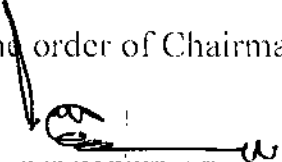


FORM OF ORDER SHEET

Court of _____

Case No. - 377 /2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/03/2023	<p>The appeal of Mr. Muhammad Ilyas presented today by Mr. Muhammad Awais Ajaz Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

**BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR**

Service appeal No. 377 of 2023

Muhammad Ilyas.....Appellant

VERSUS

Member Board of Revenue etc
.....Respondents

**APPEAL
INDEX**

S#	Description of documents	Annexure	Page#
1.	Memo of Appeal	-	01-08
2.	Affidavit	-	09,10
3.	Correct address of Parties	-	- 11-
4.	copy of letter No. 718-21 and 733 L-33.	A	12,13
5.	copy of letter and reply.	B	14,15
6.	copy of letter dated 23.08.2022 and reply.	C	16,17
7.	copy of report.	D	18-26
8.	copy of show cause notice, reply and impugned order	E	27-29
9.	Copy of departmental representation and impugned order.	F	30-33
10	Wakalt Nama	-	34

Dated 28.02.2023

**Muhammad Ilyas
(Appellant)**

Through:-

**MUHAMMAD AWAIS AJIZ
ADVOCATE HIGH COURT
At Mansehra**

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 377 of 2023

Muhammad Ilyas son of Said Ahmed
resident of Hadobandi, Tehsil & District
Manshra(Revenue-Patwari BPS-09), District
Manshra.

.....**Appellant**

VERSUS

- 1) Member Board of Revenue Khyber
Pakhtunkhwa, Peshawar.
- 2) Commissioner Hazara Division
Abbottabad.
- 3) Deputy Commissioner, Manshra.
- 4) Additional Deputy Commissioner
(General) Manshra.
- 5) Settlement Officer, Manshra.

.....**Respondents**

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL, ACT, 1974 READ
WITH SECTION 19 OF GOVERNMENT
SERVANT E&D RULES 2011 AGAINST THE

IMPUGNED ORDER NO 1594 DATED
02.02.2023, PASSED BY RESPONDENT NO.
02 WHEREBY MAJOR PENALTY OF
COMPULSORY RETIREMENT UNDER THE
GROUND OF ALLEGED MISCONDUCT
IMPOSED UPON APPELLANT.

PRAYER:-

On acceptance of the instant service appeal, the impugned order bearing No 1594 dated 02.02.2023, passed by respondent No. 03 may kindly be set-aside declaring, null and void, against the law and procedure and appellant be exonerated from the said charge or any other relief/remedy which this Hon'ble court deems fit may kindly be granted.

Respectfully Sheweth:-

1. That, appellant is serving as Revenue Patwari since long and served his service with great zeal and zeast in his department.
2. That, in the year of 2018 the appellant hold the charge of Moza Mandiar and the appellant completed the whole pending work of, said Moza with best

efforts and honestly. Appellant also completed the file of partition in 2018 which was pending since 2010 in Moza Mandhar.

3. That, in said tenure respondent No. 03 and 05 also gave the additional responsibility/charge to appellant in respect of (Moza) Parian, Maira Amjid Ali, Narbeer, Jabbri and Attershisa of District. Manshera, due to best performance of appellant in revenue field.
4. That, respondent No. 05 made a complaint against the appellant to respondent No. 03 vide letter No. 718-21 dated 20.06.2022 and on receiving of said letter respondent No. 03 charge sheeted the appellant without giving prior show cause notice vide letter No. 7331-33 dated 29.06.2022.

(copy of letter No. 718-21 and 7331-33 are annexed as annexure "A").

5. That, respondent No. 03 appointed respondent No. 04 as inquiry officer and in response of aforesaid charge sheet, appellant submitted detail reply on 18.07.2022 before inquiry officer/respondent No. 04.

(copy of letter and reply annexed as annexure "B").

4

6. That, inquiry officer/ respondent No. 04 sought reply from the appellant on the afore said charge vide letter No. 9551 dated 23.08.2022 on which appellant again submitted his reply on 25.08.2022.

(copy of letter dated 23.08.2022 and reply annexed as annexure "C").

7. That, respondent No. 04 while bypassing the relevant law and procedure of efficiency and discipline rules 2011 submitted inquiry report before respondent No. 03 vide letter No. 10473 dated 14.09.2022.

(copy of report annexed as annexure "D").

8. That, after receiving the inquiry report respondent No. 03 gave show cause notice to appellant on 15.09.2022 and before lapse of 7 days, without considering the reply of appellant, respondent No. 03 passed the impugned order No. 16764-70 dated 22.09.2022 against appellant while imposing the Major penalty of compulsory retirement from service on appellant.

(copy of show cause notice, reply and impugned order annexed as annexure "E").

9. That, appellant being aggrieved preferred a departmental representation against said impugned order on 01.10.2022 which was rejected vide impugned order No. 1594 dated 02.02.2023.

(copy of departmental representation and impugned order annexed as annexure "F").

10. That, being aggrieved from the impugned order dated 22.09.2022 and after departmental appeal further impugned order dated 02.02.2023 appellant has no other remedy except to file present service appeal before this Honourable Tribunal for interference inter alia, on the following amongst other grounds.

GROUNDS:-

- A) That, the aforesaid impugned orders issued by respondents are illegal, against the law, against the fact, arbitrary, fanciful, against the fundamental right of the appellant, without observing the relevant laws and rules, without lawful authority hence liable to be struck down/cancelled.

- B) That, the allegation leveled against the appellant are totally baseless, politically motivated, based upon personal enmity, with malafide intention just to disgrace the appellant from his lengthy un-blamed service record.
- C) That, no time frame has been given to appellant in respect of completion of Settlement record and even no target has been given to appellant in this respect therefore the allegation for non completion of settlement record in due time was totally wrong and baseless.
- D) That, the allegation in respect of attestation of mutation was also baseless and having no prove in this respect because the job of attestation of mutation is within the domain of the revenue officer/tehsildar not Patwari halqa, secondly no written prove and oral evidence has been collected from the inquiry officer in this regard, therefore the charge against appellant is badly failed to prove, hence the impugned order is nullity in the eyes of law.
- E) That, appellant had a long unblemished service record at his credit and he has been compulsory retired from the service at the stage of mature

service with a single stroke of pen without observing due process of law.

