### FORM OF ORDER SHEET

Court of	
Case No	3780/ <b>2023</b>

	Case	5700/2 <b>023</b>
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1,	2.	3
1-	01/03/2023	The appeal of Mr. Mastan Khan resubmitted today by Mr. Saad ul Maabood Khattak Advocate. It is fixed for preliminary hearing before Single Bench—at Peshawar
		on Parcha Peshi is given to appellant and his counsel for the date fixed.
	,	By the order of Chairman
-	· .	REGISTRAR
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The appeal of Mr. Mastan Gul Girdawar D.C Office Karak received today i.e. on 16.02.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal against the impugned C. Retirement order mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it. 1245
- 2- Copy of departmental appeal against the order dated 17.6.2022 mentioned in para-7 of the memo of appeal is not attached with the appeal which may be placed on it.  $\rho$ -32
- 3- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 4- Appeal has not been flagged /marked with annexures marks.

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Saad ul Mabood Khattak Adv. High Court Peshawar.

1/3/2023: Resubmitted after necessary Completion:
- Objection No. 1 and & removed and Placed on tile at Page No.
45 to 48.

Objection No. 3 and 4 are

### BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal# 380 of 2023

Mastan Gul

...VS....

S.M.B.R etc

### INDEX

S#	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE#
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4.	Copies of service Card, I'd Card, order dated 01/10/2019 & order dated 16/03/2020	"A"	7-9
3.	Copies of departmental Appeal, order dated 17/09/2021 & application	"B"	10-18
4.	Copies of order No. 4664/DC/EA, order No. 4666 dated 15/10/2021	"Ċ"	19-20
5.	Copies of reminders, letter No. 665A/AC/Karak, DE NOVO Inquiry report dated 27/04/2022, ref: PUC letter dated 23/05/2022 & details of arrears w.e.f 19/03/2020 to 31/03/2022	"D"	21-30
6,	Copy of letter No. 2511/DC/EA dated 17/06/2022 of respondent no. 3	E.,	31
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Dated: - 14th Feb, 2023

Through

ABID AYUB

Advocate, High Court, Peshawar.

Saad Ul Mabood Khattak

Advocate, High Court,

Peshawar

Mastan Gul (Appellant)

### BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: <u>380</u> /2023

Mastan Gul Girdawar Deputy Commissioner Office Karak.....Appellant

#### Versus

- 1. Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar
- 2. Commissioner Kohat Division Kohat
- 3. Deputy Commissioner Karak......Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER OF RESPONDENT NO. 1 DATED 17/11/2022, ORDER OF RESPONDENT NO. 02 DATED 15-09-2022 AND ORDER OF RESPONDENT NO 03 DATED 17-06-2022 WHERYBY THE SALARIES (MONTHLY PAY) OF THE APPELLANT HAS ILLEGALY, UNLAWFULLY, UNCONSTITUIONALY AND MELAFIEDLY BEING CONSIDERED WITHOUT PAY FROM THE PERIOD 16-03-2020 TO 31-03-2022.APPELLANT HAS BEEN DEPRIVED OF HIS LEGAL, CONSTITUTIONAL AND FUNDAMETAL RIGHT WITHOUT ANY LEGAL REASON.

#### Respectfully Sheweth;

The appellant submits as following.

#### **FACTS:**

- 1. That the appellant is serving as Girdawar in the office of the Respondent No. 03 from the last 34 years.
- 2. That the appellant was compulsory retired under section 04 (bii) of Khyber Pakhtunkhwa Efficiency and Disciplinary Rules 2011 vide Deputy Commissioner Karak order dated 16-03-2020. Copy of Order is attached as Annexure "A".

- 3. That that appellant has filed an appeal before the office of Respondent No. 02 which was accepted for the purpose of de novo inquiry while the appellant was also re-instated in service (Copy of Order is attached is Annexure "B").
- 4. That in compliance with the order of Commissioner Kohat Division Kohat the Respondent No. 03 re-instated the appellant with retrospective date subject to completion of de novo inquiry. The termination period was treated as leave with full pay and allowances vide Order No. 4664/DC/EA Dated 15-10-2021 (Copy attached as Annexure "C").
- 5. That de novo inquiry was conducted by Assistant Commissioner Karak who has found the allegation baseless leveled against the appellant and recommended for re-instatement along with giving all back benefits (Copy of Inquiry Report is attached as Annexure "D".)
- 6. That the competent authority ignored the recommendation of Inquiry Officer and the appellant was re-instated in service while the compulsory retirement period w.e.f 16-03-2020 to 16-09-2021 was treated as period spent on extra ordinary leave (Leave without pay) vide Order No. 2511/DC/EA Dated 17-06-2022 (Copy of Order is attached as Annexure "E").
- 7. That the appellant being aggrieved filed an appeal against the order of Respondent No. 03 which was dismissed by Respondent No. 02 vide order dated 15-09-2022 (Copy of order is attached as Annexure "F").
- **8.** That appeal against the order of Respondent No. 02 was filed in the office of Respondent No. 01 but the same was return with the advice to approached the proper forum (Copy of letter dated 17-11-2022 is attached as Annexure "G").
- 9. That the appellant is being suffering from consecutive recurring loss for long time, has no other adequate remedy except to approach this Honourable Tribunal for redressal of his grievances and provision of justice on the following grounds inter-alia:-

#### **GROUNDS:**

- 4 a. That the appellant is a regular Civil Servant in the office of Respondent No. 01.
  - b. That the Respondents have illegally treated the compulsory retirement period w.e.f from 16-03-2020 to 31-03-2022 without pay because the appellant served in the office the Respondent No. 03 for more than 35 years.
    - c. That despite of regular performance of duty depriving of appellant of his monthly pay is brutal injustice and is against the verdict of Supreme Court of the county.
  - d. That the Respondent No. 03 has no authority to deprive the appellant of his legal and constitutional right that is non-payment of monthly salaries.
  - e. That the Respondent No. 03 has no jurisdiction to ignore and violet the rules and regulation of the government.
  - f. That the appellant has been condemn unheard.
  - g. That the Respondent No. 03 before stopping of salaries of appellant has not provided any opportunity of self defence nor has been provide right of personal hearing.
  - h. That the impugned act of declaring without pay and stopping of salaries of the appellant is against the law, rules, hence not tenable in the eye of law.

i. That any other grounds not specifically raised here may grievously be allowed to be raised at the time of arguments.

