

22.02.2018

Petitioner with counsel present. Mr. Kabir Ullah Khattak, Learned Additional Advocate General alongwith Bahadar Khan Assistant for the respondents.

Representative of the respondents submitted para wise comments alongwith posting/transfer order dated 07.09.2017 whereby the appellant has been transferred to Patwar Halqa Jabri. Copy of transfer/posting order dated 07.09.2017 was placed on file of execution petition bearing No.231/2017 titled Hamayon khan versus Commissioner Hazara Division Abbottabad & others.

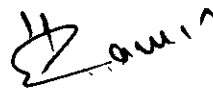
Learned counsel for the petitioner contended that judgment in question has been implemented except that original station of posting (Patwar Halqa) of the appellant has not been restored despite the fact that the posting/transfer order dated 11.09.2015 has also been set aside vide judgment in question.

Arguments heard. File perused.

Penalty was awarded to the appellant vide order date 11.09.2015 and the transfer/posting order of the appellant was issued vide another order of the even date. Both the orders were made impugned before this Tribunal and this Tribunal vide judgment dated 20.11.2017 passed in service appeal No.1337/2017 accepted the appeal on the ground that no charge sheet and statement of allegation was issued to the appellant.

Admittedly the penalty imposed upon the appellant has been removed. The transfer order dated 11.09.2015 is also no more in field as the respondent department has now issued fresh transfer/posting order in respect of the appellant vide order dated 07.09.2017. In the given circumstances of the case the learned counsel for the appellant remained unable to convince this Tribunal that the judgment in question has not yet been implemented. Civil servant cannot claim, as of right, to be posted at a station of his choice and that too for an indefinite period. Consequently the present execution petition is filed. Be consigned to the record room. The appellant, if aggrieved against the fresh transfer/posting order dated 07.09.2017, may approach the competent forum for the redressal of is grievance under the law and rules on the subject.


ANNOUNCED
22.02.2018






Member
Camp Court, Abbottabad

16.01.2018

Petitioner alongwith counsel present. Mr. Usman Ghani, District Attorney alongwith Bahadar Khan, Assistant Counsel for the appellant stated that judgment of this Tribunal has not been implemented in letter and spirit. Representative of the respondents seeks adjournment. Granted. To come up for proper implementation report on 22.02.2018 before S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad.

Execution Petition No. 232/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	11.12.2017	<p>The Execution Petition of Mr. Farman Khan submitted to-day by Mr. Hamayun Khan Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	12-12-2017	<p>This Execution Petition be put up before Touring S. Bench at Abbottabad on <u>19-12-2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>
19.12.2017		<p>Petitioner namely Farman Khan alongwith his counsel present. Notice be issued to the respondents for implementation report for 16.01.2018 before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member (Judicial) Camp Court Abbottabad</p>

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

E. Petition No. 232/2017

Farman Khan son of Faqira Khan, Patwari Halqa Lalu Gali Revenue Estate
Tehsil & District Haripur.

...PETITIONER

VERSUS

Commissioner Hazara Division, Abbottabad & others.

...RESPONDENTS

APPLICATION FOR IMPLEMENTATION

INDEX

S. #	Description	Page #	Annexures
1.	Application	1 to 2	
2.	Copy of appeal	3-11	"A"
3.	Copy of judgment	12-14	"B"

...PETITIONER

Through

Dated: 11-12/2017


(HAMAYUN KHAN)
Advocate High Court, Abbottabad

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

E. Petition No. 232/2017

Farman Khan son of Faqira Khan, Patwari Halqa Lalu Gali Revenue Estate
Tehsil & District Haripur.

...PETITIONER

VERSUS

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1053

Date 11/12/2017

1. Commissioner Hazara Division, Abbottabad.
2. Deputy Commissioner Haripur.
3. Assistant Commissioner Haripur.

...RESPONDENTS

APPLICATION FOR IMPLEMENTATION OF
JUDGMENT DATED 20/11/2017 PASSED BY THIS
HONOURABLE COURT IN APPEAL NO. 1337/2015
TITLED "FARMAN KHAN V/S COMMISSIONER
ETC.

Respectfully Sheweth:-

1. That petitioner filed service appeal No. 1337/2015
against impugned order passed by respondents.
Copy of appeal is attached as Annexure "A".
2. That on 20/11/2017 after hearing of arguments this
Honourable tribunal accepted appeal of the

petitioner and set aside impugned orders. Copy of judgment is attached as annexure "B".

