B.

SCANNED
KFST
Peshawar


(Muhammad Akbar Khan)
Member (E)



(Kalim Arshad Khan)
Chairman

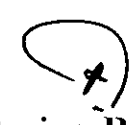
13th April, 2022

Clerk of counsel for the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney present.

Due to strike of the Bar today, the case is adjourned to 20.06.2023 for arguments before the D.B. Parcha Peshi given to the parties.

SCANNED
KFST
Peshawar


(Fareeha Paul)
Member(E)

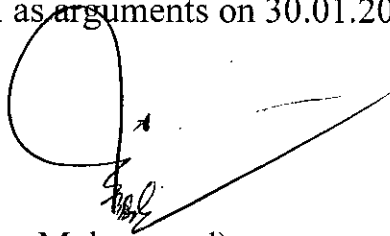

(Rozina Rehman)
Member (J)

Fazal

24.11.2022

Nemo for the appellant. Mr. Saeed Anwar, Tehsildar and Mr. Hussain Akbar, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 & 2 present. None present on behalf of private respondent No. 3 nor written reply/comments on his behalf is submitted, therefore, he is placed ex-parte.

Representatives of the respondents deposited cost of Rs. 5000/- and stated that comments have been prepared, however the same are not being signed by the Additional Commissioner Mardan as well as Deputy Commissioner Mardan, therefore, an opportunity may be granted for submission of comments. Adjourned. Last opportunity granted. In case the respondents failed to submit reply/comments on the next date, their right for submission of reply/comments shall be deemed as struck off. To come up for submission of reply/comments as well as arguments on 30.01.2023 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

SCANNED
KPST
Peshawar

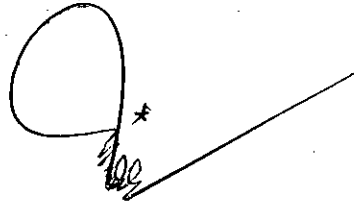
12.04.2022

Learned counsel for the appellant present and submitted an application for permission to deposit of security fee and court process fee, which is placed on file.

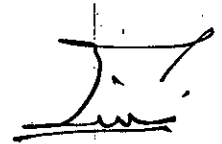
Application is accepted. The appellant is allowed to deposit security and process fee within 03 working days from today. After the requisite deposit, notices be issued to the respondents for submission of reply/comment within 10 days in office from the date of receipt of notice. In case they fail to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons, the office shall submit the file with a report of non-compliance. Case to come up for arguments before the D.B on 20.06.2022.

Rs-500/-
Appellant Deposited
Security & Process Fee

A. J. Jinh
12/4/22



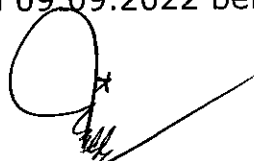
(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

20.06.2022

Nemo for the appellant. Mr. Qasim, Superintendent alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present and sought time for submission of reply/comments. Last chance given. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/- to the appellant. Adjourned. To come up for submission of reply/comments as well as arguments on 09.09.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

Proper DB not available the case is adjourned

No 24-11-22

Reader

11.08.2021

Junior to counsel for the appellant present.

I have gone through the memorandum of appeal and documents annexed therewith. Points raised need consideration. The appeal is admitted for full hearing, subject to all just and legal objections including that of limitation to be determined during full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 28.12.2021 before the D.B.


Chairman

28.12.2021

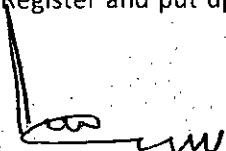



Due to Winter Vacations, the case is adjourned to 12.04.2022 for the same as before.


READER

FORM OF ORDER SHEET

Court of _____

Case No.- 15266 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/12/2020	<p>The appeal of Mr. Shakeel Ahmad presented today by Mr. Yaqub Khan 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</p>
2-	21.01.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/01/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	27.04.2021	<p>Nemo for appellant.</p> <p>Notice be issued to appellant/counsel for 27.04.2021 for preliminary hearing, before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>
		<p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 11.08.2021 for the same as before.</p> <p style="text-align: right;"> READER</p>

Before The Service Tribunal KPK Peshawar

Service Appeal No. _____/2020

Shakeel Ahmad

.....Appellant

VERSUS

Additional Commissioner etc

.....Respondents

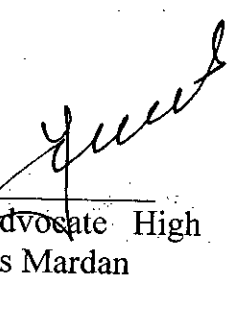
APPEAL

INDEX

S.No	Descriptions	Annex:	Pages	
			From	to
1	Grounds of appeal		1	5
2	Copy of order dated 11/08/2011	"A"	6	7
3	Copy of complaint	"B"	8	10
4	Copy of inquiry	"C"	11	15
5	Copy of compromise	"D"	16	17
6	Copy of 2 nd complaint	"E"	18	27
7	Copy of order dated 28/06/2019	"F"	-	28
8	Copy of departmental appeal	"G"	29	37
9	Wakalat Nama		-	38

dated 14/11/2020

Appellant, 

Trough counsel 
Yaqoob Khan advocate High
Court at Distt: courts Mardan

Before The Hon'able Service Tribunal of KPK at Peshawar

①

Appeal No. 15266/2020

Khyber Pakhtukhwa
Service Tribunal

Diary No. 16217

Dated 07/12/2020

Shakeel Ahmad Ex-Patwari Halqa Mardan R/o Village & Tehsil
Katlang District MardanAppellant

VERSUS

1. Additional Commissioner Mardan
2. D.C Mardan
3. Himmat Ali son of Redi Gul R/o VilalgeAlo, Tehsil Katlang
District Mardan Respondents

Appeal Under Section 4 of the Service Tribunal Act 1974

against the order of respondent No.1 dated 02/01/2020,

and order/ judgment of respondent NO.2 dated 28/06/2019

whereby appellant is removed from service, without any

reason, which is illegal, against law and facts. against law

and facts.

Filed to-day
Registrar

07/12/2020

Respectfully Sheweth;

Appellant humbly submits as under

1. That appellant has passed Patwar Examination and was as patwar candidate in the list of enlisted of patwari candidates register.
2. That appellant was appointed as a Patwari in the Revenue Side vide order dated 11/08/2011 and appellant was taken over

charge on 12/08/2011. (Copy of order dated 12/08/2011 is hereby attached as Annex: "A").

(2)

3. That, appellant was performed his duty with entire satisfaction of his superior and no complaint has been received against appellant.
4. That appellant was charged that appellant has purchased property for respondent NO.3 and respondent NO.3 has been paid Rs. 23,00,000/- for purchasing of property but appellant has failed to purchase the property for respondent No.3, for which respondent NO.3 filed complaint against appellant. (Copy of complaint is hereby attached as Annex: "B").
5. That Mr. Faid Khattak AAC (Rev;) Mardan was appointed for conducting of fact finding enquiry, in which, compromise was effected between appellant and respondent NO.3. (Copy of inquiry is attached as Annex: "C")
6. That as per condition of compromise, appellant was order to purchase property for respondent NO.3 and appellant has promised to purchase property for respondent No.3 and appellant was exonerated from charges leveled against appellant. (Copy of compromise is hereby attached as Annex: "D").
7. That, as per compromise condition and ordered passed by inquiry officer, appellant has purchased property for appellant but respondent NO.3 has refused from purchasing of property and demand for double amount from appellant and filed again complaint against appellant. (Copy of 2nd complaint is attached as Annex: "E").

8. That, appellant was charged again for same act and denove inquiry was conducted by AAC-I Mardan / Mr. Gohar Khan due to which, appellant is remove from service vide order dated 28/06/2019. (Copy of order dated 28/06/2019 as Annex: "F").

9. That thereafter, the appellant filed departmental appeal against the order of respondent No.2 dated 28/06/2019 which also dismissed vide order dated 02/01/2020 which is illegal, against law and facts.. (Copy of departmental appeal is hereby attached as Anenx: "G").

10. That, order of respondent NO.1 dated 02/01/2020 and order of respondent No.2 dated 28/06/2019 are illegal, against law and facts on the following grounds.

GROUNDS

- A. That order of respondent NO.1 dated 28/06/2019 as well as order of respondent No.1 dated 02/01/2020 are arbitrary, harsh, against law and facts and liable to be set aside.
- B. That, without approval or any other of competent authority, denove inquiry could not be conducted as per law and rules.
- C. That no specific charge has been proved against appellant.
- D. That neither regular inquiry has been conducted nor any opportunity for personal hearing has been given to the appellant, which is mandatory for imposition of major penalty.
- E. That appellant cannot be victimized/ punished for no fault on their part.
- F. That the impugned orders are arbitrary, illegal, unlawful and void ab-initio having no effect on the right of the appellant.

G. That it is well settled proposition of law that where nature of charges in a departmental inquiry is such that the issues could not be proved without according statements of witnesses, then holding of a regular inquiry thorough an inquiry officer cannot be dispensed with. On this reliance is place on the following verdicts of the superior courts:-

- ✓ SMCR 2004 P-316
- ✓ PLC 2004 P-524 (CS)
- ✓ PLC 2004 P-57
- ✓ SCMR 2001 P-1566
- ✓ SCMR 2000 P-1321 & 1868
- ✓ PLC 1994 P-1717 (CS)
- ✓ SCMR 1993 P-603

In the instant case also the nature of the charge attributed to the petitioner was such that the same could only be proved by according statements of witnesses through a full-fledged inquiry. The impugned order passed without holding regular inquiry is therefore violative of the law laid down by the August Supreme court of Pakistan as well as this Hon'able court as referred to above and is therefore, liable to be set aside on this score along.

