

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

SA # 1290/2022

Faheem Ullah, Computer Operator (BPS-16), O/O Service Delivery Center, Shami Road,
Peshawar..... **Applicant**


Versus

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. The Director Land Records, Board of Revenue, Peshawar.

..... **Respondents**

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Deponent

12/07/23

Peshawar

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

SA # 1290/2022

Faheem Ullah, Computer Operator (BPS-16), O/O Service Delivery Center, Shami Road,
Peshawar.....

Applicant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6308
Entry No. 6/67/23

Versus

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. The Director Land Records, Board of Revenue, Peshawar.

Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 & 2.

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS: -

1. That the appellant has got no cause of action to file the instant appeal before the Hon'ble Service Tribunal.
2. That the service appeal is not maintainable and not entertainable in its present form.
3. That the appellant has no locus standi to file the instant Service Appeal.
4. That the appellant has not come to the Hon'ble Service Tribunal with clean hands.
5. That the appellant has concealed material facts from this Hon'ble Service Tribunal.
6. That the appeal is based by law and limitation.

1. No Comments.

2. Correct to the extent that the appellant was charged on account of fake/contradictory, Fardat issued in violation of rules knowledge, authority of the land owner. After conducting proper enquiry under the Efficiency & Discipline Rules, imposing major penalty of compulsory retirement(**Annex-A**), later on reduced/converted into minor penalty by withholding of three increments for a period of three years (**Annex-B**) with cumulative effect in light of departmental appeal filed by the appellant, hence the opportunity /remedy has already been availed and he is not entitled for further relief being a serious charges of male practices leveled against the appellant.

3. Incorrect, the Service Delivery Center Staff are the custodian of precious land records. They are trusted to keep the land records of people safe & secret. They are expected to ensure privacy regarding lands of the public. One of the main objective of the land records computerization is make the records safe, but in the instant case he took a very easy and succumbed to the pressure and telephone calls and provided land records to irrelevant people. Due to his, this action seems a big fraud took place which created agonies for many people and embarrassment for Revenue Department.

4. As stated in Para-03 above.

5. Incorrect; As per recommendation/report of Inquiry Officer, the service provider (Mr. Faheem Ullah, Computer Operator) statements reveals some contradiction as issuance of Fardat without consent of owners seems illegitimate, while the incumbent Patwari Halqa has no role at all as the Halqa has already been made live in Service Delivery Center.

6. Correct to the extent that the appellant filed a Department Appeal before the Senior Member Board of Revenue, wherein the SMBR has accepted the appeal and converted the awarded penalty into withholding of three increments for a period of three years.

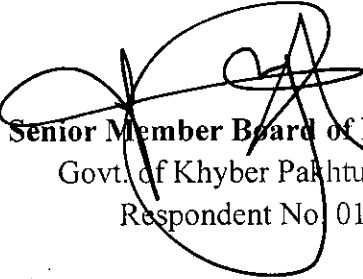
GROUND:

- A. Incorrect, the appellant was charged on account of very serious changes of Fake/contradiction, fardat issued in violation of rules, knowledge authority of the land owners. Therefore, the appellant proceeded strictly in accordance with the existing prevailing rule.
- B. Incorrect; The appellant proceeded strictly in accordance with the provision of E & D Rules & set precedence.
- C. Incorrect; All the opportunity for defence of case has already been availed by the appellant as provided under the rules.
- D. Incorrect; All the codal formalities has been adopted strictly in accordance with the provision of rules/law.
- E. Incorrect- as stated in Para-03.
- F. Incorrect- as stated in Para-03.
- G. Incorrect; As per finding of Inquiry Officer, the Service Delivery Center Staff are the custodian of precious land records. They are trusted to keep the land records of people safe & secret. They are expected to ensure privacy regarding lands of the public. One of the main objective of the land records computerization is make the records safe, but in the instant case he took a very easy and succumbed to the pressure and telephone calls and provided land records to irrelevant people. Due to his, this action seems a big fraud took place which created agonies for many people and embarrassment for Revenue Department.
- H. In case of Abdul Ghafar Patwari Halqa Behlolzai Peshawar. He remained Patwari at mouza Kafoor Dahri on 14.03.2016 to 16.06.2017. Now he is Patwari mouza Behlolzai. Mouza Kafoor Dahiri is live and attestation of Mutation and issuance of Fard are done in the SDC and Patwari has no role in entering of mutation or issuance of fard. He has not issued fard nor did he signed any document in this case. As far as CDR is concern it will be jumping to the desired results to rely on CDR because we have no data regarding the quality of the telephone calls. We don't know what was asked and what was replied because CDR in the present form only shows us number of telephone calls which are 223 outgoing call and 221 incoming calls from Mr. Ajmali Khan, the main character behind the preparation of fake power of attorney. However, being Revenue official and being ex-Patwari of the Mouza where fake power of attorney has been prepared it is not good rather alarming that Patwari has relations too deep with a person who is master mind of fake power of attorney. But in this case prime facie no solid proof of his involvement could be found.
- I. Incorrect- as stated in Para-03.
- J. Incorrect- as stated in Para-03.
- K. As stated in Para-03.