3. That thereafter on 27/11/2017 petitioner appeared before respondent No.2 for implementation of judgment dated 20/11/2017.
4. That after laps of 15 days respondent not implemented judgment of this Honourable tribunal and similarly they have not filed any appeal before August Supreme Court of Pakistan against the judgment of Honourable Tribunal.
5. That respondent No. 2 instead of complying with the direction of this Honourable Tribunal, straightaway refused to comply with the direction of this Honourable Tribunal.
6. That other point would be raised at the time of arguments kind permission of this Honourable Tribunal.

It is therefore, humbly prayed that on acceptance of instant application respondent No.2 be kindly be directed forth with comply with the direction of this Honourable Tribunal contained in judgment dated 20/11/2017 in it true letter and spirit


...PETITIONER

Through

Dated: 11-12/2017


(HAMAYUN KHAN)
Advocate High Court, Abbottabad

(2)

Ammeere^o A^o

(3)

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1337/2015

Farman Khan son of Faqira Khan, Patwari, Patwar Halqa Lalo Gali Revenue Estate, Tehsil & District Haripur.

...APPELLANT

VERSUS

1. Commission Hazara Division at Abbottabad.
2. Deputy Commission, Haripur.
3. Assistant Commissioner, Haripur.
4. Mian Abdul Qayyum, Patwari, Patwar Halqa Shadi Hattar, Haripur.

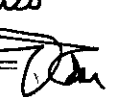
...RESPONDENTS

Attested
H. [Signature]

APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974, AMENDED UPTO DATE AGAINST THE
IMPUGNED ORDERS NO. 11634-37/
HVC/DC(H) DATED 11/09/2015 AND
TRANSFER ORDER NO. 110708-

24

16/HVC/DC(H) DATED 11/09/2015 PASSED BY
RESPONDENTS NO. 2 THROUGH WHICH
RESPONDENT NO. 2 IMPOSED THE MINOR
PENALTY WITH HOLDING INCREMENT FOR
PERIOD OF ONE YEAR AND TRANSFER
FROM ONE HALQA TO OTHER AND ORDER
NO. ESTAB/3397-98 DATED 13/11/2015
PASSED BY RESPONDENTS NO. 1 ON THE
APPEAL OF APPELLANT ALONGWITH
TRANSFER ORDER, IS ILLEGAL, AGAINST
THE LAW AND FACTS, CIRCUMSTANCES,
AGAINST THE PRINCIPLE OF NATURAL
JUSTICE AND RESULT OF MISREADING
AND NON-READING OF RECORD, HENCE
LIABLE TO BE SET ASIDE.

Attested
13/11/2015


PRAYER: ON ACCEPTANCE OF THIS
APPEAL, BOTH THE ORDERS DATED
11/09/2015 AND 13/11/2015 BE DECLARED
NULL AND VOID AND APPELLANT MAY
KINDLY BE RESTORED ON HIS PREVIOUS
POST ALONGWITH ALL BACK BENEFITS
AND ANY OTHER RELIEF WHICH THIS
HONOURABLE COURT DEEM FIT AND

5

PROPER IN THE INTEREST OF JUSTICE MAY
BE GRANTED.

Respectfully Sheweth: -

Brief facts giving rise to the instant appeal are as under:-

1. That the appellant was appointed as Patwari in Revenue Department, Haripur in the year 2004.
2. That thereafter appellant performed duty with full devotion and liability and similarly performed his duty in different Revenue Patwari Halqas and there had no complaint against the appellant.
3. That on 14/07/2015 General Councilor of Village Council Hattar Namely Ziafat Khan filed complaint/ application on the basis of so-called self made allegation, before the respondent No. 2. Copy of application is annexed as Annexure "A".
4. That the said application entrusted to respondent No. 3 for inquiry on 14/07/2015.

