


# FORM OF ORDER SHEET

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

**Appeal No.** 2541/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/12/2023	<p>The appeal of Mr. Muhammad Ikramullah Khan resubmitted today by Mr. Muhammad Yousaf Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad ikram Ullah Khan received today i.e on 21.11.2023 is incomplete on the following score which is returned to the counsel for the appellat for completion and resubmission within 15 days.

- ✓ 1- Check list attached with the appeal is blank.
- ✓ 2- Address of the appellat is incomplete which may be completed according to rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ✓ 3- Annexures of the appeal are unattested.
- ✓ 4- Affidavit be got attested by the Oath Commissioner.
- 5- Copy of enquiry report is incomplete be completed.
- 6- Copy of impugned order and departmental against which are not attached with the appeal be placed on it.
- 7- Page no. 16, 18, 19, 20, 21, 29 & 30 of the appeal are illegible which may be replaced by legible/better one.
- ✓ 8- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3648 /S.T.

Dt. 21-11 /2023.

*M. Y. Adv.*

Mr. Muhammad Yousaf Khan Adv.  
High Court D.I. Khan.

*[Signature]*  
21/11/23

REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Respected Sir:

The instant Service appeal is hereby re-submitted after removing the objection so mentioned. Furthermore, there is no further record.

Yours Truly

*[Signature]*  
F.A.S.

5/12/23

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

Service Appeal No: 2541 of 2023.

**Muhammad Ikramullah Khan**

**Versus**

**Govt. of KPK and others.**

**SERVICE APPEAL.**

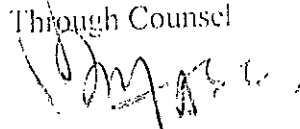
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Dated: 20/11/2023.

Yours Humble Appellant  
(Muhammad Ikramullah Khan)

Through Counsel

  
Muhammad Yousaf Khan  
Advocate Supreme Court.

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

Service Appeal No: 2541 of 2023.

Muhammad Ikramullah Khan, S/O Raheem Bakhsh, R/O D.I.Khan, Additional Assistant Commissioner, Jandola, Tribal District, South Waziristan/ TSD Tank.

**Appellant.**

**VERSUS**

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. Commissioner, Kohat Division, Kohat.
4. Deputy Commissioner, Kohat.
5. Superintendent to Deputy Commissioner, Kohat.
6. Muhammad Irshad Deputy Secretary (Admin), Local Government and Rural Development Department/ Inquiry Officer, Khyber Pakhtunkhwa, Peshawar.
7. Assistant Secretary (Estb.) Board of Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.
8. Section Officer (E-II) Establishment Department, Khyber Pakhtunkhwa, Peshawar.

**Respondents.**

**SERVICE APPEAL UNDER SECTION 4 OF THE K.P  
SERVICE TRIBUNAL ACT, 1974, AGAINST THE  
ORDERS.**

1. Dated: 13.08.2021 vide Letter No: 2385/DC-Kt/Estb.
2. Dated: 18.04.2022 vide Letter No. SOE-II(ED)2(815)/2022.
3. Dated: 09.05.2022 vide Letter No. PA/DS Admin/LG E&RDD/2022.
4. Dated: 12.09.2022 vide Letter No. SOE-II(ED)2(815)/2022.

**PRAYER:**

**On acceptance of the instant Service Appeal, the Orders dated:13.08.2021, Dated: 18.04.2022, Dated: 09.05.2022, Dated:12.09.2022 may be set asided and all the impugned proceedings may be declared void ab initio, illegal, Coram**

**non judice, amounting to double jeopardy, liable to cancellation.**

Respectfully Sheweth:

1. That back in 2011 and 2012, the Appellant was posted as Tehsildar Kohat.
2. That on the Complaint of one Mst. Laila Shah, Deputy Commissioner, Kohat ordered to conduct an inquiry regarding the review of Mutation No: 2432 Dated: 16.05.2012 and Mutation No: 1890 Dated: 19.03.2012 and appointed an Inquiry Officer (Abdul Qayyum Revenue Officer, Kohat) to conduct the fact-finding inquiry and in the said fact-finding inquiry, the Appellant was Exonerated while Abdul Waheed Patwari was held responsible for the said scam (making of two fake Mutation). In this respect the outcome of the inquiry Dated: 25.09.2013 is annexed as **Annexure "A"**.
3. That after the disciplinary proceeding Abdul Waheed Patwari was awarded a major penalty that is the dismissal from service vide order dated: 16.03.2014 and he (Abdul Waheed Patwari) challenged the said dismissal order before Worthy K.P Service Tribunal and the Service Tribunal ordered for de-novo inquiry, subsequently in the de-novo inquiry dismissal of Abdul Waheed Patwari was remained intact.
4. That Abdul Waheed Patwari preferred another Appeal to K.P Service Tribunal which was dismissed but the review was accepted and he was ordered to be reinstated vide order dated: 15.12.2020.
5. That Respondent No. 2 & 4 (SMBR and D.C) preferred Civil Appeal No: 327/2021 before the August Supreme Court of Pakistan whereby the Supreme Court vide Judgment dated: 26.07.2021 set aside the order dated 15.12.2020 for the reinstatement of Abdul Waheed Patwari. (Copy of Supreme Court Judgment dated 26.07.2021 is enclosed as Annexure "B").
6. That the office of Deputy Commissioner vide Letter No: 2385/DC-Kt/ Estb Dated: 13.08.2021 requested the Assistant Secretary (Estb.) Board of Revenue and Estate Department to initiate inquiry against the Appellant and Abdul Waheed Patwari. (Copy of the Letter No: 2385/DC-Kt/ Estb Dated: 13.08.2021 is annexed herewith as Annexure "C".)
7. That vide Letter No. SOE-II(ED)2(815)/2022 Dated: 18.04.2022, the Office of Chief Secretary KPK issued Notification for formal inquiry and along with this communicated the Charge Sheet and Statement of Allegations to the Appellant. (Copy of the Notification vide Letter No.

