

S.No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	15.08.2016	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center"><u>CAMP COURT ABBOTTABAD</u></p> <p align="center">APPEAL NO. 173/2015</p> <p align="center">Mr. Muhammad Irshad Abbasi Ex-Patwari Versus the Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar and 2 others.</p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant, M/S Mukhtiar Ali, Supdt and Muhammad Iqbal, Assistant alongwith Mr. Muhammad Siddique Sr.GP for respondents present.</p> <p>2. Mr. Muhammad Irshad Abbasi Ex-Patwari has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 13.08.2015 whereby his departmental appeal against order of his dismissal from service dated 29.05.2015 was rejected.</p> <p>3. Brief facts giving rise to the present appeal are that the appellant was serving as Patwari, Halqa Shinkiari when subjected to enquiry on the allegations of taking illegal gratification from about 8 persons and dismissed from service vide impugned order dated 29.05.2015 where-against his departmental appeal dated 16.06.2015 was rejected on 13.08.2015 and hence the instant service appeal on 28.08.2015.</p>

*Handwritten signature and date: 15.08.16.*

4. Learned counsel for the appellant has argued that a complaint was sent to the office of Deputy Commissioner Mansehra against the appellant with the allegations of taking bribe from certain citizens. That on the strength of the said letter appellant was charge sheeted and enquiry was conducted in the form of questionnaire. That despite attendance of the witnesses the enquiry officer did not record their statements and recommended the appellant for major penalty of dismissal from service. That the appellant has served as Patwari for about 16 years without any blame. That the allegations of illegal gratification were neither substantiated during the enquiry proceedings nor any evidence whatsoever collected. That enquiry in question-answer form is not permissible. Learned counsel for the appellant has placed reliance on case-law reported as 2006-PLC(C.S)604 AND 1997-scnr-154.

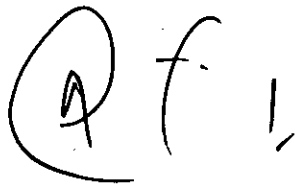
5. Learned Senior Government Pleader has argued that the appellant was afforded full opportunity of hearing. That the enquiry officer found him guilty and as such the penalty imposed against the appellant in the shape of dismissal from service was in accordance with facts and circumstances of the case.

6. We have heard arguments of learned counsel for the parties and perused the record.

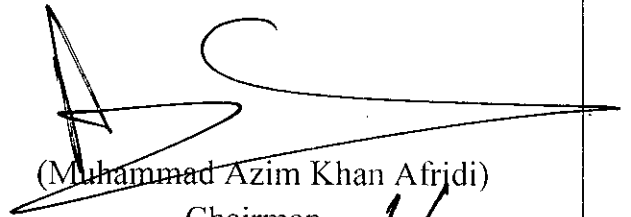
7. Perusal of record would suggest that allegations against the appellant in involvement in corruption were allegedly made against the appellant by certain citizens but none of such citizens were examined in support of allegations nor any evidence collected by the enquiry

~~15.08.96~~

officer to substantiate the said allegations. The appellant has been punished on the basis of his own statement recorded in questions-answers form which is not permissible under the law. We are, therefore, of the view that the enquiry was not conducted in the mode and manners prescribed by rules and as such we are left with no option but to accept the appeal and reinstate the appellant in service for the purpose of denovo enquiry which shall be conducted by the competent authority in the prescribed manners within a period of 2 months from the date of receipt of this judgment and wherein appellant be afforded opportunity of hearing including cross-examining the witnesses in the mode and manners prescribed by law. In case the respondents fail to conduct and conclude the denovo enquiry in the specified period then it shall be deemed that the appellant has been reinstated in service with all back benefits and the period from the date of dismissal from service i. 29.05.2015 till date shall be deemed to have been considered as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.



(Abdul Latif)  
Member



(Muhammad Azim Khan Afridi)  
Chairman  
Camp Court, A/Abad.

ANNOUNCED  
15.08.2016

21.1.2016

Appellant in person and Mr. Muhammad Iqbal, Assistant alongwith Mr. Muhammad Saddique, Sr.GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 15.8.2016 at Camp Court A/Abad.

Chairman  
Camp Court A/Abad

03.09.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Patwari Halqa Shinkari when subjected to inquiry on the ground of taking illegal gratification and dismissed from service vide impugned order dated 29.5.2015 regarding which he preferred departmental appeal on 16.6.2015 which was rejected on 13.8.2015 and hence the instant service appeal on 28.8.2015.

That no inquiry whatsoever was conducted including examination of complaint during inquiry or by the office of Commissioner and that the taxable amount received by the appellant and deposited in the Government Treasury was illegally considered as illegal gratification.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 17.11.2015 before S.B at Camp Court A/Abad as the matter pertains to the territorial limits of Hazara Division.


Appellant Deposited  
Security & Process Fee



  
Chairman

17.11.2015

Appellant in person and Mr. Muhammad Iqbal, Assistant alongwith Mr. Muhammad Siddique, Sr.G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 21.1.2016 before S.B at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad.

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 973 M/2015

S.No.	Date of order Proceedings,	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28/08/2015	<p>The appeal of Mr. Muhammad Irshad Abbasi, presented to-day by Mr. Muhammad Asif Yousafzai, Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR -</p>
2	1-9-15	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>03-9-15</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Appeal No. 973 /2015

Muhammad Irshad Abbasi      V/S      S.M.B.R. & others.

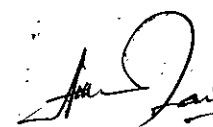
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APPELLANT

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

And

  
( Taimur Ali Khan )  
Advocate, Peshawar.

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

Appeal No. 473 /2015

**A.W.F. Province  
Service Tribunal  
Diary No. 1014  
Dated 28-8-2015**

Mr. Muhammad Irshad Abbasi,  
Ex-Patwari, Halqa Shinkhari, Mansehra.

**APPELLANT**

VERSUS

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Commissioner, Hazara Division, Abbottabad.
3. The Deputy Commissioner, Mansehra.

**RESPONDENTS**

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 13.08.2015 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE ORDER OF DISMISSAL FROM SERVICE DATED 29.5.2015 HAS BEEN REJECTED FOR NO GOOD GROUNDS.

.....

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDERS DATED 13.08.2015 AND 29.5.2015 MAY BE SET ASIDE AND THE APPELLANT MAY GRACIOUSLY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

.....

*Handwritten notes:*  
 filed to court  
 Appeal  
 28/8/15

**RESPECTFULLY SHEWETH:**

1. That the appellant has spent about 16 years service in the Revenue Department as Patwari with good record throughout.



2. That the complaint regarding taking bribe from some citizens was sent to the Deputy Commissioner, Mansehra on 21.01.2015 for taking action against the appellant. Copy of Commissioner Letter is attached as Annexure-A.
3. That on the basis of above mentioned letter, the appellant was charge sheeted for taking bribe from about 8 persons ~~was~~ intimidated by the Commissioner, Hazara Division. The appellant, however, submitted reply to the charge sheet and denied all the allegations. Copies of Charge sheet, Statement of Allegations and Reply to the Charge sheet are attached as Annexure-B, C and D.
4. That then the enquiry was conducted in the form of questionnaire from the appellant. The appellant submitted his reply to the questionnaires of the enquiry officer and once again ~~rebutted~~ all the allegations. It is also worth to mention here that the complainant citizens were also summoned for enquiry and they appeared on two to three occasions for recording their statements but the enquiry officer could not record their statements on the scheduled dates and as such the complainants were not examined by the enquiry officer. Copies of questionnaires enquiry is attached as Annexure-E.
5. That on the basis of incomplete enquiry, the enquiry officer submitted his report and recommended for major penalty of dismissal from service for appellant. The report of the enquiry is attached as Annexure-F.
6. That on the basis of findings of the enquiry officer, the appellant was served with show cause notice on 16.4.2015 which was also replied by the appellant wherein the appellant specifically objected on the incomplete enquiry. Copy of show cause notice and reply are attached as Annexure-G and H.
7. That on 29.5.2015, the penalty of dismissal from service was imposed upon the appellant and the appellant filed departmental appeal against the said order on 16.6.2015 which was finally rejected for no good ground on 13.8.2015, hence the present appeal on the following grounds amongst the others: Copies

of Penalty Order, Appeal and Rejection Order are attached as Annexure-I, J and K.

**GROUND:**

- A) That the orders dated 13.08.2014 and 29.05.2015 are against the law, facts, norms of justice and material on record, therefore, liable to be set aside.
- B) That the appellant has not been dealt in accordance with law and was punished on the basis of incomplete enquiry.
- C) That no statements of the complainants have been recorded by the enquiry officer despite their presence on several scheduled dates, thus the basic stance of complainant is missing in the enquiry as to whether the complaint was correct or otherwise.
- D) That even no statement of the officials of the office of the Commissioner was recorded from where the letter was issued regarding taking <sup>action</sup> against the appellant, thus, the enquiry was conducted in total deviation from E&D Rules, 2011.
- E) That the enquiry was conducted in the form of questionnaire, ~~which as per~~ judgments of the superior courts is not a legal procedure and as such the whole action has become initiated due to this illegality.
- F) That even the rejection order which was passed by the Commissioner Hazara Division is also not a speaking order, as no reasons were given for rejecting the appeal of the appellant.
- G) That as the principle of justice of fair practice, the Commissioner Hazara Division should not have decided the appeal of the appellant because he was become complainant by sending letter dated 21.01.2015 for taking action against the appellant, but despite of that he himself decided the departmental appeal instead of ~~send~~ sending the same to any other authorities, thus the final rejection order is also outcome of malafide.

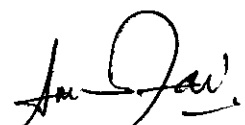
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- H) That the enquiry was incomplete and defective as the enquiry officer was failed to substantiate difference between the bribe amounts deposited in the Government Treasury as tax, thus the guilt of the appellant was not proved beyond show of doubt by the enquiry officer.
- I) That the complainant also filed affidavits regarding denial of bribe in favour of appellant and the appellant also submitted those affidavits to the enquiry officer but despite that the illegal action has been taken against the appellant by the respondents. Copies of Affidavit are attached as Annexure-L.
- J) That the appellant has been penalized for no fault on his part and that too total violation of E&D Rules and on the basis of incomplete defective enquiry report.
- K) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.


It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT  
Muhammad Irshad Abbasi

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

And

  
( Taimur Ali Khan )  
Advocate, Peshawar.



Khairi BK

OFFICE OF THE COMMISSIONER HAZARA DIVISION ABBOTTABAD

A5

No: CFM/Rev/ACR/CHD 307-09  
Dated Abbottabad the 21/01/2015

Process

To  
The Deputy Commissioner,  
Mansehra.

Subject: CITIZEN FEEDBACK MODEL (MUTATIONS)

ADC  
take action  
as per

I am directed to refer to the subject cited above and to state that the following Citizen were contacted by Commissioner's office Abbottabad and reported corruption.