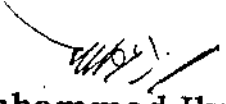
- F) That, no complaint was ever filed by any one against the appellant about his service and conduct, moreover appellant completed the whole settlement work of Moza Phulra and also completed the settlement work of moza Jabbri, in the year 2022 with best effort.
- G) That, respondents did not follow the relevant procedure of KPK government servant E&D rules 2011, hence impugned orders of respondents are the result of mischarge of justice. Therefore liable to be set-aside.
- H) That, the allegation in respect of not picking the phone call is wrong against the fact and no documentary and oral evidence has been collected by inquiry officer in this respect, more so the major penalty cannot be imposed upon appellant on the basis of minor and pity nature allegations, which are totally baseless and against the law and facts.
- I) That, respondents committed illegality while passing the impugned orders and the impugned orders are not speaking orders in the norms of justice.

- J) That, respondents does not exercise proper jurisdiction and exercise the jurisdiction not so vested to them hence the impugned order is liable to be set-aside.
- K) That, the impugned order on its very face value, is illegal, unlawful, without lawful authority, without jurisdiction and having no legal effect.

PRAYER

On acceptance of the instant service appeal, the impugned order bearing No **1594** dated **02.02.2023**, passed by respondent **No. 03** may kindly be set-aside declaring, null and void, against the law and procedure and appellant be exonerated from the said charge or any other relief/remedy which this Hon'ble court deems fit may kindly be granted.

Dated 28.02.2023

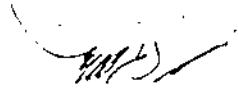

Muhammad Ilyas
(Appellant)

Through:-


MUHAMMAD AWAIS AJIZ
ADVOCATE HIGH COURT
At Mansehra

CERTIFICATE :

I, Mr. Muhammad Ilyas son of Said Ahmed resident of Hadobandi, Tehsil & District Manshra (Revenue-Patwari BPS-09), District Manshra, it is certified that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal. Further stated that neither any appeal filed before any court nor pending before this court or any other court.


Muhammad Ilyas
(DEPONENT)

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2023

Muhammad Ilyas.....Appellant

VERSUS

Member Board of Revenue etc

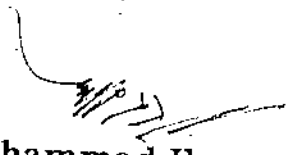
.....Respondents

APPEAL

AFFIDAVIT

I, Muhammad Ilyas son of Said Ahmed resident of Hadobandi, Tehsil & District Manshra (Revenue-Patwari BPS-09), District Manshra, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this honorable court nor pending nor decided. That the contents of fore-going affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

Dated 28.02.2023


Muhammad Ilyas
(DEPONENT)

11
3
1

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2023

Muhammad Ilyas.....Appellant

VERSUS

Member Board of Revenue etc
.....Respondents

APPEAL

CORRECT ADDRESSES OF THE PARTIES

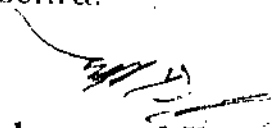
APPELLANT:

Muhammad Ilyas son of Said Ahmed
resident of Hadobandi, Tehsil & District
Mansehra(Revenue-Patwari BPS-09), District
Mansehra.

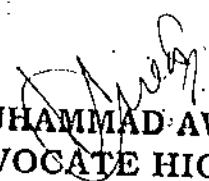
RESPONDENTS:

- 1) Member Board of Revenue Khyber
Pakhtunkhwa, Peshawar.
- 2) Commissioner Hazara Division
Abbottabad.
- 3) Deputy Commissioner, Mansehra.
- 4) Additional Deputy Commissioner
(General) Mansehra.
- 5) Settlement Officer, Mansehra.

Dated 28.02.2023


Muhammad Ilyas
(Appellant)

Through:


MUHAMMAD AWAIS AJIZ
ADVOCATE HIGH COURT
At Mansehra

12

Annex "A"



OFFICE OF THE
SETTLEMENT OFFICER
MANSEHRA

No. 678-21 SO(M)

Dated: 05/06/2022

To
The Deputy Commissioner,
Mansehra

Subject: DISCIPLINARY PROCEEDINGS UNDER E & D RULES

Dear Sir,

Kindly refer to subject noted above and to state that Mr. Muhammad Ilyas (Revenue Patwari) was posted at Mouza Mundiar, Girdawar Circle Labarkot. The patwari has completed the settlement work of said mouza in the month of February 2022. The said Mouza was indicated as Completed and was forwarded to Deputy Commissioner Mansehra vide letter No 325-27/SO(M), dated 28-02-2022 for consignment. The patwari was directed time and again through Tehsildar concerned and Girdawar Circle to hand over the record of Mouza Mundiar to Deputy Commissioner Office, but he is not handing over the record. He was contacted telephonically by the undersigned but he did not bother to respond or even attend the call.

It came to the notice of undersigned that he kept the record of said mouza with him for attestation of some mutations since February 2022, which amounts to inefficiency and misconduct.

It is therefore, requested that the above named Revenue Patwari may be suspended and disciplinary proceedings against him may be initiated under E & D Rules.

Settlement Officer,
Mansehra.

Encls: No & Date Even

Copy to

- 01. The Director Land Records/ Chief Settlement Officer Khyber Pakhtunkhwa.
- 02. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 03. PS to Commissioner Hazara Division, Abbottabad.

District No. 6780

Date: 22/6/22

Branch: A.E

Remarks

Settlement Officer,
Mansehra.

Suspend the patwari & inquiry be initiated. pu

DC(M)

21/6/22

1

OFFICE OF THE DEPUTY COMMISSIONER MANSEHRA

CHARGE SHEET

13

I, Adnan Khan Behtani, Deputy Commissioner Mansehra, as competent authority hereby charge you, Mr. Muhammad Ilyas, (Revenue Patwari) mouza Mundiari, Girdawar Circle Labarkot, Tehsil - Mansehra as follows:-

- i). That as reported by the Settlement Officer, Mansehra vide his letter No. 718-21/SO(M), dated 20.06.2022 that you have completed the Settlement work of mouza Mundiari, Girdawar Circle Labarkot, Tehsil -Mansehra in the month of February, 2022. The said mouza indicated as completed and forwarded to DC-Office Mansehra vide letter No.323-27/SO (M), dated 28.02.2022 for consignment.
- ii). That you were directed time and again through Tehsildar concerned and Girdawar Circle to hand over the record of Mouza Mundiari to DC-Office, but you did not hand over the relevant revenue record.
- iii). That you were telephonically contacted by the SO (M), but you did not bother to respond or even attend the call. Beside this the SO (M) has reported that you kept the record of said mouza with you for attestation of some mutations since February 2022, which amounts to inefficiency and misconduct on your part, thus committed an act gross misconduct.
- iv). In light of the above, you are liable to be proceeded against under the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules-2011 on account of the said lapses.

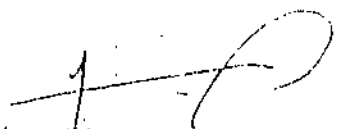
2. By reasons of the above, you appear to be guilty of inefficient/misconduct under Rule-3, of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer.