It is therefore, most humbly prayed that on acceptance of the service appeal the impugned order of Respondent No. 03 Dated 17-20-2022 and Respondent No. 02 Dated 15-09-2022 may kindly be declared illegal, unlawful, Invalid, ineffective, null & void and Respondent No. 03 may kindly be directed to release monthly pay/ salaries of the Appellant for the period w.e.f 16-03-2020 to 31-03-2022.

Appellant: Mastan Gul

Through:

Dated: \_\_\_\_/02/2023

- ... o ... g ...

HOID HYUB

Certificate:

SAAD-UL-MABOOD KHATTAK Advocates, High Court, Peshawar.

Certified that no such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Honorable Tribunal.

Advocate.

## SERVICE TRIBUNAL PESHAWAR



	Service Appeal No:/2023
Μ	astan Gul Girdawar Deputy Commissioner Office KarakAppellant
	Versus
1.	Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar
2.	Commissioner Kohat Division Kohat
3.	Deputy Commissioner KarakRespondent

I Mastan Gul Girdawar Deputy Commissioner Office Karak, do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Tribunal.

DEPONENT:

CNICham-6237809-9
CELL NO: 03/19550303

Identified By:

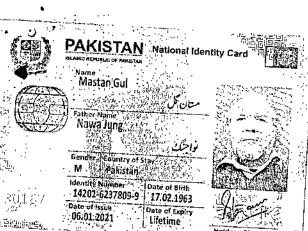
SAAD-UL- MABOOD KHATTAK

Advocate, Peshawar.

### BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Service Appeal No:	
Mastan Gul Girdawar Deputy Com	missioner Office KarakAppellant
	Versus
2. Commissioner Kohat Division K	ue Khyber Pakhtunkhwa Peshawar ohat
ADDRESS	SES OF PARTIES
APPELLANT:  Mastan Gul Girdwar Deputy C	ommissioner Office Karak
RESPONDENTS:	- 1
Senior Member Board of Reve Commissioner Kohat Division	nue Khyber Pakhtunkhwa Peshawar Kohat
Deputy Commissioner Karak	Appellant: Mastan Gul
Dated:/02/2023	Through:  Aboid Ayub
	SAAD-UI- IMABOOD KHATTAK. Advocates, High Court, Pelhawar.





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CNIC #:	14201 - 6237809 - 9
Date of Birth:	17 - 02 = 1963 Date of Apptt: 12 - 02 - 198
Qualification:	Marerio in a little of the second
Contact #:	0\$15-7119977
Address:	V & P/O Makori Tehsii Sanda Daud Shah Karak
Office #:	0922-9260268
Blood Group:	B +ve
id Mark;	Wound Mark on Left Knee



## OFFICE OF THE ADDITIONAL ASSISTANT COMMISSIONER II,

No: 13 - AACU, KK

Dated: ///0/, 2019

The Deputy Commissioner,

Karak.

Subject:

INQUIRY REPORT IN MR. MASTAN GUL QANUNGO.

Memo

Reference: 2910/DC/EA/Inquiry dated 12/07/2019

In the subject matter, the undersigned called the complainants to bring forth the proofs that they have in hand to support their claims. Thus the following complainants not only endorsed their claims in writing, on oath and duly signed with thumb impression. Beside this one complainant brought video recording where the Qanungo Mr. Mastan Gul of taking money from the party, though he claims that the money is taken as loan and that he will return the same as soon as possible.

Upon inquiry from Mr. Mastan Gul he replied in most ambiguous manner and had no solid proof to justify his innocence.

#### Recommendation:

In the light of the solid proofs of complainants (attached as annexures and videos recording in CD), the undersigned recommended that Mr. Mastan Gul, ADK be compulsory retired from service under E&D Rules 2011.

WZ.

ADDITIONAL ASSISTANT/COMMISSIONER-II

Attested

Example 12

Copying BranchKarak



#### OFFICE OF THE DEPUTY COMMISSIONER KARAK

Phone: 0927-210825, Fax: 0927-210925, Email: dckarakkp@gmail.com



<u>ပ်FFICE ORDER:</u>

Dated: 16-3 /2010

No. 1159 /DC/EA WHEREAS, Mr. Mastan Gul, Kanungo/Girdawar (BPS-11), office of the Deputy Commissioner Karak was proceeded under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, for the charges mentioned in the Charge Sheet & Statement of allegations.

AND WHEREAS, Additional Assistant Commissioner-II Karak was appointed as Inquiry Officer to probe charges levelled against the said official and submit findings and recommendations.

AND WHEREAS, the Inquiry Officer after having examined the charges, evidence produced before him and statement of accused official, submitted his report whereby the charges against the accused official stand proved.

AND THEREFORE, I, Shahrukh Ali Khan, Deputy Commissioner Karak after having examined the charges, evidence produced and statement of accused official concur with the findings and recommendations of the Inquiry Officer.

