BEFORE THE KHYBER PAKHTUNKHWA CHAIRMAN SERVICE TRIBUNAL PESHAWAR

Appeal No. 906 of 2023.

Mr. Niamat Ali Patwari	APPELLANT
Versus	
Commissioner Malakand Division & others	

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BEFORE THE KHYBER PAKHTUNKHWA CHAIRMAN SERVICE TRIBUNAL PESHAWAR.

Appeal No. 906 of 2023.

Mr. Niamat Ali Patwari, APPELLÀNT

<u>VERSUS</u>

Commissioner Malakand DivisionRESPONDENT

JOINT PARA WISE COMMENTS/REPLY ON BEHALF OF THE RESPONDENT NO. 01, 02 AND 03.

Respectfully Sheweth:-

Parawise comments on behalf of the answering respondents are as under:-

Kaviser Pakinosian n Service Trabustai PHORY NO. 48

PRELIMINARY OBJECTIONS

- The appeal is liable to be dismissed as it is against the Khyber Pakhtunkhwa Civil Servants Act, 1973 and Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986.
- 2. That the appellant has got no cause of action and Locus Standai to file the instant service appeal.
- 3. That the appellant is estopped by his own conduct to file the present service appeal.
- 4. That the appellant has not come to this honorable court with clean hands.
- 5. That the appeal is not maintainable in its present form.

ON FACTS

- 1. Para-1 is correct to the extent of posting of the appellant. His positing order is (Annex: A). The rest of para is incorrect.
- 2. Para-2 in incorrect. The complainant submitted application to respondent No. 01, which was forwarded to respondent No. 02 vide letter (Annex: B) and accordingly the inquiry was conducted.
- 3. Para-3 is correct.
- 4. Para-4 is incorrect. The inquiry officer provided opportunity of personal hearing to the appellant and after fulfillment of all codal formalities; the inquiry officer submitted his report/findings.
- 5. Para-5 is incorrect. Inquiry Officer after holding of proper inquiry recommended that:-

"Minor penalty of one annual increment imposed upon the delinquent official and banned for the period of two years on field posting".

However, the competent authority i.e Deputy Commissioner Swat (respondent No. 02) taking a lenient view, imposed one penalty of withholding of one increment upon the official/appellant.

- 6. Para-6 is correct.
- 7. Para-7 is correct.
- 8. Para-8 Incorrect. The penalty has been imposed upon the applicant under provision of Section- 4 (a)(ii) of the E&D rules, 2011.

(2)

ON GROUNDS

- A) Para-A is incorrect. The inquiry has been conducted in accordance with law/rules.
- B) Para-B is incorrect. The inquiry officer explained the position in detail in his report (Annex: C).
- C) Para-C is incorrect. As replied in facts.
- D) Para-D is incorrect. The penalty has been imposed upon the appellant after conducting proper inquiry in light of rules.

<u>PRAYER</u>

In view of the facts and grounds explained above, it is humbly prayed that the instant appeal being baseless, against law, facts and circumstances and also time barred may be dismissed with cost, please.

Peputy C/ommissioner, Swat Add: Deputy Commissioner (F&P), Swat RESPONDENT NO. 03 PONDENT NO. 02 Finance & Planning Swat, Commissioner Swat Commissioner Malakand Division **RESPONDENT NO. 01** Commissioner, Malakand Nivision,



OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

No.

Datod: Ó

/1/4/DK

/2021

Təl No: 0946-9240336 Fax No: 0946-9240329 E-maii: <u>Doputycommissionarswat1@gmail.com</u>

ORDER

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The following posting/transfer amongst the new recruited Patwaries of this office noted against each is hereby ordered with immediate effect in the interest of general public:-

S.No				
1	Name of Patwari	From	To Halga	
1-	Mr. Nasar Khan	Cell (Session Coun)	Sat Satistay	
2.	Mr. Fahim Khan	Waiting for Posting	Murchazar	
3-	Mr. Haq Nawaz	-do-	Mangarkot	
4-	Mr. Namat Ali Khan	-00-	Hazara	
5-	Mr. Zakir Hussain	-do-	Kotanai	
6-	Mr. Ifükhar Ali	-do-	Maindam	
7.	Mr. Mansoor Ali Khan	-do-	Chamtalai	
8-	Mr. Ilbar Ayub	do	Kedam	
9-	Mr. Gohar Ali	-do-	Beshigram	
10-	Mr. Muhammad Tahir	-do-	Ghalegay	

110: 717-24 11/4/EX

DEPUTY COMMISSIONER SWAT.