SOE-II(ED)2(815)/2022 Dated: 18.04.2022 along with the Charge Sheet and Statement of Allegations is annexed herewith as Annexure "D".)

8. That vide Letter No. PA/DS Admin/LG E&RDD/2022 Dated: 09.05.2022, the Inquiry officer summoned/informed the Appellant to join the inquiry proceedings. (Copy of the Letter No. PA/DS Admin/LG E&RDD/2022 Dated: 09.05.2022 is annexed herewith as Annexure "E".)

9. That the Inquiry Officer gave his findings and upon the non-provision of the original record by the Deputy Commissioner Kohat to the FSL, suggested that the matter could not proceed further. (Copy of the Findings is annexed herewith as Annexure "F".)

10. That a Show Cause Notice was issued to Appellant along with the direction to submit written reply, vide Letter No. SOE-II(ED)2(815)/2022 Dated: 12.09.2022. (Copy of the Letter No. SOE-II(ED)2(815)/2022 Dated: 12.09.2022, is annexed herewith as Annexure "G".)

11. That the Appellant submitted the written reply to the said Show Cause Notice twice once on Dated: 30.09.2022 and other on dated: 05.10.2022. (Copy of the Reply Dated: 30.09.2022 and 05.10.2022 is annexed herewith as annexure "H".)

12. That the Appellant filed a Departmental appeal before the Honourable Board of Revenue, Khyber Pakhtunkhwa dated: 10.07.2023 which was sent to the Inquiry Officer for inquiry on dated: 12.07.2023. (Copy of the Departmental Appeal dated: 10.07.2023 and Letter to Inquiry Officer dated: 12.07.2023 is annexed herewith as Annexure "I".)

13. That the Inquiry Officer in the said Departmental Appeal submitted his findings vide Inquiry Report on Dated: 29.08.2023. (Copy of the Inquiry Report dated: 29.08.2023 is attached as Annexure "J".)

14. That the Appellant time and again approached to the office of the Respondent No.2 but till date no response of the departmental Appeal has been received to the Appellant, therefore, the Appellant has been left with no option but to file present service Appeal before the Honourable Service Tribunal for the cancellation of proceedings conducted vide orders:

1) Letter No: 2385/DC-Kt/Estb Dated: 13.08.2021.

2) Letter No. SOE-II(ED)2(815)/2022 Dated: 18.04.2022.

3) Letter No. PA/DS Admin/LG E&RDD/2022 Dated: 09.05.2022.

4) Letter No. SOE-II(ED)2(815)/2022 Dated: 12.09.2022.


On, inter alia, the following grounds.

## GROUNDS:

1. That Senior Member Board of Revenue was satisfied up to the extent of the Appellant that's why they did not challenge the outcome of the Inquiry dated 25.09.2023 till date wherein the Appellant was exonerated.
2. That the case was remanded from the Supreme Court for the limited purpose relating to obtaining/taking FSL regarding the signatures of the Patwari.
3. That no fresh order for the De-novo inquiry was passed for the purpose of present proceedings which is the basic requirement under KP Government Servants (Efficiency and Disciplinary Rules, 2011).
4. That the outcome of the inquiry of Appellant attained finality after the exoneration of the Servant Servant and now it amounts to double jeopardy.
5. That speaking inquiry completed and ended with the report dated: 25.09.2023. Whereas no order for the de-novo inquiry was passed against Appellant but the only De-novo inquiry conducted was against the Patwari.
6. That in fact, by this way, the Appellant was twice exonerated.
7. That unless and until the previous inquiry is set asided, no fresh/formal inquiry can be initiated since it has been finally determined up to Supreme court and attended finality.
8. That the proceedings and orders are altogether against the law, void ab initio as already for the similar allegations the Appellant was inquired into and both the times the outcome of the inquiries resulted in the exoneration of the Appellant that is never challenged up till now which attained finality.
9. That the procedure adopted by the Respondents through impugned orders is not backed/supported by any law of the Country.
10. That it is clear from the available record that the Supreme Court remanded the case only to the extent of Abdul Waheed Patwari for his FSL, whereas it is established principle of law that at lower echelon the remanded order is to be followed and no addition or subtraction can be done by the lower authorities.