The following citizens reported corruption

DISTRICT MANSEHRA

S. No.	Name	Mobile No.	Mutation No.	Bribe
1.	Naeem	0347-5230411	22275	12000/-
✓ 2.	M. Shafique	0342-9437525	22301	10000/-
✓ 3.	Haq Nawaz	0346-9590819	22309	2400/-
✓ 4.	M. Banaras	0311-1204897	22315	8000/-
✓ 5.	M. Israil	0346-9612479	22342	10000/-
✓ 6.	Nadcm Sawati	0311-0008111	22354	8000/-
+ 7.	Farced	0335-6572128	22358	بے مال ہے بے مال ہے
✓ 8.	M. Banaras	0346-9618557	22368	3000/-

You are requested to please take stern action against concerned Patwari & report within week time.

Matly inaad wafad q.

Assistant to Commissioner (Rev/GA)  
Hazara Division, Abbottabad.

Endst. Of even No. & date  
Copy forwarded to the:

1. Deputy Secretary (Aviation) Administration Department, Khyber Pakhtunkhwa, Peshawar for information, please.
2. PS to Commissioner Hazara Division for information, please.

Assistant to Commissioner (Rev/GA)  
Hazara Division, Abbottabad

Handwritten notes in Urdu on the left margin, including dates like 307-95-838 and 21/1/15.

21 Jan. 2015 12:53 PM

FRM NO.: 09293310462

FROM: PGP HAZARA DIVISION ATD

ATTESTED  
Signature  
Date: 21/1/15

ATTESTED

**CHARGE SHEET.**

**B 6**

I, Amir Khattak, Deputy Commissioner Manshira, as competent authority, hereby charge you, Mr. Mohammad Irshad Abbasi, Patwari halqa Shinkhari, as follows:-

- i). That as intimated by the office of Commissioner Hazara Division Abbottabad vide letter No. CFM/Rev/ACR/CHD/307-09 dated 21.01.2015 you received bribe from Citizens as detailed noted below on account of mutations:-

S.#	Name.	Mobile No.	Mutation No.	Mouza	Bribe
1.	Nacem.	0347-5230411	22275	Shinkhari.	12000/-
2.	M.Shafique.	0342-9437525	22301	-do-	10000/-
3.	Haq Nawaz.	0346-9590819	22309	-do-	2400/-
4.	M.Banaras.	0311-1204897	22315	-do-	8000/-
5.	M.Israil.	0346-9612479	22342	-do-	10000/-
6.	Nadcem Sawati.	0311-0008111	22354	-do-	8000/-
7.	Fareed.	0335-6572128	22358	-do-	چائے پانی لیا ہے نہا نہیں سکتا۔
8.	M. Banaras.	0346-9618557	22368	-do-	3000/-

- ii) You are liable to be proceeded against under the Khyber Pakhtunkhwa, E&D Rules-2011 on account of the charges mentioned above.

2. By reasons of the above, you appear to be guilty of corruption 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 defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer.

4. Your written defence, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence 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.

Deputy Commissioner  
Manshira

No. 1262-65 /AE

Dated 27 /1/2015.

Copy forwarded to:-

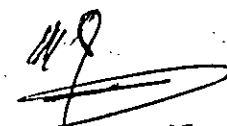
1. The Commissioner, Hazara Division-Abbottabad for information please.
2. The Additional Deputy Commissioner, Manshira alongwith copy of letter No. CFM/Rev/ACR/CHD/307-09 dated 21.01.2015 to conduct inquiry against the accused official and furnish finding within 30-days.
3. The Settlement Officer, Manshira for necessary action.
4. Mr. Mohammad Irshad Abbasi, Patwari halqa Shinkhari with the directions to submit written defence to the Inquiry Officer within a week's time.

Deputy Commissioner  
Manshira.

**ATTESTED**

Ch

Received Charge Sheet / statement  
of allegations vide No. 1262-65, dated  
27.01.2015



M. Irfan Abbasi  
Patwar  
28/01/2015

**DISCIPLINARY ACTION.**

I, Aamir Khattak, Deputy Commissioner Mansehra, as competent authority, am of the opinion that Mr. Mohammad Irshad Abbasi, Patwari halqa Shinkhari has rendered himself liable to be proceeded against, as he committed the following acts/commissions, within the meaning of Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

**STATEMENT OF ALLEGATIONS.**

- i) That as intimated by the office of Commissioner Hazara Division Abbottabad vide letter No. CFM/Rev/ACR/CHD/307-09 dated 21.01.2015 he received bribe from Citizens as detailed noted below on account of mutations:-

S.#	Name.	Mobile No.	Mutation No.	Mouza	Bribe
1.	Nacem.	0347-5230411	22275	Shinkhari.	12000/-
2.	M.Shafique.	0342-9437525	22301	-do-	10000/-
3.	Haq Nawaz.	0346-9590819	22309	-do-	2400/-
4.	M.Banaras.	0311-1204897	22315	-do-	8000/-
5.	M.Israil.	0346-9612479	22342	-do-	10000/-
6.	Nadecm Sawati.	0311-0008111	22354	-do-	8000/-
7.	Farced.	0335-6572128	22358	-do-	پانچ ہزار روپے
8.	M. Banaras.	0346-9618557	22368	-do-	تین ہزار روپے 3000/-

- ii) He is liable to be proceeded against under the Khyber Pakhtunkhwa, E&D Rules-2011 on account of the charges mentioned above.

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:

1. Additional Deputy Commissioner-Mansehra.

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 thirty 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.

5. The said accused official is suspended from service with immediate effect

Deputy Commissioner,  
Mansehra,

**ATTESTED**

A/E

جواب مطابق پٹی نمبر 1262-65/AE فورہ 27/01/2015

ادھر از پٹی نمبر 15  
27/01/2015  
3

ذیل عرض ہے۔

انتخابات نمبر 22275، 22301، 22309، 22315، 22342

22354، 22358، 22368 انتخابات فورہ 12/11/2014

دورہ انتخابات تحصیلدار حوضہ 12/16 کو تقریباً (81) انتخابات کا فیصلہ کیا گیا

تو ہے۔ جو مطابق قانون بوقت اندازہ میں روزنامہ و انتخابات کیلئے

کے گئے ہیں متذکرہ بالا انتخابات کا ٹیس شدگان یا پھر فائدہ شدگان نے خود تیب میں جمع کیا ہے اور بوقت دورہ تحصیلدار صاحب بھی ٹیس

خود ادا کیا ہے۔ میں نے کسی بھی شخص سے کوئی رقم نہیں لی ہے۔ اور نہ

میں کسی قسم کی رقم کا مطالبہ کیا ہے۔ مہیا ایلا حقنوار، بنارس، اشراہ شہیق

نہیم سواتا، بنارس درم جوڑھی نمبر 1262-65 AE میں ہیں۔ انہوں نے ٹیلی فون پر کہیں سے بارے میں ذکر کیا تھا۔ اور تمام حدیث سے بیان حلفی لیا گیا ہے۔ جس میں عواضع

پر بیان دیا گیا ہے کہ پورا کالے نے کسی قسم کی رقم کا مطالبہ نہیں کیا ہے اور یہ کہ

P.T.O

ATTESTED

Examined

Date: 2/6/15



(9)

تیس کے عدوہ انہوں نے کوئی رقم ادا نہیں کی ہے۔

بیان حقیقتا لفظ بیان نڈا میں۔ لہذا اس کا حوالہ دیا گیا ہے۔

تیس کا غیر قانونی کام نہیں کیا ہے اور نہ ہی کوئی رقم لی ہے۔

اور طرہوں میں احسن طریقے سے انجام دی ہے۔ - سال حوالہ دیا گیا ہے۔



محمد ارشد عیسیٰ بیگ

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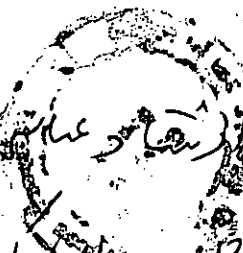
03/02/2015

ATTESTED

Examinee: *(Signature)*  
Date: 2/6/15

ATTESTED

*(Handwritten signature)*



بیان (شماره ۱۰) ولد محمد رفیع عباسی پتواری (پتواری) ولد محمد رفیع عباسی  
کے پروفیشنل لیا کہ سے تقریباً ۱۰ ماہ سے کمورگی  
صحت منگوانے کے لئے ۲۰۰۰ روپے (دو سو روپے) تقریباً  
۱۵ سال پہلے۔

سوال: آپ کی کل سروس سے آپ کے حقوق اس  
سے قبل کتنے برسوں کے لئے لیا گیا ہے اور کیا اس سے  
کوئی چیز لیا گیا ہے۔

جواب: میرا تمام سروس ملازمت سے قبل ملازمت سے  
انقباضی کا رول (۱۱) کے تحت لیا گیا ہے۔

سوال: کیا ۱۶ ۱۲ کو استعمال کر کے ۲۲۲۷۵ منیٹس اسٹانڈرڈ  
رہا ہے یا نہیں ۲۵۷۹

دفعہ ۱۱۱ کے تحت صافہ الخیرین کی ایڈجسٹمنٹ  
میں ۱۱۱ ۳۰ ۵۲ ۳۴ کے لئے فنانسنگ کے لئے درخواست ہے۔  
۱۱۱ ۳۰ ۵۲ ۳۴ کے لئے فنانسنگ کے لئے درخواست ہے۔  
۱۱۱ ۳۰ ۵۲ ۳۴ کے لئے فنانسنگ کے لئے درخواست ہے۔

۱۱۱ ۳۰ ۵۲ ۳۴ کے لئے فنانسنگ کے لئے درخواست ہے۔  
۱۱۱ ۳۰ ۵۲ ۳۴ کے لئے فنانسنگ کے لئے درخواست ہے۔  
۱۱۱ ۳۰ ۵۲ ۳۴ کے لئے فنانسنگ کے لئے درخواست ہے۔

۱۱۱ ۳۰ ۵۲ ۳۴ کے لئے فنانسنگ کے لئے درخواست ہے۔  
۱۱۱ ۳۰ ۵۲ ۳۴ کے لئے فنانسنگ کے لئے درخواست ہے۔  
۱۱۱ ۳۰ ۵۲ ۳۴ کے لئے فنانسنگ کے لئے درخواست ہے۔

ATTESTED

Examined  
Date: 2/6/15

ADE-M

(2) (11)

تعمیر سے راولہ کیا گیا تو اس نے صلح 2 اگست 1947ء کو  
جو کہ آج کے انتقال پر اضافی اہم سید اس وقت  
کا جو اس سے باہر سے آ گیا تھا وہاں سے آیا۔  
جواب = یہ درست ہے کہ نعم خان ولد راجہ و خان صاحب  
کا انتقال درج ذیل کے سبب سے ہوا ہے۔

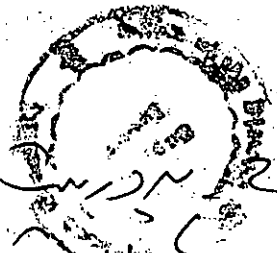
سیدال = کیا انتقال نمبر 22307 مطابق طہار راولہ  
کے درمیان ہوئے ہیں ایک نمبر 210 اور تاجی وادھی  
صدق 11/26/2014ء کو انتقال ہوا ہے۔  
کی صورتوں سے ایک لاکھ 12/16/19  
سیدال = آج کے درجہ کیا ہے 19