I That in fact finding inquiry the inquiry officer has recommended the appellant for exoneration so, the competent authority no power to increase the penalty, which is the violation of rules and law.

J That order of respondents No.1 & 2 are illegal against law and facts and without lawful authority hence, not tenable and liable to be set aside.

K That the order of respondent No.1 (Additional Commissioner) is not competent authority to decide the departmental appeal of the appellant being a service appeal as per Appeal Rules 1986 hence, the order and judgment of respondent No.1 is without lawful authority.

K That neither show cause notice nor charge sheet along with statement of allegations nor opportunity of personal hearing has been given to the appellant therefore, solely on this ground orders of respondents No, 1 & 2 are liable to be set aside.

5

L That appellant has all his credit 09 years of unblemished record of service and no complaint whatsoever, has been received from any person against the appellant.

It is, therefore, most humbly prayed that on acceptance of this appeal, the orders of respondents No.1 dated 02/01/2020 and order of respondent No. dated 28/06/2019 may please be set aside and appellant may please be re-instated in service with all back benefit. Any other relief deemed fit may also be graciously awarded to the appellant.

dated 14/11/2020

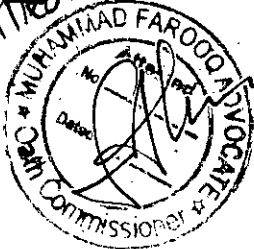
Appellant, [Signature]

Trough counsel [Signature]
Yaqoob Khan advocate High
Court at Distt: courts Mardan.

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that all the contents of the instant appeal are true and correct to the best of my knowledge and belief.

Deponent [Signature]

[Signature]

1/12/2020


OFFICE OF THE
DISTRICT OFFICER (R&E),
MARDAN
No. 14956 /DK/HVC
Dated Mardan the 11 /08/2011

Aux A
6
~~14956~~
11/08/2011

OFFICE ORDER

On the recommendation of Departmental Selection Committee meeting held on 11.08.2011, the following candidate patwaris of Mardan District (Tehsil Mardan, Katlang and Takht Bhai) are hereby appointed as patwaris in BPS-5 on regular basis, with immediate effect as per existing appointment policy.

S.No.	Name with parentage and address Tehsil Mardan.
1	✓ Syed Zahir Ali Shah s/o Abdul Wali Shah r/o Kot Ismail Zai
2	✓ Gohar Shah son of Haji Umar Shah r/o Bughdada
3	✓ Ali Akbar son of Lal Zada r/o Gadar
4	✓ Hamid Ali son Gulj Sadbarg r/o Gujrat
5	✓ Arshad son Aftabu Din r/o Gujrat Garhi
6	✓ Khalid Khan son of Hayat Khan r/o Mardan
7	✓ Ahmad Ali son of Bahadur Khan r/o Kandar
8	✓ Shafiqur Rehman son of Muhammad Rafiq r/o Mohabat Abad
9	✓ Azizur Rehman son of Noor Muhammad r/o Bara Banda Mardan.
10	✓ Mushtaq Ali son of Dilsoz r/o Gujrat
11	✓ Farhad Ali son of Ziarat Khan r/o Naseer Killi
12	✓ Niaz Muhammad son Sultan Muhammad r/o Garhi Kapura
13	✓ Duri Kamil son Abdul Malik r/o Charguli
14	✓ Ghulam Muhammad son of Gul Muhammad r/o Charguli
15	✓ Muhammad Ijaz son of Abdul Salam r/o Surukh Dheri
16	✓ Mudasir son Umar Khitab r/o Gujrat
17	✓ Inayat Ali Shah son of Sher Muhammad r/o Gujrat
18	✓ Mehar Dil Khan son of Khaista Khan r/o Chail Banda
19	✓ Khalid Iqbal son of Jehan Zeb r/o Bughdada
20	✓ Khairul Amin s/o Muhammad Saleem r/o Mardan
Tehsil Katlang.	
21	✓ Darwesh Khan s/o Bahadur Khan r/o Shero
22	✓ Muhammad Saeed son of Ajab Khan r/o Katlang
23	✓ Asif Akbar s/o Muhammad Akbar r/o Qasmi
24	✓ Muhammad Asad s/o Umbaras Khan r/o Kharki
25	✓ Shakeel Ahmad s/o Lal Bahadur r/o Katlang //

Attended
Yunus


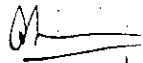
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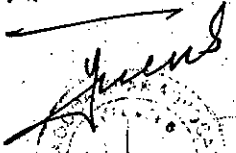
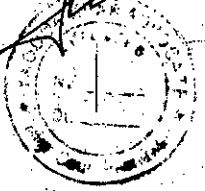
Tehsil Takht Bhai.	
✓ 26	Sher Ali son of Mir Muhammad r/o Patti Kalar Takar
✓ 27	Sabz Ali son of Pathan r/o Khan Killi Takht Bai
✓ 28	Gulab Khan son of Ismail r/o Qutab Garh
✓ 29	Janat Gul son of Abdul Samad r/o Qutab Garh
✓ 30	Abdul Haleem son of Abdur Rauf R/o Lund Khwar
✓ 31	Sardar Ali son of Haji Sher Ali r/o Lund Khwar
✓ 32	Muhammad Sameen s/o Shahzad r/o Lund Khwar
✓ 33	Muhammad Afzal son of Sarfaraz r/o Sher Garh

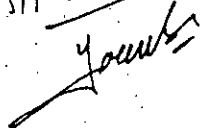

DISTRICT OFFICER (R&E)
MARDAN

Endst: No. & date even

Copies to:

1. The Commissioner, Mardan Division, Mardan.
2. The District Coordination Officer, Mardan.
3. The Secretary, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. The Deputy District Officer (R), Mardan/Katlang/Takht Bhai.
5. The District Comptroller of Accounts, Mardan.
6. The Tehsildar, Mardan/Katlang/Takht Bhai.
7. Finance Assistant Local.
8. Officials Concerned

Attested



Attested



DISTRICT OFFICER (R&E)
MARDAN

جناب کمشنر صاحب ضلع مردان

Anx B

درخواست برآمد حصولی قانونی کارروائی برخلاف

ٹھکیل احمد ولد لال بہادر سکنہ کاتنگ ضلع مردان

موبائل نمبر: 03149639942 03002444351

جناب عالی!

گزارش حسب ذیل عرض ہے یہ کہ سائل کو ٹھکیل احمد مذکورہ بالا نے 2016-03-13 کو فون کیا کہ آپ کی زمین واقع موضع غالا آلو کاتنگ ضلع مردان کے ساتھ کچھ زمین ہے آپ آئیں میں آپ کو یہ زمین مالکوں سے خرید دوں گا۔ ٹھکیل احمد مذکورہ بالا چونکہ کاتنگ میں موضع غالا آلو کا پواری ہے۔ اس لیے میں نے اس کی بات کا اعتبار کر کے چار کنال زمین کی قیمتیں لاکھ روپے (=/RS 2300000) دو گواہوں کے سامنے کو ٹھکیل احمد مذکورہ بالا کو ادا کیے۔ گواہ نمبر 1 مکرم خان ولد شاہ زمین خان ساکن آلو جنگ کاتنگ ضلع مردان گواہ نمبر 2 زردا علی ولد حکیم گل ساکن آلو کاتنگ ضلع مردان کے سامنے ادا کئے۔ ادا کی کے بعد ٹھکیل احمد مذکورہ بالا نے مجھے ہاتھ کی بنی فردہ نقشہ زمین اور کیپوٹری فردی اور کہا کہ زمین آپ کے نام ہوگی ہے۔ پھر میں نے پٹوار خانہ آلو کاتنگ میں جا کر ریکارڈ چیک کیا لیکن ہمارے نام کوئی انتقال درج نہ تھا مذکورہ کاغذات سب جعلی تھے۔ (کاغذات کی فوٹو سیٹ ساتھ لف ہے۔)

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

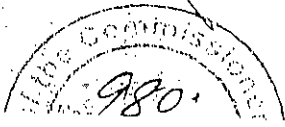
العارض

ہمت علی ولد رید علی گل 1-5701223-16102

ساکن جنگ آلو کاتنگ ضلع مردان

فون نمبر: 0346-9355817

مورخہ: 30-01-2018



Alleged
Signature

OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN

No. 702-06 / 06-DK/RA
Dated Mardan the 12/04/2018

9

1. I, Muhammad Usman Mehsud, the Deputy Commissioner, Mardan, as competent authority, hereby charge you, Mr. Shakeel Ahmad, Ex Patwari Halqa Alo as follows:
 - i. That office of the Commissioner Mardan Division Mardan, vide letter No. 305/Sec/Com(M), dated 01.02.2018, forwarded a complaint of Mr. Himmat Al S/O Redi Gul R/O Alo for inquiry & report. The complainant stated that you while posted as Patwari Alo asked him that you would purchase certain land for him situated in mauza Alo and he paid you Rs. 23,00,000/- for purchase of the land. Later on, you handed over him revenue papers and ensured him that the property had been transferred in his name; but on confirmation, he came to know that no property was transferred in his name and the papers handed over to him were fake.
 - ii. That vide this office letter No. 457/DC(M)/EA-16, dated 02.02.2018, the matter was entrusted to the Addl Assistant Commissioner-IV, Mardan for facts finding inquiry, who submitted his report vide No. 197/AAC-IV/Inquiry Officer, dated 19.03.2018, with the findings that you had received the alleged amount from the complainant for purchase of land by misusing your official capacity, and the land was not purchased for him. Furthermore, you provided fake documents to him regarding the purchase of land, as such you were guilty of wrongdoing.
 - iii. That the abovementioned report proved you guilty of misuse of official position and extortion of money dishonesty, which warrants disciplinary action against you under the E & D rules.
2. By reason of the above, you have appeared to be guilty of misconduct under the Khyber Pakhtunkhwa Govt Servants (E&D) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules ibid.
3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer.
4. Your written defence, if any, should reach to the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and that ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. Statement of allegations is enclosed.