NOW THEREFORE, I, Shahrukh Ali Khan, Deputy Commissioner Karak being Competent Authority in exercise of powers conferred by Rule-4 (1), Sub Rule b (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, impose major penalty i.e. "Compulsory retirement" upon Mr. Mastan Gul Kanungo/ Girdawar (BPS-11) office of the Deputy Commissioner Karak with immediate effect.

DEPUTY COMMISSIONER

Endst: No. & Date Even:

Copy forwarded for information to the:-

- 1. Commissioner Kohat Division Kohat,
- 2. All the Deputy Commissioners in Khyber Pakhtunkhwa.
- 3. Secretary, Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar.
- 4. All Additional Deputy Commissioners in district Karak.
- 5. All the Assistant Commissioners in district Karak.
- 6. All the Additional Assistant Commissioners in district Karak.
- 7. District Accounts Officer Karak.
- 8. Mr. Mastan Gul, Kanungo / Girdawar (BPS-11).

9. Personal File.

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E: Office Order

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DEPUTY COMMISSIONER

/KARAK

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Date of preparation

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#### BEFORE THE COMMISSIONER KOHAT DIVISION KOHAT

(10) AMenki "B"

Mastan Gul Girdawar Banda Daud Shah District Karak...... Appellant

#### **VERSUS**

DEPARTMENTAL APPEAL AGAINST THE AMENDED ORDER OF

RESPONDENT BEARING NO. 4664/DC/EA DATED: 18-10-2021

WHEREBY MONTHLY PAY AND BACK BENEFIT WAS STOPPED

BY THE RESPONDENT TILL THE FINALIZATION OF DE-NOWE INQUIRY.

#### PRAYER IN DEPARTMENTAL APPEAL:

By acceptance of this Departmental Appeal the impugned Order Bearing 18/10/21

No. 4664/DC/EA dated: 18-10-2020 may kindly be declare illegal and order on the said number dated 15-10-2020 may kindly be restored.

#### Respectfully Sheweth,

Facts leading to this departmental appeal are as under:

#### FACTS: -

1. That the appellant is a regular Kanungo and he was earlier compulsory retired from service.



- 2. That being aggrieved with the order the appellant filed an appeal before the Honorable Court which was accepted on 17-09-20 1.
- 3. That in compliance with the order the respondent issued re-instatement order Vide No. 4664/DC/EA dated: 15-10-202.
- 4. That the Respondent issued in other order on the said number on 18-10-2021 in the previous order of dated 15-10-2021 was amended and the Appellant was deprived from the monthly salary and other benefits.
- 5. That being illegal order the appellant is aggrieved from the impugned order. hence present the instant Departmental Appeal with the following grounds amongst others.

#### **GROUNDS:**

- a. That Appellant was compulsory retired from service which was re-instated in Departmental Appeal by the Honorable Court on 17-09-2021 (Copy of the order attached).
- b. That in compliance with the decision the Respondent re-instated the appellant in service with all big benefit vide order No. 4664/DC/EA dated: 15-10-2020. (Copy of Order attached).
- c. That on 18-10-2021 the Respondent amended the order of dated 15-10-2021 and issued an other order on the said number. (Copy of Order attached).
- d. That the impugned order is illegal, against the law, facts and based on melafied intention which is liable to be set-aside.
- e. That the appellant is in the ending stages of Sixty Years and such order of the Respondent adversely affects the right of the Appellant.

- f. That two orders on one number issued by the Respondent clearly shows melafied intention on his part, therefore, the order dated 18-10-2021 is liable to be set-aside.
- g. That the Counsel for the appellant may please be allowed to argue further legal and factual grounds during the course of arguments.

Therefore, it is very humbly prayed that by acceptance of this Departmental.

Appeal the impugned order dated 18-10-2021 may kindly be set-aside and the order dated 15-10-2021 may kindly be restored.

Petitioner: Mastan Gul Girdawar

Date: 13-11-2021

Through:

Khanzada Khattak Advocate

Karak

### IN THE COURT OF COMMISSIONER, KOHAT DIVISION KOHAT

#### Appeal No 05/2020 dated 09-04-2020

Mastan Gul Ex- Circle Girdawar, B.D Shah Karak......Appellant

Versus

Deputy Commissioner, Karak.....Respondent

## APPEAL AGAINST THE ORDER OF DEPUTY COMMISSIONER, KARAK VIDE NO 1152/DC/EA DATED 16-03-2020

The instant appeal was filed by the appellant namely Mastan Gul, Circle Girdawar Banda Daud Shah, Karak against the subject order under section 17 of Khyber Pakhtunkhwa Civil Servants Rules (Efficiency and Disciplinary Rules), 2011

Brief of the case is that Dr. Ismail, resident of Bahadar Khel, Banda Daud Shah, Karak and others filed complaints in the office of Deputy Commissioner, Kark against the appellant for taking illegal gratification. To probe into the matter, the Deputy Commissioner, Karak appointed Addl Assistant Commissioner-II Karak as enquiry officer. Upon the recommendation of the enquiry officer, the appellant was imposed upon major penalty of compulsory retirement u/s 04 of Khyber Pakhtunkhwa Civil Servants Rules (Efficiency and Disciplinary Rules), 2011 vide Deputy Commissioner Karak order dated 16-03-2020. Aggrieved with the same, the appellant filed the instant appeal. Summon was issued to the Deputy Commissioner, Karak for filing para wise comments along with relevant record.