M. A. J.
14/07/2015
JA

5. That thereafter respondent No. 3 issued notice to appellant through letter No. 972-75/AC(H) dated 23/07/2015. Copy of notice is annexed as Annexure "B".
6. That thereafter respondent No. 3 recoded the statement of appellant and complainant and his respective witnesses. Copy of statement is annexed as Annexure "C".
7. That on 27/08/2015 respondent No. 3 submitted so-called impugned inquiry report to the respondent No. 2. Copy of inquiry report is annexed as Annexure "D".
8. That after submission of inquiry report respondent No. 2 issued show cause notice No. HVN.DC(H)/11342 dated 02/09/2015. Copy of show cause notice is annexed as Annexure "E".
9. That on 07/09/2015 appellant submitted complete reply of the show cause notice before the respondent No. 1. Copy of reply is annexed as Annexure "F".
10. That thereafter respondent No. 2 imposed to penalty and issued impugned transfer order dated 11/09/2015, and similarly passed another impugned order dated

Attest
[Signature]

11/09/2015 on the same time & day. Copies of orders dated 11/09/2015 are annexed as Annexure "G".

11. That thereafter elder of the local community filed application before the respondent No. 2 for clarification of inquiry on so-called application of the complainant, and in respect of good performance, reputation of the appellant. Copy of application is annexed as Annexure "H".

12. That appellant being aggrieved of the impugned orders passed by respondent No. 2 filed Departmental appeal before the respondent No. 1 on 16/09/2015. Copy of appeal is annexed as Annexure "I".

13. That on 13/11/2015 respondent No. 1 dismissed the appeal of the appellant without appraising available record. Copy of order dated 13/11/2015 is annexed as Annexure "J".

Attested
[Signature]

14. That feeling aggrieved of the orders passed by respondents No. 1 & 2. appellant assails the same, through the instant appeal, inter-alia, on the following grounds among many others;-

8

GROUNDS:-

- a. That, the impugned orders are against the law, justice, equity, facts available on record, circumstances of the case, illegal, without jurisdiction, is the result of illegal exercise of jurisdiction, void ab-initio and not maintainable in the eye of law, hence, liable to be set aside.
- b. That, the impugned orders are the result of misreading and non-reading of the evidence on record and the respondents did not appreciate the material record of file which is sheer violation of the law and settled rules.
- c. That, respondents Nos. 1 & 2 did not adverted towards the evidence of complainant which was full of major contradictions which shows that appellants has been involved in the case falsely with malafide intention hence the orders of respondents Nos. 1 & 2 are liable to be set aside.
- d. That, it is also pertinent to mention here that the allegations of gratification/ bribe could not be

Attested
H. D. Saw

proved by the complainant which is also evident from the inquiry report.

e. That, it is also worth to mention that complainant could not prove his allegation of physical scuffle and allegation related to participation of Zakir Khan Girdawar Circle Khan Pur also not proved by the complainant hence order of respondents No. 1 and 2 are liable to be set aside.

f. That respondent No. 2 imposed two penalties, one is transfer and other is with holding of increment, hence both the orders are liable to be set aside, and transfer order also against the law and E&D rules and against the principle of natural justice.

g. That, it is worth to mention that the complainant did not report in any Police Station regarding physical scuffle and criminal intimidation/ threats and reported the incident after lapse of one month which shows the consultation and pre-mediation by the complainant.

Attested
[Signature]

h. That, it is also pertinent to mention that both the appellants regularly sit in concerned Union Council/ Patwar Halqa offices which is also proved from the evidence and the contents of application has not concern with the job of appellants.

i. That, the appellant reserve 2/3 days for preparation of Revenue records for presentation in different court proceedings and Saturday and Sunday two official holidays hence from the record it shows that both the appellants regularly uses or sit in their concerned offices.

j. That, if any physical scuffle has been happened or criminal intimidation or threats has been given to complainant then the proper forum for such grievance was police authorities hence the orders of respondents is also without jurisdiction.

Attest
H
Ans

k. That, complainant, being Councilor is having political influence over the entire proceedings relating to inquiry etc. hence the inquiry reports is partial and biased and the same is without any lawful force.

- l. That, further points shall be raised at the time of hearing of present appeal.
- m. That, addresses of the parties are correctly mentioned in the heading of the appeal.
- n. That, the instant appeal is well within time.

It is, therefore, humbly prayed that on acceptance of this appeal, both the orders dated 11/09/2015 and 13/11/2015 be declared null and void and appellant may kindly be restored on his previous post alongwith all back benefits and any other relief which this Honourable Court deem fit and proper in the interest of justice may be granted.