Deputy Commissioner
Mardan

No & Date Even:

Cc:

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

No. 164/AAC-4(R)
13-4-018

Shakeel
y
[Stamp]

Deputy Commissioner
Mardan

DISCIPLINARY ACTION:

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

STATEMENT OF ALLEGATIONS

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

Deputy Commissioner
Mardan



OFFICE OF THE ADDITIONAL ASSISTANT
COMMISSIONER (REVENUE) MARDAN.

Anx'ci

(11)

OFFICE MARDAN	
No: 9675 Dt: 22/5	
Supdt:	✓
PS/Stenb:	

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

To,
The Deputy Commissioner,
Mardan.

Handwritten signatures and initials

RA As directed

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

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

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

Background of the Inquiry:

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

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

Statement of accused:

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

Statement of the complainant:

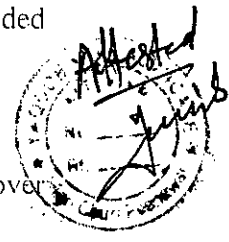
The complainant in his written reply stated that the accused promised him that he would purchase some land for him for Rs 2300000. For the purpose i gave him Rs 610000 Rs 1500000 and Rs 190000 in front witness No. 1 Mukaram khan witness No.2 Zardad Ali and myself respectively to the accused. However,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

Statement of witness 01:

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

Statement of witness 02:

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



Defence of Shakeel patwari:

(12)

Mr. Shakeel Ahmad the accused after submitting his written reply one day before the date fixed for the inquiry did not come afterward for his defence or cross question as specified in KP E & D rules 2011. Despite numerous summons and calls to attend the office of the undersigned in the stated inquiry Mr. Shakeel Ahmad did not budge. Although the complainant and his witness would come on each day fixed for the inquiry but the accused would always absent.

Conclusion:

After going through the record getting statements of the complainant and his witness, and guaging behaviour of the accused, the undersigned came to the conclusion that the accused Mr. Shakeel Ahmad being patwari halqa of Alo misused his office to gain illgal and fraudlant monetary benefit from the complainant.

Mr. Shakeel ahmad used his office to influence the complainant therefore, is liable to be proceeeded against under Khyber pakhtunkhwa efficiency and discipline rules, 2011. Any major penalty under KP E & D rules, 2011 is suggèsted to Mr. Shakeel Ahmad ex-patwari Alo as deem appropriate by the competent authority.

Fawad Khattak
4/5/18

Fawad Khattak
Addl. Assistant commissioner Revenue
Mardan

Attested




OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN

No. 133 / 06(Shakeel Ahmad)-DK/RA
Dated Mardan the 04/06/2018

Aux C

(13) (B)

To

Mr. Shakeel Ahmad, Patwari.

Through: Tehsildar Katlang

Subject: SHOW CAUSE

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

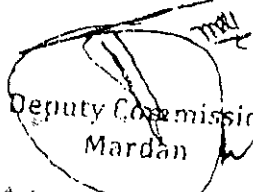
Whereas, vide this office letter No. 457/DC(M)/EA-16, dated 02.02.2018, the matter was entrusted to the Addl Assistant Commissioner-IV, Mardan for facts finding inquiry, who submitted his report vide No. 197/AAC-IV/Inquiry Officer, dated 19.03.2018, with the findings that you had received the alleged amount from the complainant for purchase of land by misusing your official capacity, and the land was not purchased for him. Furthermore, you provided fake documents to him regarding the purchase of land, as such you were guilty of wrongdoing; and

Whereas, vide letter No. 702-06/06-DK/RA, dated 12.04.2018, statement of allegations alongwith charge sheet was issued to you, and Addl Assistant Commissioner (Rev), Mardan was appointed as Inquiry Officer; and

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

Your above act amounts to misconduct under the Efficiency & Discipline Rules, 2011 and warrants any of the penalty mentioned in Rule 4 of the ibid rules.

Your, are therefore directed to show cause that as to why any of the penalty provided for in the ibid rules may not be imposed upon you. Your reply should reach to the undersigned within 03 days positively; failing which it shall be presumed that you have nothing to offer in your defense and action will be taken against you in ex-parte.


Deputy Commissioner
Mardan

Attested


کنوڑا ضلع ڈیپٹی کمشنر صاحب مددگار

گورنمنٹی جواب درستی کارڈ نوٹس نمبر 1133
4-6-018

(15)
(14)

ضلع عالی!

ذیل عرض ہے۔

بکہ الزام قائم شدہ درستی کارڈ نوٹس کے بارے میں دیکھیں۔ کہ میں نے بیٹے علی ولد محمد علی صاحب
سنگھ لاکھ ساگر ٹوی لین دین نہیں کیا ہے۔ اور نہ راجم سنگھ لاکھ درستی کارڈ نوٹس کیلئے 2300000
روپے وصول کیے ہیں۔ اور نہ میں نے کسی قسم کا معذرت حال شفاعت کنندہ بیٹے علی صاحب کو دیا ہے۔
تمام تمام الزامات بے بنیاد ہیں۔ بہت سائل لکھنات ضلع AAC صاحب کسٹنس اسٹیشن
میں تقسیم قائمہ زمین التوا ہے۔ بہ لوہہ سائل بیدے صدف منڈ کورٹ اور بے بنیاد
درخواست گزار ہیں۔ چونکہ کا معذرت حال میں سائل کی ملکیت کم ہے۔ اور قیمت زیادہ ہے۔
بہت سائل درخواست دعو کا پیر مینی ہے۔ لیکر ایمان برائے مذہب اور ای ایم اورنگ ہے۔

شکریہ ادا کرنے پر توجہ دینی طلبہ اور کسٹنس اسٹیشن صاحب مددگار

محمد رفیق

0347-2567439

5/6/18

Attested


بیانِ محبت علی و درودِ اعلیٰ صلوات اللہ علیہ

(15) (18)

Place on File

سرحد میں کیا۔ ہم میں منع آؤ گئے صلوات اللہ علیہ
 ہندوستان میں۔ شہنشاہِ عالم سید احمد علی صاحب
 اس کے سیر کے لئے آرائی فرمائی گئی جو سیرت
 و مولیٰ کے منہ سے نکلنے والی کلمات و کلمات
 صوامی کے۔ اب مجھے بتا دیجئے کہ جو کلمات شہنشاہ
 کے سیر صوامی کے ہیں۔ وہ کون سے ہیں۔ اور
 اس کے کلمات میں کون سے کلمات صوامی کے ہیں۔
 اور میں یہاں سے آئے ہیں اور کون سے کلمات
 اور یہ کلمات ہیں۔ میں نے شہنشاہ سے کلمات
 کے اور اس کے اور کلمات صوامی کے اور
 اللہ کا تعالیٰ ہے۔ میں یہی کہتا ہوں۔

17/18

16102-5701223-1

محبت علی - درودِ اعلیٰ صلوات اللہ علیہ

[Handwritten signature]



بیان قیمت علی و دربردار کی عمل

16

بازرسی صورت حساب بیان بی. در صورت استعلام نمودن موضوع الو. کسب

در صورت استعلام / در صورت استعلام / 3000000 /

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034-9639942

Attested



OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN

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

(17)

To:-
The Commissioner Mardan
Division Mardan.

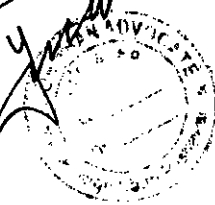
Subject:- COMPLAINT AGAINST SHAKEEL PATWARI.

Memo:-

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

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


Deputy Commissioner
Mardan.

Attested
Yousaf


بیت علی وبرا علی علیہ السلام صلی اللہ علیہم وعلیٰ آلہم
وآلہم وسلم

(18)

بیت علی وبرا علی علیہ السلام صلی اللہ علیہم وعلیٰ آلہم
وآلہم وسلم

اور بعد میں اس نے اپنے مردانہ کپڑے اتار کر مرد دیا
وہ عملی تھا

اپنے اپنے کپڑے ہی دیا وہ عملی تھا

اور اس نے خلاف قانونی کارروائی کرنا

بیت علی وبرا علی علیہ السلام صلی اللہ علیہم وعلیٰ آلہم
وآلہم وسلم

(Signature)

10-5-2019

Attest





OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN

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

To

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

Subject: DE NOVO INQUIRY AGAINST MR. SHAKEEL AHMAD PATWARI

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

Endst No. & Date Even:
Copy to:

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

Deputy Commissioner
Mardan

بیت علی و بیو علیؑ کے ساتھ چند آٹو گاڑیوں کا بیٹ

(20)


بنان سٹیشن احمد و لعل بھادر کے ہاتھوں زمین دیا۔

اور بعد میں اس نے اپنے فردا بعد کھینواتر فرد دیا
وہ جعلی تھا۔

اور آئیڈیکس بی دیا وہ جعلی تھا۔

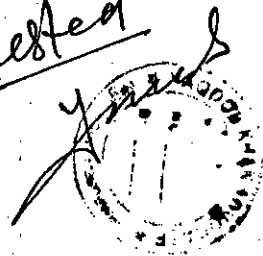
اور اس کے خلاف قانونی کارروائی کرنا چاہیے