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

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

6. A statement of allegations is enclosed.

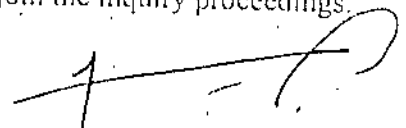

(Adnan Khan Behtani)
Deputy Commissioner
Mansehra

Dated: 29 / 06 / 2022.

No. 7331-33 /AE

Copy forwarded to:

1. The ADE (G) Mansehra alongwith copy of ibid quoted letter to conduct inquiry against the above named accused official and furnish report within 15-days positively to this office for further necessary action.
2. The District Kanungo, Local Office to assist the inquiry officer.
3. Mr. Muhammad Ilyas, (Revenue Patwari) mouza Mundiari, Girdawar Circle Labarkot, Tehsil Mansehra submit reply to the Inquiry Officer within 7-days and join the inquiry proceedings.


Deputy Commissioner
Mansehra

خدمت جناب ایڈیشنل ڈپٹی کمشنر / انڈیا پوسٹ / انڈیا پوسٹ ضلع ہالندہ

14
Annex
B

درجہ چارہ پنشن نمبر AE 33-7331 تاریخ 29/06/2022

جناب عالی
 یہاں درج مندرجہ چارہ پنشن نمبر 2018 کے بارے میں کیا برائے ہیں
 چارہ پنشن ایکٹ کے تحت تقسیم کی جانے والی رقم کے بارے میں
 2018 کے سال کے لئے تقسیم کی جانے والی رقم کے بارے میں
 دیکھنا گوارا نہیں کیا گیا ہے۔ تقسیم کی جانے والی رقم کے بارے میں
 مندرجہ مالکان کو جو کہ مندرجہ پنشن نمبر 1704 کے تحت درجہ
 رات دن ایک کر کے رقم وصول کی ہے۔ لیکن ان کے انتقال نمبر 1704 کے تحت درجہ
 اور اس کے بعد کے سالوں میں مالکان کو رقم نہیں مل رہی ہے۔ چونکہ ایک اور نام کے ذریعے
 مندرجہ پنشن نمبر کے لئے رقم تقسیم کی گئی ہے۔ اس کے بعد مندرجہ چارہ پنشن کے لئے مندرجہ پنشن
 نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 جس سے کہ دراصل مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن
 کے چارہ پنشن میں سے حصہ جسے کہ بہت بڑے حالات میں ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 کے لئے مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 کے لئے مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن

2022 کے سال میں داخل ہونے والے مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 کی وجہ سے اور مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 وار رقم ایسا لیا گیا ہے کہ مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 جناب عالی ضلع ہالندہ میں مندرجہ پنشن کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 سے نہ تو اس کا نام تقسیم ہوا۔ لیکن مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 کیلئے کہ مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 مندرجہ پنشن کے لئے مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 مندرجہ پنشن کے لئے مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 مندرجہ پنشن کے لئے مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن

ضلع کیا اور اس کے لئے مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 جناب عالی اتنے زیادہ نام تین حلقہ جات سے اپنی تعریف کا ذکر اپنے افسران عالیہ کی خدمت میں
 عرض کرتا رہا ہوں کہ جس طرح باقی پٹواروں کے ایک ایک مندرجہ پنشن کے لئے مندرجہ پنشن
 ہے۔ میں ایک سے مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 سے اس نام کے لئے مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 مندرجہ پنشن کے لئے مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 مندرجہ پنشن کے لئے مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن
 مندرجہ پنشن کے لئے مندرجہ پنشن نمبر کے مالکان کو رقم نہیں مل رہی ہے۔ مندرجہ پنشن کے لئے مندرجہ پنشن

78/7/2022

15

OFFICE OF THE DEPUTY COMMISSIONER MANSEHRA

DISCIPLINARY ACTION

1, Adnan Khan Behtani, Deputy Commissioner, Manshira, as competent authority, am of the opinion that , Mr. Muhammad Ilyas, (Revenue Patwari) mouza Mundiar, Girdawar Circle Labarkot, Tehsil - Manshira has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

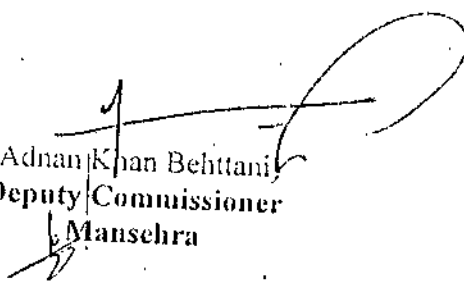
- i). That as reported by the Settlement Officer, Manshira vide his letter No. 718-21/SO(M), dated 20.06.2022 that he has completed the Settlement work of mouza Mundiar, Girdawar Circle Labarkot, Tehsil -Manshira in the month of February, 2022. The said mouza indicated as completed and forwarded to DC-Office Manshira vide letter No.323-27/SO (M), dated 28.02.2022 for consignment.
- ii). That he was directed time and again through Tehsildar concerned and Girdawar Circle to hand over the record of Mouza Mundiar to DC-Office, but he did not hand over the relevant revenue record.
- iii). That he was telephonically contacted by the SO (M), but he did not bother to respond or even attend the call. Beside this the SO (M) has reported that he kept the record of said mouza with him for attestation of some mutations since February 2022, which amounts to inefficiency and misconduct on his part, thus committed an act gross misconduct.
- iv). In light of the above, he is liable to be proceeded against under the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules-2011 on account of the said lapses.

2. For the purpose of inquiry against the said accused official with reference to the above allegations, an inquiry Officer, named below, is appointed under Rule 10(1)(a) of the ibid Rules:-

ADC (G)

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 make within 15-days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer.


(Adnan Khan Behtani)
Deputy Commissioner
Manshira

(16)

**OFFICE OF THE ADDITIONAL DEPUTY COMMISSIONER (G)
MANSEHRA.**

No. 9552 / ADC (G)
Dated 23 / 08 / 2022.

To

✓
Mr. Muhammad Ilyas,
Patwari Mouza Mundiar
(under suspension) presently
Revenue Branch, Local Office.

" " "
Annex C

Subject: DISCIPLINARY PROCEEDINGS UNDER E&D RULES.

MEMO:

A copy of letter No.9392/AE, dated 18.08.2022 received from the Deputy Commissioner, Manshra on the subject cited above is enclosed alongwith its enclosures.

In this regard, you are directed to submit your written reply within two days positively otherwise ex-parte proceedings shall be taken against you.

**Additional Deputy Commissioner (G)
Mansehra.**

No. 9552 / ADC (G).

Copy to the Deputy Commissioner, Mansehra w/r to his letter No. quoted above for information please.