انتقال مذکورہ سے درجہ کیا ہے  
سیدال = جو کہ انتقال کا سبب ہے  
ممبر راولہ کے دورہ کے دوران لڑکے ہیں  
سیدال = جو کہ انتقال کے سبب ہے  
انتقال کے سبب سے راولہ کا انتقال  
تو کہ انتقال کے سبب سے راولہ کا انتقال  
انتقال کے سبب سے راولہ کا انتقال

ATTESTED  
Examiner: [Signature]  
Date: [Signature]

ADP 14-4-05

بانی دفتر



پس بر حسب حق کہ اشغال کے دوران کے لئے اس کے لئے  
کے لئے اس کے لئے اور اس کے لئے اس کے لئے  
نہیں لے لیا۔

سوال = کیا اشغال کے لئے 22350000 ٹھکانے کے لئے  
دفتر صادر کیا گیا ہے جو کہ ٹرانزیکشن کے لئے  
نے ہوئے اس کے لئے اس کے لئے اس کے لئے  
76 11/14 اس کے لئے اس کے لئے اس کے لئے  
12 16 اس کے لئے اس کے لئے اس کے لئے  
7 اس کے لئے اس کے لئے اس کے لئے  
346-9590819 اس کے لئے اس کے لئے اس کے لئے

نہیں لے لیا۔ اس کے لئے اس کے لئے اس کے لئے  
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ATTESTED  
Examiner  
Date 2/10/15

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(13) (4)

20 = 3 نواری شدہ ہے خود ہی / 245

کے ساتھ کسی طرح کا بھی ہے اس سے کہیں سے نہیں لگے

ن = 1 شمال پر 22315 بیہ صحت ثابت ہو کر رہیں

مگر مگر اس اور <sup>عالم</sup> خان لڑنے پر <sup>227</sup> صحت سے <sup>11</sup> 26 دورے کا خود <sup>12</sup> 16 کو <sup>14</sup> لگاتار

311-1209897 مگر مگر اس صحت کا موراسی لہ 97  
نیزہ کے منتقل ہے -

ADE 14.4.015

3- صدق اللہ تعالیٰ درست میں اور موافق  
نیزہ کے منتقل ہے -

نیزہ کے منتقل ہے - مگر مگر اس کے ساتھ  
اشیاء کے لئے اور ان کے لئے ہے پھر اس کے  
نیزہ کے منتقل ہے -

3- 22315 شمال پر 22315 شمال پر  
مگر مگر اس کے ساتھ

بانی دفتر  
Date  
Exambloc

بیت چینی لکھی (5)

(14)

اشغال نمبر 22342 ضابطہ مساجد مسجد دارالافتاء اسلامیہ

محمد محمد اسرار اللہ ولد عبدالکافی رفیقہ بنتہ ایک کمال

بیت چینی لکھی - 2 لا کو لکھی کو الہ آباد 1275 فرسٹ فلور

صفحہ 14/28 کو ایک سے درجہ لیا اور صفحہ

12/16 کو لکھی کورس کورس اسرار اللہ ولد محمد اسرار

نمبر 479-9612-0346 کو لکھی کو الہ آباد سے آپ

کے ساتھ ساتھ ہیں۔

2- اشغال شدہ لا مذکورہ سے کچھ نہیں خود نام

درجہ لکھی اور اس کے ساتھ ساتھ کورس کورس کورس

ب- محمد اسرار اللہ ولد عبدالکافی رفیقہ بنتہ ایک کمال

لا لکھی کو لکھی کو الہ آباد سے آپ کے ساتھ ساتھ

2- سے اس سے کو لکھی کو الہ آباد سے آپ کے ساتھ ساتھ

ب- اشغال نمبر 22353 ضابطہ مساجد مسجد دارالافتاء اسلامیہ

محمد اسرار اللہ ولد عبدالکافی رفیقہ بنتہ ایک کمال

Examiner

ATTESTED Date: 02/11/15

ATTESTED

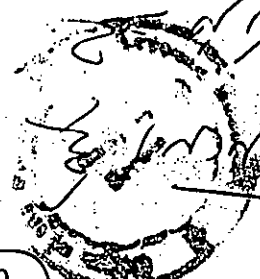
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Examined

20/6/15

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Handwritten text in Urdu script, including names like 'M. W. 210', 'M. A. 210', and 'M. A. 210'. There are several lines of text, some of which are crossed out or written over. The text appears to be a list or a set of notes related to an examination or administrative process.



Handwritten marks and numbers at the bottom left corner, including a circled '15' and other scribbles.

۱۔ گلدستہ کو اس کے موصوفی لہجہ اور لہجہ

کا لگاؤ اس سے منع نہیں ہوا اور اس سے  
لئے گا اب یہ الزام لگاؤ اس سے ایک لکھنوی ہے

۲۔ گلدستہ میں نہ ہی صبر سے آتا ہے اور نہ  
ہی اس سے لے کر اس سے لے کر اس سے

۳۔ اکثر آفس میں شہزاد کے ساتھ اور

کے بعد جو الزامات لگائے تو وہ سب  
اس کے ادا کرنے سے کیا گنتی لگاوا

تھوڑے سے ماہ اپ ۶۔

۲۔ صحت کو خط نہیں بولتا اور میں تلف لہجہ  
سنا سکتی ہوں کہ اس سے نہیں لگے۔

۳۔ صدف ۱۵۰۰۰۰ کے لئے ایک سے ۵۰۰۰۰ کے لئے  
۱۲۶۰۰ کے لئے اور اس کو نہ یا رحت کے

پورے میں گھر کے بیان کے ساتھ کہیں آؤں سے  
دفٹ لوگوں کے ساتھ لایم لگا لگا ان کے

۴۔ بیان فلغاں کے لئے میں سے سب گھر  
۲۰۰۱ سے ۲۰۱۵ تک ایک کو ان لوگوں سے بیان فلغاں

ADC - M  
14-4-075

باز دہشور

EXAMINED  
Date: 14/4/2015



لئے کی گویا ضرورت محسوس ہوئی۔

2- صرف 27 کی دے دیا گیا ہے کہ صرف  
مکمل ہو کر 30 سے پہلے صرف 28 کی وصولی  
اور اس طرح 29 کی شکایت کٹہہ کا زبانی  
بیان دلیلیاں دیں۔

سوداگہ کی 29 کی ان سبب افراد نے بیان  
دلیلیاں اپنی طرف سے دیں اور اگر اپنی طرف  
سے دیں تو ان کو تہہ کیے ہیں۔ لیکن سارا ورد  
کے وقت 29 کی آپ کو دستیاب ہے جو کہ  
ایسی دن میں ہو رہا ہے مکمل کر کے دے۔

2. ان لوگوں کو جس نے تھیم خان ولد ریساد خان اور  
مکمل ملک ولد مسلمان متروا نے اشغال دینے کی صورت  
اسیوں نے رد کیا گیا۔ میں نے بیان دلیلیاں  
لکھوا کر جمع دیں۔ میں خود ان کے پاس گیا تھا۔

اس آکا کو جو خارجہ ہے وہاں ان میں سے کوئی  
آئینہ بنایا گیا ہے اور آپ کو دیکھا گیا ہے  
تو وہ آپ سے اس کے لئے لکھوا گیا ہے  
کی طرف سے لکھوا گیا ہے اور اس بیان مدفع 203  
کی طرف سے لکھوا گیا ہے اور اس بیان دلیلیاں

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Date: 2/6/15

سے کہیں بوجھ اور فرائض کا اور نہ ہی کسی نے اس کے ساتھ اس کی زحمت کی۔ اس کے ساتھ ساتھ اس کے لئے صرف  $\frac{2}{15}$  حصہ کو پیش کیا گیا ہے۔ اس بار سے اب یہ لیا جاتا ہے۔



جواب۔ صرف  $\frac{2}{15}$  حصہ کو بیان دینا ہے اس کے ساتھ ساتھ اس میں اس دن سب سے زیادہ حصہ لیا جائے گا۔

کہا گیا ہے کہ بیان دہلی یا قادیان سے لیا جائے گا۔ اس کے ساتھ ساتھ اس میں سے لیا جائے گا۔ اس کے ساتھ ساتھ اس میں سے لیا جائے گا۔

بیان دہلی یا قادیان سے لیا جائے گا۔ اس کے ساتھ ساتھ اس میں سے لیا جائے گا۔ اس کے ساتھ ساتھ اس میں سے لیا جائے گا۔

اس کے ساتھ ساتھ اس میں سے لیا جائے گا۔ اس کے ساتھ ساتھ اس میں سے لیا جائے گا۔ اس کے ساتھ ساتھ اس میں سے لیا جائے گا۔

AD-10

Signature

ATTESTED  
Examiner  
Date

دعا میں ہے کہ بیان حلفی کے حلف ذریعہ  
وہ کے آدھی کا ضرور ہو گا ضروری ہو گا

2 = بیان حلفیوں کے لئے سے حلفیوں کے لئے  
اس کے آدھے تھے اور انہوں نے کہا کہ تم نے آدھے  
سے سے آدھے اور آدھے کے لئے آدھے  
ہیں۔

3 = بیان اسامیہ میں ہے کہ قیدم اسامیہ  
خبرواتن سے ان لوگوں میں وقت کے میں کیا بیان  
حلفیوں اسامیہ خبرواتن سے ہے لکھی ہیں اسامیہ  
نے۔

2 = ذیل بیان حلفیوں کے لئے اور ان کے لئے لکھا گیا  
تھے علم تھے کہ انہوں نے اس سے لکھا ہے

3 = عام بیان حلفیوں کے لئے اسامیہ سے لکھا گیا ہے  
اس اور ساتھ ساتھ اس سے لکھا گیا ہے  
اس کے لئے اس کے لئے اس کے لئے  
حلفیوں کے لئے اس کے لئے اس کے لئے

2 = قیدم اسامیہ میں ہے کہ قیدم اسامیہ  
سے وہ اس میں سے لکھا گیا ہے اور اس کے لئے  
اس کے لئے اس کے لئے اس کے لئے

ARRESTED

1۔ اب ہر طرف لوگ اور اسٹامپ فروا  
 سے فرق کر سکتے ہیں اور اسٹامپ  
 فروا کے بیان میں لکھ سکتے ہیں۔  
 2۔ جمعہ اسٹامپ کے 15 اسٹامپ فروا کے  
 کی طرف سے اسٹامپ فروا کے  
 فروا کے بیان میں لکھ سکتے ہیں۔  
 3۔ اسٹامپ فروا کے بیان میں لکھ سکتے ہیں۔  
 4۔ اسٹامپ فروا کے بیان میں لکھ سکتے ہیں۔  
 5۔ اسٹامپ فروا کے بیان میں لکھ سکتے ہیں۔  
 6۔ اسٹامپ فروا کے بیان میں لکھ سکتے ہیں۔  
 7۔ اسٹامپ فروا کے بیان میں لکھ سکتے ہیں۔  
 8۔ اسٹامپ فروا کے بیان میں لکھ سکتے ہیں۔  
 9۔ اسٹامپ فروا کے بیان میں لکھ سکتے ہیں۔  
 10۔ اسٹامپ فروا کے بیان میں لکھ سکتے ہیں۔



14.6.15  
 14.6.15  
 14.6.15

Examiner: \_\_\_\_\_  
 Date: \_\_\_\_\_



ان کے پاس سے ملے گا کہ انہوں نے اپنی دفاع میں ان لوگوں کو

کو پیش کر کے بیٹن آپ ایسا نہ کر کے دینے  
صفحہ 26 کی قسم - قی توڑ - بندوں اور ملک

حاضر ہوئے جیل میں کھڑے رہنے کے ساتھ ان کے  
دورہ ثابت ہوئی کہ وہ مقدمہ لگا ان کو 15-2

کی تاریخ (کی تاریخ اور آپ خود بھی موجود کو  
ان کے بارے میں وہ 15 کے حاضر نہیں ہوئے

کے دو بارہ NBW ملائے ہوئے اور 2 27  
تاریخ کو بھی اس کے آئے صفحہ 14 15

کے حاضر نہیں کیا ان کو اپنی گرفتاری کا  
کو نہیں لیا اور ان کے ساتھ ان کے

کے دفاع میں لیا گیا ہے -  
اب - کل فرسٹ سٹیج - اور نگریشن مل گیا

سوائے جیل کے سوائے صفحہ 12 15 حاضر کیا  
نہیں دست لیا گیا -

ADE - Mansha  
- 74/4/015

ال اسٹاڈی (پریسٹون)  
24/4/15

ALLEGED

0345530016

OFFICE OF THE ADDITIONAL DEPUTY COMMISSIONER,  
MANSEHRA / INQUIRY OFFICER

F

No. 5165 /ADC(M)  
Dated 14/04/2015

22

To  
AE  
DC  
15/4/15

The Deputy Commissioner,  
Mansehra.