- L. Incorrect- As stated in Para-03.
- M. Incorrect; The appellant dealt with strictly in accordance with the provision of rules/law.
- N. The respondents seek leave to raise additional grounds at the time of arguments.

Prayers: -

It is, therefore, humbly prayed that the instant service appeal is based on misconception, baseless and having no legal footing as per law, may graciously be dismissed with costs.



Senior Member Board of Revenue,
Govt. of Khyber Pakhtunkhwa
Respondent No. 01



Director Land Records,
Khyber Pakhtunkhwa
Respondent No. 02

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

SA # 1290/2022

Faheem Ullah, Computer Operator (BPS-16), O/O Service Delivery Center, Shami Road,
Peshawar..... **Applicant**

Versus

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. The Director Land Records, Board of Revenue, Peshawar.

..... **Respondents**

AFFIDAVIT

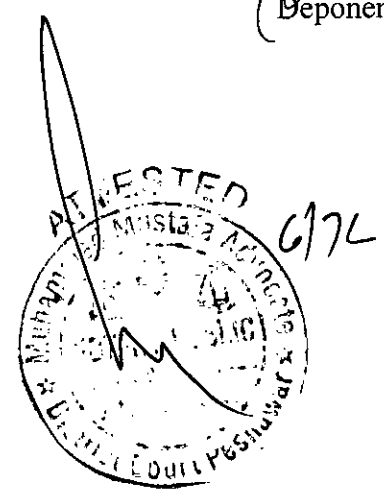
I, Mohsin Ali, Assistant Director Land Records, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm on Oath that the contents of the attached reply are true and correct to the best of knowledge and believe and that nothing therein has been concealed or withheld from this Honourable Court.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte no their defence has been struck off. / *Cost.*

Mohsin Ali
Deponent.

Identified by

Advocate General,
Khyber Pakhtunkhwa.



BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

SA # 1290/2022

Faheem Ullah, Computer Operator (BPS-16), O/O Service Delivery Center, Shami Road,
 Peshawar..... **Applicant**

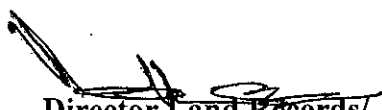
Versus

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. The Director Land Records, Board of Revenue, Peshawar.

..... **Respondents**

AUTHORITY LETTER

Mr. Mohsin Ali, Assistant Director Land Records, Board of Revenue is hereby authorized to appear before the Hon'ble Service Tribunal Khyber Pakhtunkhwa in the Service Appeal No. 1290/2022 on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Advocate General, Khyber Pakhtunkhwa Peshawar.


**Director Land Records/
 Inspector General of Registration
 Khyber Pakhtunkhwa**



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF LAND RECORDS
REVENUE AND ESTATE DEPARTMENT

E-Mail: landrecord.kpk@gmail.com

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NOTIFICATION

Peshawar dated the June 08, 2022

No. LR-IV/Kafoor Dheri/Complaints/ 8705-15. WHEREAS, Mr. Faheem Ullah, Computer Operator/ Service Delivery Centre Official, Peshawar, was proceeded under Rule-3(a)(b)(c) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Statement of Allegations and Charge Sheet dated 10.03.2022.

AND WHEREAS, Mr. Fozal Hussain, Secretary-II, Board of Revenue, Khyber Pakhtunkhwa was appointed as Inquiry Officer to conduct enquiry against the said official under the rules ibid.

3. AND WHEREAS, the Inquiry Officer, after having examined the charges, evidence on record, and explanation of the accused official, submitted Inquiry Report, recommending major penalty to be imposed upon the accused.