Hamayun Khan

...APPELLANT

Through;

Dated: 27-11 /2015

Hamayun Khan

(HAMAYUN KHAN)

Advocate High Court Abbottabad

Hamayun Khan

VERIFICATION: -

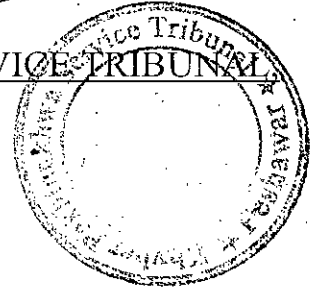
Verified on oath that the contents of forgoing writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Hamayun Khan

...APPELLANT

Answer ¹ B 12

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT ABBOTTABAD



Service Appeal No. 1336/2015

Date of Institution... 01.12.2015

Date of decision... 20.11.2017

Hamayun Khan son of Faqira Khan Patwari, Patwar Halqa Gandaf, Revenue Estate, Tehsil and District, Haripur. (Appellant)

Versus

1. Commissioner Hazara Division, at Abbottabad and 3 others. (Respondents)

MR. HAMAYUN KHAN, Advocate	...	For appellant.
MR. MUHAMMAD BILAL Deputy District Attorney	...	For respondents.
MR. NIAZ MUHAMMAD KHAN, MR. AHMAD HASSAN,	...	CHAIRMAN MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - This judgment shall dispose of the instant service appeal as well as connected service appeal No. 1337/2015 Farman Khan as in both the appeals common questions of law and facts are involved.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The appellant Hamayun was awarded major penalty of reduction to lower pay scale whereas the appellant Farman Khan was awarded minor penalty of withholding of increment for a period of one year vide impugned order dated 17.09.2015. Before the said impugned order another order of transfer of both the appellants was also passed on

Attestd
14 Jan

REGISTERED

Khyber Pakhtunkhwa
Service Tribunal
Camp Court Abbottabad

Sale

11.09.2015 on the ground of recommendations of the enquiry officer in the said disciplinary proceedings. Both these orders were challenged by the appellants through departmental appeal (undated). The said departmental appeal was rejected on 13.11.2015. Thereafter, the appellants filed the present service appeals on 01.12.2015. The charge against the appellants was a complaint filed by a General Councilor regarding manhandling, scuffle etc.

ARGUMENTS

4. The learned counsel for the appellants argued that the transfer order on basis of report of the enquiry officer is illegal as under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 transfer is not included in the penalties. He further argued that no charge sheet or statement of allegations were issued to the appellants and the appellants were awarded the punishment on the basis of a preliminary inquiry.

5. On the other hand, the learned Deputy District Attorney, argued that the enquiry was initiated on the basis of a complaint. That the enquiry officer was appointed who recorded the statements of the witnesses. That no illegality has been committed.

CONCLUSION.

6. The show cause notice dated 02.09.2015 shows that an enquiry was conducted but admittedly no charge sheet and statement of allegations were issued to the appellants. The charges shown in the show cause notice involved determination of factual controversy for which under Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 holding of formal enquiry was must. Under the rules before appointment of enquiry officer, charge sheet and statements of allegations were to be issued to the appellants which has not been done by the competent authority. It appears that after the complaint, the competent authority had appointed an enquiry officer who gave his findings and thereafter, the show cause notice and then the imposition of penalty. This procedure is illegal and the penalty cannot be sustained on the basis of such enquiry proceedings.

Alleged
DTA

APPROVED

Khyber Pakhtunkhwa
 Service Tribunal
 Abbottabad

Sukhe

7. As a consequence of the above discussion, the present appeals are accepted and both the impugned orders are set aside. However, the departmental authority is at liberty to hold de-novo enquiry in accordance with law within a period of ninety days of the receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

sd-

(Ahmad Hassan)
Member

sd-

(Niaz Muhammad Khan)
Chairman
Camp Court, A/Abad

ANNOUNCED
20.11.2017

Certified to be true copy

[Signature]

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Camp Court, Abbottabad

Attested
[Signature]

.....	23-11-17
Number of Words.....	1200
Copying Fee.....	8-00
Urgent.....	2-00
Total.....	10-00
Name.....	<i>[Signature]</i>
Date.....	23-11-17
Demanded by.....	23-11-17

کورٹ فیس

وکالت نامہ

بعدالت Before R.P.K Senior Tribunal Peshawar

عنوان: Farman Khan نام Commissioner

منجانب: Petitioner

نوعیت مقدمہ: Execution Petition

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام
Hamayun Khan Advocate High court
کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل
صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری
کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت
ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی
بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا
ساختہ پر داختم مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے
مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا
حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں
کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد
استجارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔
لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

بمقام:

المرقوم:

11-12-12

Accepted

11-12-12

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Petition No. 232/2017

Farman Khan son of Faqira Khan, Patwar Halqa Lalu Gali Revenue Estate Tehsil & District
Haripur.