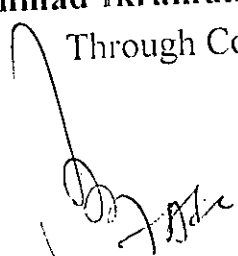
Therefore, it is most humbly requested that on acceptance of the instant Service Appeal, the Orders dated:13.08.2021, Dated: 18.04.2022, Dated: 09.05.2022, Dated:12.09.2022 may be set asided and all the impugned proceedings may be declared void ab initio, illegal, Coram non judice, amounting to double jeopardy, liable to cancellation.

Yours Humble Appellant

  
(Muhammad Ikramullah Khan)

Through Counsel

Dated: 20/11/2023.

  
Muhammad Yousaf Khan  
Advocate Supreme Court.


**VERIFICATION:**

I, the Appellant, on this day of November, 2023, herein mentioned above, do hereby verify that all the contents of this Appeal are true and correct and also that it is the first Appeal on the subject matter and no such appeal has earlier been filed.

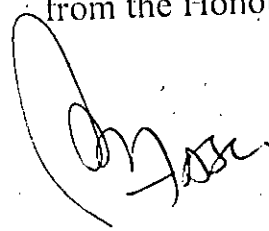
  
DEPONENT.

**AFFIDAVIT:**

I, the Appellant, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Service Appeal** are true and correct to the best of their knowledge and belief, and nothing has been concealed from the Honourable Tribunal.

  
DEPONENT.

**Identified by Counsel:**

  
Muhammad Yousaf Khan  
Advocate Supreme Court.



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

Civil Misc No: \_\_\_\_\_ of 2023.

Service Appeal No: \_\_\_\_\_ of 2023.

**Muhammad Ikramullah Khan**

**Versus**

**Govt. of KPK and others.**

**APPLICATION FOR SUSPENSION OF THE OPERATION OF  
IMPUGNED OFFICE ORDERS:**

1. Dated: 13.08.2021 vide Letter No: 2385/DC-Kt/Estb.
2. Dated: 18.04.2022 vide Letter No. SOE-II(ED)2(815)/2022
3. Dated: 09.05.2022 vide Letter No. PA/DS Admin/LG  
E&RDD/2022.
4. Dated: 12.09.2022 vide Letter No. SOE-II(ED)2(815)/2022.


**TILL FINAL DECISION OF SERVICE APPEAL AND IN THE  
MEANWHILE RESPONDENTS MAY ALSO BE ABSTAINED/  
RESTRAINED FROM TAKING ANY ACTION DETRIMENTAL  
TO THE SERVICE CAREER OF APPELLANT.**

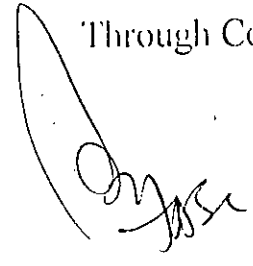
Respectfully Sheweth:

1. That a Service Appeal is being filed before this august court and the grounds of same may please be considered as an integral part of this Petition.
2. That the petitioner/appellant has got a good prima case on law as well as on facts and there is every likelihood of the success of Service Appeal; hence, balance of convenience tilts in favour of the appellant.
3. That the appellant is Additional Assistant Commissioner and at present serving in Jandola, Tribal District, South Waziristan. If in the meanwhile while the instant Service Appeal is pending before the Honourable Tribunal, the Petitioner/Appellant is removed or suspended from service then the Petitioner will suffer irreparable loss.

**It is, therefore, humbly prayed that on acceptance of the  
present Civil Miscellaneous Petition, the operation of  
impugned office orders dated:13.08.2021, Dated:  
18.04.2022, Dated: 09.05.2022, Dated:12.09.2022 may  
please be suspended and respondents may please be  
desisted from taking any action detrimental to service  
career of appellant, till decision of Service Appeal.**

Yours Humble Appellant

  
(Muhammad Ikramullah Khan)  
Through Counsel



Muhammad Yousaf Khan  
Advocate Supreme Court.

Dated: 20/11/2023.

**AFFIDAVIT:**

I, the Appellant, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Miscellaneous Application** are true and correct to the best of their knowledge and belief, and nothing has been concealed from the Honourable Tribunal.



**Identified by Counsel:**  
Muhammad Yousaf Khan  
Advocate Supreme Court.

  
**DEPONENT.**

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

Service Appeal No: \_\_\_\_\_ of 2023.

**Muhammad Ikramullah Khan**

**Versus**

**Govt. of KPK and others.**

**ADDRESSES OF PARTIES.**


**APPELLANT:**

Muhammad Ikramullah Khan, S/O Raheem Bakhsh, R/O D.I.Khan, Additional Assistant Commissioner, Jandola, Tribal District, South Waziristan.