4. AND WHEREAS, accused official took the confidentiality, safety, and secrecy of the Land Record of the public very lightly and in the instant case the accused provided Land Records to irrelevant people. Due to his this action a big fraud took place which created mental agonies for many people and embarrassment for the Department, hence the charges stands proved.

5. NOW THEREFORE, I, Zakir Hussain Afridi, Senior Member Board of Revenue, Khyber Pakhtunkhwa, being Competent Authority after having examined the charges, evidences produced, statement of the accused official, findings of the Inquiry Officer and after personal hearing of the accused official concurred with findings and recommendations of the Inquiry Officer.

NOW THEREFORE, in exercise of powers conferred under Rules 14(5)(ii) read with 4-I(b)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, I, Zakir Hussain Afridi, Senior Member Board of Revenue, Khyber Pakhtunkhwa, as Competent Authority impose major penalty of "Compulsory Retirement" upon Mr. Faheem Ullah, Computer Operator, Service Delivery Centre, Peshawar, with immediate effect.

-sd-

Secretary Revenue & Estate Department
Khyber Pakhtunkhwa

Endst: No. & Date Even.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Commissioner Peshawar Division, Peshawar.
3. Project Director, Computerization of Land Records Project, Khyber Pakhtunkhwa.
4. Secretary-II, Board of Revenue & Estate Department, Khyber Pakhtunkhwa.
5. Deputy Commissioner, Peshawar.
6. Additional Deputy Commissioner/Project Manager, Peshawar.
7. Deputy Director (Database), Service Delivery Centre, Peshawar.
8. PS to Secretary to Govt; of Khyber Pakhtunkhwa, Revenue & Estate Department.
9. PA to Director Land Records, Khyber Pakhtunkhwa.
10. Official Concerned.
11. Office order file.

Director Land Records/
Inspector General of Registration
Khyber Pakhtunkhwa

Attested



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTOR LAND RECORDS
REVENUE AND ESTATE DEPARTMENT

E-Mail: landrecord.kpk@gmail.com

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Peshawar dated the July 20, 2022

(7)

285

OFFICE ORDER

No. LR-IV/Kafoor Dheri/Complaints/10440-49 WHEREAS, the appellant (Faheem Ullah, Computer Operator/Service Delivery Centre Official, SDC Peshawar) was proceeded against under Rule-3(a)(b)(c) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

2. AND WHEREAS, the Appellant was awarded major penalty of "Compulsory Retirement" under Rule 4-1(b) (ii) of the rules ibid.

3. AND WHEREAS, the Appellant preferred Departmental Review/Appeal dated 16.06.2022 against the awarded penalty of "Compulsory Retirement" issued vide No. LR-IV/Kafoor Dheri/Complaints/8705-15 dated 08.06.2022.

4. AND WHEREAS, on having found infirmity in the order ibid as the accused official having only 07 years & 11 months service at his credit, does not qualify for retirement.

5. NOW THEREFORE, in exercise of powers conferred under Rules 14(5)(ii) read with 4-I(a)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, and Rule 7 (3) of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986, the Appellate Authority (Senior Member, Board of Revenue) is pleased to modify the awarded penalty and convert it into minor penalty of "withholding of three increments for a period of three years with cumulative effect" upon Mr. Faheem Ullah, Computer Operator/Service Delivery Centre Official, SDC Peshawar/appellant, with immediate effect. The intervening period, if any, may be treated as on leave.

Approved by
APPELLATE AUTHORITY

Endst: No. & Date Even.

Copy forwarded to the: -

1. Project Director, Computerization of Land Records Project, Khyber Pakhtunkhwa.
2. Commissioner Peshawar Division, Peshawar.
3. Accountant General Khyber Pakhtunkhwa, Peshawar.
4. Secretary-II (Inquiry Officer), Board of Revenue, Khyber Pakhtunkhwa.
5. Deputy Commissioner, Peshawar.
6. Additional Deputy Commissioner/Project Manager CLR, Peshawar.
7. Deputy Director (Database), SDC Peshawar.
8. PS to Secretary to Govt; of Khyber Pakhtunkhwa, Revenue & Estate Department.
9. Official Concerned.
10. Office order file.