Appellant alongwith counsel present. Rep of Deputy Commissioner, Karak also present. Arguments heard and record along with para wise comments, perused. From perusal of record, it is clear that the enquiry has been conducted in the most superficial manner: both the charge sheet and show cause notice were issued to the appellant on the same date i.e 04-12-2019; the complainant party and the appellant have not been cross examined; the appellant has neither been heard in person nor there is any evidence/statement by witness to prove the charges leveled against the appellant.

Keeping in view the above, the impugned order is set aside and the case is remanded back to the competent authority with the direction to conduct de novo enquiry as per laid down procedure in Khyber Pakhtunkhwa Civil Servants Rules (Efficiency and Disciplinary Rules), 2011. The enquiry shall be completed within one month. Meanwhile, the appellant is re-instated for the purpose of de novo enquiry.

Announced 17-09-2021

ATTESTED.

COM<del>MIS</del>SIONER KOHAT DIVISION KOHAT

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عروره داوری عم ورات الم / 110 مرورا ا عنورانور عاب الهرسل عدد فون الأطفا 16/3 00 16/3 00 16/3 0000 رغر ماس - رنو انرف صل فعارظ درن او سار بور لعده وسي أردر فولم مي 18/ وفياب "وسي منه ملك مرك ارزاء والحالم 18/x/21, 17/9/21 Pp pos i che de chine على عفورت مورف المراق مس سالم مر درفورس كومن فورسا سن اعلیوی دارسی نه توکی. ره زمراد مورف ه ( / 6/ سے صر رسی ف زندی سی سید ع 8 30 10 06 V 06 13 com ر درف 17/2 عرص اله طاه زنوالمولات الم كمت رائي سن مون ريوزيرى تومل مروف باريول.

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ALTESTED

OFFICE OF THE DEPUTY COMMISSIONER KARAK

Phone: 0927-210825, Fax: 0927-210925 & Email:

OFFICE ORDER: -

AMexule "C"

Dated 15-X /2021

No. 11669DC/EA In compliance with the Commissioner Kohat Division Kohat Judicial order dated 17-09-2021, Mr. Mastan Gul Kanungo who was compulsory retired from service vide this office order 1152/DC/EA dated 16-03-2020, is hereby re-instated into service with the retrospective date subject to completion of de-novo inquiry findings / recommendations. The termination period will be treated as leave with full pay & allowances and is allowed to draw arrears of that period.

Deputy Commissioner
Karak

#### Endst: of Even No. & Date: -

Copy forwarded for information to the:- ...

- 1. Commissioner Kohat Division Kohat w/r to above.
- 2. Additional Deputy Commissioner, (G)/(F&P) Karak.
- 3. All the AC's / AAC's in district Karak
- 4. District Accounts Officer, Karak.
- 5. Official concerned.

Deputy Commissioner
Karak

28/9/22

. E:\DC General 01-02-2019.Kami\Office Order.docx

### TO BE SUBSTITUTED WITH SAME DATE & EVEN NO.

### HE DEPUTY COMMISSIONER KARAK •

OFFICE ORDER: -

Dated: ////////2021

No. 466 JDC/EA/Inquiry. In compliance with the order dated 17-09-2021 of the Commissioner Kohat Division Kohat, the Assistant Commissioner Karak is hereby appointed as inquiry officer to conduct De-novo inquiry in the case of Mr. Mastan Gul Kanungo, on charges of corruption and misconduct.

- 2. The inquiry officer will give an opportunity of personal hearing to the accused and will examine the relevant record including documentary/ other evidence against the accused and will call witnesses if any to conclude the enquiry strictly in accordance with the provision of rule 10 of Khyber Pakhtunkhwa Civil Servants (Efficiency & Disciplinary) Rules,
  - 3. The accused official is directed to submit his written statement /defense before the inquiry officer in 07 days after the issuance of this notification.
  - 4. Mr. Muhammad Hanif, Establishment Assistant DC office Karak is appointed as departmental representative under rule 10 (c) of the Khyber Pakhtunkhwa Civ I Servants (Efficiency & Disciplinary) Rules, 2011.
  - 5. The inquiry officer shall submit his findings and recommendation within 30 days under rule 11 (7) of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Disciplinary) Rules, 12011.

Deputy Commissioner Karak

Endst: of Even No. & Date: -

- 1. Commissioner Kohat Division Kohat w/r to his judicial order dated 17-09-2021. Copy forwarded for information to the:-
  - Assistant Commissioner Karak.

Official concerned.

Deputy Commissioner Karak

منا في كروادر

E NOC General O1 02-2019 Kami\Office Ord





## OFFICE OF THE COMMISSIONER KOHAT DIVISION KOHAT

Ph: 0922-9260001-3. 0922-9260232

Fax: 0922-9260105 0922-9260385

Commissioner Kohat Division, Kohat

commissionerkht

commissionerkohat@gmail.com

No. 3490/RA/Cmr-Kt

Dated Kohat Nov 25, 2021

To

The Deputy Commissioner, Karak.

SUBJECT.

APPLICATION.

Memo:

I am directed to refer to the above noted and to enclose herewith an application, alongwith its enclosures, submitted by Mr. Mastan Gul, Girdawar, for implementation of this office order dated: 17-09-2021 in letter and spirit, please.

Secretary to Commissioner, Kohat Division, Kohat.

Copy forwarded to the PS to Commissioner, Kohat Division, Kohat.

Secretary to Commissioner, Kohat Division, Kohat.







0922-9260001-3 0922-9260232

0922-9260105

0922-9260385

Commissioner Kohat Division, Kohat

commissionerkht

commissionerkohat@gmail.com

No. 3 75 7 /RA/Cmr-Kt

Dated Kohat Dec 2/2021

To

The Deputy Commissioner, Karak.