CITIZEN FEEDBACK MODEL (MUTATIONS)

Kindly refer to your Endst; No.1262-65/AE dated 27-01-2015 vide which the undersigned was appointed as Inquiry Officer to probe the allegations against Muhammad Irshad Abbasi Patwari Halqa Shinkhari for his alleged involvement in corruption conveyed vide Assistant to Commissioner (Rev/GA), Hazara Division Abbottabad letter No.CFM/Rev/ACR/ CHD/307-09 dated 21-01-2015. The delay in reply is due to the reason that accused official was on Ex-Pakistan leave for performing "Umra".

The allegations surfaced through Citizen Feedback by Commissioner's office Abbottabad from the following complainants with their mentioned particulars against each.

S.#	Name.	Mobile No.	Mutation No.	Mouza	Bribe
1.	Naeem.	0347-5230411	22275	Shinkhari.	12000/-
2.	M.Shafique.	0342-9437525	22301	-do-	10000/-
3.	Haq Nawaz.	0346-9590819	22309	-do-	2400/-
4.	M.Banaras.	0311-1204897	22315	-do-	8000/-
5.	M.Israil.	0346-9612479	22342	-do-	10000/-
6.	Nadeem Sawati.	0311-0008111	22354	-do-	8000/-
7.	Fareed.	0335-6572128	22358	-do-	
8.	M. Banaras.	0346-9618557	22368	-do-	3000/-

In reply to Charge Sheet delivered to him vide No. 1262-65/AE dated 27-01-2015, the accused official Muhammad Irshad Abbasi submitted his written reply on 03-02-2015 alongwith affidavits obtained from complainants at annex: "A".

The accused official was summoned alongwith complainants but the later despite repeated summons / non-bailable

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warrants avoided their presence before the undersigned to record their statements. Statement of the accused official was recorded and crossed examined in questionnaire format.

While recording his statement Muhammad Irshad Abbasi accused official stated that he has been serving as Patwari Halqa Shinkiyari for the last 9 months with total service of 15 years at his credit. In his statement he admitted the mutations mentioned in the table had been entered by him in the "Roznamcha-e-Waqlati" Mutations Register and attested by Revenue Officer Circle on 16-12-2014. He also admitted that Cell numbers of complainants were recorded by Revenue Officer Circle (Tehsildar Mansehra) at the time of attestation of Mutations. The accused official when asked that the Commissioner's office had confirmed from the complainants from Serial No.1 to 8 of the above table that he had received illegal gratification from them for lawful act. The accused official denied the allegations altogether.

When he was asked that he was Charge Sheeted on 27-01-2015 and he received the same on 28-01-2015 whereas all the affidavits had been obtained from Amir Qayyum Stamp Vender of Shinkiyari and written on 29-01-2015 at Shinkiyari, how he managed in obtaining the same on one and the same day by ensuring availability of all complainants residing at different places. The accused official affirmed that all this was planned, materialized by Naeem Khan S/O Irshad Khan and Muhammad Aslam S/O Meharabani who got entered some of mutations with him. When he was questioned that an Affidavit on the part of a deponent is required to be attested / countersigned by an Oath Commissioner or Notary Public while in the instant case no affidavit has been signed by Oath Commissioner or Notary Public. Moreover when he was recalled that Stamp Vender is not authorized to scribe affidavits rather he is just meant to sell Stamp Papers, but in the instant case one and the same ink had been used in signing the affidavits by the deponents, the accused official could not give satisfactory answer.

ATTESTED

(24)

The accused official was questioned that all the deponents were required to have separately submitted their affidavits to the undersigned, instead he (the accused official) collected all the affidavits and submitted with his reply to the allegations. He could not reply convincingly. He was recalled that the complainants were repeatedly summoned through local police to secure their evidence and the accused official was also tasked to produce them but he could not. The accused officials did not give any plausible / satisfactory answer. When the accused official was asked that he also tried to influence the undersigned through various means to get support in his favour. The accused official also denied this. When he was asked that the allegations of illegal gratification inserted in the above table were confirmed from the complainants by Commissioner's office and the accused official denied them outrightly, whether the Commissioner's office staff is giving false information or the accused official is suppressing the facts. He asserted that he is not telling a lie and is innocent. His statement is annexed as annexure "B".

### FINDINGS

The accused official admitted the entry of all mutations mentioned in the table in the " Roznamcha-e-Waqiati" and Mutations Register, besides affirming that the Cell numbers of all the complainants were inserted on the face of mutations by Tehsildar Mansehra during attestation of mutations. Moreover, Cell numbers of all the Buyers and Sellers of mutations attested on 16-12-2014 including the complainants were also conveyed to the high-ups in shape of affidavits routinely provided pursuant to the directions by the Provincial Government.

The accused official denied the allegations of illegal gratification without any cogent / convincing explanation. He merely took the support / plea of affidavits which according to his own statement the same were planned, managed, executed and collected by Naeem Khan S/O Muhammad Irshad Khan and Muhammad Aslam S/O Mehrabani which rendering the plea of accused official of

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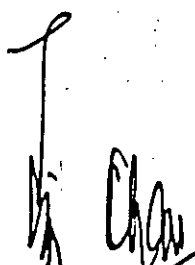
innocence to be futile and incorrect. Moreover the complainants were summoned through local police, even their non-bailable warrants of arrest were issued and the accused official was also tasked to produce them in his defence but the deponents of the affidavits could not turn up for testimony which corroborates that they have nothing to say in defence of accused official. The accused official has been trying to be over smart to cover his illegal act of receiving bribes from the complainants for their lawful jobs required to be materialized by the accused official as part of his official duty being public servant. He rather further tried to make the process dubious by providing fake affidavits on the part of complainants, which confirmation or otherwise by deponents was vehemently sought / tried but in vain.

### RECOMMENDATIONS

The above factual circumstances render accused official Mr. Muhammad Irshad Abbasi to gross misconduct, abusing his official position as a public servant who received illegal gratification from the complainants for their lawful and legal act. Moreover, the affidavits collected and submitted by the accused official alongwith his written reply to the allegations further corroborates his over smartness and cunningness to be expert in manipulating / manoeuvring things. Even he made his best efforts to influence the undersigned in any way. The undersigned in the capacity of Inquiry Officer recommends major penalty to be imposed on him to the extent of dismissal from service under Rule 4 (1)(b) of the Khyber Pakhtunkhwa Government Servants Efficiency and Disciplinary Rules 2011 as the allegations have been proved.

Submitted please.

115  
ATTESTED  
Examiner.....  
Date..... 2/6/15

  
(Tasleem Khan)  
Addl: Deputy Commissioner  
Mansehra / Inquiry Officer

**ATTESTED**  


SHOW CAUSE NOTICE.

611  
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2015

1. Amir Khattak, Deputy Commissioner Manshra, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Mohammad Irshad Abbasi, Patwari halqa Shinkhari (under suspension) as follows:

- 1. i. That consequent upon the completion of Inquiry conducted against you by the Additional Deputy Commissioner Manshra/Inquiry Officer for which you were given opportunity of hearing vide communicator No. 1262-65/AE, dated 27.1.2015; 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 /Corruption.

- 2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you Major penalty to the extent of "Dismissal from Service" under section-4 (1)(b) of the E&D Rules-2011.
- 3. You are, thereof, required to Show Cause as to why the aforesaid penalties 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 or not more than fifteen days of its delivery, 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.

Deputy Commissioner,  
Manshra.

No. 5349 /AE.

Dated 16/04/2015.

Mr. Mohammad Irshad Abbasi, Patwari halqa Shinkhari (under suspension).

E.D No.	2-1-02
Date	2-6-15
Court Fee	82-00
Urgent Fee	01-00
Total Fee	83-00
Name of Copyist	Johar
Date of Completion	2-6-15
Cause of delay	(AE) DC(M)
Date of delivery	2/6/15

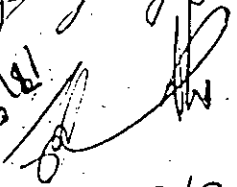
Deputy Commissioner,  
Manshra.

Attested to be true copy	155
Arresting Officer	[Signature]
Date	20/6/15
Authorized U/S 75 P. 117 n	[Signature]
Evidence Act	2/6/15

ATTESTED

(M. Goswami Abbasi)  
Ratnam

18/04/2015



The day on 17.4.2015.

Copy of ~~Change~~ Show Cause Notice  
with No S349/AE, dated 16.4.2015  
along with copy of the findings  
of the Inquiry Officer received

27

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ATTESTED

EXHIBIT NO

DATE

2/6/15  
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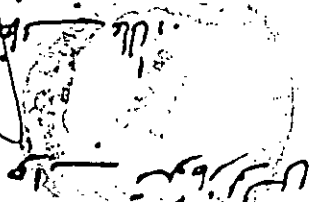
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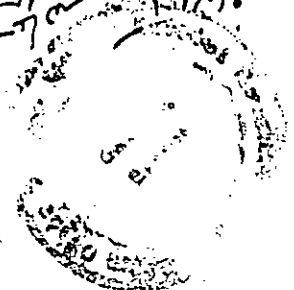
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**OFFICE OF THE DEPUTY COMMISSIONER**  
**MANSEHRA.**

**ORDER.**

Whereas, disciplinary proceedings were initiated against Mr. Muhammad Irshad Abbasi, Patwari halqa Shinkiari under the provisions of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules 2011, on account of charges contained in the charge Sheet/Statement of allegations served upon him vide this office endorsement No.1262-65/AE dated 27.1.2015.

And whereas the Additional Deputy Commissioner-Mansehra was appointed as Inquiry Officer, who conducted inquiry and submitted report.