Copy forwarded to:-

- 1- The Hon'ble District & Session Judge Swat.
- 2- The Assistant Commissioners, Babuzai, Barikot, Kabal, Khwaza Khela, Charbagh, Bahrain for information, please.
 3- The Officials concerned for compliance.

n).

DEPUTY COMMISSIONER SWAT.



ݙ 🔁 serretary:ocmd@gmail.com	Domnissioner Małakand Division	Pag vermke
	COMMISSIONE	R MALABAND DIVISION
No. 1016-17 12/28/Es		Dated: <u>11/10/2022</u>
To The Deputy Co	ommissioner, Swat.	
Subject:- <u>COMPLAINT</u> KABAL DISTR	AGAINST MR. NIAMAT ALL, NCT SWAT.	PATWARI HALQA HAZARA
Sir,		
Submitted by Mr. Muhamm Niamat Ali , Patwari Halqa H 2. I am further d finding inquiry in light of the	I to enclose herewith copy of had Shireen s/o Jumma Khan r/ lazara, Tehsil Kabal, on the above lirected to request to look into the e contents of aforesaid complaint.	o Hazara Kabal, against Mr. e noted subject. he matter and conduct a fact inquiry report may be snared
and further course of action	ys positively, for perusal of the w please	or hy Commissioner Malakand
<u>Enclosed as above</u>		Yours faithfully, (MUHAMMAD ILYAS) F TO COMMISSIONER (REV/GEN)

Endst: No & Date Even.

Copy forwarded to PS to Commissioner Malakand Division, for information .

please.

10 13.

114,23 14/10/22

Ceputy Commissioner, Swat

ASSISTANT TO COMMISSIONER (REV/GEN)

MALAKAND DIVISION

A DESCRIPTION OF A DESC

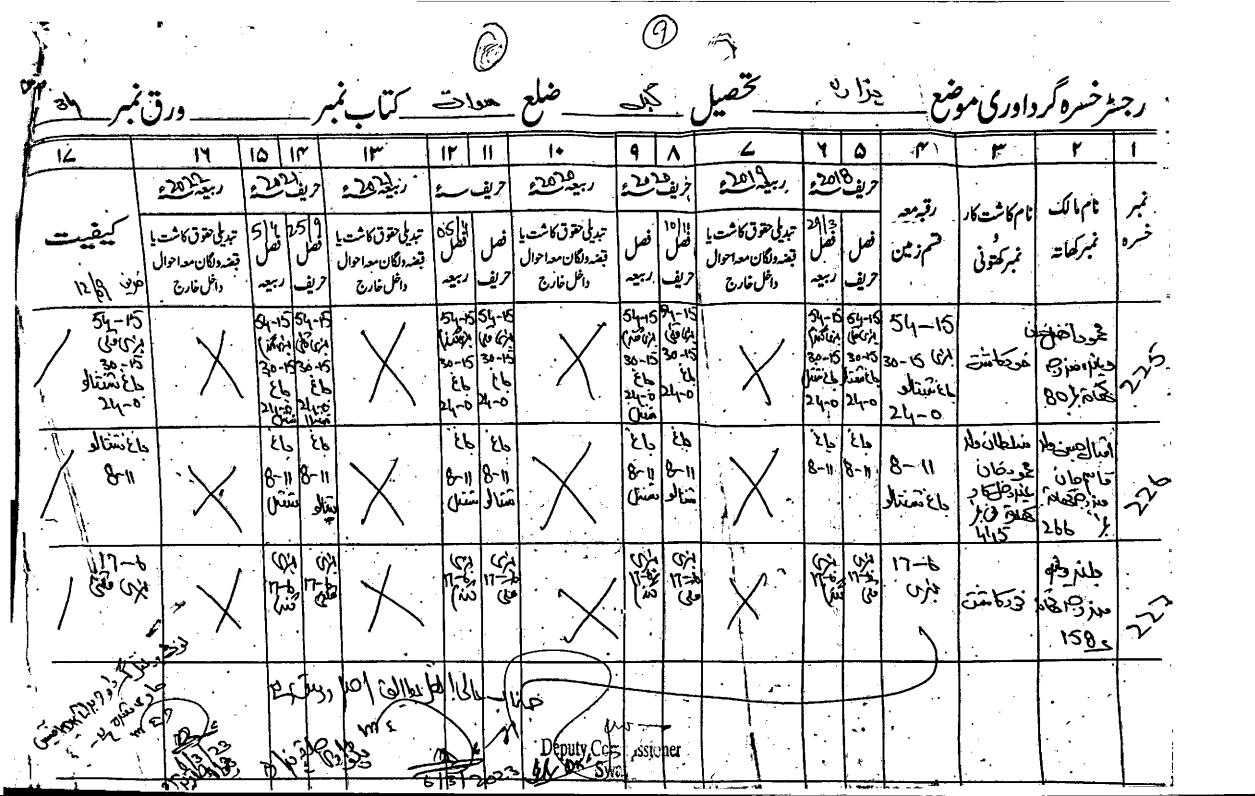
.