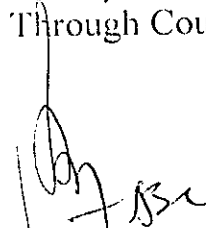
**RESPONDENTS:**

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. Commissioner, Kohat Division, Kohat.
4. Deputy Commissioner, Kohat.
5. Superintendent to Deputy Commissioner, Kohat.
6. Muhammad Irshad Deputy Secretary (Admin), Local Government and Rural Development Department/ Inquiry Officer, Khyber Pakhtunkhwa, Peshawar.
7. Assistant Secretary (Estb.) Board of Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.
8. Section Officer (E-II) Establishment Department, Khyber Pakhtunkhwa, Peshawar.

Yours Humble Appellant

  
(Muhammad Ikramullah Khan)  
Through Counsel

Dated:       /11/2023.

  
Muhammad Yousaf Khan  
Advocate Supreme Court.

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9

A

Amir

(Signature)

رپورٹ بابت درخواست عدنان شاہ منجانب مساتہ لیلیٰ شاہ بیوہ رحمت علی شاہ سنگھ جرم تحصیل ضلع کوہاٹ

بابت نظر ثانی انتقالات نمبر 2432 مصدقہ 16/5/2012 و 1890 مصدقہ 19/3/2012 واقعہ موضع جرم تحصیل ضلع کوہاٹ

جناب عالی

نمبر 1: یہ دو درخواست عدنان شاہ اور رپورٹ فیلڈ اسٹاف سے پایا جاتا ہے۔ کہ انتقال نمبر 2432 مصدقہ 16/5/2012 و مصدقہ 17/1/2013

بیانات پیواری حلقہ آفس تا نوگو کوہاٹ۔ اسسٹنٹ آفس تا نوگو کوہاٹ عبدالشکور۔ سردار سرکل تحصیل اقبال۔ ریڈر تحصیل دار محمد ٹکلی سہیل۔ عدنان شاہ لینے گئے ہیں۔ ہمراہ لف ہیں۔ ہمراہ لف ہیں۔ اور قابل ملاحظہ ہوگیں۔

نمبر 2: ایک انتقال کے دو پرت سرکار مرتب کیے گئے ہیں۔ ایک انتقال کا پرت سرکار 16/5/2012 کو تھا۔ یہ ہوا۔ اور دوسرا مورخہ 17/1/2013 کو تیار کیا گیا ہے۔ جو پرت سرکار خارج ہوا ہے۔ یہ انتقال درست خارج ہوا ہے۔ اس پرت کو منظور کیا جائے۔ (تین پرت پیواری میں خارج شدہ کا پرت بھی تبدیل کیا گیا ہے۔ اس پر منظور کیا گیا ہے۔ اسے عدنان شاہ کے انتقال کے اوراق تبدیل کیے گئے ہیں۔ کسی دوسری جگہ کے اوراق اس جگہ میں لگائے گئے ہیں۔)

نمبر 3: موقوفہ پر قبضہ نہیں ہے۔ اس کا قبضہ خسرہ گرداوری تمبندی میں درج نہیں ہے۔ انتقال کمیٹ کے فیصلہ کے خلاف تصدیق ہوا ہے اور دوسرا پرت سرکار منظور ہوا ہے۔ انتقال غلط فرضی طور پر چلی قسم کا تصدیق ہوا ہے۔ کیونکہ انتقال پر فرضی اور جعلی قسم کے دستخط پر نانا جیٹیل پر فرض تا نوگو کے دفتر میں جمع کیا گیا ہے۔ نہ تو ریڈر تحصیل دار نے اپنے رجسٹر میں درج کیا ہے۔ نہ اس انتقال کی کوئی رسید سٹامپ ڈیوٹی چاک لگی ہے۔ نہ سٹامپ ڈیوٹی وصول کی گئی ہے۔ اور ریڈر تحصیل دار کے ریڈر کے پاس کوئی ریکارڈ ہے۔ اس سے ثابت ہوتا ہے۔ کہ انتقال مذکورہ جعلی اور فرضی ہے۔ اور پیواری گرداوری اپنے اپنے دستخطوں سے انکاری ہیں۔

نمبر 4: یہ انتقال دوسری سے آفس تا نوگو کے دفتر میں انتقالات کے ساتھ شامل کیا گیا ہے۔ آفس تا نوگو اسسٹنٹ تا نوگو کی نقلت والا پرواہی کا نتیجہ ہے۔ انتقال جذا قابل اخراج اور قابل جانے کا ہے۔ اگر دستخط و رجسٹریشن میں تو انتقالات کی نظر ثانی کے احکامات صادر فرمائیں جائیں۔ اگر دستخط و رجسٹریشن میں تو انتقالات کے احوالات صادر فرمائیں جائیں سہیل۔ یہ جو انتقالات انتقالات آفس تا نوگو کے دفتر سے حاصل کی گئی ہیں انکی اجرت ادا نہیں کی گئی ہے۔ ان کی اجرت سہیل سے وصول کر کے آفس خزانہ کی چوتھی۔