And whereas the Enquiry Officer vide his report No. 5165/ADC (M) dated 14.4.2015 has recommended infliction of Major penalty to the extent of "Dismissal" from Service as laid down in Rule-4 (1) (b) of the Khyber Pakhtunkhwa Civil Servants E&D Rules-2011 upon the accused official.

And whereas he was served with Show Cause Notice along with copy of Inquiry report vide No.5349/AE, dated 16.4.2015 to which he responded and submitted reply which was considered. He was also heard in person on 11.5.2015, but he failed to rebut the allegations during personal hearing.

And whereas after considering reply of the accused official to the Show Cause notice, findings of the Inquiry Officer and hearing him in person, the undersigned in the capacity as Competent Authority has decided to impose Major penalty on the official concerned as recommended by the Inquiry Officer.

Now, therefore, in exercise of the powers conferred upon me under Rule-14 of the KPK Efficiency & Discipline Rules, 2011, Major penalty to the extent of "Dismissal" from Service is hereby inflicted on Mr. Muhammad Irshad Abbasi, Patwai halqa Shinkiari with immediate effect.

  
(Asim Khattak)  
Deputy Commissioner,  
Mansehra.

No. 10243-51/AE

Dated 29/5/2015.

Copy forwarded to:-

1. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa-Peshawar.
2. The Commissioner, Hazara Division, Abbottabad with reference to his office letter No. CFM/Rev/ACR/CHD/307-09 dated 21.1.2015.
3. The Assistant Commissioner-Mansehra.
4. The Settlement Officer Mansehra.
5. The District Accounts Officer Mansehra.
6. The Tehsildar Mansehra.
7. DK/HCR, Local Office.
8. District Nazir, Local Office.
9. Mr. Muhammad Irshad Abbasi, Patwari halqa Shinkiari.

**ATTESTED**

Examiner   
Date 29/5/15

  
Deputy Commissioner,  
Mansehra.

**ATTESTED**

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**BEFORE THE COMMISSIONER, HAZARA  
DIVISION, ABBOTTABAD**

**APPEAL AGAINST THE ORDER OF  
DEPUTY COMMISSIONER, MANSEHRA  
VIDE NO. 10243-51/AE DATED  
29.05.2015 WHICH THE APPELLANT  
HAS BEEN DISMISSED FROM SERVICE**

**PRAYR: -**

On acceptance of appeal the impugned order of dismissal may kindly be set-aside and appellant may kindly be re-instated into service.

**Respected Sir,**

The brief facts leading to the instant are arrayed as follows: -

- 1) That, the appellant was posted as Patwari at Halqa Shinkhari. On 16.12.2014 about 8 mutations were attested by Tehsildar/Revenue Officer, Mansehra. After the attestation of mutations, an inquiry is being made from the vendees in respect of any amount taken from them by the concerned officials. In this respect a letter has been sent to DC Office for inquiry vide No. CFM/Rev/ACR/CHD307-09 dated 21.01.2015.

(Attested copy of the said order is annexed as Annexure "A").

- 2) That, on the basis of the said letter charge sheet was given to appellant vide No. 1262-65 dated 27.01.2015.

(Copy of charge sheet is annexed as Annexure "B").

**ATTESTED**

*Allard*  
Additional Commissioner  
Hazara Division  
Abbottabad

3) That, similarly Additional Deputy Commissioner, Mansehra was appointed as Inquiry Office in the said letter.

4) That, the appellant submitted a reply refusing all the allegations leveled therein.

(Attested copy of reply submitted by appellant on 03.02.2015 is annexed as Annexure "C").

5) That, the inquiry officer issued summons to the persons to appear before him for the purpose of evidence, but the said persons did not appear nor got their statement recorded.

(Attested copies of summons/notices No. 1731 dated 09.02.2015 No. 2141 dated 13.02.2015, No. 523 dated 20.02.2015 are annexed and Annexure "D", "E" & "F" respectively).

6) That, Addl. Deputy Commissioner, Mansehra issued warrant against them but despite all coercive methods they did not appear before the said officer. Warrant of arrest Nos. 1179, 1180, 1181, 1182, 1183, 1184 & 1185.

(Copies of warrants are annexed as Annexure "G", "H", "I", "J", "K", "L" & "M" respectively).

That, the said persons submitted their respective affidavits disowning the allegations against the appellant, but the inquiry officer has drawn inference against the appellant. The said

*Atticus*  
*Wh*  
READER  
Additional Commissioner  
Mansehra Division  
Abbottabad 7)

ATTESTED



affidavits are 8 in numbers which were given by 8 concerned persons.

(Copies of affidavits are annexed as Annexure "N", "O", "P", "Q", "R", "S", "T" & "U" respectively).

8) That, the inquiry officer recorded the statement of appellant and started cross examining him by adopting a novel procedure which is quite alien to law. The inquiry officer had put almost 30 questions to the appellant and sought their replies and on the basis of said questions and answers he formed his opinion/recommendations sent by him to Deputy Commissioner, Mansehra.

(Attested copies of questioners are annexed as Annexure "V").

9) That, Deputy Commissioner, Mansehra on receipt of opinion/recommendations passed an order dismissing the appellant from service.

10) That, it is a bounded duty of the inquiry officer or committee to have recorded the statements of persons who had made certain allegations, but they did not appear before the inquiry officer rather they had submitted their respective affidavits.

*AUC*

*Vi*

READER  
Additional Commissioner  
H&A Division  
Abbottabad

11) That, the inquiry officer has formed his opinion on the basis of conjunctures, surmises and on the basis of question put by him to the appellant which procedure is

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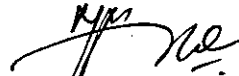
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altogether to other procedure and against the spirit of law. Similarly the Inquiry Officer did not follow the prescribed Rules and Regulations regarding termination and dismissing from the services.

It is, therefore, most humbly requested and prayed that on acceptance of appeal the impugned order of dismissal may kindly be set-aside and the appellatant may kindly be re-instated into the service.

**Dated 16.06.2015**



**Muhammad Irshad Abbasi**  
Ex-Patwari (Appellant)

**AFFIDAVIT**

I, MUHAMMAD IRSHAD ABBASI, EX-PATWARI DO HEREBY SOLEMNLY AFIRM AND DECLARE ON OATH 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 THEREIN.



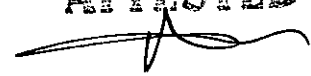
**MUHAMMAD IRSHAD ABBASI**  
(DEPONENT)



**READER**  
Additional Commissioner  
Hazara Division  
Abbottabad

28/8/15

**ATTESTED**





OFFICE OF THE  
COMMISSIONER HAZARA DIVISION  
ABBOTTABAD

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SERVICE APPEAL/DEPARTMENTAL REPRESENTATION OF  
MUHAMMAD IRSHAD ABBASI EX PATWARI

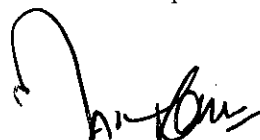
ORDER

Whereas, Mr. Muhammad Irshad Abbasi Ex-Patwari Tehsil & District Mansehra filed an appeal against the order of the Deputy Commissioner Mansehra No.10243-51 dated 29-05-2015, whereby the Deputy Commissioner Mansehra has imposed major penalty of **Removal from Service** upon the appellant.

And whereas, personal hearing of the appellant was made on 12/08/2015.

And whereas, from the available record, material available on file, personal hearing and comments obtained from the Deputy Commissioner Mansehra, charge leveled against the appellant stands proved and un-rebutted and it has been found that order of the Deputy Commissioner does not suffer from any illegality/irregularity.

Now therefore, keeping in view the relevant record, personal hearing and all rules and procedure, the appeal in hand is dismissed and order of Deputy Commissioner Mansehra bearing No.10243-51 dated 29/05/2015 is upheld.


  
Commissioner,  
Hazara Division.

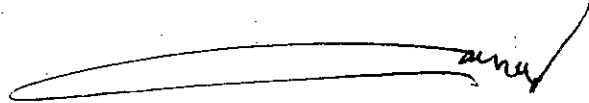
NO. 271921/Esstb

Dated: 13-8-15

Copy forwarded to:-

1. The Deputy Commissioner Mansehra.
2. Ps to the Commissioner Hazara Division.
3. Mr. Muhammad Irshad Abbasi, EX-Patwari Halaqa Shinkhari Tehsil & District Manshera.

  
READER  
Additional Commissioner  
Hazara Division  
Abbottabad

  
Assistant to Commissioner (REV/GA)  
Hazara Division Abbottabad.

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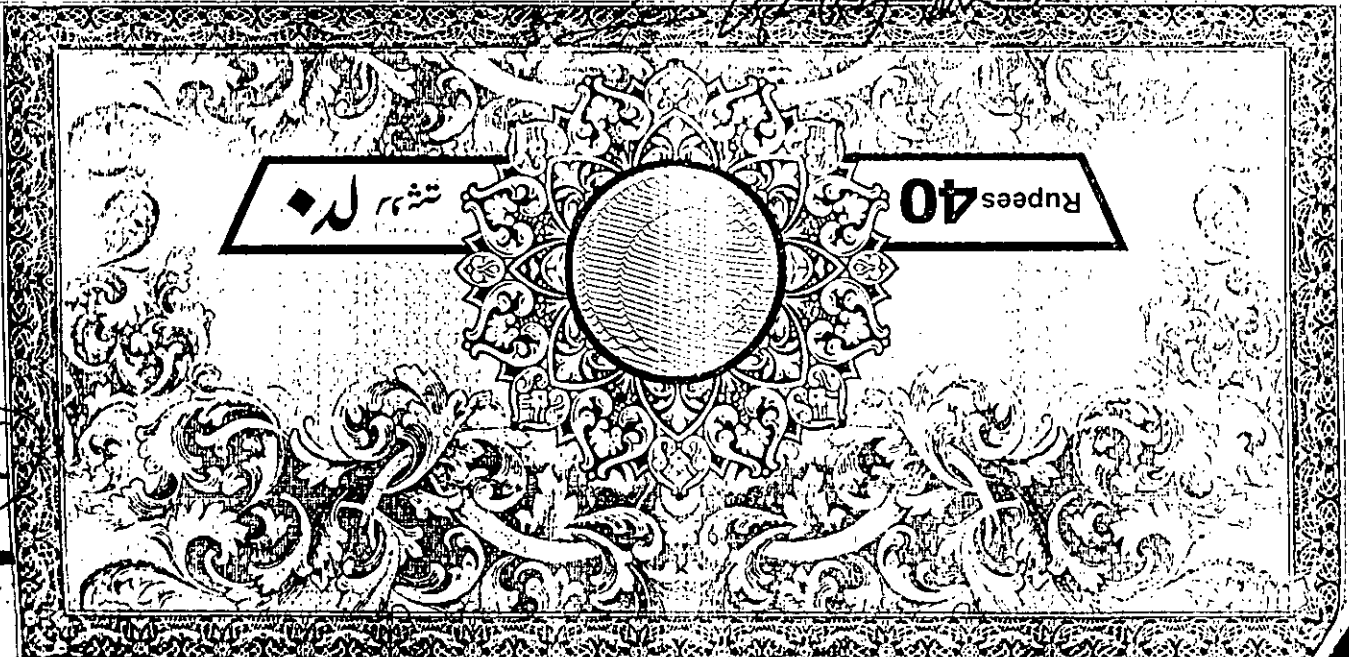


