

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 1217/2023

Ghulam Dastagir Patwari Halqa Wadpagga, Peshawar.

... Petitioner

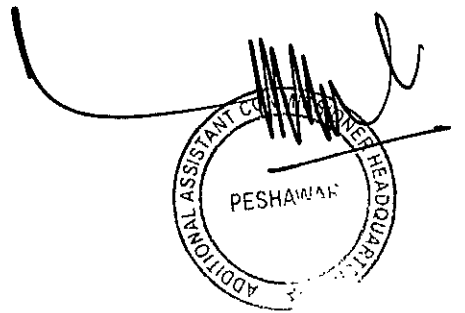
VS

- 1.** Deputy Commissioner, Peshawar Khyber Road, Peshawar.
- 2.** The Commissioner, Peshawar Division, Peshawar.
- 3.** Mr. Imran Patwari Halqa Wadpaga, Peshawar.

.... Respondents

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 1217/2023

Ghulam Dastagir Patwari Halqa Wadpagga, Peshawar.

... Petitioner


VS

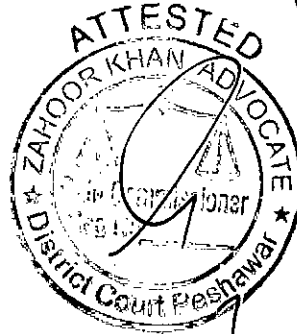
4. Deputy Commissioner, Peshawar Khyber Road, Peshawar.
5. The Commissioner, Peshawar Division, Peshawar.
6. Mr. Imran Patwari Halqa Wadpaga, Peshawar.

.... Respondents

AFFIDAVIT

I, Lutf Ur Rahman, Addl: Assistant Commissioner (HQ) BPS-17, Peshawar do hereby solemnly affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


DEPONENT
CNIC# 17301-8868814-9
Cell No: 0345-9183656



25/1/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**Appeal No: 1217/2023**

Ghulam Dastagir Patwari Halqa Wadpagga, Peshawar.

... Petitioner

VS

10. Deputy Commissioner, Peshawar Khyber Road, Peshawar.


11. The Commissioner, Peshawar Division, Peshawar.

12. Mr. Imran Patwari Halqa Wadpaga, Peshawar.

.... Respondents

AUTHORITY LETTER

Lutf Ur Rahman, Addl: Assistant Commissioner (HQ) Peshawar BPS-17, is hereby authorized to submit reply on behalf of Respondent No.01 before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar and to peruse the case on each subsequent hearing fixed in the case till finalization of the case.


(Respondent No. 01)
Deputy Commissioner
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 1217/2023

Ghulam Dastagir Patwari Halqa Wadpagga, Peshawar.

Khyber Pakhtunkhwa
Service TribunalPetition No. 6711 ... PetitionerDated: 25/07/23

VS

1. Deputy Commissioner, Peshawar Khyber Road, Peshawar.
2. The Commissioner, Peshawar Division, Peshawar.
3. Mr. Imran Patwari Halqa Wadpaga, Peshawar.

.... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01**RESPECTFULLY SHEWETH****PRELIMINARY OBJECTIONS**

1. That the Appellant has got no cause of action against the respondent.
2. That the Appellant is not maintainable in its present form, hence liable to be dismissed.
3. That the Appellant is estopped by his own conduct to file the present petition.
4. That the Appellant has not come to this Honorable court with clean hands.
5. That the Appellant have no locus standi.

OBJECTIONS ON FACTS.

1. Correct to the extent that the appellant is serving as Patwari in District Peshawar.
2. Correct.
3. No comments. Pertains to record.
4. Incorrect. The appellant was suspended on the basis of revenue inspection (**Annex-A**) and Mr. Imran Patwari was posted as his replacement in public interest who has joined his duties on 18-02-2023 (**Annex-B**).
5. Incorrect. Departmental appeal of the appellant was considered at appropriate level and on receipt of inquiry report, the appellant was re-instated and was directed to report to District Kanungo office for his further posting (**Annex-C**).

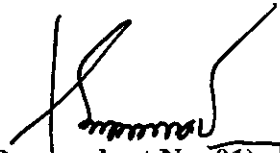
OBJECTIONS ON GROUNDS

- A. Incorrect. The orders were validly issued by the competent authority.
- B. Incorrect. The appellant was not posted/transferred in routine, rather he was suspended based upon revenue inspection, hence question of premature posting does not arise (**Annex-A**).
- C. Incorrect. Answer has already been given in preceding paras.
- D. Incorrect. Answer has already been given in preceding paras.
- E. Incorrect. Answer has already been given in preceding paras.

- F. Incorrect. Answer has already been given in preceding paras.
- G. Incorrect. Answer has already been given in preceding paras.
- H. Correct to the extent that the appellant was exonerated and re-instated on the recommendation of inquiry officer. The appellant was directed to report to District Kanungo office for his further posting in due course of time.
- I. Incorrect. The order was issued based on revenue inspection in the best of public interest.
- J. No comments.
- K. Incorrect. Neither any Laws have been abused nor has the appellant been victimized.
- L. No comments.
- M. Incorrect. The appellant has been treated in accordance with Law.
- N. Incorrect. Answer has already been provided in the preceding paras.
- O. Incorrect. Answer has already been provided in the preceding paras.
- P. Incorrect. The appellant has been treated in accordance with law.
- Q. Incorrect. The appellant was suspended on the basis of revenue inspection and there is no malafide on the part of respondents.
- R. No comments.

PRAYER:

Since the appellant was suspended on the basis of revenue inspection and later on upon the recommendations of inquiry officer, he was re-instated and placed on the disposal of District Kanungo office for further posting in public interest, hence the instant appeal may kindly be rejected, please.