Attested

Director Land Records
Khyber Pakhtunkhwa

بخدمت جناب سینئر ممبر بورڈ آف ریونیو خیبر پختونخواہ

Dr. No. 1949
Date 20/6/22
Govt of Khyber Pakhtun Khwa

1949
20/6/22

اکل برائے نظر ثانی

عنوان:

جناب عالی!

نہایت ادب سے گزارش کی جاتی ہے کہ میں نے موضع کافر ڈامیری میں ایک ہی فیملی کے 32 فردات مختلف Date میں بعد از مکمل جانچ پڑتال پیشتر سائیلان کو جاری کیے تھے۔ جن میں سے میں نے 23 فردات برائے رجسٹری جاری کیے جس پر 1863 کنال کی رجسٹریشن بھی درست درج ہوئی جس کا تمام ریکارڈ انکوآری آفسر فضل حسین صاحب کی خدمت میں پیش کیا گیا تھا۔ 9 فردات برائے مختیار نامہ جاری کیے جس میں 8 فردات ایس ڈی سی آفس کو برائے منسوخی واپس کیے گئے۔ اور صرف 1 فرد جس پر سب رجسٹرار نے ایک ایڈوکیٹ کو کیشن کے لئے مقرر کیا تھا۔ جس نے ارادہ حاصل مالکان کی حق تلفی کر کے غیر قانونی طور پر غلط انگوٹھے لگائے جس پر سب رجسٹرار آفس میں ایک جعلی مختیار نامہ منظور کر دیا گیا اور بعد میں اسی مختیار نامہ پر غیر قانونی رجسٹری بھی منظور کی گئی نتیجتاً ایک ذمہ دار شخصیت کی بنا پر غیر قانونی فعل کیا گیا۔ جو کہ بعد میں بالا آفسران کے حکم پر منسوخ کر دیا گیا۔ جس کے بعد انکوآری شروع ہوئی اور انکوآری مکمل ہونے کے بعد مجھے شو کاز نوٹس دیا گیا جس میں لکھا تھا کہ کیوں نہ آپ کو جبری ریٹائرڈ کر دیا جائے۔

جناب عالی!

بادائق ذرائع سے معلوم ہوا ہے۔ کہ مجھے مذکورہ بالا انکوآری میں جبری ریٹائرڈ کیا جا رہا ہے۔ چونکہ میری سروس کو سات سال ہوئے ہیں۔ اور میں نے سات سالہ سروس کے دوران اسران بالا کو کسی قسم کی شکایت کا موقع ہی نہیں دیا۔ یہ کہ فرد اجراء میری ڈیوٹی تھی اور میں نے پوری ایمانداری سے اور بغیر کسی لالچ کے اپنی ڈیوٹی سرانجام دی ہے۔ مہربانی فرما کر میری اوہل برائے نظر ثانی منظور فرمایا جائے اور مجھ پر کسی قسم کا چارج / میجر پینالٹی نہ لگائی جائے۔ سائل تاحیات دعا گو رہے گا۔

UN. 17

Handwritten signature and scribbles

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العارض
فیہم اللہ

کیپیوٹر آفیسر (ایس ڈی سی پشاور)

0315-7373780

DLR

Handwritten signature

Handwritten signature

17/6/2022

Attested

Handwritten signature

(9)

256



**GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT**

Phone: 091-9210057
E-Mail: landrecord.kpk@gmail.com

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@LandrecordKP

Peshawar dated the 10/03/2022

NOTIFICATION

No. LR-IV/Inquiry/Kafoor-Dheri/ 2121-29 The Competent Authority is pleased to order inquiry as per provision contained in Rule-5 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 for the act of omission and commission defined in terms of Rules-3 of Rules ibid against Mr. Saleem Ahmad, Ex-Sub Registrar-II Peshawar (now waiting for posting in Director Land Records office), Mr. Faheem Ullah, Computer Operator, Service Delivery Center Peshawar and Mr. Abdul Ghaffar, Patwari Halqa Behloolzai Deputy Commissioner Officer Peshawar.

2. Consequent upon the above and for the purpose of inquiry against the aforementioned accused with reference to enclose allegations, in term of Rule-10(1)(a) of the Rules ibid; the Competent Authority has been pleased to appoint Mr. Fazal Hussain, Secretary-II, Board of Revenue, Khyber Pakhtunkhwa as Inquiry Officer to conduct the inquiry under Rules ibid and submit report within 30 days.