بیت علی و بیو علیؑ



10-5-2019

Attested

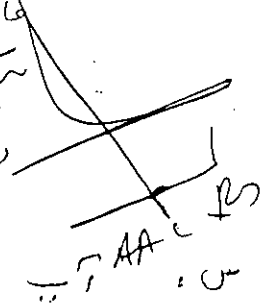


درخواست گزار بہت غلی کون ہے ؟

ج: درخواست گزار میرے ملنے آلو کا رہائش ہے۔ جو کہ میں تعلق کاٹنگ سے ہے۔ یہی رہائش کاٹنگ آلو ہمارا قدریں علامت ہے۔ اور درخواست گزار کے ساتھ میرا بہت ہی تعلق تھا۔ اور میرا دوست تھا۔

اس نے آپ کو کتنے رقم ادائیگی تھی۔

ج: جاب ہالی! درخواست گزار نے مجھے کوئی رقم نہیں دیا ہے۔ اور اب بے بنیاد کا دستاویز کر رہا ہے۔ اور وہ اپنے کسی کے سلسلے میں مجھ سے غیر قانونی کا آکر دار رہا تھا۔ جن کا میں نے انکار کیا۔ تو اسی بات پر وہ تارا جن کو مجھے قیدیے خلاف آید بے بنیاد اور من لطف درخواست دے رہا ہے۔



ج: آپ کے بیلے بیان میں رہا تھا کہ میرا درخواست گزار سے راہن نامہ ہو گیا۔ صاف ذکر انوائسز آفسر نے دیا ہے۔ تو البتہ آپ کیسے کہہ سکتے ہیں کہ میں نے ان سے پیسے نہیں لیے۔

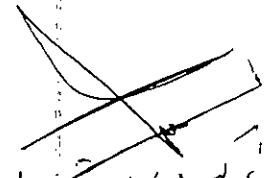
ج: اس نے مہرب اپنا درخواست راکس لیا تھا۔ راہن نامہ مہرب اس حد تک تھا۔ اس میں پیسوں کا کوئی ذکر نہیں ہے۔ نہ میں نے ان کو کوئی رقم ادائیگی نہ انہوں نے مجھے کوئی رقم ادائیگی تھی۔

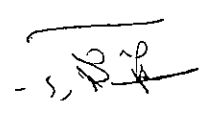
ج: اہل میں مذکورہ شخص کا ایک کیس لعدالت AAC کاٹنگ زیر التوا ہے۔ جن میں عدلی درخواست بنی نامہ مدعیانہم داہ ہے۔ کیس کا عنوان ہے، سناہ شہرت بی بی جوہر بیگم زرد علی علیہ صبرہ صبر میں آئندہ کا رخ سینی 25/2019 ہے۔

ج: ان کے پاس اپنا صدر سہری ذمہ دار ہے۔ وہ ان لوگوں سے اپنا زیادہ زمین کے لئے پورے طور پر کرنا چاہتا تھا۔ اور مجھے کس بار کس نام

Attested

گوٹوں سے میری بات کراؤں۔ عیسا نے اللہ کی رضا کے لئے ان سے بات کی
 لیکن وہ ماننے کیلئے تیار نہیں تھے۔ کہیں درخواست گزار اہمیت علی
 مجھے دباؤں عیسا لائے تھے یہ درخواست میرے خلاف کراوی۔ تاکہ
 میں ان کے لئے جوڑ توڑ کرسکوں۔


 میں کراوی درست رہے لیا گیا۔
 AAC (P)


 -s, P, P-

Attested


DISCIPLINARY ACTION:

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

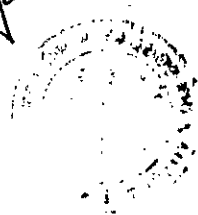
23

STATEMENT OF ALLEGATIONS

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

Deputy Commissioner
Mardan

Attested
Yousaf



گفتار - اور ذیل اسٹیک ہولڈرز (روٹی) ہدایت
کوٹھی جوان۔ در چار سٹیٹ ٹریڈنگ کمپنی

24

702-06/06 P&A

12-4-018

کتابی

ذیل درج ہے

۱۔ الزام ۱۰ لاکھ روپے در چار سٹیٹ ٹریڈنگ کمپنی کو ہے۔ یہ سونے کی قیمت میں واپس لیا گیا ہے۔
۲۔ سونے کی قیمت میں واپس لیا گیا ہے۔ اور نہ ہی سونے کی قیمت میں واپس لیا گیا ہے۔
۳۔ سونے کی قیمت میں واپس لیا گیا ہے۔ اور نہ ہی سونے کی قیمت میں واپس لیا گیا ہے۔
۴۔ سونے کی قیمت میں واپس لیا گیا ہے۔ اور نہ ہی سونے کی قیمت میں واپس لیا گیا ہے۔
۵۔ سونے کی قیمت میں واپس لیا گیا ہے۔ اور نہ ہی سونے کی قیمت میں واپس لیا گیا ہے۔
۶۔ سونے کی قیمت میں واپس لیا گیا ہے۔ اور نہ ہی سونے کی قیمت میں واپس لیا گیا ہے۔
۷۔ سونے کی قیمت میں واپس لیا گیا ہے۔ اور نہ ہی سونے کی قیمت میں واپس لیا گیا ہے۔
۸۔ سونے کی قیمت میں واپس لیا گیا ہے۔ اور نہ ہی سونے کی قیمت میں واپس لیا گیا ہے۔
۹۔ سونے کی قیمت میں واپس لیا گیا ہے۔ اور نہ ہی سونے کی قیمت میں واپس لیا گیا ہے۔
۱۰۔ سونے کی قیمت میں واپس لیا گیا ہے۔ اور نہ ہی سونے کی قیمت میں واپس لیا گیا ہے۔

ذیل درج ہے سونے کی قیمت میں واپس لیا گیا ہے۔

0347-2567439

23/4/018

Attested
Javed



25

شخص احمد پسرانی بر کلمه بیان کیا کہ در خواست بیعت علی و در برہنہ علی

11

شناختی ادرہ 16102-5701223-1 سائن اوفینڈر کس اسٹریٹ جارجز ویل عرفیہ

۱) یہ کہ ماہانہ مبلغ 3000000 روپیہ کے بارے میں تحریر کیا جاوے۔

یہ کہ مذکورہ باہر رقم پورا پورا ملے مگر خان وند شاہ زمین سے ذرا دینی وہ علم ہی ماننا اور

تحریر کیا جاوے۔ اگر در خواست دینہ کے ساتھ ساتھ یا کو اوی اور نامہ

و دیگر جاتا و غیرہ یا سفید کاغذ پر لکھی ہوئی ثبوت موجود ہے۔ کو وہ اس نامہ

کو در خواست کے ساتھ ہیوں نہیں لکھی ہے۔ اگر در خواست دینہ کے ساتھ

سہا تحریری ثبوت یا باگیا۔ تب بھی میں عنوان باہر رقم از منہ دار یہی ہے۔

یہ کہ سائن ا لبرٹا صاحب AAC صاحب کس اسٹریٹ سے لکھی اس مقدمہ زیر التوا ہے

معلوم سائن سے صرف من کوٹا اور بنیاد در خواست پورا ہے اور اس

کمانہ جات سے سائن کا ثبوت ہے۔ اور قبضہ زیادہ ہے۔

یہ کہ سائن ا در خواست دعوہ پورے ہے۔ یہ بیان بیان مذکورہ بالا کے ساتھ

شخص احمد پسرانی بر کلمہ بیان کیا کہ در خواست بیعت علی و در برہنہ علی

03002444351

19-4-018

Admitted
Jurat

R. v. P. Othi case
D.C (Sb) issue, which seems that no
by doing no, a minor penalty under ESD rule
awarded to the accused Patwari.
submitted please.

No. 89/AAC/R/18
18-4-18



DC OFFICE MARDAN	
Dairy No.	1339 Dt 28/11/19
A.D.C.	
AC	
A.A.C	Inquiry Report
D.O.F&P	
AO	
Supdt:	
Asst. Secy:	

26

De Novo Inquiry against Shakeel Ahmad Patwari

The subject inquiry was entrusted to the undersigned vide memo. No. 849/06/shakeel Ahmed)-EA/RA dated 07.11.18 For De-novo inquiry I submit report.

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

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

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

Attested
 Submitted
 [Signature]

No. 89/44&R/n
 28-01-19
 [Signature] Patwari

OFFICE OF THE DEPUTY COMMISSIONER, MARDAN

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

Dated, Mardan the 20 /05/2019

Ph# 0937-9230048-56

Fax No# 0937-9230303

email: demardan0937@gmail.com

To :-

Mr. Shakeel Ahmad,
Patwari Muza Qasami Katlang.

Subject: - SHOW CAUSE NOTICE.

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

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

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

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

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

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

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

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

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

Alleged


Deputy Commissioner
Mardan



OFFICE OF THE DEPUTY COMMISSIONER MARDAN

Ph #: 0937-9230048-56
Fax No#: 0937-9230303
Email: demardan0937@gmail.com

No. 1462 /DC (M)/EA-09
Dated, Mardan the 28/06/2019

Aux ¹ F
28

OFFICE ORDER.