(Respondent No. 01)
Deputy Commissioner
Peshawar



THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, DCPeshawar

No. 23/2/DC(P)/CampOff

Dated: 27-01-2023

ORDER:

Consequent upon the inspection of revenue record of Moza Wadpaga revealed that property in Khasra No.155, 156, 215, 381, 412, 992 and Kita No.6 Khata No.174/293 upto 297 total land measuring 15 kanal 02 marlas was shown as Ghair Mumkin Abadi, while the Patwari Halqa Wadpaga namely Mr. Ghulam Dastagir has affixed his note showing the area as plot to evade govt. taxes leviable on the Ghair Mumkin Abadi. The above property was sold vide Registry Deed No.141 Bahl No.1, dated 09-01-2023. The illegal action of the said official has sustained huge loss to the Govt. exchequer by evading taxes on the property. This is a grave misconduct on the part of the official.

In view of the above, Mr. Ghulam Dastagir Patwari Halqa Wadpaga is hereby placed under suspension with immediate effect.

The Addl. Assistant Commissioner Shah Alam Peshawar is hereby appointed as enquiry officer to probe into the matter and submit enquiry report within seven days positively.

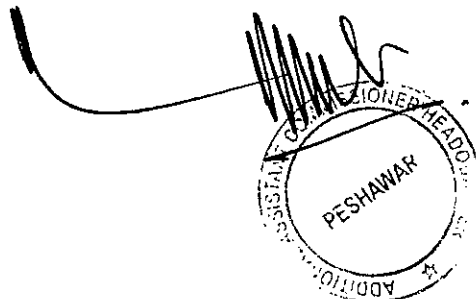

DEPUTY COMMISSIONER
PESHAWAR

Endst: No. and Date Even:

Copy forwarded to the:-

1. Addl. Deputy Commissioner (G), Peshawar.
2. Addl. Assistant Commissioner Shah Alam, Peshawar/enquiry officer for further necessary action.
3. Accounts Officer of DC office for further necessary action.
4. Tehsildar Shah Alam, Peshawar.
5. Official concerned with the direction to report to DC Office and appear before the enquiry officer as and when directed.


DEPUTY COMMISSIONER
PESHAWAR



18 فروری بروز ہفتہ سال 2023

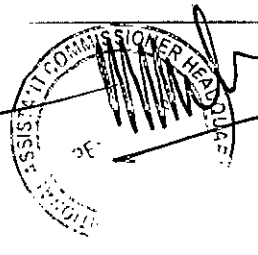
آپکے ارزے۔ الجیم ڈیٹھی عقیقہ صاحب بیروک عقیقہ نشینی عقیقہ

29/

صرف 27/01/2023 تاریخ صلقہ در پیکر حوالہ عمر اسٹار

مٹھارہ گنا گنا۔ ہفتہ ست واپس ہے۔

موضع وڈ پگرب قتل عقیقہ بنروز ہفتہ سال 30-1929 تک جلد، قتل پگرب بنروز ہفتہ
 تک جلد (جسین خسرو) کا عقیقہ بنروز (نمبر 1) مالکان تک جلد، شجرہ کھوار
 تک جلد، لاکھ نواب 2 جلد، بہتر خبرہ گولوری 5 جلد، بہتر شتال، 10
 لفتت، 110 آف، ریشال 1535، ریشال شتال 3 جلد، 3 میں ریشال، 288 بنروز
 جلد، 6 میں ریشال، 387 بنروز، 8 جلد، 8 ریشال، 783 بنروز، 25 میں
 ریشال، 2272 قتل نوڈر شٹ لفتت، ریشال، 8327 بنروز، ریشال شتال
 بنروز، بنروز، ریشال، 8537 وراثت امر جو بنروز، ریشال شتال
 زمین سال 3-1931 تک جلد، سال 56-1935 تک جلد، سال 4-1939 تک جلد





THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, [DC]Peshawar

No. 151 /DC(P)/DK

Dated: 14-03-2023

OFFICE ORDER:

Consequent upon the recommendations of the enquiry officer/AAC Shah Alam vide enquiry report No.481-82/DC(P)/AAC(Shah Alam) dated 14-02-2023, Mr. Ghulam Dastagir Patwari is hereby re-instated into service by exonerating charges leveled against him and period of suspension may be treated as on duty. He is directed to report to District Kanungo Office immediately.

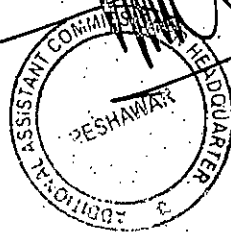
Sd/-
DEPUTY COMMISSIONER
PESHAWAR

Endst: No. and Date Even:

Copy forwarded to the:-

- (i) Addl. Assistant Commissioner Shah Alam/enquiry officer, Peshawar.
- (ii) Accounts Officer of DC office for necessary action.
- (iii) Official concerned for strict compliance.

ADDITIONAL DEPUTY COMMISSIONER (G)
PESHAWAR




Cost of Rs. 10,000 received in Service Appeal No. 1217/2023

Titled Ghulam Dastagir VS. DC & others

order sheet dated. 4/7/23 in the office of Assistant Registrar, Dated: 25/07/2023.

on Behalf of
Respondent No. 1, 2


Assistant Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Cost of Rs. 3000/- received in Service Appeal No. 1217/23,

Titled Ghulam Dastagir vs. DC G others

in the office of Assistant Registrar, Dated: 04/10/2023. vide
order sheet dated 22/06/23 on behalf of
Respondent no. 3 (Jinnah)

Assistant Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

in
04/10/23