

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No.582/2023

Majraj-ud-Din (Patwari) office of the Deputy Commissioner Lakki Marwat

**(Appellant)**

Versus

1. Provincial Govt. through Chief Secretary Khyber Pakhtunkhwa Peshawar
2. Govt. of KPK through its Secretary Revenue & Estate Department Peshawar
3. The Commissioner Bannu Division
4. The Deputy Commissioner Lakki Marwat

**(Respondents)**

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**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 16-02-2023 OF THE RESPONDENT NO.3, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS PARTIALLY ACCEPTED AGAINST THE ORDER DATED 22-09-2022 OF THE RESPONDENT NO.4**

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[DEPUTY COMMISSIONER]

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Respectfully Sheweth:

**PRELIMINARY OBJECTIONS:**

1. The Appeal in hand is badly time barred.
2. The appellant has no locus standi to bring the present appeal.
3. The appeal is not maintainable in the present forum.
4. The appeal is bad for mis-joinder and non-joinder of necessary parties.
5. The appellant is estopped by his own conduct.

Joint Para-wise Reply/Comments on behalf of Respondent No.1, 2, 3 and 4 submitted as under:

**FACTS**

1. Correct to the extent that the appellant is permanent government servant in this office and working as Patwari Halqa.
2. Pertains to record.
3. Correct to the extent that proper departmental proceedings being appointment authority, services of appellant was suspended bearing No.472/DC/LM/HC(Rev)/2022 dated 05-08-2022 enabling show cause notice was also given to him. After examining record of the case, accused/appellant was awarded minor penalty of withholding of three annual increments for the year 2022, 2023 and 2024 imposed upon him vide office order bearing No.3705/Estab.F.22@ dated 22-09-2022.
4. Para-3/above is very much explained.
5. Para-3/above is very much explained.


- 6. Correct to the extent that appellant had lodged departmental appeal before Respondent No.3/Worthy Commissioner Bannu against the order of Respondent No.4 in which minor penalty imposed upon him i.e. withholding <sup>✓</sup>three annual increments for the year 2022, 2023 & 2024 which was reduced to withholding of only one-year annual increment without accumulative effect for the year 2022 by the appellate authority/Respondent No.3.
- 7. No comments.

**GROUNDS:**

- a. In correct to the extent that both the orders are based on fact/ law and issued after all fulfillment codal formalities.
- b. Incorrect to the extent that disciplinary action was initiated against the appellant on account of charges "Entered the name of Muhammad Nawaz etc in the Khasra Girdawari of Shamilat-e-Deh vide Khasra No.3658 and 3719 of Mouza Matora through illegal way and against the law/rules". Since the guilt was very clear and being competent authority direct Show Cause Notice was issued to appellant in terms of Rules-5 of Khyber Pakhtunkhwa Government Servants (E&D) Rules-2011 and dispense the inquiry under Rule-7 of the ibid Rules. *(Copy of Khasra Girdawari is attached)*
- c. Para-C is incorrect and misleading one, true facts are stated above. Furthermore, all sequence codal formalities adopted by the respondents.

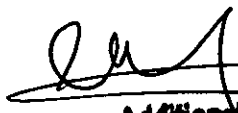
It is therefore, most humbly prayed that this appeal may be dismissed with cost.

  
 Commissioner Bannu Division  
 Respondent No.3

  
 Deputy Commissioner  
 Lakki Marwat  
 Respondent No.4

  
 Senior Member Board of Revenue  
 Govt. of Khyber Pakhtunkhwa  
 Respondent No.1 & 2

*Verdict subject to compliance of letter dated 29.3.23, Correction, Amending Girdawari, index & affidavit*

  
 Additional Advocate General  
 Khyber Pakhtunkhwa  
 Service Tribunal Peshawar  
 9/8/23





2023 2022

		2021		2020		2021		2020					
X	نورد 11	11	X	نورد 11	11	X	نورد 11	11	10-19	3658	3719		
X	نورد 19	19	X	نورد 19	19	X	نورد 19	19	19-1	مورعین مورعین مورعین	3720		
X	نورد 3	3	X	نورد 3	3	X	نورد 3	3	3-17	مورعین	3721		
X	نورد 8	8	X	نورد 8	8	X	نورد 8	8	8-4	زودی نوربان ولا نورنگ مورعین	3722		
X	نورد 18	18	X	نورد 18	18	X	نورد 18	18	17-19	مورعین	3723		9

سمیع اللہ خان  
18/11/23  
حلقہ مورعین

TEHSILDAR  
Ghazni Khet









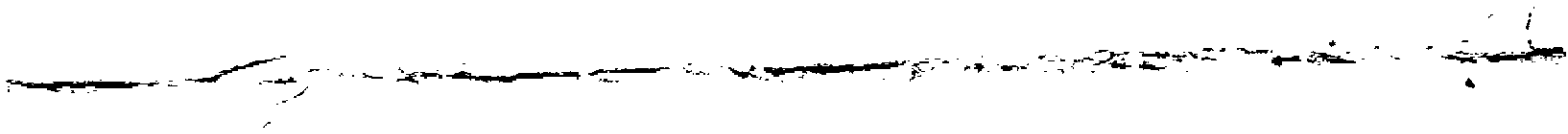


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	<b>GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE &amp; ESTATE DEPARTMENT.</b>
091-9212726	091-9214208
No. Estt: VII/SA/582/2023/Miraj-ud-Din/ <u>12998-13001</u>	Peshawar Dated the <u>29/05/2023</u>

**ORDER.**

No. Estt: VII/SA/582/2023/ 12998-13001 Sanction is hereby accorded to the defense of Service Appeal No. 582/2023, filed by Miraj-ud-Din Versus Government of Khyber Pakhtunkhwa through Secretary Revenue & Estate Department Peshawar and others pending in the Service Tribunal, Peshawar at public expense.

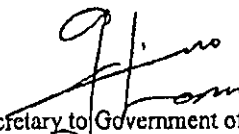
Secretary to Government of Khyber Pakhtunkhwa  
Revenue & Estate Department

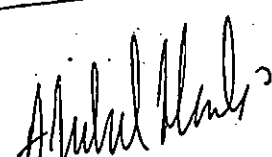
No. & Date Even.

Copy forwarded to the:-


1. Secretary to Government of Khyber Pakhtunkhwa Law Department with the request to issue necessary instructions to the Additional Advocate General Service Tribunal Peshawar for the defense of Government.
2. Commissioner Bannu Division Bannu.
3. The Deputy Commissioner Lakki Marwat with the request to prepare Joint Parawise Comments duly vetted by the Additional Advocate General Service Tribunal Khyber Pakhtunkhwa and submit the same for signature of Senior Member Board of Revenue being Respondent No.2.
4. The Assistant Secretary (Lit-II), Board of Revenue, Khyber Pakhtunkhwa for necessary action.

Lit-II = ASTH

  
Additional Secretary to Government of Khyber Pakhtunkhwa  
Revenue & Estate Department

  
Deputy Commissioner  
Lakki Marwat

<b>RECEIVED</b>	
No. <u>10664</u>	
Date <u>1-6-2023</u>	
Return Date _____	
Action _____	
DC - LAKKI MARWAT	

Attested  
  
**Superintendent**  
Deputy Commissioner  
Office, Lakki Marwat

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AUTHORITY

Mr. Farman Ullah Khan Suptd: of this office is hereby authorized to attend the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of Respondent No.4 to defend the case titled above.

  
[DEPUTY COMMISSIONER]

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AFFIDAVIT

Mr. Farmam Ullah Khans Suptel of this office do hereby solemnly affirm and declare that all the contents of these parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

  
Deponents