نمبر ۲: انتقال نمبر 1890 مصدقہ 19/3/2012

نمبر 1: یہ حساب رپورٹ پیواری حلقہ بشمولہ اراضی خسرہ نمبر 83 خسرہ گرداوری میں قبضہ درج ہے۔ لیکن موقوفہ پر حق میر حسینی ولد غلام غفریہ کا قبضہ نہیں ہے۔ اور اس نام کا کوئی آدی ہے۔ اگر نہ اس نام کا کوئی آدی ہے۔ کمیٹی کے فیصلہ کے مطابق رقبہ تاحصیل کوہاٹ کیا جاتا ہے۔

نمبر 2: اس سے پہلے بھی سید ظاہر علی نے درخواست بابت نظر ثانی گزارا تھا لیکن درخواست سید عبدالغنی کے بیٹا پر داخل دفتر ہو چکی ہے۔ لیکن ڈیوٹی ہوئی اس وقت 1967ء۔ 163 نظر ثانی میں تحریر ہے۔ میعاد کو بھاندا بنا کر درخواست کو خارج نہیں کرنا چاہئے۔

رپورٹ پیواری غلط اور قابل ملاحظہ ہوئے۔ انتقال نمبر 1890 مصدقہ 19/3/2012 میں نظر ثانی سے ہذا ریڈر نظر ثانی خارج کیا جائے۔

نمبر 3: انتقال عبدالواحد پیواری نے درج کیا تھا۔ سردار سرکل نے مقابلہ کیا تھا۔ لیونکا اندراج خسرہ گرداوری میں کیا ہوا تھا۔ اور ریڈر نے افسانہ انتقال تصدیق کیا ہے۔

نمبر 4: تصدیق اور کاروان انتقال نمبر 2432 مصدقہ 16/5/2012 و مصدقہ 17/1/2013 میں عبدالواحد پیواری آفس تا نوگو محمد جاوید اسسٹنٹ آفس تا نوگو عبدالشکور ہیں۔

نمبر 5: انتقال نمبر 1890 مصدقہ 19/3/2012 میں عبدالواحد پیواری ہے۔ ایوانہ اندراج خسرہ گرداوری میں کرنے پر اور نہ انتقال درج کرنے پر تصدیق ہوئی۔

(Signature)  
تحصیل دار کوہاٹ

25/9/2013

(Signature)  
25/9/2013

منجانب اسسٹنٹ کمشنر  
Amir  
(Signature)  
25/9/2013

②      10      ~~Aux B~~      19

19

ENQUIRY REPORT IN CASE MUTATION NO.2432 AND 1890 OF MOAZA  
JARMA

The subject enquiry has been assigned to the undersigned by the Deputy Commissioner Kohat vide Assistant Commissioner, Kohat No.711-14/Reader/AC/Kt dated 19.12.2013 (PUC).

One Laila Shah has submitted a complaint against Patwari Halqa Jarma, Girdawar Circle and Tehsildar Kohat regarding attestation of in-correct and illegal mutation No.2432 attested on 16-5-2012 and mutation No.1890 attested on 19-3-2012. The same was marked by the Deputy Commissioner, Kohat to Assistant Commissioner, Kohat for report who directed Tehsildar Kohat for necessary action as per law on 10-9-2013 (Annexure-A).

The Tehsildar Kohat submitted his report which reveals that mutation No.2432 attested on 16-5-2012 and mutation No.1890 attested on 17-3-2012, reveals that possession on the spot does not exist. The possession has not been in-corporated in Khāra Girdawari / Jamabandi. The mutation has been attested in violation of Cabinet Decision and the second (Part Sarkar) has been approved. These mutations have been attested factiously and fraudulently as these mutations have been filed in the office of Office Kanungo (OK) through incorrect channel. Neither it has been entered by the Reader to Tehsildar in register and nor stamp duty have been recorded nor record has been maintained by Reader to Tehsildar Kohat which reveals that mutation is fake and Tehsildar and Girdawar denied their signature on it. It has further been reported that the mutations have entered fraudulently in Mutta mutation in the office of the Office Kanungo. It is the result of negligence on the part of Office Kanungo, and these mutations are liable to be dismissed. In case the signature are original / correct then order for review of these mutations may be issued but in case of fake signature the mutation are liable to be burnt. The applicant has not paid any fee for obtaining copies of these mutations which should be recovered and deposited in Govt. Treasury.

Para-4 of the report of Abdul Qayyum Tehsildar Kohat clearly reveals that Patwari Abdul Waheed, Office Kanungo Muhammad Javed and Abdul Shakoor Assistant Office Kanungo directly responsible for attestation of mutation No.2432 and 1890 respectively (Annexure-B).

It is further stated that the official concerned were charge sheeted by the Deputy Commissioner, Kohat on the basis of report submitted by the Tehsildar Kohat (Annexure-C,D,E). The official concerned submitted their statement:-

Abdul Waheed Patwari

In his written statement Abdul Waheed Patwari stated that FIR No.2 dated.21-3-2011 has been chalk out against him in connection with the proceeding / attestation of mutations pertaining to Jarma State Land and he has been bail out by the Peshawar High Court.