#### SUBJECT APPLICATION.

Memo:

directed to refer to this office memo: No. 3490/RA/Cmr-Kt dated: 23-11-2021, on the above noted subject and to enclose herewith an application dated: 16-12-2021, alongwith its enclosures, submitted by Mr. Mastan Gul, Girdawar, for implementation of this office order dated: 17-09-2021 in letter and spirit, please.

> Secretary to Commissioner, Kohat Division, Kohat.

Copy forwarded to the PS to Commissioner, Kohat Division, Kohat.

Secretary to Commissioner, Kohat Division, Kohat.







#### DEFICE OF THE COMMISSIONER KOHAT DIVISION <u>KOHAT</u>

Ph; 0922-9260001-3

0922-9260232

0922-9260105 0922-9260385

Commissioner Kohat Division, Kohat

commissionerkht 🗹 commissionerkohat@gmail.com

Dated Kohat Dec 27,2021

To

The Deputy Commissioner, Karak.

SUBJECT APPLICATION.

Memo:

am directed to refer to this office memo: No. 3490/RA/Cmr-Kt dated: 23-11-2021 and No. 3757/RA/Cmr-Kt dated: 21-12-2021, on the above noted subject and to enclose herewith an application dated: 23-12-2021, along with its enclosures, submitted by Mr. Mastan Gul, Girdawar, for implementation of this office order dated: 17-09-2021 in letter and spirit, please.

Secretary to Commissioner, Kohat Division, Kohat.

Copy forwarded to the PS to Commissioner, Kohat Division, Kohat.

Secretary to Commissioner, Kohat Division, Kohat.

## OFFICE OF THE ASSISTANT COMMISSIONER KARAK

No. 665 A. JAC/Karak

Dated: 27./04./2022.

The Deputy Commissioner,

Karak .

Subject:

DE-NOVO INQUIRY AGAINST MASTAN GUL, GIRDAWAR.

Memo:

Kindly refer to the No. 4664/DC/EA dated 15-10-2021 on the subject.

The requisite de-novo inquiry against Mr. Mastan Gul Girdawar alongwith relevant documents containing 81 pages is submitted for kind perusal and further order please.

12 mer 38 9122



### DE-NOVO INQUIRY AGAINST MR. MASTAN GUL, GIRDAWAR RE-INSTATED VIDE COMMISSIONER KCHAT DIVISION ORDER DATED 17-09-2021.

In pursuance to the Deputy Commissioner Karak office order No. 4664/DC/EA dated 15-10-2021 regarding to conduct De-novo inquiry in the case of Mr. Mastan Gul Girdawar re-instated vide Commissioner Kohat order dated 17-09-2021 with the direction to conduct de-novo inquiry.

A number of complaints have been received against Mr. Mastan Gul Girdawar/ADK B.D Shah Karak BACKGROUND. fraudulently receiving money from the complainant.

- 1. Received Rs. 20,27,500/- from one Hazrat Rehman R/o Nari Panoos B. D Shah Karak on the eve of selection of his Land for exploration of Oil & Gas by the MOL.
- 2. Received Rs. 2,16,000/- from Khush Gul on account /pretext that Mr. Mastan Gul would retrieve his land from Qabza Mafia.
- .3. Received an amount of Rs. 2,60,000/- from Dr. Ismail for correction of revenue record.
- 4. Received Rs. 29,00,000/- from Haji Muhammad Raheem on account of private dealing / business with his son at Dubai and filed complaint against Mr. Mastan Gul Girdawar/ADK before the Deputy Commissioner Karak at Pakistan.

Keeping in view of the above, the competent authority (DC Karak) conducted inquiry through Additional Assistant Commissioner-II Karak. The Inquiry Officer in his recommendations, Proposed that Major Penalty "Compulsory Retirement" may be imposed upon the accused official Mr. Mastan Gul Girdawar/ADK. On the recommendations of Inquiry Officer, Major Penalty "Compulsory Retirement" was imposed on accused official Mr. Mastan Gul. Mr. Mastan Gul Girdawar/ADK filed an appeal against the order of the Deputy Commissioner Karak before the court of Commissioner Kohat Division`Kohat The Commissioner Kohat accept appeal of Mr. Mastan Gul and set aside the order's of the Deputy Commissioner Karak and remanded back the case to Deputy Commissioner Karak for conducting Denovo Inquiry under Khyber Pakhtunkhwa E&D rules.

The parties were summoned to attend the office of the undersigned to record their statement in the aforesaid inquiry. Mr. Hazrat Rehman S/o Bahawalpur stated that Mr. Mastan Gul informed him that MOL Company selected piece of land in your property to dug well head for exploration of Oil & Gas. He further stated that you are required to deposit govt: taxes for the subject purpose.

**Examiner** 



It is submitted that Mr. Hazrat Rehman made deal with Mr. Mastan Gul in private capacity without any verification and consultation of the MOL or other exploration company in this regard and blindly gave him 20,27,500/-. According to his statement which does not show any connection with revenue record.

Mr. Gul Rehman R/o Ali Khan Khel, Jatta Ismail Khel has submitted application to the Inquiry Officer that he has no complaint against Mr. Mastan Gul and return back his complaint.

Mr. Khush Gul complained that he has given Rs. 2,16,000/- for correction of revenue record.

It is submitted that Mr. Khush Gul has not adopted a proper way to correct his revenue record instead of dealing with Mr. Mastan Gul Girdawar who was posted as ADK B. D Shah to attend the court. He has no concern with the correction of revenue record nor was he a Circle Kanungo to correct the record which shows mala-fide on the part of both parties. Although, Mr. Mastan Gul also found guilty of using corrupt practice and taking illegal gratification for correction of record beyond his jurisdiction.