Approved By
Senior Member, Board of Revenue
Khyber Pakhtunkhwa

Endst: No. & Date even:-

Copy forwarded to the:-

1. Mr. Fazal Hussain, Secretary-II, Board of Revenue, Khyber Pakhtunkhwa. Charge Sheet and Statement of Allegations in respect of the accused are enclosed. The Charge Sheet and Statement of Allegations may be served upon the accused duly acknowledged receipt.
2. Deputy Commissioner, Peshawar with the request to direct the concerned officials to appear before the inquiry officer as and when called for. He may also depute a well versed representative of his office to attend the inquiry proceedings and produce relevant record before the inquiry officer.
3. Additional Deputy Commissioner (General), Peshawar.
4. Deputy Director (Database) Peshawar.
5. Mr. Istikhar Hussain, Superintendent Land Records is deputed as Departmental representative to assist the Inquiry Officer.
6. PS to Deputy Speaker, Provincial Assembly, Khyber Pakhtunkhwa.
7. PS to SMBR/Secretary Revenue & Estate Department Khyber Pakhtunkhwa.
8. Officials concerned with the direction to appear before the Inquiry Officer as and when called for inquiry proceedings.

Attested

Deputy Director Land Records
Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
(INSPECTOR GENERAL OF REGISTRATION)
REVENUE AND ESTATE DEPARTMENT

Peshawar dated the 10/02/2022.

CHARGE SHEET

I, Ijaz ur Rehman, Director Land Records/Inspector General of Registration, Khyber Pakhtunkhwa, as Competent Authority hereby charge you Faheemullah, Computer Operator, Service Delivery Centre, Peshawar as follows:-

That you while posted as Computer Operator, Service Delivery Centre, Peshawar committed the following irregularities:-

- i. That you deliberately issued contradictory Fardat in violation of Rules & without consent of Land Owners, which are illegitimate.
- ii. That you deliberately did not verify the CNIC of the Land Owners, hence, an embarrassment situations were created. Resultantly, a fake Power of Attorney was issued and registered involving violation of prevailing Rules and procedure.
- iii. That this act on your part tantamount & liable to be against under the rules.

2. By reason of the above you appeared to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

3. You are therefore required to submit your written reply in your defence within 15 days of the receipt of this charge sheet direct to the Enquiry Officer.

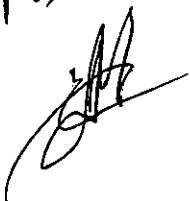
4. Your written defence, if any, should reach the Enquiry Officer, within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. Intimate as to whether you desire to be heard in person or otherwise.

6. Statement of allegations is enclosed.


Director Land Records/
Inspector General of Registration

Mr. Faheemullah,
Computer Operator, SDC, Peshawar.

Attested




**GOVERNMENT OF KHYBER PAKHTUNKHWA
(INSPECTOR GENERAL OF REGISTRATION)
REVENUE AND ESTATE DEPARTMENT**

Peshawar dated the 10 /02/2022.

DISCIPLINARY ACTION

1. Ijaz ur Rehman, Director Land Records/Inspector General of Registration, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Faheemullah, Computer Operator, Service Delivery Centre, Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/omission, within the meaning of Rules-3 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS.

- i. That he deliberately issued contradictory Fardat in violation of Rules & without consent, knowledge & authority of Land Owners, which are illegitimate.
- ii. That he deliberately did not verify the CNIC of the Land Owners, hence, an embarrassment situations were created. Resultantly, a fake Power of Attorney was issued and registered involving violation of prevailing Rules and procedure.
- iii. That this act on his part tantamount & liable to be against under the rules.

2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Fazal Hussain, Secretary-II, Board of Revenue, Khyber Pakhtunkhwa is appointed as Enquiry Officer under Rule-10 (1) (a) of the rules ibid.

3. The Enquiry Officer shall, in accordance with the provisions of the rules ibid provide reasonable opportunity of hearing to the accused, record its findings and made, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a representatives of Director Land Records, Khyber Pakhtunkhwa and Additional Deputy Commissioner, Peshawar shall join the proceedings on the date, time and placed fixed by the Enquiry Officer.

5. Statement of allegations is enclosed.

Attest

Enquiry Officer.