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Muhammad Hamid,  
P.A. (MILITARY)  
Head Treasurer

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AASIR QAYUM  
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ATTESTED

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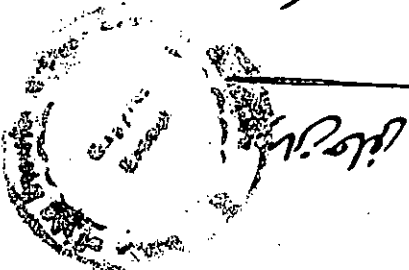
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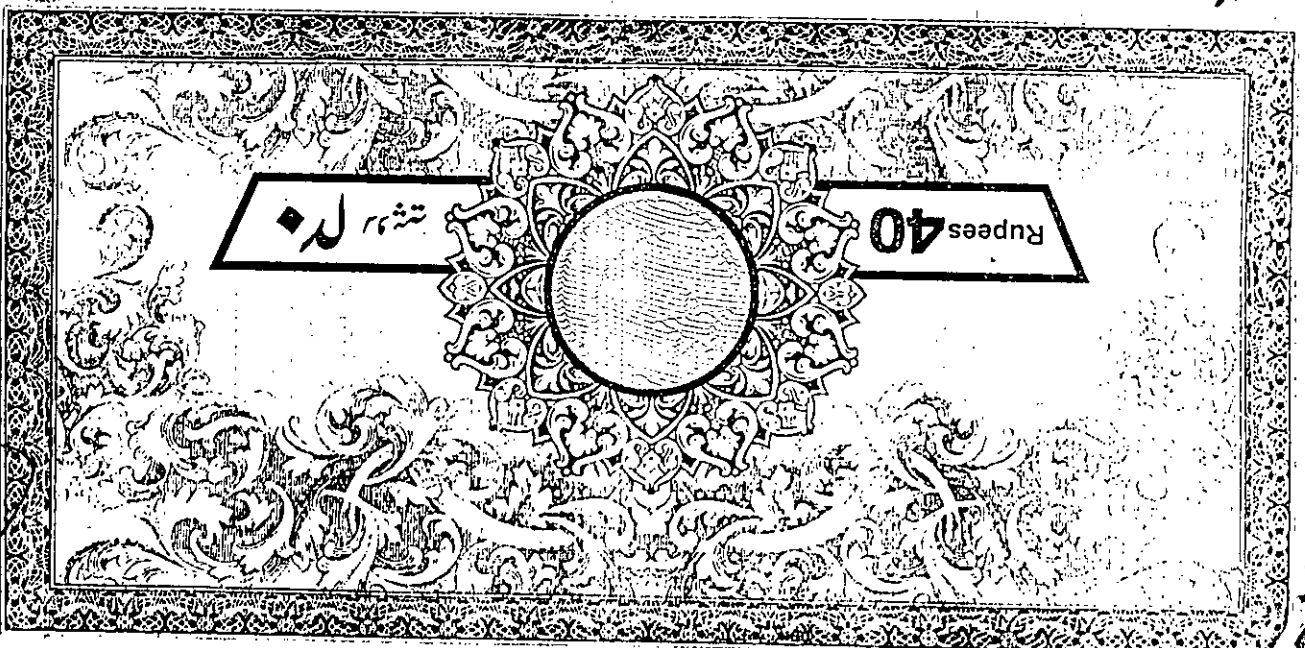
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محمد

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AAMIR QAYUM



Muhammad Hamid  
Head Treasurer  
O.A.O. N.S.P.



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Examined: [Signature]  
Date: 6/6/15

مجلس شورای عالی  
وزارت معارف و اوقاف و صنایع مستظرفه

کتابخانه ملی  
شماره ثبت کتاب: 1350304919145

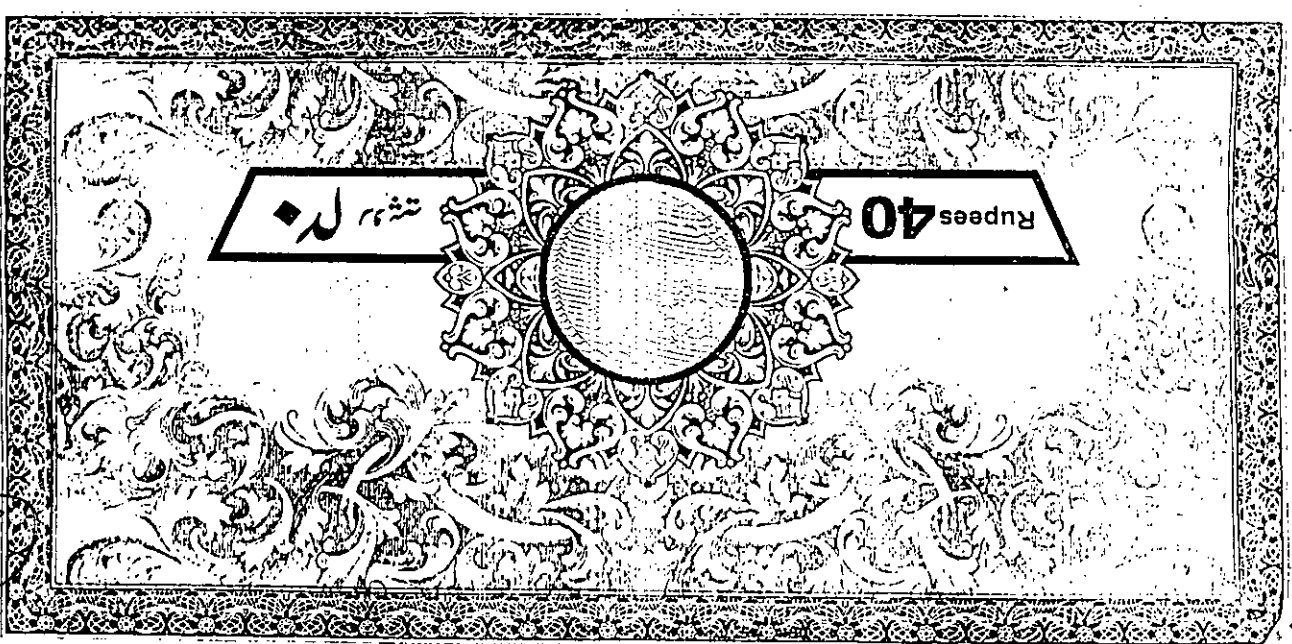
کتابخانه ملی  
شماره ثبت کتاب: 13503-134672-9

تاریخ: 15/10/15  
محل: تهران

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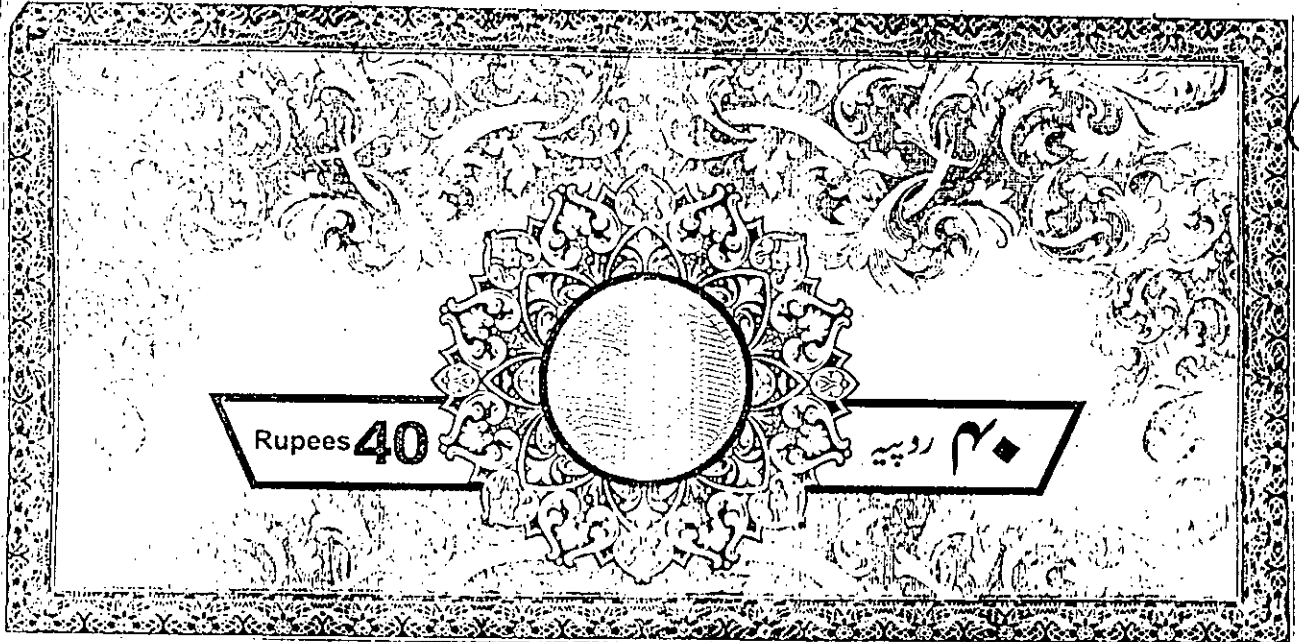
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Piano Vendor  
Muzik Peralatan

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بیانِ حق

فدہ کراچی میں ولد صاحب کرم شیکاری تحصیل راولپنڈی ضلع کراچی  
 ولادت پانچویں فروری ۱۹۷۰ء میں نے انتقال ۲۲۳۹۲ قصبہ مانسہرہ  
 ۲۰۰۰۰۰ = ۲۰۰۰۰۰ روپیہ بطور فدیہ دیا گیا تھا۔ بوقت انتقال  
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 کے ہاتھ میں آئی۔ اللہ تعالیٰ کو شکر ہے کہ ۸۰۵۰ روپیہ  
 ۹۰ روپیہ کے طور پر آ کر باقی ماندہ مال میں سے ۸۰۵۰ روپیہ  
 اس کا رتبہ کسی قسم کی کوئی رقم نہیں لی اور نہ ہی کسی  
 کے ہاتھ میں آئی۔ وہ اس کے لئے وقف ہے۔

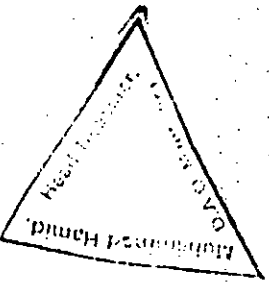
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 Examiner  
 Date 2/6/55

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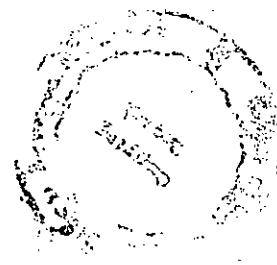