Dr. Ismail lodged a complaint against Mr. Mastan Gul Girdawar/ADK B. D Shah that he has paid Rs. 2,60,000/- on account of correction of Revenue record in the case sub-Judice in the Civil Court B. O Shah. Mr. Ismail has not submitted any application to the district Collector for correction of their Revenue record and use corrupt practice involving Mr. Mastan Gul Girdawar/ ADK B. D Shah which shows malafide intention on both side. Both the parties i.e. Dr Ismail and Mr. Mastan Gul uses back door channel for correction of revenue record without approval of the competent authority.

Mr. Abdur Rahim R/o Gurguri has made private dealing / business with the sons of Mr. Mastan Gul at Dubai amounting to Rs. 29,00,000/- and the parties filed civil suit in the civil court of law. The court decreed amount on Mr. Mastan Gul Girdawar: The Inquiry Officer called Mr. Abdur Rahim to appear before the Inquiry Officer to record his statement but he did not attend.

From the perusal of available record, statement of complainants and personal hearing of the accused as well as complainants which reveals/ find the following:-

The District Collector is custodian and sole authority for correction/ modification/ cancellation of mistake in the revenue record of the district, if any. The complainants has not submitted any application to the District Collector for correction of their revenue record. The complainants engaged with Mr. Mastan Gui Girdawar/ADK B. D Shah by adopting corrupt practices and illegal gratifications.

One of the complainant bargained with the accused official for selection of his piece of land for exploration of Oil & Gas by one of the multinational exploration company without any verification / clarification from either District Administration or multinational exploration company working in the

district. The complainant Mr. Abdur Raheem has not appeared before the undersigned nor product any witness / evidence. He made private dealing / business with the son of accused official abroad. The matter is now sub judice between the complainant Mr. Abdur Rahim and accused official. None of the complainant adopt proper/ legal way for correction of their revenue record neither put forward any application to the district collector and engaged in a private affairs to resolve their issues and use corrupt

Mr. Mastan Gul Girdawar/ADK B. D Shah is also found guilty of using his official capacity beyond his practices. jurisdiction and involved in corrupt practices. He further assured that he will return the amount to the complainants.

Foregoing in view of the above facts findings, available record, statements of the complainants and accused official, it is submitted that the complainants may be advised to approach Court of law for amicable solution of their issues being dealt in a private capacity and the accused made no loss to Govt: exchequer and is not convicted to any embezzlement or loss to cause to Govt:.

Under Khyber Pakhtunkhwa (Efficiency and Discipline) Rules, Rule 4, Penalties, (1), (a) Minor Penalty:-

- Withholding of increment or increments for a specific period,
- Withholding of Promotion for a specific period and

Under Khyber Pakhtunkhwa (Efficiency and Discipline) Rules, Rule 4, Penalties, (1), (b) Major Penalty:-

Reduction to a lower post and pay scale from the substantive or regular post, for a specific period, subject to a maximum of three years;

Provided that penalty of withholding of increment, promotion for a specific period and reduction to lower post and pay scale shall not be impose upon the accused, who is likely to be superannuated within the period of penalty.

Therefore, it is recommended that the accused official may be re-instated into service with all break benefits i.e Pay & Allowance for the intervening period and the period may also be considered as period spent on duty.

It is, further recommended that after clearance of liabilities of pay & allowances, the accused official may voluntarily be retired from Govt: service.

recaration

Chairman ?

Assistant Commissioner Inquiry Officer, Karak

ertified to b

mark # 1391530/-

The Commissioner, Kohat Division Kohat re-instated Mr. Mastan Gul Girdawar vide Judicial order dated 17-09-2021 and remanded back the case to DC Karak for conducting de-novo inquiry. The DC Karak appointed AC Karak to conduct de-novo inquiry.

The AC Karak conduct de-novo inquiry and furnished inquiry report vide No. 665-A/AC/Karak dated 27-04-2022.

From the perusal of the report. The AC/Inquiry Officer recommends that the accused official may proper be re-instated into service with all the back benefits i.e. pay & Allowances of the breaking period and the said period may be considered as period on duty enable him to draw his Pay & Allowance.

Furthermore, the accused official may be voluntarily retired from Govt: service after clearance of Pay & Allowances.

It is proposed that the accused official may be fresh ordered to allow him to draw Pay & Allowance and the breaking period may be spent on duty.

If agreed, DFA is submitted for perusal, approval and signature please.

DC (Karak)

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Care= 2-12-2021 Page No ?

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FORM: PAY02



## OFFICE OF THE DEPUTY COMMISSIONER KARAK

Phone: 0927-210825, Fax: 0927-210925 & Email: dckarak.kp@gmall.com

OFFICE URDER:

Dated. 17/06 \_/2022

No.<u>25//</u> In pursuance of the Commissioner Kohat Division Kohat order dated 17-09-2021 and recommendations made in De-novo Inquiry furnished by Assistant Commissioner Karak vide his No. 665-A/AC/Karak dated 27-04-2022, Mr. Mastan Gul, Girdawar is re-instated in service w.e.f 17-09-2021. His period of compulsory retirement w.e.f 16-03-2020 to 16-09-2021 may be treated as period spent on extra ordinary leave (leave without pay).