مرجني من من مام الألفتر عنه الم ميد بتريث ملع موان مركب مرتبع ولام محمد مان براره تحميل مورت سائيل منه المرجع من سائن براره تحميل مورت سائيل براي المرجع منه وي المرجع مان سائن براره تحميل من مناح مورت DG frank to conduct on Jugin L حروض مرفلاف مسول اليبم مرمي حرار مرمسول الير ف رحسر وخر report كرووزى مى مائير كونس مرامان كدو ، 226 . 765 ديا 14 dorg Sha حسن مي السرة ور 2 يقا تسك مان بدر اسى روسر و مسر و درارى مي ردم ال در المعن بوند حرور دراي جاري م معهم ADC (Fr.P) Copt كرورارى الكر ورمراع فلفن ب علقة مودرى بالريما ومارش to condense history حمكر تسان جعل سازمائ ب معاط مرمى زأسر م انكواتر ما and and and فراع طعة مواري ترمنت معت مز دلوايا جائ in 14 days حبناب عالم) ! در فرامت دمل عرض س ید که صروبات دونه تا ۲۹۶۶ سے سال ۱۹۲۶ سے راستہ تاتم بع جر عارضه مكين باتماسره وأغ مان تعييم استى ل رأية طيس ارروس من ومرواج حلقم مرودر ما بالاستكواها ف م مرجرد من مس اندراج كاسه رمي منب كواحان مراسية بيانات متعلق محسوبي كوسام مريكا رود المكاك مع راستر مركوره دم سانين ادر ديگر دفرار سيرلاك جان وعميره كيسا عد منا ترع ومداموا مو سایک ، علقه مرد ارم با الم مح وسته م من مردود م Beputy Commissioner

حاصل ک جوک طلقہ میٹوادی نے ایس محمد وسی فونڈ شیف ت ل ک 0 حدد الم المساقيل كميا جرم تدمينا و مرسانين في وير مدار روادف استغالة دىزدىكى 33 تىياركى - (حسر كردرارى بوساتى كورى كاب بن م ۲۰۰۰ به کم در از از ای مان دعور استهای سب زدر اندار به ازردامینودا ب حلقه ميوري كما عد ملكر ايكر أروستر ورواري ميس كما جس برطقه بتراري كالعثر في درج ب جركم من دا الحمر الردار اس في حدو المردور ا معترين سرة ملقه مرور من س مس - مر مرده مالا حسر فرددرا اع بسار مرجارة بوليس عاد الكوتر متروع كم مرحق مرود ما المركب والون كو رد منسر ماحمر الرودارى جارى ما جرا من جرا من دولو م محتمد علوم تردور الاطرار مقرد بنام در دس منابع) - بام علم برورى مرزوجل سازى ادرم كارى ايجار وماريكار من اربرل ار اوروس ما الرزم سائيل اورون ت من اجل فاند مراس ديا اورساتيل ادر در مكرابل فا مرمز علام بولس مد مود ما ارد دم آ مراد كر امراد كر بعد Fir در الم (The Fir w w) م م علم سواری کر مسوم حمر کرد داری دکار کار دو ای علی ادر حبعلى سارى . مرود . وحوم ومى اور رستون ستاب تدبيبا و برجار المشر حنرو كرداد، مين فرف فرفت ماميرتما جماع دم س ملة موره بر مبرعدزان ت بسیار بر کارون کر کو کارس ما ب Deputy Contanissioner (6,6)

یہ کہ حافظہ میڈ ار) نے بر عمقودی ، صاحت اور سرکاری انکر ڈیں روبرل نے دے ی روزم دیل سازی سائیل مر ت ایک تب رورسایک ایم اه دیگر ایل خاند ى روز تدجيل مين مقدر با - طلانكم سائيل كارتكار في مدر المانك فالج ادر رس سے تقولات مینا تمس مرك مری علی ترب میں کمان ا میں کے بارچر د طلق میڈ ار) نے مرعبون عوم سے سامیں کوجار کر دہ جمرہ کردول کا سے مل کھ اور ایک جعل حرق قرود ما مادوك ساميل كو مع تمناه الك مرحما عدم مع الما الكر فلم تلك مر طاقتر مرج ارى ومتساع مرعدون، دهوم باز ، جعل ساز منسى كا فرد سال درى ي ظراف فحاز أصر كارون مركان كالوسامين كريد فعضان سوايه م حلق مر يوكون موسم ببرالمعصان كااسط فالعرجوري له " المكر عامي كم مع مسول المر كاخلاف ما فوي مرد جريجت في أ مسر -الكوتر من جار سخت من معن سرا دروايا جار . e) محمر سرمن ولم عجمهة ف منامن فراره عمل منكع سو Deputy Commissioner,