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Founder

محمد نسیم خان ولد محمد ابرار خان کٹر  
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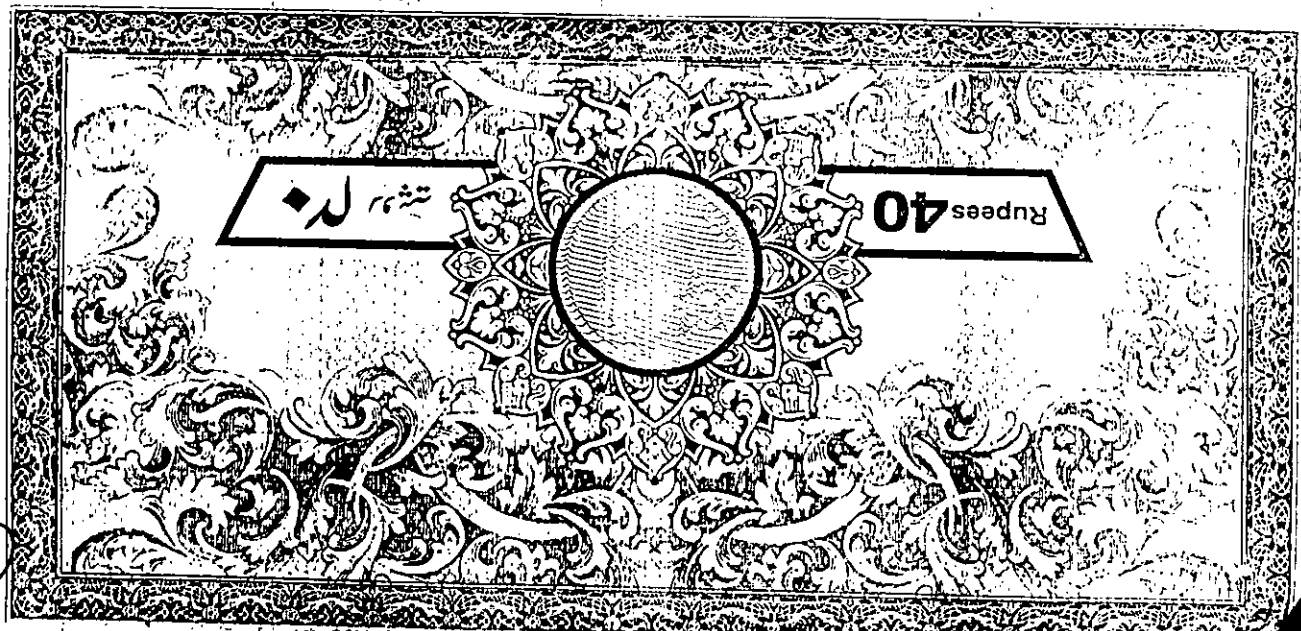
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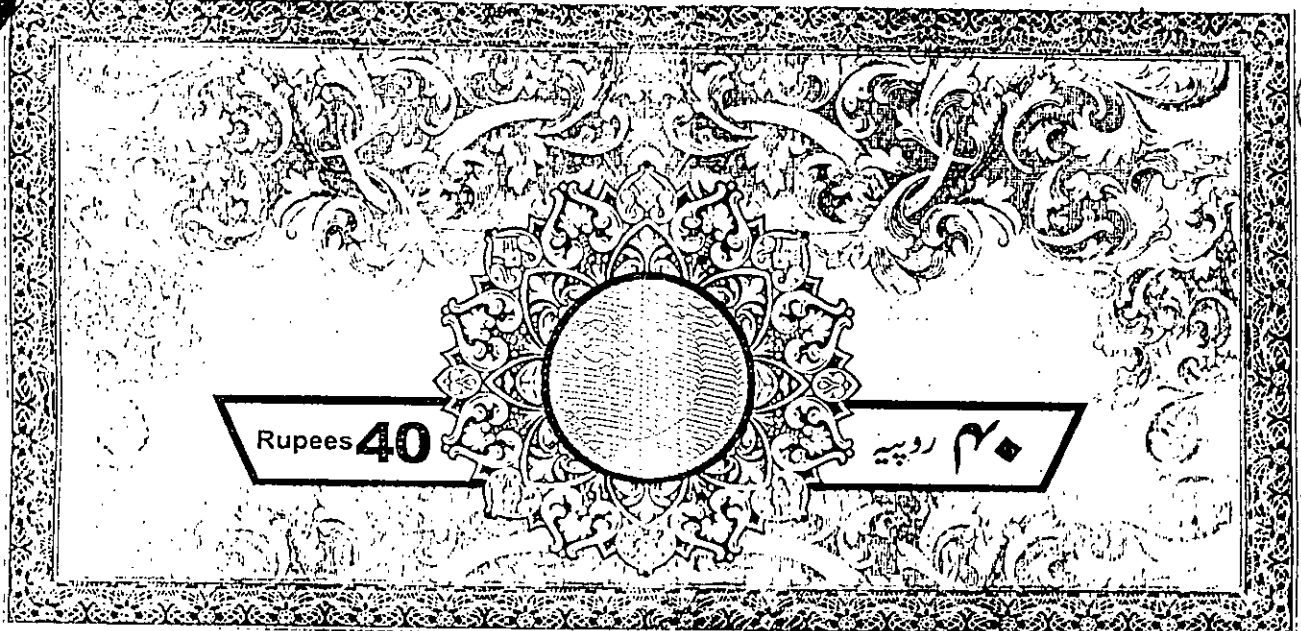
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AAMIR QAYUM  
Sole Proprietor

Muhamamad Hamid  
Head Treasurer

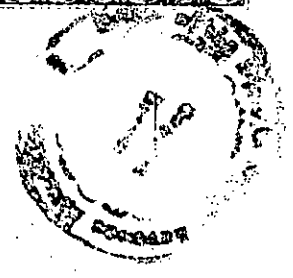
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مذکورہ سہ ماہیہ کی تصدیق

بیان حلفی



سندھ میں کہ بنارس ولہ کہ شہدائے سکنہ خان ڈیپٹی سٹیٹمنٹ  
 فیصلہ سنا گیا ہے۔ سہ ماہیہ۔ سہ ماہیہ بیانیہ۔ اور حلف سنا گیا ہے  
 انتقال نمبر ۸۲۳۶۸ درجہ ۱۔ انتقال درجہ ۱ وقت حلف  
 دفتر میں گیا کہ میرا انتقال میرے چچا محمد اسلم ولد میر بیان ساروہ کو دیا ہے  
 اور پوری حالت میں حلف سے کوئی رخصت نہیں ہے۔ اور میری کوئی ڈیٹاڈ کا ہے  
 گنیزہ بیان بار حقیقت پر مبنی ہے۔ اور کوئی امرت نہیں یا قندور ہے  
 بیان حلفی سے۔ ۱۲ اکتوبر ۱۹۵۰ء

۱۲ اکتوبر ۱۹۵۰ء

۱۳۵۰۳-۷۷۷۶۷۰۶-۵

کہ بنارس ولہ کہ شہدائے سکنہ خان ڈیپٹی سٹیٹمنٹ

ATTESTED

Examiner

محمد اسلم

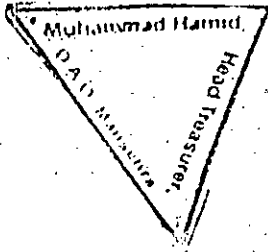
محمد اسلم

۱۳۵۰۳-۹۸۹۶۶-۵  
کہ بنارس ولہ کہ شہدائے سکنہ خان ڈیپٹی سٹیٹمنٹ

محمد اسلم خان ولہ کہ شہدائے سکنہ خان سٹیٹمنٹ

ATTESTED

محمد اسلم



ARMIR QAYUM  
SECRETARY

3083

محمد بنارس دله محمد شريف

خان عبدالرشيد  
بنارس

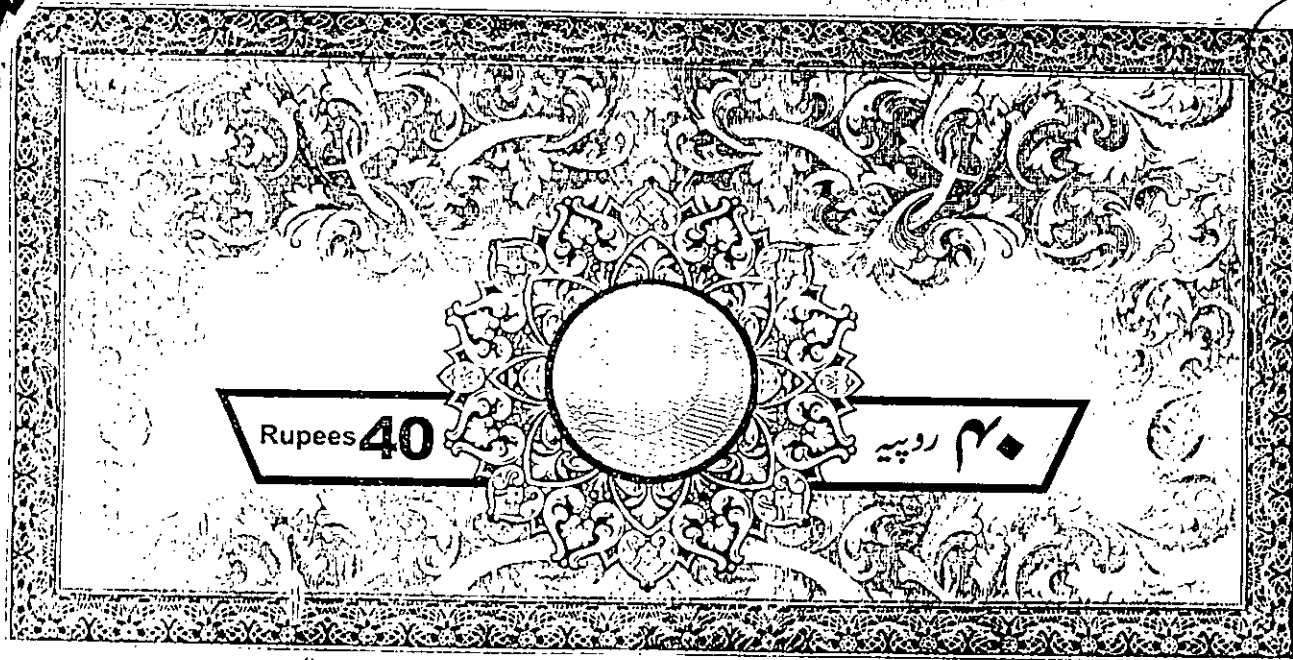
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بنارس

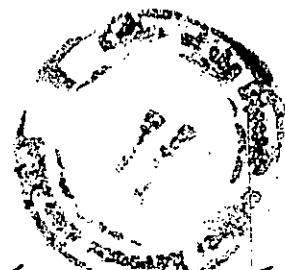
73

محمد بنارس





موقوفہ سیدہ العیسیٰ / ۱۹۲۵



بیان حلفی

منہ امتیاز ولد قاسم عتقہ پیری - شہنشاہی - حیدرآباد - قلعہ ماہی  
 شہدہ بیانیہ - کہ بیوانی حلقہ نہ من حالف سے کسی قسم کا رشتہ یا کوئی مطالبہ نہیں ہے  
 اور نہ ہی من حالف نہ کوئی رشتہ دہی ہے کہ من حالف نہ سرکاری ٹیکس ادا کیا ہے  
 اور خود ہی بند میں وشم جمع کروائی ہے۔  
 لہذا بیان یاد حقیقت ہے جیسی ہے۔ اور کوئی اور حلفی یا فوٹو نہ  
 بیان حلفی سے اثر ہے۔

۱۵/۰۱/۲۹

امتیاز، ۱۳۵۱

ابہ  
 امتیاز ولد قاسم عتقہ پیری شہنشاہی ماہی  
 کادڈنگ ۳-۳۹۷-۴۱۲۷-۱۳۵۰۱

ATTESTED

Examined

Date



۱۳۵۰۳۰۴۹۱۹۱۴۵  
 مجاہد حسین ولد محمد مسیحین سکنہ شہنشاہی

۱۳۵۰۱-۱۳۵۲ ۷۶۴-۷  
 رحیم خان ولد سلطان خان سکنہ شہنشاہی

Handwritten signature/initials.