**Additional Deputy Commissioner (G)
Mansehra.**

شہادت بنیاد ایڈیشنل ڈپٹی کمشنر - انڈیا کے انسپیکشن خیمہ مالٹری

حساب نمبر: حکومت جموں و کشمیر R55/AD-23/08/2022

کتابت گزارش ہے کہ مثل حقیقت درمخ منڈیا کی ویس
 پر جوے درجہ 29/06/2022 کو موصول کیا گیا ہے۔ جو کہ اب مکمل
 پورا کر دیا گیا ہے۔ اس کے پاس جوہر ہے۔ اور اس کے
 حاصل کردہ چارج میں پٹوار حاصل کر دیا گیا ہے۔
 بنیاد تک نیا لٹھ یا تذکرہ کیا گیا ہے۔ نیا لٹھ حاصل کرنے
 میں ہونے والے فرق پر توجہ دیتے ہوئے اس کے بارے میں
 تفصیل گورنر صاحب سے پیش کی جا رہی ہے۔
 ایک ہی انکوائری میں ہر دو لٹوں کے رپورٹ میں الزامات
 لگائے جا رہے ہیں۔ جس کا حقیقت سے کوئی تعلق نہیں ہے۔
 وزیر برائے انکوائری حیدر علی صاحب نے درجہ 18/7/2022 کو تفصیلاً
 بیان و تحریر جواب داخل کیا گیا ہے۔
 لہذا استدعا ہے کہ انکوائری داخل دفتر فرمائے جائے۔

انفونم 25/08/2022

محمد ندیم مہگل پٹواری سیکریٹری G.D.K. برائے مالٹری

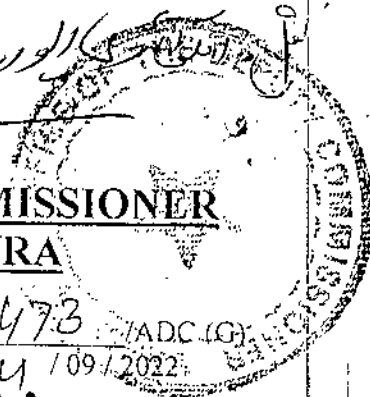
(Signature)

25/08/2022

ادارة منسھرا ڈیپٹی کمشنر (جنرل) کے دفتر



OFFICE OF THE
ADDITIONAL DEPUTY COMMISSIONER
(GENERAL), MANSEHRA



18

No. 10473 /ADC (G)
Dated 14 /09/2022

ANNEX "D"

The Deputy Commissioner,
Manshra.

Subject: CHARGE SHEET AGAINST MR. MUHAMMAD ILYAS PATWARI, MOUZA MUNDIHAR, GIRDAWAR CIRCLE LABARKIOT, TEHSIL MANSEHRA.

Reference charge sheet issued against the above named Patwari vide No.7331-33/AE, dated 29.06.2022.

Inquiry report alongwith its annexure containing (37) pages duly signed by the undersigned is enclosed herewith please.

Additional Deputy Commissioner (G),
Manshra.

ATTESTED

Examine
Date

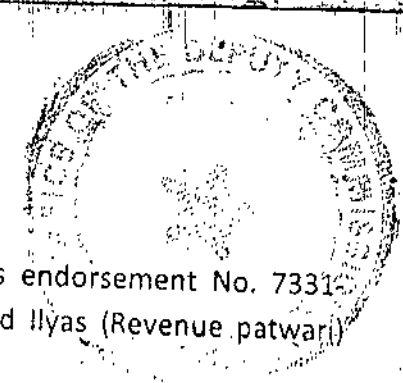
28/09/22

AE

To

DC (M)
15/9/22

19



INQUIRY

The undersigned was appointed as inquiry Officer vide endorsement No. 7331/33/AE, dated 29-06-2022 to conduct inquiry against Muhammad Ilyas (Revenue patwari) Mouza Mundiar on account of the following allegations:

- i. That as reported by the settlement Officer vide his letter No 718-21/SO(M), dated 20-06-2022 that he has completed the Settlement work of mouza Mundiar, Girdawar Circle Labarkot, Tehsil Mansehra in the month of February, 2022. The said mouza indicate as completed and forwarded to DC-Office Mansehra vide Letter No 323-27/SO (M), dated 28-0-2022 for consignment.
- ii. That he was directed time and again through Tehsildar concerned and Girdawar circle to handover the record of mouza Mundiar to DC-Office, but he did he did not handover the relevant record.
That he was telephonically contacted by the SO (M), but he did not bother to respond that he kept the record of said mouza with him for attestation of some mutations since February 2022, which amounts to inefficiency on his part, thus committed an act of misconduct.

ATTESTED
Exhibit No. 28/32
Date: 28/7/22

The accused Patwari submitted his written defence (Annex-B) on 18.07.2022 stating that he performed his duties efficiently in the past and had achieved various targets in time. He further stated that he performed duties at 06 Mouzas i.e. Attershesha, Mundihar, Parian, Mera Amjid Ali, Narbeer and Jabri at the same time and carried out responsibilities satisfactorily; however, the records of Moza Mundihar were complicated and it required further time owing to which submission of record was delayed. Moreover, he stated that he served at various Mozas in Mansehra before and during settlement operation including Oghi, Balakot, Phulra circle, Moza Jabri and Labarkot circle of Tehsil Mansehra under Girdawar Malik Aziz ur Rehman and Arshad Abbasi to the best of his abilities. He would have submitted record of Moza Mundihar as well, in case he would have been granted with some time relaxation. He further stated that for Mouza Mundihar he requested Settlement Officer, Mansehra to grant some time so that the requisite task could be completed free from errors.

He further stated that he had been performing his duties honestly and never indulged in any unlawful activities. Settlement work along with different official correspondence, court evidence, demarcations, and other miscellaneous tasks have been time consuming owing to which his settlement work suffered badly. He stated that he is a diabetes patient and is about to retire within five months, hence requested for exoneration in this inquiry.

When inquired regarding directions issued time and again telephonically as well as verbally concerning submission of record to the relevant forum, he couldn't give a satisfactory response rather he reiterated his earlier achievements. Moreover, when

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inquired as to why he disappeared from the court khana during official visit of Settlement Officer, again his response was not satisfactory.

In order to probe in to the matter, Malik Sajjad concerned Tehsildar Settlement-II Circle and concerned Girdawar Circle Labarkot, Mr. Muhammad Irshad Abbasi, were called to submit written statements.



Statement of Mr. Malik Sajjad, Tehsildar Settlement II:

Tehsildar Settlement II stated (Annex-C) that Mr. Ilyas assumed charge at Mouza Mundihaar in 2018 and acquired the written Khatuni of said Mouza during handing/taking of record. He completed the settlement work of Mouza Jabri and submitted the completed record during his posting. He was given the target of Mouza Mundihaar about which he stated that he had completed writing the original record of rights as well as 50% of the copy of the said document; however, failed to submit despite clear orders from the Settlement Officer. After suspension during handing over of the charge of Mouza Mundihaar, he provided Khatuni only to his successor Mr. Qaiser Khursheed, Patwari.