(8) مری ای میان ۲۵ د مراز ۲۵ د می ایس ۲۶ از ۲۶ مرد ایس ۲۶ از ۲۶ از ۲۶ از ۲۶ مرد ایس ۲۶ از ۲۶ مرد ایس ۲۶ از ۲۶ می از ۲ ن د ستا و میزن شده تخد دری ف در کمانوی عکسر JESTRON,18 6 sel'a نولات المراج معاقر في مات تحقق عنان - نام در تحرير درا ب د وری برا ترجى عيرين ملزمان فراق تسطرفين يسق ف ور خلکاست 10 بيرست وستات وستا وبه مدر مربع مربع میں میں میں میں میں مربع مرد مدر جرم ال کان کا جاکہ مقامی ای مرد اسی مزد لفہ کت دیا ہو ہے کہ دستا جاکہ کھ اطلاع دی جاتی ہے۔ کی جاتا ہے ان ال کھ اطلاع دی جاتی ہے۔ #-7812 VV JIDIE uty Col å ØS#



10, تخصرا رجير خبره كرداورى موضع ميراره ممورس 34 ۵ ۲ A 10 110 11 11 . 11 **!•** . 2019 زيند زين مير 20:5 ربيوس مدمر ربيدمر ر بور مر ر ديد مر 1 ۲مالک ۲مکاشت کار رقبه معد افل فرا تد المعقرة مشتيا افل فض تد الم تبذني حوق كاشت يا تبرين هوق باشت يا و . نمبرکنتونی تبديجي حتوق كاشت فتم زمين . نبركمانه قبعته ولكان معداحوال قينه والحان معاحوال فعنه ولكان معاحوال بقندالكن معاجوال تريف أدبيد داخل خارن دافل قارن داخل خارن دبعه واغل مارج ربيد 4 | ق هرم ۱۹۰۹ 5415 54-5 54-15 54-15 225 Backery Second 225 54-19 5475 ديهى 54-15 56-15 54-1554-15 54-15. ميري كان ميوس کار ما Gans 30-530-15 30-15 15-05 40240 240 years بيوسيد مراب \$4-0 2450 247 ىتە 10 00 المساجس وار سلان وارتحده JUE. 61 9-11 EL 10 226 Jun ani sing sing and 11 - 8 11-8 8-11 8-11 8-11 8-11 8-11 بمغيضتكم متتلا المنسق 445 10 206 200 ممالز 17-6 17-6 17-6 17-6 in. 722 with 17-6 (decent) with 15/2 -17-6 84 cgi میری بری فرس 5 17-6 17-6 فدرج فاتر 17-1,17-6 مين . 11 8. `ISB Deputy Commissioner .: - C.-16-5 16-5 16-5 1011 16-5 15-5 1. USNOW 4. 14-1 Ý. حذابهماتر ليريز م جر 87 -1)=) Ē كمرامته 3-10. 3515 24ton

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	OFFICE OF THE DEPUTY COMMISSIONER SWAT. (FINANCE & PLANNING WING).		(Fe)
	\$. 0946-9240095	10946-9240097	
	/ADC (F&P)/Inquiry/Vol	-I Dated: 18 /1//2022	

То,

No.

The Deputy Commissioner, Swat.

Subject: -

t: - <u>COMPLAINT AGAINST MR. NAIMAT ALI PATWARI HALQA</u> <u>HAZARA KABAL DISTRICT SWAT.</u>

Memo:

Please refer to your office Memo No. 3107/1/5/DK, dated; 18/10//2022 on the subject cited above.

The applicant namely Mr. Muhammad Sherin S/O Juma Khan RVO Hazara Tehsil Kabal Swat has submitted an application against Mr. Naimat Ali Halqa Patwari Moza Hazara to the effect that he had issued Photo copies of Khasra No. 225,226,227 from Register Khasra Girdawari wherein Pathway (Raasta) was mentioned but later on he made tempering in the said Khsra Girdawari which are different from each other. The applicant has thus requested for inquiry into the matter and awarding exemplary punishment to the said accused official.

