

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

BEFORE: **KALIM ARSHAD KHAN ...CHAIRMAN**  
**SALAH UD DIN ...MEMBER (Judicial)**

*Service Appeal No.1136/2022*

Date of presentation of appeal.....20.07.2022  
Dates of Hearing.....27.04.2023  
Date of Decision.....28.04.2023

**Faisal Shehzad** son of Abdul Ghafoor resident of Bandi Muneem,  
Tehsil Khanpur, District Haripur.

.....*Appellant*

Versus

1. **Commissioner** Hazara Range.
  2. **Deputy Commissioner** District Haripur.
  3. **Assistant Commissioner**, Tehsil, Khanpur, District Haripur.
- .....(*Respondents*)

Present:

Mr. Usman Shaheen, Advocate.....For the appellant.

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

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**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974  
AGAINST THE ORDER BEARING ORD; NO. 26920-  
95/P.F/FAISAL SHEHZAD/HCR/DC(H) DATED  
29.03.2022 OF THE DEPUTY COMMISSIONER,  
HARIPUR KHYBER PAKHTUNKHWA, PESHAWAR  
WHEREBY THE APPELLANT HAS BEEN IMPOSED A  
MINOR PENALTY OF WITHHOLDING OF TWO  
ANNUAL INCREMENTS WITH CUMULATIVE  
EFFECT UNDER KHYBER PAKHTUNKHWA,**



**GOVERNMENT SERVANT (EFFICIENCY & DISCIPLINARY RULE)4(1)(A)(II) OF 2011.**

**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** We have an appeal before us brought by Faisal Shehzad who alleges that he had assumed the charge as Patwari Halqa Mouza, Soraj Gali, District Haripur on 29.04.2021; that on 09.11.2021 the Deputy Commissioner Hairpur conducted the Girdawri inspection and thereafter issued statement of allegation alongwith charge sheet to the appellant and ordered enquiry; that the enquiry officer conducted the enquiry and submitted his detailed report vide letter dated 04.02.2022; that after receipt of the said inquiry, the competent authority issued final show cause notice to the appellant on 01.03.2022, which was duly replied by the appellant; that the respondent/department, thereafter, issued impugned order dated 29.03.2022 by imposing minor penalty of withholding of two annual increments with cumulative effect upon the appellant; that feeling aggrieved of the same, the appellant filed departmental appeal on 07.04.2022 which was not honoured and he filed this appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance but they did not submit written reply despite numerous opportunities. On 21.02.2023 there was no representative of the respondents present, therefore, they are placed ex-parte and their right to file reply stands stuck off.

3. We have heard learned counsel for the appellant and learned Deputy District Attorney for the respondents.

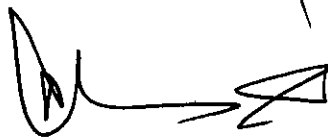


4. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Deputy District Attorney controverted the same by supporting the impugned order.

5. The only allegation against the appellant is that during the inspection of the Deputy Commissioner, Haripur of Mouza Soraj Gali, he found the appellant had failed to identify the correct spot position of any of the Khasra numbers and there were some flaws in the Khasra Girdawari. In the enquiry conducted by the Assistant Commissioner, Khanpur, the statement of the appellant was recorded wherein he stated that:-

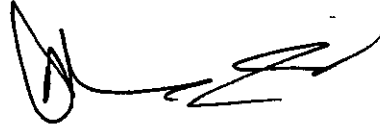
“crux of the statement of accused/Patwari is that that on 09.11.2021 the Deputy Commissioner carried out, on the spot, inspection of Girdawri of crop of Khareef for Halqas of Bareela & Shadi (Mauza Surajgli). Due to dilapidated condition he was unable to identify the spot on Lattah. The said Lattah was handed over to him by his predecessor in office and the same fact was recorded during the charge assumption. Moreover, due to non-availability of Masavis new Lattah could not be prepared even by his predecessors. The revenue record of Patwar Halqa Shadi is complicated due to which he also faced number of issues in the performance of daily routine duties. He further stated that the kind of land was subsequently corrected in the crop inspection report. The wrong inspection report and non-identification of relevant Khasra Numbers were inadvertent and due to dilapidated Lattah, therefore, he requested for exoneration from the charges and affirmed that he will be careful in future”

6. This statement was not properly appreciated by the enquiry officer in his report rather it was stated that the appellant had not made any correspondence with high ups pertaining to the vulnerable condition of Lattah. The Enquiry Officer has not stated anything regarding dilapidated condition of Lattah nor has himself verified and report that he has examined the Lattah himself so that the contention of Patwari/accused appellant could be proved otherwise. Therefore, we allow this



appeal and set aside the impugned order dated 29.03.2022. Costs shall follow the event. Consign.

7. ***Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 28<sup>th</sup> day of April, 2023.***



**KALIM ARSHAD KHAN**  
Chairman  
Camp Court Abbottabad



**SALAH UD DIN**  
Member (Judicial)  
Camp Court Abbottabad

*\*Adnan Shah, P.A\**