Director Land Records/
Inspector General of Registration



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

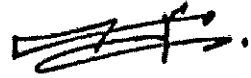
No. P.A/Secy-II/11599-600
Peshawar dated the 14/04/2022.

To

The Director Land Records,
Khyber Pakhtunkhwa.

SUBJECT: - INQUIRY UNDER KHYBER PAKHTUNKHWA GOVERNMENT
SERVANTS (E&D) RULES 2011 AGAINST MR. SALEEM AHMAD
EX-SUB-REGISTRAR PESHAWAR (CURRENTLY WAITING FOR
POSTING IN DLR OFFICE).

Kindly refer to your notification No. LR-IV/Inquiry/Kafoor-Dheri/2121-
29 dated 10.03.2022 and to enclosed herewith enquiry report (in original 5 pages) for
further necessary action at your end please.


Secretary-II

No & Date even:

Copy forwarded to the:


1. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa.


Secretary-II

Alongwith Original file

Please examine and put up

DLR
SLR

So. n/a.

14/04/22

14/04/2022

Attested


INQUIRY REPORT

BACKGROUND:

The undersigned was appointed as Inquiry Officer vide notification No. LR-IV/Inquiry/Kafoor Dairi/2121-29 dated 10.03.2022 (Annex-I) to conduct the enquiry under the Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules, 2011. Charge Sheets and Statement of Allegations in respect of Mr. Saleem Ahmad ex-Sub-Registrar-II Peshawar (now waiting for posting in Director Land Records), Mr. Faheemullah Computer Operator SDC Peshawar and Mr. Abdul Ghafar Patwari Halqa Behlolzai Deputy Commissioner Peshawar have been enclosed. The Director Land Records provided copy of the Fact Finding enquiry conducted by the then ADC Peshawar which was perused.

ISSUE: A fake Power of Attorney (where upon thumb impression of deceased persons have been affixed) No. 1599 Bahi No. 4 vol-137 dated 06.05.2021, its execution and registration of sell deed No. 3749 Bahi No. 01 vol-2501 dated 25.05.2021.

PROCEEDINGS

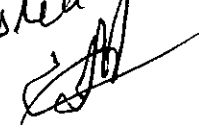
The statement of allegations and charge sheets were duly served upon all three under inquiry officials namely Salim Ahmed Sub Registrar, Ghaffar Ali Patwari and Fahemullah Computer Operator. All the three officials were given 15 days for replies/statements.

The above named officials were given the opportunity of hearing and written statements.

(A) STATEMENT OF MR. SALEEM AHMED. EX-SUB-REGISTRAR-II. PESHAWAR

1. That para-1 of the allegation is incorrect, in fact I have observed all legal and codal formalities at the time of appointing Commission in the light of Section-38 of the Registration Act 1908 which authorize the Sub-Registrar to appoint Commission. Section-38 is reproduced for your perusal please. Copy enclosed as (Annex-A).

- (1) (a) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the Registration officer, or
 - (b) a person in jail under civil or criminal process, or
 - (c) person exempt by law from personal appearance in court and who would but for the provisions next hereinafter contained by required to appear in person at the registration officer.
- (2) In the case of every such person the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him or issue a Commission for his examination.

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It is pertinent to mention here that the Advocate Gharib Gul Ahle Commission has disclosed at the time of application that he is counsel of the applicants and he personally identified them.

After the report of Commission of Power of Attorney was thoroughly examined wherein the Commission has categorically mentioned that all the Executants of the deed and witnesses have signed/thumb impress the deed in his presence. Thereafter the Power of Attorney was registered at Serial No. 1599 in Book No. 4 on 06.05.2021.

Mr. Hasham Ali and 11 others moved/filed an application before Assistant Commissioner Peshawar for cancellation of the said Power of Attorney wherein they have stated that they are owners of inherited property measuring 400-kanals in mouza Kafoor Dherin Peshawar, in respect of which their maternal cousins Mr. Ajmali Khan and Sabz Ali Khan sons of Abdul Hamid Khan have obtained a Power of Attorney from them which was signed/thumb impress by them and now the applicants demanded the Sale consideration on which their cousins annoyed and insulted them, on receipt of said applications from Assistant Commissioner Peshawar, I called Gharib Gul Advocate Ahle Commission and inquired from him about said application. I also asked him that whether he is satisfied about the Power of Attorney and signatures/thumb impressions of executants, for which he did not reply properly, thereafter I called the attorney holders Ajmali and Sabz Ali and cancelled the Power of Attorney on 04.08.2021 vide cancellation deed No. 2414 Bahi 4 under the Power of Attorney Act.