In order to conduct inquiry in to the issue, both the applicant and Patwari concerned were called to this office and their statements were got recorded.

The applicant Mr. Muhammad Sherin has reiterated has version as narrated in the complained. The patwari has initially entered Pathway in revenue record but later on he has made tampering and has deleted pathway from the revenue record and has thus committed gross negligence which has caused great loss to him. He request for taking stern legal action against the said Patwari. (Flag A).

Statement of Mr. Naimat Ali Halqa Patwari Moza Hazara has been recorded on 26/10/2022 (Flag B). He states that he has always performed his dury honestly as for as register Khasra Girdawri is concerned it is not his hand writing and the same did not bear his signature. So it is completely bogus. And there is no Pathway entered in the revenue record / Register Khasra Girdawari.

I have thoroughly perused the inquiry file and my findings / recommendation are as under. Deputy, Commissioner

FINDINGS. Mr. Naimat Ali Cabyari has deliberately / intentionally made tempering in the revenue record and has deleted Pathway (Rassta) from record as complained by the applicant.

RECOMMENDATION.

It is recommended that Minor Penalty of One annual increment may be imposed upon the said delinquent official namely Mr. Naimat Ali Patwari as provide in E&D Rules 20**20**, U/S 4 (a)(ii) . It is further recommended that he may be banned for the period of Two years on field posting.

(Original Inquiry file is enclosed).

ADDITIONAL DEPUTY COMMISSIONER FINANCE & PLANNING / INQUIRY OFFICER, SWAT

eppyy Comnuscioner Swat_



OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

Tel No: 0946-9240336 Fax No: 0946-9240329 E-mail: <u>Deputycommissionerswat1@gmail.com</u>

No. 5607 /1/4/DK Dated: 0, < 12 /2022

ORDER:

WHEREAS, in persuance of the Commissioner Malakand Division letter No. 1016-17/2/28/Estt: dated 11/10/2022, an inquiry was conducted through the Additional Deputy Commissioner (F&P) Swat against Mr. Niamat Ali Khan Patwari halqa Hazara Tehsil Kabal District Swat.

AND WHEREAS, the inquiry officer vide No. 1154/ADC (F&P)/ Inquiry/Vol-I dated 18/11/2022 submitted the requisite report wherein he recommended that minor penalty of one annual increment may be imposed upon the said official as provided under Under Section-4 (a)(ii) of the E&D Rules, 2011 and secondly he may be banned for the period of two years on field posting.

NOW THEREFORE, I, Junaid Khan Deputy Commissioner, Swat the Competent Authority in exercising the powers Under Section-4 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules, 2011 on acceptance of the recommendations of the inquiry officer, hereby imposed minor penalty of "WITHHOLDING OF ONE ANNUAL INCREMENT FOR A PERIOD OF ONE YEAR" on the accused official (Niamat Ali Khan Patwari of this office) in the larger public interest.

No: 3608-12 /1/4/DK

Copy forwarded to:-

DEPUT OMMISSI6 NER_SWAT.

- 1- The District Comptroller of Accounts, Swat.
- 2- The District Kanungo Swat for necessary action.
- 3- The Nazar-II, local office for necessary action.
- 4- The Official concerned

5- Personal File. Deputy Confinisioner

COMMISSIONER SWAT. DEPUTY SE 13

OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

Tel No: 0946-9240336 Fax No: 0946-9240329 E-mail: <u>Deputycommissionerswat1@gmail.com</u>

No	242	8_	_/CC/DK
Dated:_	22 1	09	/2023.

AUTHORITY LETTER

Mr. Inayat Ur Rahman (Computer Operator, Office of the Deputy Commissioner, Swat) is hereby authorized to file comments on behalf of Respondents No. 01 to 03 in Honorable Khyber Pakhtunkhwa Chairman Service. Tribunal Peshawar in Case "Appeal No. 906 of 2023, Niamat Ali Patwari Versus Commissioner Malakand Division & others".

DEPUTY COMMISSIONER SWAT puty Commissioner Swat .

BEFORE THE KHYBER PAKHTUNKHWA CHAIRMAN SERVICE TRIBUNAL PESHAWAR

Appeal No. 906 of 2023

Mr. Niamat Ali Patwari Petitioner

Versus

Commissioner Malakand Division & others Respondents.

<u>AFFIDAVIT</u>

I, Deputy Commissioner Swat do hereby solemnly affirm and state on oath that the contents of comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this august court.

Deponent

Depotent Deputy Commissioner Swat Respondent No. 02. Deputy Commissioner Swat