Whereas, office of the Commissioner Mardan Division, Mardan, vide letter No.306/Sec/Com(M), dated 01.02.2018, forwarded a complaint of Mr. Himmat Ali s/o Reqi Gul r/o Alo for inquiry & report. The complainant alleged that Mr.Shakeel Ahmad Patwari whilst posted as Patwari Halqa Alo committed to purchase certain land for him, situated in Mauza Alo; and he (Complainant) paid him Rs. 23,00,000/- for purchase of the land; Later on, the Patwari handed over revenue papers and ensured him that the property had been transferred in his name; but on confirmation, he (The Complainant) came to know that property was not transferred in his name and the papers handed over to him were fake; and

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

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

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

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

Whereas, vide this office letter No. 849/06/Shakeel Ahmad/EA-RA dated 07-11-2018, Additional Assistant Commissioner (Rev) Mardan was directed to conduct a de-novo inquiry into the matter and submit report, who submitted his report vide No. 89/AAC(R), dated 23.01.2019, stating therein that the Patwari concerned failed to clarify his position, with regard to compromise with the complainant; misused his official capacity to gain illegally and fraudulently financial benefits from the complainant; and

Whereas, both the complainant i.e. Mr. Himmat Ali and defendant Mr. Shakeel Ahmad Patwari were called for personal hearing on 03.05.2019 and their statements were recorded. Both were called again on 26.06.2019 and were personally heard.

In light of the aforementioned episodes, charge against the said patwari stands established. Now, therefore, I, Deputy Commissioner, Mardan, being the competent authority, do hereby impose major penalty upon Mr. Shakeel Ahmad Patwari, under Rule 4(1)(b)(iii) of the Khyber Pakhtunkhwa Revised (E&D) Rules, 2011 and remove him from service, with immediate effect.

Deputy Commissioner
Mardan.

Endst No. & Date Even:

Copy forwarded to:-

1. The Secretary to Commissioner Mardan Division Mardan w/r to his letter No.2425/Sec/NAB, 31-10-2018. (inquiry report is enclosed)
2. The Additional Deputy Commissioner, Mardan.
3. The District Comptroller of Accounts Mardan, for necessary action.
4. The Accounts officer DC office Mardan, for necessary action.
5. The Tehsildar Katlang to hand over Patwar Halqa Qasmi to Patwari Halqa Sarobi & Dheri to Patwari Halqa Shamoza.
6. Mr. Shakeel Ahmad Patwari Halqa Qasami.

Deputy Commissioner
Mardan

Attested

Before the commissioner Mardan

Amr G
29

Shakeel Ahmad Ex-Patwari Halqa Mardan

.....Appellant

VERSUS

D.C Mardan & others

..... Respondents

Appeal against order of respondent No.1 dated 28/06/2019, whereby appellant is removed from service, without any reason, which is illegal, against law and facts. against law and facts.

Respectfully Sheweth;

Written arguments on behalf of the appellant is submitted

Appellant humbly submits as under

1. that the instant appeal has been field by the appellant against the order of respondent No.1 dated 28/06/2019, whereby, appellant has revoved from service without any reason hence, filed the instant appeal before this Hon'able court.

Brief facts of the case are as under;

Passed

- 2. That, appellant has [Patwari Examination and was as patwar candidate in the list of enlisted of patwari candidates register.
- 3. That appellant was appointed as a Patwari in the Revenue Side vide order dated 11/08/2011 and appellant was taken over charge on 12/08/2011.
- 4. That, appellant was performed his duty with entire satisfaction fo his superior and no complaint has been received against appellant.

Shakeel Ahmad

5. That appellant was charged that appellant has purchased ~~some~~ ^{some} property for respondent NO.2 and respondent NO.2 has been paid Rs. 23,00,000/- for purchasing of property but appellant has failed to purchase the property for respondent No.2, for which respondent NO.2 filed complaint against appellant.
6. That Mr. Fard Khattak AAC (Rev;) Mardan was appointed for conducting of fact finding enquiry, in which, compromise was effected between appellant and respondent NO.2
7. That as per condition of compromise, appellant was order to purchase property for respondent NO.2 and appellant has promised to purchase property for respondent No.2 and appellant was exonerated from charges leveled against appellant.
8. That, as per compromise condition and ordered passed by inquiry officer, appellant has purchased property for appellant but respondent NO.2 has refused from purchasing of property and demand for double amount from appellant and filed again complaint against appellant.
9. That, appellant was charged again for same act and denove inquiry was conducted by AAC-I Mardan / Mr. Gohar Khan due to which, appellant is remove from service vide order dated 28/06/2019, which illegal, against law and facts on the following grounds.

GROUNDS

- A. That order of respondent NO.1 dated 28/06/2019 is arbitrary, harsh, against law and facts and liable to be set aside.

(31)

- B. That, without approval or any other of competent authority, denove inquiry could not be conducted as per law and rules.
- C. That no specific charge has been proved against appellant.
- D. That neither regular inquiry has been conducted nor any opportunity for personal hearing has been given to the appellant, which is mandatory for imposition of major penalty.
- E. That appellant cannot be victimized/ punished for no fault on their part.
- F. That the impugned order is arbitrary, illegal, unlawful and void ab-initio having no effect on the right of the appellant.
- G. That it is well settled proposition of law that where nature of charges in a departmental inquiry is such that the issues could not be proved without according statements of witnesses, then holding of a regular inquiry thorough an inquiry officer cannot be dispensed with. On this reliance is place on the following verdicts of the superior courts:-

- ✓ SMCR 2004 P-316
- ✓ PLC 2004 P-524 (CS)
- ✓ PLC 2004 P-57
- ✓ SCMR 2001 P-1566
- ✓ SCMR 2000 P-1321 & 1868
- ✓ PLC 1994 P-1717 (CS)
- ✓ SCMR 1993 P-603

In the instant case also the nature of the charge attributed to the petitioner was such that the same could only be proved by according statements of witnesses through a full-fledged inquiry. The impugned order passed without holding regular inquiry is therefore violative of the law laid down by the August Supreme court of Pakistan as well as this Hon'able court as referred to above and is therefore, liable to be set aside on this score along.

- I That in fact finding inquiry the inquiry officer has recommended the appellant for exoneration so, the competent authority no power to increase the penalty, which is the violation of rules and law.

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J. That order of respondent No.2 is illegal against law and facts and without lawful authority hence, not tenable and liable to be set aside.

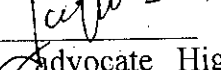
K. That neither show cause notice nor charge sheet along with statement of allegations nor opportunity of personal hearing has been given to the appellant therefore, solely on this ground order of respondent No.2 is liable to be set aside.

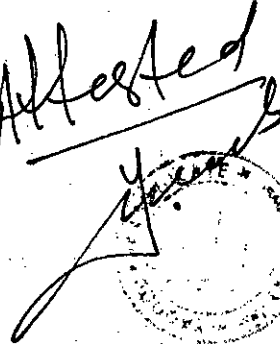
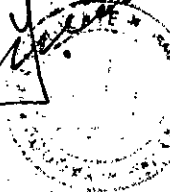
L. That appellant has all his credit 09 years of unblemished record of service and no complaint whatsoever, has been received from any person against the appellant.

It is, therefore, most humbly prayed that on acceptance of this appeal, the order of respondent No.2 dated 28/06/2019 may please be set aside and appellant may please be re-instated in service with all back benefit. Any other relief deemed fit may also be graciously awarded to the appellant.

Dated 19/12/2019

Appellant, 

Trough counsel 
Yaqoob Khan Advocate High
Court at Distt. courts Mardan.

IN THE COURT OF ABDUL KABIR KHAN ADDITIONAL COMMISSIONER
MARDAN DIVISION MARDAN.

Additional Commissioner
Mardan Division Mardan
Appellant
13/1/2020
(33)

Shakeel Ahmad Ex-patwari Halqa

Vs

1. Deputy Commissioner Mardan
2. Himmat Ali s/o Redi Gul: r/o Katlang:

Respondents

Case No..... /4RMC
Date of institution: 04/07/2019
Date of Decision: 02/01/2020

DEPARTMENTAL APPEAL AGAINST THE ORDER DATED
28/06/2019 PASSED BY THE DEPUTY COMMISSIONER
MARDAN.

ORDER:-

This is an appeal preferred against the order dated 28/06/2019 passed by the Deputy Commissioner Mardan vide which the appellant has been removed from service. Feeling aggrieved from the said order, the present appellant filed an appeal before this court.

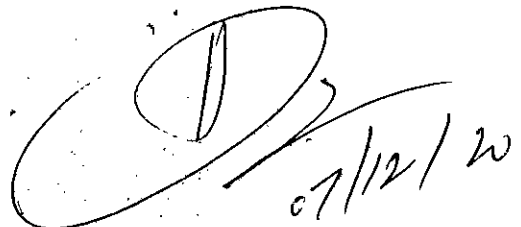
Concisely stated facts of the case are that the appellant was appointed as a patwari in the revenue side vide order dated 11/08/2011 and the charge was taken over on 12/08/2011. That the appellant was charged that he has purchased soe property for respondent No.2 and respondent No.2 has been paid Rs.23,00,000/- for purchasing of property but appellant has failed to purchase the property for respondent No.2 for which respondent No.2 filed complaint against him. Proper inquiry was conducted, as a result a compromise was affected between appellant and respondent No.2. Stated therein that appellant was order to purchase property for respondent No.2 and appellant has compromised to purchase properly for respondent No.2 and appellant was exonerated from charge against appellant but the respondent No.2 has refused from purchasing of property and demand for double amount from appellant and filed again complaint against appellant. Thereafter, the appellant was charged again

Conti....P/2

for the same act and de-novo inquiry was conducted by AAC-I Mardan/Mr. Gohar Khan due to which appellant was removed from service vide order dated 28/06/2019. Feeling aggrieved from the said order, the appellant was filed an appeal before this court.