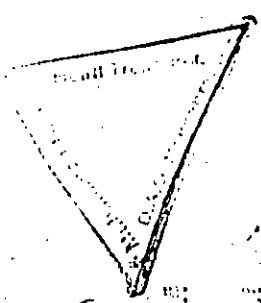
ATTESTED



28/01/05

3082

29



FOR THE CAPTIVE  
WILDLIFE  
LIBRARY



# VAKALAT NAMA

43

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar

M. Ishaq Abbasi (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

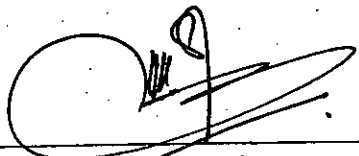
Revenue Dept. (Respondent)  
(Defendant)

I/We M. Ishaq Abbasi (Appellant)

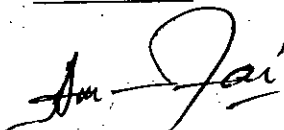
Do hereby appoint and constitute **M. Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 28-8 /2018

  
(CLIENT)

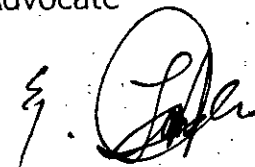
ACCEPTED

  
**M. ASIF YOUSAFZAI**  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

  
**TAIMUR ALI KHAN**  
Advocate

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

**Service Appeal NO.973/2015.**

Muhammad Irshad Abbasi, Ex- Patwari, Halqa Shinkiari,  
Mansehra.....**Appellant**

**Versus:-**

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa-Peshawar.
2. The Commissioner, Hazara Division, Abbottabad.
3. The Deputy Commissioner, Mansehra. ....**Respondents.**

**Reply/comments of respondents No. 1, 2 & 3.**

**Preliminary objections.**

- i) The appellant has no cause of action.
- ii) The appellant is estopped by his own conduct to file the instant appeal.
- iii) That the appeal is bared by law.
- iv) That the appeal is bad in its present form, hence not maintainable and liable to be dismissed.
- v) The appellant has not come to the Tribunal with clean hands.
- vi) That the appellant has suppressed the original facts from this Honorable Tribunal hence not entitled for any relief and appeal is liable to be dismissed.
- vii) That all the proceeding has been done by the competent authority as per rule and law, hence appeal is liable to be dismissed without any further proceeding.

**Reply on facts.**

- Para No.1 Correct to the extent of 16 years service.
- Para No.2 Correct. The appellant was proceeded against in light of letter No. CFM/Rev/ACR/CHD 307-09, dated 21.01.2015 received from the Assistant to Commissioner (Rev/GA), Hazara Division, Abbottabad, copy of the same has already been annexed with the appeal at (Annexure-A).
- Para No.3 Correct. Copies of Charge Sheet, Statement of allegations No.1262-65/AE, dated 27.01.2015 and reply of the charge sheet have already been annexed with the appeal at (annexure-B, C & D).
- Para No.4 The Inquiry Officer has conducted enquiry in accordance with the relevant rules and available material of the case. As per enquiry

DEPUTY COMMISSIONER  
MANSEHRA

report conducted by the Additional Deputy Commissioner, Mansehra/Inquiry Officer, complainants mentioned in the letter vide (annexure-A) were issued summons/non-bailable warrants through local Police and the appellant who produced affidavits from the complainants was also tasked to produce them in his defence but deponents of the affidavits did not turn up for testimony of the affidavits and recording the statements which corroborates that they have nothing to say in defence of the appellant. As the appellant managed and obtained the affidavits from the complainants and submitted to the Inquiry Officer on 03.2.2015 in his defence alongwith reply of charge sheet, therefore, it was his responsibility to produce the deponents before the Inquiry Officer but he failed to do so inspite of opportunity given to him. Copies of enquiry report No.5165/ADC (M) dated 14.4.2015 and affidavits from complainants have already been annexed with the appeal at (annexure-F& L) respectively.

Para No.5. In-correct to the extent of incomplete inquiry in fact. The Enquiry Officer has submitted complete report in all aspects and rightly recommended imposition of major penalty to the extent of dismissal of appellant from service.

Para No.6. On receipt of enquiry report the appellant was served with Show Cause Notice vide No.5349/AE, dated 16.4.2015, under Rule-4 of the Khyber Pakhtunkhwa, Govt: Servants (Efficiency and Discipline) Rules-2011 to which he submitted reply but failed to rebut the allegations. His contention in this para of appeal is incorrect. Copies of Show cause Notice and reply of the appellant have already been annexed with the appeal at (annexure-G & H) respectively.

Para No.7. The appellant was heard in person and major penalty to the extent of Dismissal from Service was imposed on him vide order No. 10243-51/AE, dated 29.5.2015 and Departmental appeal was also dismissed on merit by the appellate authority vide his order dated 13.8.2015. Copies of both orders have already been annexed with the appeal at (annexure-I & K) respectively.

**GROUND.**

- A) An enquiry into the allegations was conducted by a competent Officer. According to the available record allegations were proved. The

DEPUTY COMMISSIONER  
MANSEHRA

appellant was given full opportunity of defence viz enquiry under Efficiency & Discipline Rules-2011, Show Cause Notice and personal hearing but he failed to rebut the allegations and therefore, major penalty to the extent of dismissal from service was imposed upon him. Departmental appeal was also dismissed on merit by the competent authority, therefore both the orders are correct in the eyes of law and maintainable.

B) In-correct. As stated in the preceding paras provisions of Law were observed and legal formalities were taken into account in disposal of the case. Inquiry was complete in all respect.

C) As the appellant managed and obtained the affidavits from the complainants and submitted to the Inquiry Officer on 03.2.2015 in his defence alongwith reply of charge sheet, therefore, it was his responsibility to produce the deponents before the Inquiry Officer for testimony of the affidavits but he failed to do so inspite of opportunity given to him. Summons/warrants were issued by the Inquiry Officer to secure attendance of the deponents of the affidavits but they did not turn up.

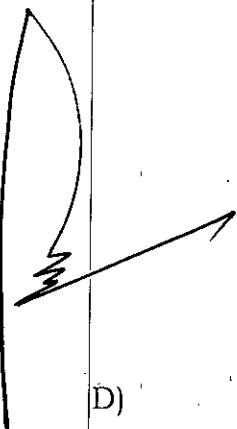
D) In presence of original letter from the Assistant to Commissioner (Rev/GA), Hazara Division, Abbottabad there was no need to further record the statement of official of the Commissioner's office.

E) The Inquiry Officer adopted the inquiry procedure to digout the facts of the case, which was his responsibility as per law. There is no bar on the Inquiry Officer to adopt any course to conduct inquiry and satisfy himself.

F) The rejection order of appeal passed by the Commissioner, Hazara Division, Abbottabad (appellate authority) is a speaking and as per rules and law.

G) Incorrect. The Commissioner Hazara Division himself is not a complainant. The parties were contacted by the Office of Commissioner Hazara Division Abbottabad and letter No.CFM/Rev/ACR/CHD/307-09 dated 21.1.2015 was issued by the Assistant to Commissioner (Rev/GA), Hazara Division, Abbottabad

DEPUTY COMMISSIONER  
HAZARA



therefore, the appeal has rightly been decided by the Commissioner, Hazara Division being appellate Authorities.

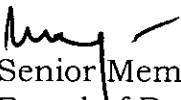
H) Incorrect. Under the prevailing procedure Patwari is not authorized to receive the amount of Taxes. Parties themselves are required to deposit the taxes in the Bank and produce copy thereof to the Revenue Officer for attestation of mutation.


I) It was malafide on the part of appellant who managed and obtained the affidavits from the complaints and submitted to the Inquiry Officer on 03.2.2015 in his defence alongwith reply of charge sheet, therefore, it was his responsibility to produce the deponents before the Inquiry Officer for testimony of the affidavits but he failed to do so inspite of opportunity given to him. Summons/warrants were issued by the Inquiry Officer to secure attendance of the deponents of the affidavits but they did not turn up.

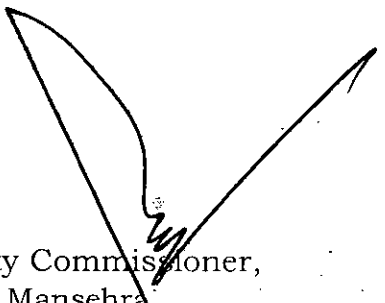
J) Incorrect. Major penalty of dismissal was imposed on the appellant as a result of inquiry conducted against him by virtue of which the allegations were proved and he failed to rebut the allegation at any stage of the enquiry proceedings.

K) No comments.

In view of the above, it is prayed that appeal may please be dismissed with cost as the appellant has failed to rebut the allegations contained in the letter No.CFM/Rev/ACR/CHD/307-09 dated 21.1.2015 from the office of Commissioner Hazara Division Abbottabad.

  
Senior Member,  
Board of Revenue,  
Revenue and Estate Department,  
Khyber Pakhtunkhwa-Peshawar  
(Respondent No.1)

  
Commissioner,  
Hazara Division, Abbottabad  
(Respondent No.2)

  
Deputy Commissioner,  
Mansehra  
(Respondent No.3)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

**Service Appeal NO.973/2015.**

Muhammad Irshad Abbasi, Ex- Patwari, Halqa Shinkiari,  
Mansehra.....**Appellant**

**Versus:-**

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa-Peshawar.
2. The Commissioner, Hazara Division, Abbottabad.
3. The Deputy Commissioner, Mansehra. ....**Respondents.**

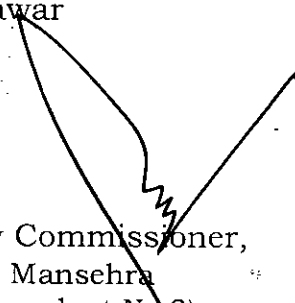
**AFFIDAVIT.**

We, the undersigned do hereby solemnly affirm and certify that contents of the comments are correct to the best of our knowledge and belief and nothing has been concealed from the Services Tribunal.

Senior Member  
Board of Revenue,  
Revenue and Estate Department,  
Khyber Pakhtunkhwa-Peshawar  
(Respondent No.1)



Commissioner,  
Hazara Division, Abbottabad  
(Respondent No.2)



Deputy Commissioner,  
Mansehra  
(Respondent No.3)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1416 /ST

Dated 29 / 8 / 2016


To

The Deputy Commissioner,  
Mansehra.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 15.8.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

*to*   
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.