ATTESTED
Examined
Date 28/8/22

Statement of Mr. Irshad Abbasi, Girdawar Circle Labarkot:

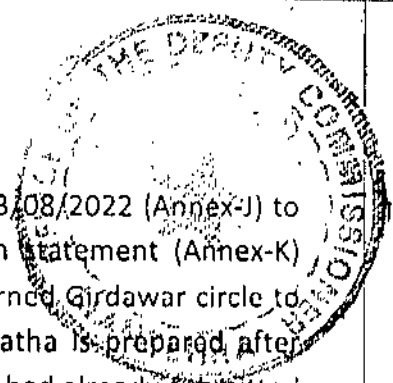
Girdawar circle Labarkot, Mr. Irshad Abbasi stated (Annex-D) that at the time of relinquishment of charge and handing over of documents to his successor, Mr. Ilyas couldn't provide any document other than Khatuni which was handed over to him in 2018. Despite his claims regarding completion of original record of rights along with 50% of the copy of said document in several meetings, he was not able to furnish these documents in four long years. In fact, he failed to provide Latha and Karguzari of Moza Mundihaar that were complete already. Several times he affirmatively stated in front of Settlement Officer regarding completion of various documents; however, failed to comply once asked to present. He violated the orders of Settlement Officer several times despite clear directions.

Statement of Mr. Qaiser Khursheed Patwari, Kotkay (Annex-E):

Mr. Qaiser Khursheed is the successor of Mr. Ilyas who was granted additional charge of Moza Mundihaar on 05-06-2022. He also presented Charge Index (Annex- F) and stated that Mr. Ilyas didn't provide him with Register Karguzari.

Furthermore, on 18-08-2022 another letter (Annex-G) was received from office of Deputy Commissioner forwarding a letter from settlement officer (Annex-H) along with a report of Girdawar circle (Annex-I) which stated that Patwari Ilyas during handing over of charge of Mouza Mundihaar failed to provide Record of Rights to his successor. The settlement officer requested for initiation of criminal proceedings against Mr. Ilyas.

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Mr. Ilyas was issued with a notice vide 9551/ADC(G) dated 23/08/2022 (Annex-J) to submit written reply in this regard to which he submitted written statement (Annex-K) stating therein that he had submitted the Record of Rights to concerned Girdawar circle to which he failed to provide any evidence. He further stated that Latha is prepared after completion of Masavis which are not yet prepared. He stated that he had already submitted his detailed response on 18-07-2022. He further stated (Annex-L) that he does not want to cross examine the Tehsildar Settlement-II and Girdawar Circle Labarkot upon their statements.

Findings:

Keeping in view the above proceedings, the findings are as follows:

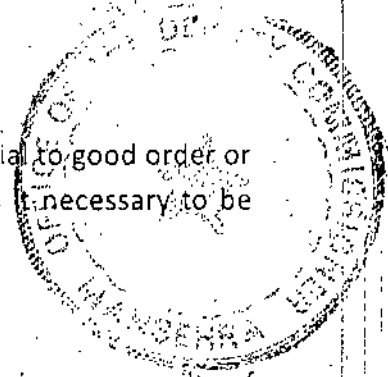
- The allegations raised against Mr. Ilyas in the charge sheet as a result of recommendation of Settlement Officer have been confirmed through statements of concerned Tehsildar and Girdawar circle as well as his successor in Moza Mundihar.
- The concerned Tehsildar and Girdawar circle have confirmed that accused had earlier stated that he completed writing the original record of rights as well as 50% of the copy of the said record of rights, however, failed to produce or submit upon the directions of settlement officer.
- Mr. Ilyas in his written statement dated 18.07.2022 stated that he had submitted the original record of rights to concerned Girdawar circle, however, he failed to provide any evidence.
- The accused in this Inquiry has in his written statements shed light upon multiple achievements as well as issues, however, has failed to justify his position regarding non submission of record of rights as well as other documents to the office of Deputy Commissioner, Mansehra in contrast to clear directions by Settlement Officer. Hence his reply is unsatisfactory and he appears to have committed gross negligence.
- The accused failed to meet the deadlines and also failed to justify his position regarding un responsive attitude towards calls and directions from his senior officers and colleagues which has been raised against him in allegations as well as confirmed by concerned tehsildar and girdawar circle.
- The accused Patwari has still not submitted the record of Moza Mundihar and has kept it illegally in his possession after suspension, as well as in violation of directions of senior officers, even though he had transferred charge to his successor.

The above findings reflect upon the irresponsible attitude of the accused regarding official instructions and directions. These clearly reveals that the accused have resorted to lies and have misled the higher ups time and again. Moreover, he has kept official record of his mouza illegally in his custody after suspension in violation of clear directions from higher ups. These actions clearly fall under the

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category of misconduct, where the conduct of accused is prejudicial to good order or service discipline under section 2 (I) of E&D rules, hence makes it necessary to be proceeded against him under the same rules.



Recommendations:

Keeping in view the above findings, Patwan Mr. Muhammad Ilyas is proven guilty of misconduct and should be dealt with severely. However, keeping in view his duration of service which is around 26 years and his date of retirement from service is 28-02-2023 where around 6 months are left in his service, it is recommended that he should be dealt with on humanitarian grounds and not be dismissed from service at this stage.

Hence it is hereby recommended that major penalty of compulsory retirement from service under Section 4. of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, be imposed upon him.

Ex-amine
Date: 28/02/22

Additional Deputy Commissioner
(G) Mansehra

دوسری زبان سے لکھی گئی ہے اور اس کے تحت II سلسلے



2018ء میں لکھی گئی تھی اور اس کے تحت II سلسلے

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Handwritten signature and date: 16/01/2022 T.S.II (01)

ATTN: Examiner Date: 28/1/22

P.O.F. ADECE 10/1/22

سرکار اعلیٰ ہندوستان کی طرف سے جاری کردہ سرکاری نوٹ



سرکاری نوٹ رقم 1000 روپے کے لئے جاری کیا گیا ہے۔ اس نوٹ کی قیمت 1000 روپے ہے۔ اس نوٹ کی تاریخ 04-07-2022 ہے۔ اس نوٹ کی رقم 1000 روپے ہے۔ اس نوٹ کی رقم 1000 روپے ہے۔

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P.O.F
A.D. 11/10
16/8
2022

Examined
Date 28/11/22

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طریقہ کار اور پیکرہ اور طریقہ کار کے تحت