The Council for the complainant also appears before the Peshawar High Court, but no proceeding was initiated and no money transaction has taken place. Moreover, the

~~ATTESTED~~

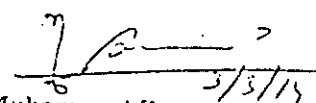
(11) ~~(11)~~ ~~(11)~~  
dismissed on the basis the statement recorded by Girdawar Kohat on 16-5-2012 vide Tehsildar Kohat order dated 17-1-2013 (Annexure-I). So far the 2<sup>nd</sup> mutation bearing the same No.2432 approved and accepted on the basis of report Girdawar dated 16.5.2012 its bears fake and factious signature of Girdawar circle and Tehsildar Kohat (Annexure-M)


As regard mutation No,1890 attested on 19.3.2012. The Khasra Girdawari is silent about the said mutation. The notables of Jarma also verified that a person in the name of Haq Mir Hussain son of Ghulam Faqir is not known to them. He is not available in the said locality. He also does not have possession in the said Khasra No.83 of Mouza Jarma (Annexure-N). Para No.5 of the report of Abdul Qayyum Tehsildar Kohat already annexure-B wherein he submitted that the mutation No.1890 has been attested by the Tehsildar on basis of wrong entry and Khasra Girdawari against Khasra No.83 of Mouza Jarma by Abdul Waheed Ex-Patwari Jarma (Khasra Girdawari annexure-O&P).

In view of the above, it is submitted that after going through the written statements of official concerned and available record placed on file it is derived that Mr. Abdul Waheed the then Patwari Halqa Jarma has been involved in this unlawful act and the rest of revenue staff have no role in the said illegal activities. However the statement of Abdul Waheed the then Patwari Halqa Jarma reveals that proper case FIR No.2, dated.2-11-2012 (Annexure-Q) is subjudice in the PHC already annexure-(F) but it is a separate case instead of case subjudiced in PHC. It is further pointed out that Patwari Halqa Abdul Waheed himself register second mutation No.2432 attested on 16.5.2012 affixed bogus signature on it and included in approved register mutation fraudulently. Furthermore, Haq Mir Hassan son of Ghulam Faqir has not even in possession of Khasra No.83 at Mouza Jarma. The then Patwari Abdul Waheed submitted the mutation No.1890, dated. 19-3-2012 before the Tehsildar Kohat for attestation on the basis of wrong entry in Khasra Girdawari against Khasra No.83 of Mouza Jarma who attested the same.

It is recommended that major penalty may be imposed upon against Mr. Abdul Waheed the then Patwari Halqa Jarma.

AC-Xr

  
5/3/13  
(Muhammad Zaman Khattak)  
AAC (Rev), Kohat  
(Inquiry Officer)

  
ATTESTED

12

B

Civil Appeal No. 327 of 2021  
Against judgment dated 19.10.2020 of Right  
Pakhtunkhwa Service Tribunal, Peshawar passed  
in Service Appeal No. 559 of 2017.

Senior Member, BoR, KP & others Appellants

Abdul Waheed Versus Respondent(s)

For the Appellant(s): Mr. Zahid Yusuf Qureshi,  
Addl AG, KP  
Saadullah, AS, BoR, Peshawar.  
Zakir Hussain, Supdt, DC Office  
Kohat.

For the Respondent(s): Mr. M. Asif Yousafzai, ASC

Date of Hearing: 25.07.2021

ORDER

GULZAR AHMED, CJ. The Respondent was a Patwari. He was dismissed from service on 17.03.2014 for making of two fake mutations. He filed a service appeal bearing No.1230 of 2014 which was accepted by the Khyber Pakhtunkhwa Service Tribunal, Peshawar ("the Tribunal") on 03.03.2016 and a *de novo* inquiry was ordered. After the *de novo* inquiry, the Respondent was again dismissed from service on 28.10.2016. The Tribunal has found that the Respondent has denied his signatures on the fake mutations and also noted that such signatures of the Respondent were not in front of PSL Report. The Tribunal therefore allowed the

ATTESTED

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad.

... Appraisal of the Respondent and reinstated him in service, vide impugned judgment dated 15.12.2020.

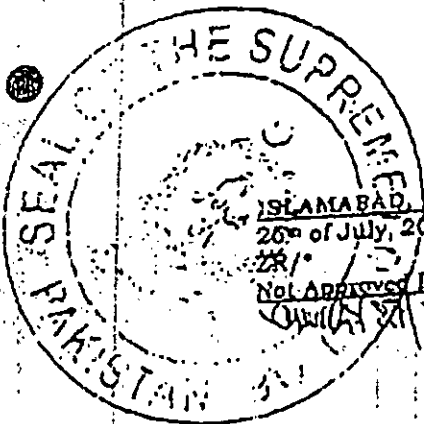
At the very outset, the learned ASC for the Respondent agrees that the matter may be remanded to the Department for obtaining of FSL Report qua the signatures of the Respondent on the aforesaid two fake mutations, allegedly prepared by him. Consequently, the impugned judgment of the Tribunal dated 15.12.2020 is set aside and the matter is remanded to the Department for re-conducting an inquiry and obtaining of FSL Report regarding the signatures of the Respondent on two fake mutations, referred to above. The Department shall conclude the inquiry within a period of two months from the date of receipt of a certified copy of this order.