Endst of Even NO. & Date:

Copy forwarded for information to the:-

1. Commissioner Kohat Division Kohat w/r to order dated 17-09-2021. 2. Additional Deputy Commissioner (G), Karak.

3. District Accounts Officer, Karak

A. Official concerned.

Deputy Commissioner Karak

Karak/

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# FORM OF ORDER SHEET COURT OF COMMISSIONER KOHAT DIVISION KOHAT

Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or counsel where necessary Date of Order Serial No. of or Proceedings Order or Proceedings Appeal No.16/2021 Mastan Gul Ex Girdawar Banda Shah Karak ......APPELLANT Deputy Commissioner, Karak......RESPONDENT The appellant namely Mastan Gul was compulsory retired under section 04 (bii) of Khyber Pakhtunkhwa Efficiency and Disciplinary 15-09-2022 Rules 2011 vide Deputy Commissioner Karak order dated 16-03-2020. Later on, the appellant was re-instated in service vide Deputy Commissioner Karak order 4664/DC/EA dated 15-10-2021 for the purpose of de novo inquiry. Aggrieved with the order of Deputy Commissioner Karak dated 15-10-2021, the appellant filed the instant appeal making plea therein that the competent authority may be directed to allow the appellant for withdrawing all the salaries for the intervening

Appellant present. Record along with para wise comment submitted by Deputy Commissioner Karak, perused. The instant matter lies within the administrative domain of Deputy Commissioner Karak. This court feels no need to issue any direction in the matter. Hence the appeal being devoid of merit is dismissed.

COMMISSIONER KOHAT DIVISION KOHAT

Reader to Commissioner Kohat Div. Kohat

ATTESTED

COMMISSIONER KOHAT DIVISION KOHAT

Announced

1 60 (34) by com (34) 15/9/22 po pripo diby مال محمد من موسل معرف و ورش و ما کال محمد من موسل می مع الما مع - سا کورو باری رنگورتری برن کو رفعان صورترفائے تع معورانور: - نابل و بورام ع = 15/در (روافع 4664/04) على اورماری ارد 13/4/21 0/ che in se sus sur bub ( en Leave) 5 200 / 1/2 ( 1/2 e/s/s/0/1391530 ) 22/3 L'16/2 رب بونا الله المعالمة المراق المعالمة الموادم المعالم المنظارات عاركاه!- مورضه بالرك لو زنورته و المرادي أ في مام مام رافيال الرى خ 0 is No com of 16/3 de 16/3 de 16/3 de 100 como C is so or ide of 665-A 20, direct of in some of in the state of the or in the original original or in the original o 13/5/22 in 13/5/22

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# KOHAT

0922-9260001-3 0922-9260232

Fax:0922-9260105 0922-9260385

Commissioner Kohat Division, Kohat

commissionerkht commissionerkohat@gma-

/Reader/Cnir-Kt

Dated Kohat June, 2 2022.

Τo

The Deputy Commissioner, Karak.

SUBJECT:

APPLICATION OF MASTAN GUL, GIRDAWAR OF DISTRICT KARAK.

Memo:

I am directed to refer to the above noted subject and to enclose here an application filed by Mastan Gul, Girdawar of District Karak for comments please.

> Secretary to Commissioner, Kohat Division, Kohat.

Copy forwarded to the PS to Commissioner, Kohat Division, Kohat.

Secretary to Commissioner, Kohat Division, Kohat.



## OFFICE OF THE

Ph: 0922-9260001-3 0922-9260232

Fax:0922-9260105 0922-9260385

Commissioner Kohat Division, Kohat 💆 commissionerkht 🔀 commissionerkohat@gmail.com

\_/Reader/Cmr-Kt

Dated Kohat Aug, 23 2022

То

The Deputy Commissioner, Karak.

#### SUBJECT APPEAL NO. 16/2021 TITLED "MASTAN GUL KARAK VS DEPUTY COMMISSIONER KARAK".

Memo:

I am directed to refer to this office memo: No. 76/Reader/Cmr-Kt dated: 27-06-2022, on the subject noted above and to enclose herewith another application alongwith its enclosures, submitted by Mr. Mastan Gul Girdawar of Distt: Karak, for comments, please.

> Secretaly to Commissioner, Kohat Division, Kohat.

Copy forwarded to the PS to Commissioner, Kohat Division, Kohat.

Secretary to Commissioner, Kohat Division, Kohat.





#### OFFICE OF THE COMMISSIONER KOHAT DIVISION, KOHAT

No. 0/ / Reader /Cmr Kt Dated 3 - 08 /2022

То

.The Deputy Commissioner, Karak.

SUBJECT:

KARAK.

Memo:

I am directed to refer to the above noted subject and to say that the subject appeal is fixed for hearing on 31-08-2022 It is requested that a well conversant rep: of your good office may be deputed to attend the court of Commissioner Kohat on 31-08-2022. The appellant may also be intimated, please.

> READER TO COMMISSIONER, KOHAT

Reader to Commission Kohat Div. Kohat

### OFFICE OF THE COMMISSIONER KOHAT DIVISION KQHAT



No. 113 / Reader /Cmr Kt Dated 06.09 /2022

15 9.22 cm/ 100

The Deputy Commissioner, Karak. . .

SUBJECT APPEAL NO 16/2021 TITLED AS MASTAN GUL VS DO

I am directed to refer to the above noted subject and to say that the subject appeal is fixed for hearing on 67, 09, 22 It is requested that a well conversant rep: of your good office may be deputed to attend the court of Commissioner Kohat on 671-9-1) The appellant may also be intimated, please

> READER TO COMMISSIONER KOHAT



#### OFFICE OF THE COMMISSIONER KOHAT DIVISION KOHAT

No. /3/ / Reader /Cmr Kt

Dated 20.09 /2022

Ťε

The Deputy Commissioner, Karak

SUBJECT:

APPEAL NO.16/2021 TITLED AS MASTAN GUL VS DC

KARAK.