میں نے فوراً 2022 سے 2023 تک کے دوران میں 23.07 تک کے دوران میں

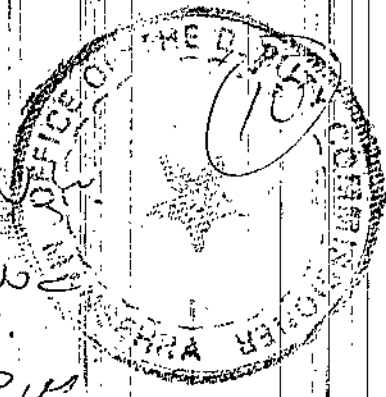
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مقررہ تاریخ تک تمام امور کو مکمل کر دیا ہے۔

28/07/22

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قبول شدہ شہزادہ سلیم کو ایک اضافی پیراج منفع مندرجہ
فہرست میں لیا کہ میں نے منفع مندرجہ کا اضافی پیراج
مراج 6/6/2022 از اس محمد الیاس شہزادہ سے لیا ہے۔

میں اپنے ہمراہ روزنامہ کیف واقعاتی شہزادہ سلیم منفع مندرجہ
لاہوریوں - شہزادہ پیراج کی فوٹو گالی پیش کرتا ہوں
جو کہ مطابق اصل سے درست ہے۔ شہزادہ محمد الیاس سے تمہیں
رہنہ مارا گیا منفع مندرجہ کے پیراج میں لکھا گیا ہے
لیکن گانا گانا کے ساتھ شہزادہ پیراج لکھے ہیں تاکہ
رہنہ شہزادہ پیراج کے باعث ساتھ شہزادہ (محمد الیاس) سے
یہاں شہزادہ کے وہ لکھے ہیں پیراج ہے۔

xx نادرہ محفوظ دیا گیا ہے۔

شہزادہ سلیم کو

ATTESTED
Examin
Date 17/8/22

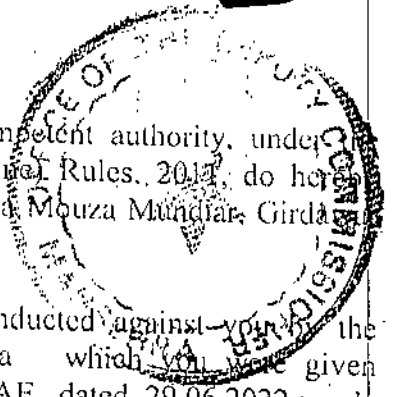
قبول شدہ شہزادہ

ADCCS/
1-9
17/8
2022

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Annex "E"

SHOW CAUSE NOTICE.



I, Adnan Khan Behtani, Deputy Commissioner Manshehra, as competent authority, under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Muhammad Ilyas (Revenue Patwari BPS-9) the then Halqa Mouza Mundiari, Girdawar Circle Laberkot, Tehsil Manshehra (under suspension), as follows:

- i. That consequent upon the completion of Inquiry conducted against you as the Additional Deputy Commissioner (General), Manshehra which you were given opportunity of hearing vide communicator No. 7331-33/AE. dated 29.06.2022 ; and
- iii) On going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defence before the Inquiry Officer.

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules:

Mis-conduct.

- 2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you required to Show Cause as to why the penalty(s) under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 should not be imposed upon you and also intimate whether you desire to be heard in person.
- 3. You are, therefore, required to Show Cause as to why the aforesaid penalty (s) should not be imposed upon you and also intimate whether you desire to be heard in person.
- 4. If no reply of this Notice is received within seven days from receipt of this, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
- 5. A copy of the findings of the Inquiry Officer is enclosed.

Attested to be true copy _____
 Witness Officer _____
 Date _____
 Authorised by S. J. Palitani _____
 Evidence Act _____

[Signature]
 15/9/22
 Deputy Commissioner
 Manshehra.

No. 10553/AE

Dated 15/9/2022

Mr. Muhammad Ilyas (Revenue Patwari) the then Halqa Mouza Mundiari, Girdawar Circle Laberkot, Tehsil Manshehra now Revenue Branch DC-Office (under suspension) for necessary action.

CG No. 2930
 28-09-22
 16-08
 18-08
 Date of Completion
 Cause of delay
 Date of delivery 28/9/22

[Signature]
 15/9/22
 Deputy Commissioner
 Manshehra.

27

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محکمہ جناب ڈپٹی کمشنر صاحب

جواب شورا زونل ٹیبلنگ 10553/AE فورم 15/09/2022

جناب عالی

فورم 16/9/2022 شورا زونل جلد 6 جس میں سہ ماہی رن میں

جواب دینے کی ہدایت کی گئی ہے۔ اور شورا زونل کی سہ ماہی رن میں

جس میں 16/9/2022 شورا زونل جلد 6 جس میں سہ ماہی رن میں

جس میں سہ ماہی رن میں 16/9/2022 شورا زونل جلد 6 جس میں

جس میں سہ ماہی رن میں 16/9/2022 شورا زونل جلد 6 جس میں

جس میں سہ ماہی رن میں 16/9/2022 شورا زونل جلد 6 جس میں

جس میں سہ ماہی رن میں 16/9/2022 شورا زونل جلد 6 جس میں

جس میں سہ ماہی رن میں 16/9/2022 شورا زونل جلد 6 جس میں

21/09/2022

OFFICE OF THE DEPUTY COMMISSIONER MANSEHR.

ORDER

Whereas, disciplinary proceedings were initiated against Mr. Muhammad Ilyas (Revenue Patwari BPS-9) the then Halqa Mouza Mundiari, Girdawar Circle Laberkot, Tehsil Manshra (under suspension), under the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, on account of charges contained in the charge sheet/statement of allegations served upon him vide this office No. 7331-33/AE, dated 29.06.2022.

And whereas, the Additional Deputy Commissioner (General), Manshra was appointed as Inquiry Officer, who conducted inquiry and submitted report vide his letter No. 10473/ADC(G), dated 14.09.2022, who held that the allegations against the said accused Patwari have been proved and recommended major penalty of compulsory retirement from service as specified in Rule-4 (b) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 upon him.

And whereas, In light of the inquiry report, the accused Patwari concerned was served with Show Cause Notice vide No. 10553/A/AE, dated 15.09.2022 to which he responded and submitted reply on 21.09.2022, which was considered. He was also heard in person.

And whereas, after considering reply of the accused official to the Show Cause notice, findings of the Inquiry Officer, the material on record and hearing him in person, the charges against the Patwari concerned have been proved, therefore, the undersigned in the capacity as Competent Authority has decided to impose Major penalty on the accused Patwari concerned.

Now therefore, in exercise of the powers conferred upon me under Rule-14 of the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011, major penalty to the extent of "compulsory retirement" from service is hereby inflicted on Mr. Muhammad Ilyas (Revenue Patwari) the then Halqa Mouza Mundiari, Girdawar Circle Laberkot, Tehsil Manshra with immediate effect. His suspension period is hereby treated as on duty. He is entitle for all pensionary benefit as admissible under the rules.