3. This appeal in the aforesaid terms stands disposed of accordingly.

SD/HCI  
SD/-

Certified to be True Copy

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad



Case No.	12118/2
Date of Presentation	26/7/21
No of Words	
No of Pages	6
Magistrate Fee Paid	1500
Copy Fee	700
Court Fee	800
Date of Court	28/7/21
Date of Delivery	28/7/2021



(14) H.M.H. 19  
OFFICE OF THE  
DEPUTY COMMISSIONER KOHAT.

No. 2385 /DC-K/Estb

Dated 13/08/2021

To

The Assistant Secretary (Estb),  
Board of Revenue, Revenue & Estate Department,  
Government of Khyber Pakhtunkhwa, Peshawar.

Ann = "C"

Subject: - CIVIL APPEAL NO 327 OF 2021, SMBR & OTHERS VS ABDUL WAHEED EX PATWARI DC OFFICE KOHAT.

I am directed to refer to the subject cited above and enclose herewith order sheet of Supreme Court of Pakistan in aforementioned case regarding inquiry against the revenue officer/official with the Honourable Court directions to complete it within the period of two months.

I am further directed to request to state that in the instant inquiry Patwari Halqa Janna and the then Tehsildar (BPS-16) of Tehsildar Kohat are also involved who has taken further promotion to higher rank. Therefore, being Competent/Appointing Authority, proper inquiry under E&D Rules 2011 in the matter after approval from quarter concerned, may be initiated against the accused officers/officials as per compliance of Supreme Court order, at the earliest, under intimation to this office, please.

Superintendent to  
Deputy Commissioner, 13/08/21  
Kohat

Copy forwarded for information to the:-

1. Deputy Commissioner Kohat.
2. Secretary Board of Revenue, KPK, Peshawar.
3. Deputy Solicitor Law Department Peshawar.
4. Advocate on Record, KPK, Supreme Court, Islamabad Peshawar.
5. Additional Deputy Commissioner Kohat.
6. Secretary to Commissioner, Kohat Division Kohat.
7. PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
8. Assistant Secretary (Lit-I), Board of Revenue, Peshawar.

Superintendent to  
Deputy Commissioner,  
Kohat

ATTESTED



(15) 11/11/2022  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(ESTABLISHMENT WING)

Dated Peshawar the April 18, 2022

NOTIFICATION

Amir  
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A777 = D

NO.SOE-II(ED)2(815)2022: The competent Authority (Chief Secretary, Khyber Pakhtunkhwa) has been pleased to order formal inquiry as per provision contained in Rule-5 of Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 for the acts of omission & commission defined in terms of Rule-3 of the Rules ibid against Mr. Ikramullah (PMS BS-17) the then Tehsildar Kohat now Additional Assistant Commissioner, Swabi-I and Abdul Wahid, the then Patwari Office of the Deputy Commissioner, Kohat.

Consequent upon the above and for the purpose of inquiry against the aforementioned accused with reference to enclosed allegations, in terms of Rule-10(1)(a) of the Rules ibid; the competent authority (Chief Secretary, Khyber Pakhtunkhwa) has been pleased to appoint Mr. Irshad (PMS BS-18), Deputy Secretary, LG & RD Department, as inquiry officer to conduct the inquiry and submit its report within thirty (30) days.

CHIEF SECRETARY, KHYBER PAKHTUNKHWA

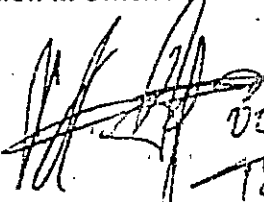
ENDST: NO. & DATE EVEN.

NO.SOE-II(ED)2(815)2022:

Dated Peshawar the April 14, 2022

A copy is forwarded to the:-

1. SMBR, Khyber Pakhtunkhwa, Peshawar.
2. District Kanungo Kohat, Departmental Representative of Board of Revenue, with the request to coordinate with enquiry officer.
3. Mr. Irshad (PMS BS-18), Deputy Secretary, LG & RD Department, Charge Sheet(s) / Statement(s) of Allegations alongwith preliminary inquiry report conducted by BoR are enclosed with the request to conclude inquiry report within thirty (30) days. District Kanungo Kohat is nominated as Departmental representative.
4. Mr. Ikramullah (PMS BS-17), Additional Assistant Commissioner, Swabi-I, copies of Charge Sheet/ Statement of Allegations enclosed.
5. Section Officer (E-I), Establishment Department, for information.
6. Section Officer (Admn), Establishment & Administration Department.
7. Mr. Abdul Wahid, the then Patwari, Office of the Deputy Commissioner, Kohat.
8. Section Officer (Secret), Establishment Department.
9. Manager Government Printing Press for publication in Official Gazette, Pakistan.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. PS to Secretary Establishment.
12. Personal file.