2. In reply to Para-2 of the Charge Sheet:

It is humbly submitted that I have not violated any Law and I have not gone beyond my Jurisdiction as I was working under Registration Act 1908, thereafter at the time of Registration of Power of Attorney I have followed Para-A Sub-para-1 of Section-33 which says "if the principal at the time of executing the power of attorney resides in any part of [Pakistan] in which this Act is for the time being in force, a power of attorney executed before and authenticated by the Registrar or Sub-Registrar within whose District or Sub-District the principle resides.

3. In reply to Sub-para-III it is humbly submitted that detailed reply has already been given in afore mentioned paras, thereafter there is no need for repetition.

Sir,

I have done my job according to Law and Rules by observing all legal and codal formalities and have not gone beyond my Jurisdiction what has been done it was done in good faith and I am not guilty of any mis-conduct and have not violated any Rules. It is further prayed that the Charge sheet may kindly be withdrawn and I may graciously be exonerated from the charges.

(B) STATEMENT OF MR. FAHIMULLAH, COMPUTER OPERATOR, SDC PESHAWAR

With due respect it is stated that on 26.04.2021, Sabz Ali S/O Abdul Hameed Khan R/O Sara sang Kafoor Dheri Peshawar visited SDC officer personally having original CNICs of owners and copies of few CNICs on which the words "For Power of Attorney only" were written. After which, I validated each original CNIC along with copies

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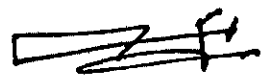
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through data there in my computer system and I also validated Date of Expiry on CNICs. Since few owners were not having their CNICs so I was told that they belong to family of sitting Deputy Speaker Mehmood Jan and they have an agreement with us. After which, he showed a stamp paper in which their agreement was made and Sabz Ali S/O Abdul Hameed was made Attorney by the owners. Then I took original CNIC and Mobile No. from Sabz Ali and entered these in Computer System. And fard was given for Power of Attorney on which a note was written for Sub-Registrar to get complete detail of owners and their ID Cards.

The nephew of ex-Senior Member Board of Revenue Mr. Syed Zafar Ali Shah namely Syed Abbas Shah and Ayaz, Gohar and Qasim have taken fardat for Registry and Power of Attorney of the family of Deputy Speaker Mehmood Jan's for 1863 kanals land (Record enclosed). They were not having their CNICs nor their copies. Calls were received from Board of Revenue also and all of our staff used to do their work till night. Even Tehsildar was also called to the office in the evening. Deputy Speaker's reference was given whenever they were directed to produce the actual owners of the land. Or higher-ups were approached in obtaining fards. Due to which we could not call family members of the Deputy Speaker Mehmood Jan's family. Because we were pressurized by approaching higher ups whenever the actual owners were called.

The Higher ups cancelled the Power of Attorney when they knew that it was fake. After which ex-SMBR Syed Zafar Ali Shah called our Deputy Director Asghar to his office and said that whenever my nephew give you my reference, don't do any of his work until and unless my PS calls you. After few days, brother of Deputy Speaker Ehtesham came and gave me his mobile No. and told me that our fards to be handed over to Qasim only and introduced him to me. After which we didn't give their fard to anyone.

I bear Almighty ALLAH as witness that I haven't got any bribe or money from any one nor I knew that Sabz Ali S/O Abdul Hameed will use the fard for illegal work. Kindly I may not be charged. I will pray for your good self all of my life.



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STATEMENT OF MR. GHAFFAR PATWARI HALQA. MOZA BEHLOL

Malak Abdul Ghaffar Patwari was posted at Moza Kafoor Dheri through order No. 8583-87/Deputy Commissioner(P)DK dated 14.06.2016 and then through Order No. 12122-74/DC(P)DK dated 16.06.2017 was transferred from Kafoor Dheri.

In mouza Kafoor Dheri the Power of Attorney done in 2021 does not carry my signature. Nor I am a witness in that. Neither was it executed in my presence. Moreover, I have no connection with the said power of attorney and neither have I any connection with the transactions carried out on the basis of that power of attorney.