(Adnan Khan Behtiani)
Deputy Commissioner
Manshra

Dated: 22/09/2022

No. 16764-70 /AE

Copy forwarded to:-

1. The Additional Deputy Commissioner (G), Manshra.
2. The Settlement Officer, Manshra.
3. The District Accounts Officer, Manshra.
4. The Assistant Commissioner, Manshra.
5. The Accounts Officer, Local Office.
6. The District Kamungo, Local Office.
7. Mr. Muhammad Ilyas (Revenue Patwari) the then Halqa Mouza Mundiari, Girdawar Circle Laberkot, Tehsil Manshra.

Deputy Commissioner
Manshra

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Annex "F"

محضوړ جناب كمشنر صاحب هر اسٹیشن ایبٹ آباد

محکمانہ اپیل بر خلاف فیصلہ و حکم نمبری 16764-70/AE محرمہ 22.09.2022

جناب عالی! موجبات اپیل ذیل پیش ہیں۔

(۱) یہ کہ سائل محکمہ مال میں بطور ریویو پٹواری نمبر۔ درازیت اپنے فرانس منسبی بطریق احسن سرانجام دے رہا ہے اور دوران سروس من سائل کے خلاف نہ تو کسی شخص کی طرف سے کوئی شکایت ہوئی ہے اور نہ ہی قبل ازیں سائل محکمانہ کسی خلاف ورزی کا مرتکب ٹھہرا، سائل کا سروس ریکارڈ بے داغ ماضی کا حامل ہے، اسی طرح سائل کو دوران سروس اس کی بہترین کارکردگی پر مختلف اوقات میں تعریفی اسناد سے بھی نوازا گیا ہے۔

(۲) یہ کہ سائل کو سال 2018ء میں موضع منڈھار کا چارج دیا گیا، جس کے بعد سائل نے اپنی جملہ کارکردگی بروئے کار لاتے ہوئے موضع منڈھار میں قبل ازیں تاخیر کا شکار جملہ امور بطریق احسن سرانجام دینے شروع کیے جس میں ایک کام موضع منڈھار کے جملہ مالکان کے درمیان تقسیم کی مثل تھی جو سال 2010ء سے زیر التواء تھی جسکو من سائل نے سال 2018ء میں مکمل کیا۔

(۳) یہ کہ سائل کو اس کی محکمانہ مہارت کی بنیاد پر موضع منڈھار کے ساتھ اضافی چارج یعنی موضع پیراں، موضع میرا امجد علی، موضع نربیز اور موضع جہڑی بھی سونپا گیا۔ یوں سائل تمام موضع جات کے جملہ امور جن میں عوامی کام، عدالتی امور، شہادت، نشاندہی، حد براری اور رپورٹس ہائے وغیرہ بطریق احسن سرانجام دیتا رہا، اور موضع جہڑی کا بندوبستی کام مکمل کر کے اپریل 2022ء میں داخل ضلع کیا۔

(۴) یہ کہ سیٹلمینٹ آفیسر مانسہرہ کی طرف سے 20.06.2022 کو ڈپٹی کمشنر مانسہرہ کو من سائل کے خلاف مبینہ بے بنیاد الزامات کے ساتھ ایک چھٹی نمبری 718-21 لکھی گئی، جس پر ڈپٹی کمشنر

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مانسہرہ نے مورخہ 22.09.2022 کو آرڈر نمبر 16764-70 کے ذریعے سائل پر Major penalty لگاتے ہوئے سائل کو Compulsory retirement / جبری ریٹائرمنٹ

کا حکم صادر کیا۔ جو درج ذیل وجوہات کی بناء پر ناقابل بحالی اور قابل منسوخی ہے۔

(i) یہ کہ سائل موضع منڈھار کے بندوبستی کام کے ساتھ ساتھ دیگر موضع جات مندرجہ بالا کے امور کی سرانجام دہی میں مصروف عمل رہا اور SO صاحب مانسہرہ سے موضع منڈھار کے بندوبستی کام کے مکمل ہونے کے لیے باقاعدہ وقت طلب کیا، جس پر SO صاحب نے بجائے مزید وقت / مہلت دینے کے من سائل کے خلاف ڈپٹی کمشنر مانسہرہ کو من گھڑت اور بے بنیاد الزامات کے ساتھ لیٹر جاری کیا۔

(ii) یہ کہ سائل نے اپنا موبائل فون دوران ڈیوٹی Silent پر لگایا ہوا تھا تا کہ ڈیوٹی کے دوران موبائل کال کے ذریعے سائل کے کام / ڈیوٹی میں کوئی رکاوٹ پیدا نہ ہو۔ یوں سائل کے خلاف کال Pick نہ کرنے کی وجہ بھی من گھڑت اور بے بنیاد ہے۔ جس کا حقیقت کے ساتھ کوئی تعلق واسطہ نہ ہے سائل نے SO صاحب کے حکم کی کوئی خلاف ورزی نہیں کی، بلکہ موضع منڈھار میں سروس کے دوران سائل کے افسران بالا، گرد اور نرکل، تحصیلدار اور SO صاحب کی طرف سے کوئی پڑتال نہ ہے۔

(iii) یہ کہ سائل کو افسران بالا کی طرف سے موضع جات منڈھارہ بالا کے بندوبستی کام کو مکمل کرنے کی نسبت نہ تو کوئی ٹائم پر پڑا اور نہ ہی کوئی تحریری طور پر Target دیا گیا تھا۔

(iv) یہ کہ مبینہ نام نہاد آرڈر بابت جبری ریٹائرمنٹ ٹنار، خلاف قانون، خلاف واقع، من گھڑت، بے بنیاد اور خلاف اصول انصاف ہے، لہذا قابل منسوخی ہے۔

(v) یہ کہ حکم نمبر 16764-70 مورخہ 22.09.2022 سے قبل تحت قانون، قانونی ضابطہ کار بروئے کار نہیں لائے گئے اور نہ ہی KPK Government servant E&D Rules 2011 کے مطابق کارروائی کی گئی ہے۔ لہذا اس Sole ground پر حکم مذکور قابل منسوخی ہے۔

(vi) یہ کہ سائل کے خلاف لگائے گئے الزامات میں سے کچھ انتقالات کے تصدیق میں سائل کی دلچسپی

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کو غلط اور خلاف قانون طور پر سائل سے منسوخ کیا گیا۔ اس کی تائید میں کوئی دستاویزی یا زبانی شہادت سائل کے خلاف ریکارڈ نہیں گئی اور نہ ہی انتقالات نمبر اور مشتر بیان یا بائعان کے کوئی بیان لیے گئے ہیں، لہذا سائل کے خلاف لگائی گئی solicitation کی تائید نہیں کی جا سکتی۔ آفیسر کے پاس کوئی ٹھوس شواہد موجود نہ تھے۔ لہذا اہلہ نامہ فارم برہنہ قانون نہ ہے اور قابل منسوخی ہے۔