...PETITIONER

VERSUS

1. Commissioner Hazara Division, Abbottabad.
2. Deputy Commissioner, Haripur.
3. Assistant Commissioner, Haripur.

...RESPONDENTS

Subject: JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS
NO.1, 2 AND 3

Respectfully Sheweth,

Preliminary Objections.

1. That the petitioner has got no cause of action.
2. That the petitioner has no locus standi to file the instant petition.
3. That the petitioner has not come to this Honourable Tribunal with clean hands.
4. That the petition is bad in its present form.
5. That the petitioner is estopped by his own conduct.

Para wise comments are as under, please:-

1. Pertains to record.
2. Correct.
3. Relates to record. He did not appear before respondent No.2. but submitted an application.
4. The order of the Honourable Service Tribunal was complied with. Penalty imposed upon him was removed pursuant to the order of Honourable Service Tribunal vide this office order No. 13484-91/HCR/DC(H) dated 08.12.2017 (**Annex-A**). As for as his posting/transfer is concerned, it is stated that he has already been transferred to Patwar Halqa Jabri and working there vide this order No.9554-57/HCR/DC (H) dated 07.09.2017(**Annex-B**). The process of denovo enquiry against the petitioner has also been initiated in the light of the Judgement dated 20.11.2017 of the Service Tribunal. His tenure on the present halqa is 04 months and 09 days only. Moreover under Section 10 of Civil

Servant Act, 1973 he is liable to serve anywhere in the district and he cannot be posted to a Patwar Halqa of his own choice.

5. Incorrect. The penalty imposed upon the petitioner has been removed in compliance with the order of Service Tribunal.
6. No comments.

In view of above submissions, it is prayed the petition may kindly be dismissed, please.

**Commissioner,
Hazara Division,
Abbottabad (Respondent No.1)**

**Deputy Commissioner,
Haripur (Respondent No.2)**

**Assistant Commissioner,
Haripur (Respondent No.3)**

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Mr. Farman Khan S/o Faqira Khan, Patwari Halqa Lalo Gali Revenue Estate Tehsil & District
Haripur.....**Petitioner.**

VERSUS

1. Commissioner Hazara Division, Abbottabad.
2. Deputy Commissioner, Haripur.
3. Assistant Commissioner, Haripur.

AFFIDAVIT.

We the following do hereby solemnly affirm and declare on oath that the contents
of accompanying para-wise comments in the above titled petition are true and correct as per our
knowledge and nothing has been concealed from this honourable court.

Commissioner,
Hazara Division,
Abbottabad (Respondent No.1)

Deputy Commissioner,
Haripur (Respondent No.2)

Assistant Commissioner,
Haripur (Respondent No.3)

Annex - A



Office Of The Deputy Commissioner, Haripur.

Phone No. 0995 - 613391, FAX - 615412

No. 134849/HCR/DC (H).

Dated: 08/12/2017.

OFFICE ORDER:

On acceptance of appeal No. 1337/2015 titled Mr. Farman Khan versus Commissioner Hazara Division and others and appeal No. 1336/2015 titled Humayun Khan versus Commissioner Hazara Division and others, the minor penalty of withholding one year annual increment imposed upon Mr. Farman Khan Patwari vide this office order bearing endorsement No. 11634-37/HVC/DC(H) dated 11.09.2015 is hereby removed in compliance of the Judgment dated 20.11.2017 of Honourable Service Tribunal Khyber Pakhtunkhwa. Similarly the major penalty of reduction to lower pay scale imposed upon Mr. Humayun Khan Patwari vide order ibid is also removed in the compliance of the order dated 20.11.2017 passed by the Service Tribunal Khyber Pakhtunkhwa.

Copy to the:-

1. Commissioner Hazara Division Abbottabad for favour of information please.
2. Registrar Khyber Pakhtunkhwa Service Tribunal Camp court Abbottabad.
3. Addl: Deputy Commissioner Haripur.
4. Assistant Commissioner Haripur.
5. District Accounts Officer Haripur.
6. Tehsildar Haripur.
7. District Nazar (local).
8. Patwaris concerned.