Memo:

I am directed to refer to the above noted subject and to say that the subject appeal is fixed for hearing on 22.09.12 It is requested that a well conversant rep: of your good office may be deputed to attend the court of Commissioner Kohat on 22.09.12 The appellant may also be intimated, please.

READER TO COMMISSIONER, KOHAT

ATTESTED.



# OFFICE OF THE COMMISSIONER KOHAT DIVISION KOHAT

Ph: 0922-9260001-3 0922-9260232

Fax:0922-9260105 0922-9260385

Commissioner Kohat Division, Kohat scommissionerkht commissionerkohat@gmail.com

No. Reader/Cmr-Kt

Dated Kohat 0 \ - \| - 2022.

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Mastan Gul; ADK, Karak.

SUBJECT: APPLICATION FOR REVIEWING COURT ORDER DATED 15-09-2022

Memo:

I am directed to refer to your application dated 11-10-2022 on the above noted subject and to say that as you know that your appeal/petition has been rejected by this court vide order dated 15-09-2022. If you are aggrieved, you are at liberty to approach proper forum.

Secretary to Commissioner, Kohat Division, Kohat.

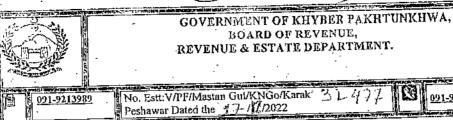
Copy forwarded to the P.S to Commissioner, Kohat Division, Kohat

Remain to Commission or Kohat Bir: Kohat Secretary to Commissioner, Kohat Division, Kohat.

AMarche Go Jego SMB! د عواست أسل وهم دا درسی بنام وسی شرار Dy: No - 2764 مان می گردادر بنام فشر مای کوفات Dated: 14/10/2022 General Diary -منا راهندی کار داری و اراد رو 15/9/2 Revenue & Esta yper Pakhtuniki: مومانيم العالم فعيد سام و دوره م 6/13 هد الفريس الواري بالما ه جدى رسا سروكما تعا- مسى عراد كروه وفي صب منابط أسر عدالت كشرعاب كوها ف والبرك لمندعات عصب عادم باعزت لورير ورق 12/1 صب فلاط ورف المرارد كو عدم مرف المواقرى مورس ما كوبالله ١٠٠٠ الموري ورفع و 16/3 عد 16/3 مراد الله على مراد الله مر وفي من الدونسز و توره ويف من وريا ما وي من مراد الموائرى من سے خلافیال عرف کرن ماجے نے میں مورف 15/10 - / ع 3 / 1 / 3 / 1 / ميره لد كواكانون هذاريا و الم Open 31/3 w/6/3 in which wind prio wo b consult i com. w ( with deave out pay) عب انوانری افسرواب ما دراقبال عمر ارکاف ت جھے بری اور قام بھایا ہ ت ونورہ صروال آن ڈپوئی کی - biser, 665-1 e, 11 Soloe in Colin ن الدامل و زرجه على الموائرى مع بولسل في المراب مع الموائرة المراب مع الموائرة المراب مع الموائرة المراب المائل الموائرة المراب المائل المراب المراب

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Mr. Mastan Gul, Kanungo of District Karak

SUBJECT: APPLICATION / APPEAL

Your application/appeal dated 10.10.2022 has been examined. You are, therefore, advised to approach the proper forum.

Noor Khan \*
Assistant Secretary (Estt)

17/11/22

podel Commissioner's Office سیان کی گروزر مان دو در دسان ملے ای مریک از طاب انجانی الريازون -سانون سان ونه طون - مراسی ارا معداری - Lily is linguage in int she were déla medial. Julien يوعنه طون كم مالهم و توان مال ما راس و مورد 2 Ulasis in - de la 20 ming 12 28 Lily 1/1 Links a significant - for من مرساند و مرساند و الماسان الماسان المواسان ال what year win and species of work more of Child - while the property of the control of the 19/1/9/9/12 - in Swing to Oxide Signal will

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### BEFORE THE COURT OF COMMISSIONER KOHAT DIVISION KOHAT

Mastan Gul Ex-Girdawar, Banda Daud Shah------Petitioner

Versus

Deputy Commissioner Karak ----

-Respondent

Subject: -

## MASTAN GUL GIRDAWAR B.D SHAH DISTRICT KARAK VERSUS DEPUTY COMMISSIONER KARAK.

Para-wise comments are as under: -

- 1) Para-1, Correct.
- 2) Para-2, On the complaint of Hazrat Rehman regarding illegal gratification for selection of the site for MOL-Company proper inquiry of allegation was conducted through AAC-II Karak.
- Para-3, In-correct.
- 4) Para-4, In-correct, because statement of the complainant and their witness were recorded in presence of the appellant. Opportunity of cross examination was given to him. The inquiry has been conducted of the inquiry officer according to prescribed law/rules.
- 5) Para-5, in-correct. As a token of proof Video recording was taken into possession by the inquiry officer. The inquiry is conducted free and fair and no malafid intention of the inquiry officer is involved in the inquiry process.
- 6) Para-6, In-correct. Proper show cause notice was served upon the appellant. All the process has been done according to law.
- 7) Para-7, In-correct. Proper opportunity of personal hearing was given to the appellant.
- 8) Para-8, Relates with the record. Previous inquiry file is not available in the office of undersigned.
- 9) Para-9, Not relates with this office.

It is requested that the appeal of the appellant may very kindly be dismissed.

Deputy Commissioner Karak (49)