(vii)۔ یہ کہ جملہ کارروائی بر خلاف سائل سیاسی اثر رسوخ، بد نیتی اور ضابطہ کار کو پس پشت رکھتے ہوئے عمل میں آئی گئی ہے جو درجہ متعاقدہ سروسز قوانین کے مطابق نہ ہے۔

(viii)۔ یہ کہ سائل عرصہ 10 سال سے شوگر کا مریض بھی ہے اور سائل کی ریٹائرمنٹ میں صرف 5 ماہ رہتے تھے، اور ایک Mature service کے دوران سائل پر ایک من گھڑت اور بے بنیاد Stigma لگایا گیا، جس سے سائل کی پوری سروس داغدار ہو کر رہ گئی ہے۔ حالانکہ سائل نے اپنی سروس کے دوران اپنی ڈیوٹی بطریق احسن سرانجام دی اور ریونیو کے کام میں مہارت رکھتے ہوئے مختلف علاقوں/حلقوں میں بندوبستی کام مکمل کیے جن کی تفصیل قبل ازیں سائل نے چارج شیٹ کے جواب میں پیش کی ہے۔

(ix)۔ یہ کہ آرڈر محررہ 22.09.2022 ایک Speaking order نہ ہے اور حقائق کے بالکل برعکس ہے۔

(x)۔ یہ کہ آرڈر محررہ 22.09.2022 اختیارات سے تجاوز کا نتیجہ ہے اور آرڈر مذکور کی تائید میں کوئی cogent and reliable reasons/ evidence پیش نہیں کی گئیں۔ لہذا آرڈر مذکور ناقابل بحالی اور قابل منسوخی ہے۔

لہذا استدعا ہے کہ بمنظوری اپیل ہذا و بمنسوخی فیصلہ و حکم محررہ 22.09.2022 کا عدم و منسوخ فرماتے ہوئے سائل پر لگائی گئی Major penalty کو ختم فرمایا جائے۔

المرقوم 101 اکتوبر 2022ء

محمد الیاس ریونیو پیواری BPS-09 ضلع مانسہرہ سائل

2022



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OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

ORDER

02/02/2023

The Brief history of the appeal in hand is that Mr. Muhammad Ilyas was serving as Patwari Halqa Mundiari Girdawar Circle Laberkot, Tehsil & District Mansehra. A complaint against appellant was filed by the Settlement Officer, Mansehra that settlement work of mouza Mundiari was completed by the appellant and reportedly consigned in the Deputy Commissioner, Mansehra Office but actually the appellant failed to handover the relevant record in Deputy Commissioner Office Mansehra. The Settlement Officer Mansehra personally tried to contact the appellant but he did not respond or even attend the call. The appellant kept the previous record of said mouza in his possession unlawfully & illegally.

On the request of Settlement Officer Mansehra vide letter No: 718-21/SO (M) dated: 20/06/2022, A fact finding inquiry was conducted by the Additional Deputy Commissioner (General) & during the Inquiry proceedings, the Settlement Officer, Mansehra forwarded another report dated: 06/07/2022 with the recommendation to initiate Criminal Proceedings against the appellant vide letter No. 930-30/SO (M) dated: 25/07/2022. The Inquiry Report of the Additional Deputy Commissioner (General) Mansehra stated that the appellant failed to rebut the allegations & Charges against the appellant have been proved and found guilty of misconduct under Rule-03 and Rule-04 of E&D Rules-2011.

And whereas, in the light of recommendations made by the Inquiry Officer the Deputy Commissioner Mansehra under the provision of Rule-14(5) of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 imposed Major Penalty to the extent of Compulsory Retirement from the service upon appellant vide order No. 16764-70/AE dated: 22/09/2022.

And whereas, appellant has filed the instant appeal against impugned order of the Deputy Commissioner, Mansehra with the pray that the impugned order may be set-aside.

And whereas, the appellant appeared in person for personal hearing in the presence of the representative of the Deputy Commissioner, Mansehra, (Additional Deputy Commissioner, Finance & Planning, Mansehra). However, the appellant failed to prove his innocence.

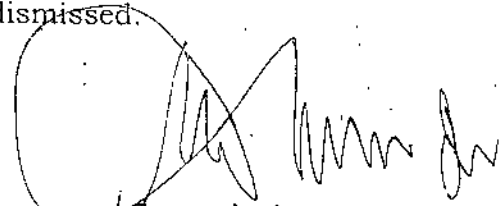
Now, therefore, After going through the instant appeal, careful perusal of available record and comments from Deputy Commissioner, Mansehra vide letter No. 12986/AE/Appeal dated: 24/11/2022, it appears that Deputy Commissioner Mansehra properly held the inquiry proceeding under the E&D Rules, 2011 and rightly imposed the Major Penalty of compulsory retirement.

Therefore, I see no solid grounds to set-aside the impugned order which is upheld and the instant appeal is dismissed.

ANNOUNCED

02/02/2023

Ends No. Reader/10/2 (M) 1594


Commissioner
Hazara Division Abbottabad

وکالت نامہ

بعدالت جناب سرو سز ٹریبونل KPK پشاور

سینئر ممبر بورڈ آف ریونیو وغیرہ

محمد الیاس بنام

سروس اپیل

اپیلانٹ

منجانب:

باعث تحریر آنکھ!

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اندریں مقدمہ عنوان بالا اپنی طرف سے برائے پیروی و جواب دہی بمقام

محمد اویس عاجز ایڈووکیٹ ہائی کورٹ مانسہرہ

کو بد میں شرا وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص روبرو عدالت حاضر ہوتا ہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشوری کے علاوہ کسی اور جگہ پشوری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہونگے، اگر مقدمہ مقام پشوری کے آگے یا پیچھے سماعت ہونے پر منظر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ذکر و نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دخل تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ذکر کی اجراء کرانے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے کا، ہر قسم کا بیان دینے اور سپرد دہائی وراثتی، باہر دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ذکر کی ایک طرفہ درخواست حکم امتناعی یا فیصلہ ذکر و اجراءے ذکر کی بھی صاحب موصوف کو بشرط ادا کی گئی طلب شدہ فیس کرنے کا مجاز ہوگا۔ بصورت ضرورت بذوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا ہیر سز کو بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل سائنٹ پر دائرہ مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ من لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ

محمد الیاس ریونیو پشوری ضلع مانسہرہ اپیلانٹ

Attested & Accepted

MUHAMMAD AWAIS AJIZ ADVOCATE

HIGH COURT (MANSEHRA)

0346-9680761