Deputy Commissioner
Haripur. *off*

Deputy Commissioner
Haripur. *off*

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Petition No. 232/2017

Farman Khan son of Faqira Khan, Patwar Halqa Lalu Gali Revenue Estate Tehsil & District
Haripur.

...PETITIONER

VERSUS

1. Commissioner Hazara Division, Abbottabad.
2. Deputy Commissioner, Haripur.
3. Assistant Commissioner, Haripur.

...RESPONDENTS

Subject: **JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS**
NO.1, 2 AND 3

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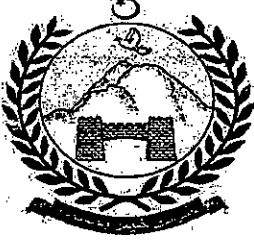
In view of above submissions, it is prayed the petition may kindly be dismissed, please.

**Commissioner,
Hazara Division,
Abbottabad (Respondent No.1)**

**Deputy Commissioner,
Haripur (Respondent No.2)**

**Assistant Commissioner,
Haripur (Respondent No.3)**

Annex: A



Office Of The Deputy Commissioner, Haripur.

Phone No. 0995 - 613391, FAX - 615412

No. 13484-91/HCR/DC (H).

Dated: 08/12/2017.

OFFICE ORDER:

On acceptance of appeal No. 1337/2015 titled Mr. Farman Khan versus Commissioner Hazara Division and others and appeal No. 1336/2015 titled Humayun Khan versus Commissioner Hazara Division and others, the minor penalty of withholding one year annual increment imposed upon Mr. Farman Khan Patwari vide this office order bearing endorsement No. 11634-37/HVC/DC(H) dated 11.09.2015 is hereby removed in compliance of the Judgment dated 20.11.2017 of Honourable Service Tribunal Khyber Pakhtunkhwa. Similarly the major penalty of reduction to lower pay scale imposed upon Mr. Humayun Khan Patwari vide order ibid is also removed in the compliance of the order dated 20.11.2017 passed by the Service Tribunal Khyber Pakhtunkhwa.

Copy to the:-

1. Commissioner Hazara Division Abbottabad for favour of information please.
2. Registrar Khyber Pakhtunkhwa Service Tribunal Camp court Abbottabad.
3. Addl: Deputy Commissioner Haripur.
4. Assistant Commissioner Haripur.
5. District Accounts Officer Haripur.
6. Tehsildar Haripur.
7. District Nazar (local).
8. Patwaris concerned.

Deputy Commissioner
Haripur. *off*

Deputy Commissioner
Haripur. *off*

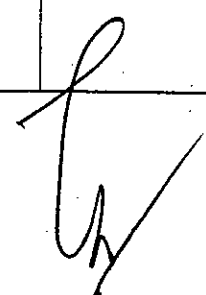
Anneu B

OFFICE OF THE DEPUTY COMMISSONER HARPUR.

OFFICE ORDER.

The following postings/ transfers of the Patwaris of this district are hereby ordered with immediate effect in the public interest:-

S. NO.	Name of Patwari.	From	To.	Remarks.
1.	Mr. Humayun Khan.	Patwar halqa Gandaf.	Patwar halqa Shadi.	Vice No. 2
2.	Mr. Abdul Qayum.	Patwar halqa Shadi.	Patwar halqa Gandaf.	Vice No. 1
3.	Mr. Abid Nayyar.	Under transfer to Patwar halqa Jabri.	Report in Tehsil Office Haripur.	-
4.	Mr. Farman Khan.	Under transfer to Patwar halqa Dalri Chauntri.	Patwar halqa Jabri.	Vice No. 3



Deputy Commissioner
Haripur. o/c

No. 9554 - 57/HCR/DC(H).

Dated Haripur the 07/09 /2017.

Copy to the:-

1. Assistant Commissioner Haripur.
2. Tehsildar Haripur with the direction to hand over the additional charge of Patwar halqa Dalri Chauntri and Patwar halqa Beer to the Patwaris of adjacent halqas or suitable Patwaris till further orders.
3. District Nazar (local).
4. Patwaris concerned for strict compliance.


Deputy Commissioner
Haripur. o/c