Today, appellant alongwith his respective counsel presents. The learned counsel argued the case and also submitted written arguments on behalf of appellant which is placed on file, whereas it has been stated that the appellant appointed as patwari in the revenue estate deptt: vide order dated 11/08/2011 by the office of Deputy Commissioner Mardan. And he has assumed the charge of his post on dated 12/08/2011. In the meanwhile, a complaint was made to the office of the Commissioner Mardan Division by one Himmat Ali son of Redi Gul r/o Jhanga Alo, Katlang, Distinct Mardan, whereas it was contended that the accused patwari informed me telephonically on dated 13/03/2016 that there is a piece of land adjacent to your property and I will purchased the same for you and you have to pay an amount of Rs. 23,00,000/- and accordingly the complainant has paid an amount of Rs. 23,00,000/- to Shakeel Ahmad patwari in presence of the two witnesses. After payment, the accused Patwari Halqa handed me fake Fard and site map of the land alongwith the computer Fard. The Worthy Commissioner sent the compliant to the office of the Deputy Commissioner Mardan vide office letter No.305/Sec/Com(M) dated 01/02/2018 to probe the matter and fixed the responsibility. And the copies of the compliant were also endorsed to National Accountability Bureau KP by the complainant. The office of the Commissioner Mardan Division Mardan vide office letter No.2425/Sec/NAB dated 31/10/2018 addressed to the Deputy Commissioner Mardan that a proper inquiry may be conducted against the accused official in the light of the E&D Rules and accordingly the office of Deputy Commissioner Mardan appointed an inquiry officer, Mr. Fawad Khatak AAC Revenue Mardan as inquiry officer to submit his preliminary report vide No. 133/AAC Rev (M) dated 21/05/2018. And accordingly, the inquiry officer recommended initiation of

Conti....P/3


07/12/20

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-3-

an inquiry under E&D Rules 2011. Similar, another inquiry officer also recommended a complete inquiry under E&D rules vide his letter No. 197/AAC/IV dated 19/03/2018. And complete ordered by the competent authority and statement of allegation was served upon the accused official and the inquiry officer was communicated. The inquiry officer called upon all the witnesses and the accused official. The statement of complainant Himmat Ali was recorded. The complainant contended in their written, an amount of Rs. 23,00000/- was handed over the accused official for the purchase of piece of land. The Halqa Patwari has handed him sale fake documents and fake Fard of the land in question. Now the Halqa Patwari Shakeel Ahmad is neither paying the amount nor the showing him the piece of land for which he has received a huge amount. Similarly, the statement of accused official Shakeel Ahmad was also recorded and he has admitted in his statement that he has received an amount of Rs.23,00000/- from the complainant. And he also admitted that out of the said amount Rs. 5,00000/- has been paid to the complainant. And also elaborated in his statement that someone has abducted his son and to release his son he has failed the remaining amount as a ransom money to the abductor and with the intervention of the local elders we have patched the matter and accordingly the office of the Deputy Commissioner Mardan on the basis of the compromise filed the application of the complainant Mr. Himmat Ali and he was personally appeared before the office of Deputy Commissioner Mardan that we have reached a compromise with the accused official and the issue has been settled by the local elders and the complainant has got no further grievance against the Halqa Patwari. The said was communicated to the office of the Commissioner Mardan Division Mardan by the office the Deputy Commissioner Mardan vide letter No.584/53/DK/EA dated 17/09/2018. Then in response of office of the commissioner again shows dis-satisfaction and write down to initiate inquiry under E&D Rules. And resultantly, the denovo inquiry was ordered by the competent authority and Gohar Ali was appointed as inquiry officer. After the recording the statements of the all the stake holders, the inquiry officer vide his report, bearing No.1339 dated 29/01/2019 submitted his report to

Himmat

Conti....P/4

Examined by
87/12/20

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the competent authority i.e office of the Deputy Commissioner Mardan. The inquiry officer recommended to the competent authority minor penalty under section 4 of E&D rules 2011. Consequently, the office of the Deputy Commissioner Mardan vide letter No.1133/06(Shakeel Ahmad/DK/RA dated 04/06/2018, issued shows cause to the accused official. And accordingly the accused official submitted his reply on dated 05/06/2018. Later on, the accused patwari alongwith the complainant were called upon by the Deputy Commissioner Mardan for personal hearing wherein the complainant submitted in his statement stated that the issue between them was settled by the local elder amicably, and the complainant did not want further proceedings in his complaint. Therefore, the office of the Commissioner Mardan Division was informed Assistant Commissioner vide this office letter No.584/53/DK/EA dated 17/09/2018. Whereas, the Secretary to Commissioner vide letter No.2425/Sec/Nab dated 31/10/2018 informed this office that the Hon'ble Commissioner has observed that the accused patwari seems involved in illegality activities and as such guilty mis-conduct and directed of inquiry into the matter. The accused official and the complainant were called for recording their personal hearing on 03/05/2019 and on 26/06/2019. And thus were personally heard. The office of the Deputy Commissioner Mardan imposed major penalty i.e removal from service vide order No.1462/DC/(M)/EA/09 dated 28/06/2019 upon the accused patwari under rules 4(1)(b)(III) Khyber Pakhtunkhwa E&D Rules 2011.

From perusal of available record and arguments of the respective counsel, it transpires that all the codal formalities has been fulfilled by the inquiry officer. The accused official has properly charged sheeted and statement of allegations has handed over to the accused official. The opportunity of personal hearing was provided by the competent authority to the accused official and the complainant. The accused official has admitted in his written statement of mis- conduct and un wanted gratification.

Conti....P/5

ATTESTED
Examined/Reader
Assistant Commissioner's Office
Mardan Division, M. P. 2019
07/12/20

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As a sequel to the above discussion, the appeal has no force and is devoid of merit. The order dated 28/06/2019 passed by the Deputy Commissioner Mardan is based on merit, fulfill the ends of justice, warrant no interference. Consequently, the appeal in hand is hereby dismissed. Parties are left to bear their own cost.


File be consigned to record room after necessary completion.


Announced.
02/01/2020

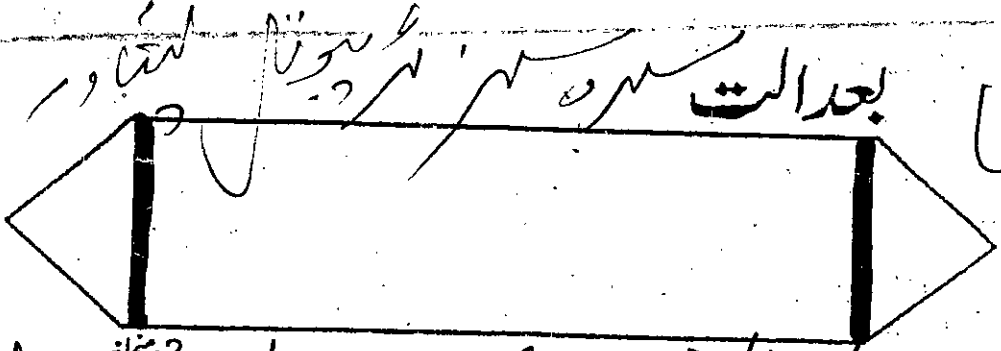

Additional Commissioner
Mardan Division, Mardan

This order consists of five pages. Each and every page has been read and signed by me.


Abdul Kabir Khan
Additional Commissioner
Mardan Division, Mardan

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30-1-20
2000
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27/12/20

ATTESTED

Examiner/Reader
Additional Commissioner's Court
Mardan Division, Mardan
27/12/20



موزخہ 7/12/2020

شکل احمد سومرا کا حکام

2، پنجاب

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیرامی و جواب دہی و کل کارروائی متعلقہ

آن مقام لٹنر کیلئے لٹنر کے لئے

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

وکیل صاحب کو رضی نامہ کرنے و تقررات نامہ فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور

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

درجہ ذیل پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی

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

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

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

پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو چیز چاہے جانا التوائے مقدمہ کے سبب سے وہ ہوگا۔

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

مذکورہ کریں۔ لہذا اوکالت نامہ لکھ دیا کہ سند ہے۔

20

20

ماہ دسمبر

المرقوم

7

واہ الب

کے لئے منظور ہے۔

ستارہ

بمقام

Accepted & Accepted

Yusuf

Before the Service Tribunal KPK Peshawar

Shakeel Ahmed

vs

D.C. Mardan etc.

Application for permission to deposit of
Security fee and Court Process fee in
instant case.

Respectfully sheweth:-

1. That above captioned case is fixed for hearing today on 12/4/2022.
2. That case is admitted for Preliminary hearing but due to no knowledge of admission of case of appellants, appellants could not deposit the fees of Security & Court Process fee, for which appellants is requesting for deposit of required fee.

It is therefore, requested that on acceptance of this application, appellants may please be allowed to deposit of required fee.

Through Counsel:- Appellant

Dated 12/4/2022

Yours

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 15266/2020

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

VERSUS

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

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Assistant Establishment
DC Office, Mardan

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 15266/2020

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

VERSUS

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

Preliminary Objections:

1. The appellant has got no cause of action.
2. The appellant has not come to the Hon'ble Tribunal with clean hands.
3. This Honorable Tribunal has got no jurisdiction to entertain this appeal.
4. The appeal is hopelessly time-barred.