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Moreover, as far as CDR and Phone contacts are concerned; being Patwari, different people from different halqas contact me regarding their problems and to get information. I provide information only according to the Law but that does not mean that I have ever given any wrong advice or help in preparing or using any illegal document. In this matter, I am totally innocent and I have been blamed without any basis.

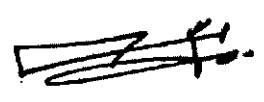
Therefore, the accusation regarding the power of attorney is wrong and baseless. I completely deny that allegation because on the power of attorney there is neither my signature nor prepared by me. Above all, I was posted in Kafoor Dheri for only few months from 14.03.2016 to 16.06.2017 and after that I was transferred from Kafoor Dheri. I have been transferred as Patwari at Moza Behlol Zai on 09.01.2021 and presently I m working there. Charge report is enclosed.

While the Power of Attorney in question is of 2021, of which creating any connection with me is not only wrong and baseless but unfair and an effort to malign me.

I have never committed any wrong and illegal act and about this power of attorney, I state on oath that I have no information regarding it neither have I tried to keep anything hidden. I am ready to provide any kind of proof regarding it.

Due to above, any kind of proceedings against me will not only be unfair but also a reason for mental and physical torture.

Therefore, it is requested to accept my reply and file the charge sheet against me. Moreover, the undersigned also requests for personal hearing.



FINDINGS

In case of Mr. Saleem Ahmad ex-Sub-Registrar-II Peshawar. In his statement he has thrown the responsibility of affixing thumb impressions of the deceased persons on the shoulders of Ahle Commission and the Ahle Commission may have committed blunder by doing the illegal and immoral job of taking thumb impressions of deceased persons but the Ahle Commission was enabled to do so by Mr. Saleem Ahmad ex-Sub-Registrar-II Peshawar. Assigned jurisdiction of Sub-Registrar-II is Town-III & Town-IV while the mouza where the issue is created is in Town-II. There used to be a full Tehsildar in Peshawar who as per tradition and emergency could use his powers of attesting various documents even in the circles of Naib Tehsildars but no such powers or tradition or emergency was there for the appointing of Ahle Commission in an area/town, the work of which was not assigned to Sub-Registrar-II. Therefore,

- 1. Charge No. 1 proved.
- 2. Charge No. 2 proved.
- 3. Charge No. 3 not proved.

Attested


In case of Faheemullah computer operator SDC Peshawar. The SDC staff are the custodians of precious land records. They are trusted to keep the land records of people safe and secret. They are expected to ensure privacy regarding records of lands of the public. One of the main objective of the land records computerization is make

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the records safe but in the instant case he took it very easy and succumbed to the pressure and telephone calls and provided land records to irrelevant people. Due to his this action (may be he has done it under pressure, to appease someone or in fear of someone) a big fraud took place which created mental agonies for many people and embarrassment for the Director Land Records and Revenue department. He should have said NO and at the most he would have been transferred. Therefore,


- 1. Charge No. 1 proved.
- 2. Charge No. 2 proved.
- 3. Charge No. 3 proved.

In case of Abdul Ghafar Patwari Halqa Behlolzai Peshawar. He remained Patwari at Mouza Kafoor Dahri on 14.03.2016 to 16.06.2017. Now he is Patwari mouza Behlolzai. Mouza Kafoor Dahiri is live and attestation of Mutation and issuance of Fard are done in the SDC and Patwari has no role in entering of mutation or issuance of fard. He has not issued fard nor did he signed any document in this case. As far as CDR is concern it will be jumping to the desired results to rely on CDR because we have no data regarding the quality of the telephone calls. We don't know what was asked and what was replied because CDR in the present form only shows us number of telephone calls which are 223 outgoing call and 221 incoming calls from Mr. Ajmali Khan, the main character behind the preparation of fake power of attorney. However, being Revenue official and being ex-Patwari of the Mouza where fake power of attorney has been prepared it is not good rather alarming that Patwari has relations too deep with a person who is master mind of fake power of attorney. But in this case prime facie no solid proof of his involvement could be found. Therefore,

- 1. Charge No. 1 not proved.
- 2. Charge No. 2 not proved.
- 3. Charge No. 3 not proved.



This enquiry report consists of 5 pages and every page signed by the enquiry officer. Report is hereby submitted please.

 12-4-2022.
Enquiry Officer
Fazal Hussain
Secretary-II Board of Revenue

Attested