**JOINT PARA-WISE COMMENTS ON BEHALF OF
RESPONDENT NO.01 & 2**

Respectfully Sheweth:

REPLY ON FACTS:

1. Pertains to record hence no comments are offered.
2. As above.
3. Incorrect and denied. Office of the Commissioner Mardan Division, Mardan, vide letter No.305/Sec/Com(M), dated 01.02.2018, forwarded a complaint of Mr. Himmat Ali s/o Redi Gul r/o Alo for inquiry & report. The complainant alleged that Mr.Shakeel Ahmad Patwari whilst posted as Patwari Halqa Alo committed to purchase certain land for him, situated in Mauza Alo; and he (private Respondent#:3) paid him Rs. 23,00,000/- for purchase of the land. Later on, the Patwari handed over revenue papers to him and ensured him that the property had been transferred in his name; but on confirmation, he came to know that property was not transferred in his name and that the revenue papers handed over to him were fake.

(Copy of letter dated 01.02.2018 is Annex-A)

Therefore, this office vide letter No. 457/DC(M)/EA-16, dated 02.02.2018, entrusted the matter to the Addl Assistant Commissioner-IV, Mardan for facts finding inquiry, who submitted his report vide No.

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

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

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

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

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

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

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

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

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

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

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

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

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

REPLY ON GROUNDS:

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

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


DEPUTY COMMISSIONER
MARDAN (R-2)


ADDITIONAL COMMISSIONER
MARDAN (R-1)

(6)



Annex-A OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

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

No: 305 /Sec/Com (M)

Dated Mardan the: 01/01/2018

To: ✓ The Deputy Commissioner Mardan.

Subject:- Complaint against Shahkil Patwari.

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

A. Noor
Secretary to Commissioner
Mardan Division Mardan

Copy forwarded to the:-

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

Commissioner Complaint Cell Mardan

✓ 2435 1-2-18

EA
PU draft as
decided.

[Faint handwritten notes and stamps]

جناب کوشنر صاحب ضلع مردان

13/1/18

درخواست ہمدرد صوبی قانونی کاروائی بر خلاف

کلیل احمد ولد لال بہادر سکسٹھ کانسٹبل ضلع مردان

موبائل نمبر: 03149639942 03002444351

جناب عالی!

گزشتہ حسب ذیل عرض ہے یہ کہ ساکن کو کلیل احمد زکوریہ والا نے 2016-03-13 کو فون کیا کہ آپ کی زمین واقع موضع
 تالا آلو کانسٹبل ضلع مردان کے ساتھ کچھ زمین ہے آپ آئیں میں آپ کو یہ زمین بالکلوں سے خریدوں گا۔ کلیل احمد زکوریہ والا
 چوکنڈ کانسٹبل میں موضع تالا آلو کا چوڑائی ہے اس لیے میں نے اس کی بات کا اعتبار کرنے کے چار کنال زمین کی جس میں لاکھ روپے
 (=/RS 2300000) دو گواہوں کے سامنے کو کلیل احمد زکوریہ والا کو ادا کیے گواہ نمبر 1 کریم خان ولد شاہ زمین خان
 ساکن آلو جگہ کانسٹبل ضلع مردان گواہ نمبر 2 ذر دا علی ولد نسیم گل ساکن آلو کانسٹبل ضلع مردان کے سامنے ادا کئے۔ ادا کی
 کے بعد کلیل زکوریہ والا نے مجھے ہاتھ کی بنی فرود قسٹ زمین اور کچھ فرکی فرودی اور کہا کہ زمین آپ کے نام ہوگی ہے۔ پھر میں
 نے پورا خانہ آلو کانسٹبل میں جا کر ریکارڈ چیک کیا لیکن ہمارے نام کوئی انتقال درج نہ تھا۔ زکوریہ والا کو کاغذات سب جعلی
 تھے۔ (کاغذات کی فوٹو شیٹ ساتھ لف ہے۔)

لہذا آپ سے استدعا کی جاتی ہے کہ کلیل زکوریہ والا کے خلاف قانونی کاروائی کر کے مجھے اپنی رقم واپس دلوائی جائے۔

العارض

ہمت علی ولد زید علی کن 1-16102-5701223
 ساکن جگہ آلو کانسٹبل ضلع مردان
 فون نمبر: 0346-9355817

مورخہ: 30-01-2018



8

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

No. 197 AAC-IV/Inquiry Officer

Dated : 19 /03/2018

SUBJECT : COMPLAINT AGAINST SHAKEEL PATWARI.

INQUIRY REPORT

Kindly refer your memo No. 457/DC(M)/14-16 dated 2-2-2018, whereby the subject inquiry was entrusted to the undersigned to probe into the matter and submit report.

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

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

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

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

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

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

Submitted please.

DC Mardan

Rev. Asstt.

[Signature]
21/3/18

E MARDAN	
Sd/- D/- 19-3-18	
SEARCHED	
INDEXED	
SERIALIZED	
FILED	
NO. 902	
21/3/18	

[Signature]

(Jawad Ali)

Additional Asstt. Commissioner-IV/
Inquiry Officer Mardan

ABZ


Put up S.O.A & C. sheet
with A.C.R. as inquiry
of file. 19/3



9

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

1. I, Muhammad Usman Mehsud, the Deputy Commissioner, Mardan, as competent authority, hereby charge you, Mr. Shakeel Ahmad, Ex Patwari Halqa Alo as follows:
 - i. That office of the Commissioner Mardan Division Mardan, vide letter No. 305/Sec/Com(M), dated 01.02.2018, forwarded a complaint of Mr. Himmat Ali S/O Redi Gul R/O Alo for inquiry & report. The complainant stated that you while posted as Patwari Alo asked him that you would purchase certain land for him situated in mauza Alo and he paid you Rs. 23,00,000/- for purchase of the land. Later on, you handed over him revenue papers and ensured him that the property had been transferred in his name; but on confirmation, he came to know that no property was transferred in his name and the papers handed over to him were fake.
 - ii. That vide this office letter No. 457/DC(M)/EA-16, dated 02.02.2018, the matter was entrusted to the Addl Assistant Commissioner-IV, Mardan for facts finding inquiry, who submitted his report vide No. 197/AAC-IV/Inquiry Officer, dated 19.03.2018, with the findings that you had received the alleged amount from the complainant for purchase of land by misusing your official capacity, and the land was not purchased for him. Furthermore, you provided fake documents to him regarding the purchase of land, as such you were guilty of wrongdoing.
 - iii. That the above-mentioned report proved you guilty of misuse of official position and extortion of money dishonestly, which warrants disciplinary action against you under the E & D rules.
2. By reason of the above, you have appeared to be guilty of misconduct under the Khyber Pakhtunkhwa Govt Servants (E&D) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules ibid.
3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer.
4. Your written defence, if any, should reach to the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and that ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. Statement of allegations is enclosed.


Deputy Commissioner
Mardan

No & Date Even:
Cc:

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


Deputy Commissioner
Mardan

DISCIPLINARY ACTION:

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

STATEMENT OF ALLEGATIONS

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

Deputy Commissioner
Mardan

11

Annex-D



OFFICE OF THE ADDITIONAL ASSISTANT
COMMISSIONER (REVENUE) MARDAN.

FILE NO.	9675
DATE	21/05/2018
RECEIVED	
PS	

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

To,
The Deputy Commissioner,
Mardan.

Handwritten signature

*RA
As directed*

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

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

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

Background of the Inquiry:

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

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

Statement of accused:

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

Statement of the complainant:

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

Statement of witness 01:

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

Statement of witness 02:

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

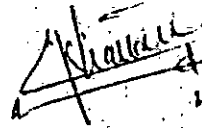
Defence of Shakeel patwari:

Mr. Shakeel Ahmad the accused after submitting his written reply one day before the date-fixed for the inquiry did not come afterward for his defence or cross question as specified in KP E & D rules 2011. Despite numerous summons and calls to attend the office of the undersigned in the stated inquiry Mr. Shakeel Ahmad did not budge. Although the complainant and his witness would come on each day-fixed for the inquiry but the accused would always absent.

Conclusion:

After going through the record getting statements of the complainant and his witness, and gauging behaviour of the accused, the undersigned came to the conclusion that the accused Mr. Shakeel Ahmad being patwari halqa of Alo misused his office to gain illegal and fraudulent monetary benefit from the complainant.

Mr. Shakeel ahmad used his office to influence the complainant therefore, is liable to be proceeded against under Khyber pakhtunkhwa efficiency and discipline rules, 2011. Any major penalty under KP E & D rules, 2011 is suggested to Mr. Shakeel Ahmad ex-patwari Alo as deem appropriate by the competent authority.


21/5/18

Fawad Khattak
Add: Assistant commissioner Revenue
Mardan



No. 123 / 06(Shakeel Ahmad)-DK/RA
Dated Mardan the 2/05/2018

To

Mr. Shakeel Ahmad, Patwari.

Through: Tehsildar Katlang

Subject: SHOW CAUSE

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

Whereas, vide this office letter No. 457/DC(M)/EA-16, dated 02.02.2018, the matter was entrusted to the Addl Assistant Commissioner-IV, Mardan for facts finding inquiry, who submitted his report vide No. 197/AAC-IV/Inquiry Officer, dated 19.03.2018, with the findings that you had received the alleged amount from the complainant for purchase of land by misusing your official capacity, and the land was not purchased for him. Furthermore, you provided fake documents to him regarding the purchase of land, as such you were guilty of wrongdoing; and

Whereas, vide letter No. 702-06/06-DK/RA, dated 12.04.2018, statement of allegations alongwith charge sheet was issued to you, and Addl Assistant Commissioner (Rev), Mardan was appointed as Inquiry Officer; and

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

Your above act amounts to misconduct under the Efficiency & Discipline Rules, 2011 and warrants any of the penalty mentioned in Rule 4 of the ibid rules.

You, are therefore directed to show cause that as to why any of the penalty provided for in the ibid rules may not be imposed upon you. Your reply should reach to the undersigned within 03 days positively; failing which it shall be presumed that you have nothing to offer in your defense and action will be taken against you in ex-parte.


Deputy Commissioner
Mardan

بیان... قیمت علی و در رتبه اولی

با اکر در تمام بیان... در زمین انشعاب... در زمین انشعاب...
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16102-0364570-1

اداره احوال و خن و...
علازک خان

161025-701223-1

الریتم علی و در رتبه اولی
نکات

16101-1287979-3

الریتم علی و در رتبه اولی

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14-09-2018

0314-9639942



Page 15

Annex -G

OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN

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

To:-

The Commissioner Mardan
Division Mardan.

Subject:-

COMPLAINT AGAINST SHAKEEL PATWARI.

Memo:-

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

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


Deputy Commissioner
Mardan



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

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

No: 2425 /Sec/NAB
To:

The Deputy Commissioner Mardan.

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

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

(Signature)
Secretary to Commissioner
Mardan Division Mardan

Copy forwarded to the:-

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

DC OFFICE MARDAN	
Dairy No/	2935 Di. 21/10/18
A.D.C	
AC	
A.A.C	
D.O.F&P	
AO	
SUBDT	✓
- SIGNATURE	

(Handwritten initials)

(Handwritten signature)

(Handwritten mark)

OFFICE OF THE
DEPUTY COMMISSIONER

MARDAN

No. 849 / 06(Shakeel Ahmad)-EA/RA
Dated Mardan the 27 / 11 / 2018

To

Mr. Gohar Ali,
Addl Assistant Commissioner (Rev),
Mardan.Subject: DE NOVO INQUIRY AGAINST MR. SHAKEEL AHMAD PATWARI

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


Deputy Commissioner
MardanEndst. No. & Date Even:Copy to:The Secretary to Commissioner Mardan Division, Mardan w/r to letter No.
2425/Sec/NAB, dated 31.10.2018.

OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN

No. 849 / 06(Shakeel Ahmad)-EA/RA
Dated Mardan the 27 / 11 / 2018



To

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

Subject: DE NOVO INQUIRY AGAINST MR. SHAKEEL AHMAD PATWARI

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


Deputy Commissioner
Mardan

Endst. No. & Date Even:
Copy to:

The Secretary to Commissioner Mardan Division, Mardan w/r to letter No. 71



OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN

No. 850-58 / 06-DK/RA
Dated Mardan the 07/11/2018

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

- i. That office of the Commissioner Mardan Division Mardan, vide letter No. 305/Sec/Com(M), dated 01.02.2018, forwarded a complaint of Mr. Himmat Ali S/O Redi Gul R/O Alo for inquiry & report. The complainant stated that you while posted as Patwari Alo asked him that you would purchase certain land for him situated in mauza Alo and he paid you Rs. 23,00,000/- for purchase of the land. Later on, you handed over him revenue papers and ensured him that the property had been transferred in his name; but on confirmation, he came to know that no property was transferred in his name and the papers handed over to him were fake.
 - ii. That vide this office letter No. 457/DC(M)/EA-16, dated 02.02.2018, the matter was entrusted to the Addl Assistant Commissioner-IV, Mardan for facts finding inquiry, who submitted his report vide No. 197/AAC-IV/Inquiry Officer, dated 19.03.2018, with the findings that you had received the alleged amount from the complainant for purchase of land by misusing your official capacity, and the land was not purchased for him. Furthermore, you provided fake documents to him regarding the purchase of land, as such you were guilty of wrongdoing.
 - iii. That the abovementioned report proved you guilty of misuse of official position and extortion of money dishonesty, which warrants disciplinary action against you under the E & D rules.
2. By reason of the above, you have appeared to be guilty of misconduct under the Khyber Pakhtunkhwa Govt Servants (E&D) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules Ibid.
 3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer.
 4. Your written defence, if any, should reach to the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and that ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. Statement of allegations is enclosed.


Deputy Commissioner
Mardan

No & Date Even:

Cc:

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


Deputy Commissioner
Mardan

(70)

DISCIPLINARY ACTION:

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

STATEMENT OF ALLEGATIONS

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


Deputy Commissioner
Mardan

(69)

OFFICE MARWAN	
1332 Di. 28/11/19	
A.D.C.	
A.C.	
A.A.C.	Inquiry Report
D.O.F&P	
AO	
Suadi:	
W.S. No.	

De Novo Inquiry against Shakeel Ahmad Patwari

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

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

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

EA
P
P.O. 28/11/18
D.C. (St)

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

Submitted please.
No. 89/246/RN
28-11-18

To :-

Mr. Shakeel Ahmad,
Patwari Muza Qasami Katlang.

Subject: - SHOW CAUSE NOTICE.

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

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

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

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

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

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

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

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

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

Deputy Commissioner
Mardan

بیان: تحصیل اقدہ پوری حلقہ کا نامی نقشہ لکھنا چاہئے

بیان کیا کہ بہت سی سائل نا توکل ہوئیں چار کھال اور اسی کا سود کیا گیا جو کہ

اس وقت میں بوضوح اور پوری تھا۔ تو سائل ذہنیہ زہداری میں بائیں

کے بلے / 300000 ایک لاکھ روپیہ ادا کے بعد بائیں کی فائی

حصہ کی واپس سے معاہدہ میں فتح ہوا اور اس وقت کہنے سے

کو لوڈ کیا اور اسکی باڑوں میں جو کچھ رہی پوری کے علاوہ سائل ہارم

کے بلے / لاکھ روپیہ ادا کے بعد بائیں کی فائی نامہ کرنا

اور سائل / 500000 لاکھ روپیہ سائل کو ادا کے بعد بائیں کی فائی

زیر جوئے کے لئے بائیں کی فائی نامہ کرنا اور بائیں کی فائی میں موجود

جو کچھ کہیں سے سائل لاکھ روپیہ موجود نہیں تھا۔ تو میں ہم ٹوکل میں سائل زمین دہلی

میں سائل کے لئے وہ انٹاری ہو ا اور دوبارہ درخواستیں اور سائل کے لئے

میں اس کے لئے آرپی ہوں اور انہی کے لئے علاوہ دو فریقوں کے لئے بائیں کی فائی

اور بائیں کی فائی کے لئے انہی کے لئے ہے۔ کہ سائل کو نصف کیا جائے اور

تو بائیں کی فائی کے لئے از حد ادا کروں

تحصیل اقدہ پوری حلقہ کا نامی نقشہ لکھنا چاہئے

20/5/16

درخواست ریجنل کمیشنر علی آباد سہیل شہزاد

25/2018

ذاتی مسنواٹی کے لئے آئی. اے. ایلوٹ 10/5/2018 کو جاری

26/2018 - آئی. اے. ایلوٹ کو فریقین کے لئے

پنواہی خلعہ شمس آباد مسنواٹی کے لئے

کے لئے جاری ہوئے۔

سیان پخت کن و در اندام کل سیان مگن او

سیان کما در صینا سے پختل اقم پور پور سے طرف مکل ازمین
دورست قدر کما حوت صیبت پور پور اسیا سے کما

سے اسیا ضرورت سے کیتے اسیا در صینا سے کیتے

سے اسیا قدریں اور در صینا سے در صینا سے کیتے

اوسان کما شکل میں کیتے کیتے وہ کیتے کیتے اسیا سے

صینا غلام سے شران سے پور کیتے کیتے کیتے صینا

قدر صینا سے صینا

کیتے

کیتے کیتے کیتے

بیان کیلئے لکھا ہوا پورا وقت قاضی کیلئے کا تھا

بیان کیا گیا کہ قیمت ملنے کا معاملہ سے صوبہ اور قریبی چار سال
 کے لئے کا سودا کیا گیا۔ جو کہ اس وقت سے صوبہ اور قریبی چار سال
 کے لئے نہ سمجھنے کے لئے ہے۔ ڈیم ورور میں بازاروں کو ملنے سے ^{میں سے} ~~دریں سے~~ ^{میں سے} ~~دریں سے~~ ^{میں سے} ~~دریں سے~~

ادائگی سے کہیں کہیں مارتنے کا قاضی کے پورا کی وجہ سے
 بتا دیے۔ یہ سچ ہے جو حوالہ اتفاقاً اس وقت میں سے یہ سچ ہے
 اور اس لئے کہ اس کا بازار یا جہاں کہوں سے اسے پہلے سے ہزاروں
 سال کا کاروبار ہے جو اس لئے کہ میں اس وقت سے اس کے چار سال میں
 قائم رہنے کا نام کر دیا اور اس کے لئے اس کے لئے اس کے لئے

صحت سے ہرگز نہیں کہہ سکتے کہ اس کے لئے اس کے لئے اس کے لئے
 اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے
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اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے
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 اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے

10/05/2019

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 15266/2020


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

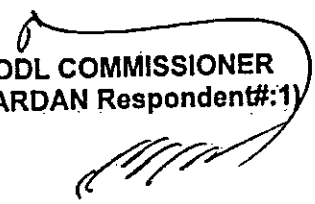
VERSUS

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

AUTHORITY LETTER

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


**DEPUTY COMMISSIONER
 MARDAN (Respondent#2)**


**ADDL COMMISSIONER
 MARDAN Respondent#:1)**

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