  
18/04/2022  
(MUHAMMAD IRFAN USMAN)

ESTABLISHMENT DEPARTMENT

ATTESTED

16

CHARGE SHEET

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13

I, Dr. Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Muhammad Ikramullah (PMS BS-17) the then Tehsildar Kohat now Additional Assistant Commissioner-I, Swabi as follows:

That you while posted as Tehsildar Kohat committed the following irregularities:

- i. That you while serving as Tehsildar Kohat, have attested mutation No 2432 dated 10.05.2012 in two parts in the name of Yousaf Khan son of Abdul Jalil Shinwari and mutation No.1890 dated 19.03.2012 in the name of Haq Meer Hussain son of Ghulam Faqeer, but neither the person namely Mr. Haq Meer Hussain resided available nor the khasra No 83 was in possession of the said individual.
- ii. That on 16.05.2012 one part of the said mutation was attested while the other part of the said mutation of the same number was rejected on 17.01.2013 by you.
- iii. That even knowing the factual position of record that there was no entry in register Khasra Girdawari Jamabandi, you have attested two parts in favour of Yousaf Khan son of Abdul Jalil Shinwari.
- iv. Your this act is tantamount to misconduct which renders you liable to be proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

By reasons of the above, you appear to be guilty of misconduct under Rule 3 (b) 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.

You are, therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the inquiry officer/ committee, as the case may be.

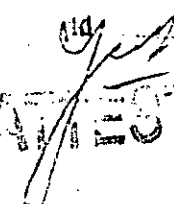
Your written defence, if any, should reach the inquiry officer/ inquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and ex-parte action shall be taken against you.

Intimate whether you desire to be heard in person.

The Statement of allegations is enclosed.

  
CHIEF SECRETARY  
KHYBER PAKHTUNKHWA  
(COMPETENT AUTHORITY)

Muhammad Ikramullah (PMS BS-17),  
the then Tehsildar Kohat,  
Now Additional Assistant Commissioner-I, Swabi

10  
  
ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LOCAL GOVERNMENT ELECTIONS & RURAL  
DEVELOPMENT DEPARTMENT

No. PA/DS Admin/LG E&RDD/2022  
Dated: the Peshawar 09<sup>th</sup> May 2022

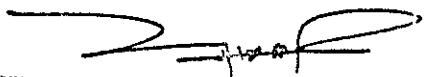
To

- i. Mr. Ikramullah (PMS BS-17),  
Additional Assistant Commissioner, Swabi,  
(Ex-Tehsildar Kohat).
- ii. Mr. Abdul Wahid the then Patwari,  
Office of the Deputy Commissioner Kohat.

Subject: INQUIRY UNDER E&D RULES 2011.

Reference to the above captioned subject; the undersigned has been appointed as inquiry officer vide Establishment Department Notification No. SOE-II(ED)2(815)2022 dated 18-04 2022 to conduct formal inquiry against the above mentioned for the acts of omission & commission defined in terms of Rule-3 of the Efficiency and Disciplinary Rules-2011.

2. You are therefore informed to attend the office of the undersigned on 18-05-2022 at 11:00 AM along-with relevant record/written statements to join inquiry proceedings.
3. Copy of Charge Sheets and Statement of Allegations are also enclosed for ready reference.

  
MUHAMMAD IRSHAD  
DEPUTY SECRETARY (ADMIN)/INQUIRY OFFICER

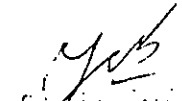
Encl: As above

Endst. Of Even No. & Date

Copy is forwarded to:-

1. Deputy Commissioner Kohat with the request to direct the dealing hand/record keeper to attend the inquiry proceedings along-with relevant record as per above scheduled time and date.
2. Section Officer (E-II) Establishment Department Khyber Pakhtunkhwa.
3. PS to Secretary, LG, E&RD Department.

  
DEPUTY SECRETARY (ADMIN)

  
TESTED

## FINDINGS

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1. The issue of disposal of Jarma State Land was included in the Provincial Cabinet agenda item No. 6 held on 21/01/2011 and decision of the subject cabinet meeting was sent to Sh:BR vide letter dated 22/01/2011 (Annex-VI). The decision inter alia included that the state land shall be sold to the sitting tenants so as to settle the issue conclusively once for all. The tenants shall be given only one option of full and final upfront payment of the price to acquire proprietary rights and there shall be no further lease of the state land in the area. Current one year average shall form the basis of the price mechanism for the subject land.
2. It is evident from the perusal of the available record that the accused ex-patwari Abdul Wahed while posted as patwari, Halqa Jarma had made entries of Mutation No 2432 dated 10/05/2012 in two parts in the name of Youraf Khan S/O Abdul Jalil Shamari and Mutation No 1890 dated 18/03/2012 in the name of Mr. Haq Meer Hussain S/O Ghulam Faqir while the individual was neither the resident of the subject area (Halqa Jarma) nor Khaira No.11 was in the possession of the said individual. Later on, one part of the subject mutation was started and other part of the said mutation was rejected by the revenue officer concerned on 17/01/2013. The same has been validated in Deputy Commissioner, Kohat report sent to the Secretary Board of Revenue dated 12/01/2013 (Annex-VII).
3. On the basis of various inquiries conducted against the accused patwari his services were terminated by Deputy Commissioner, Kohat vide an order dated 17/03/2012 (Annex-VIII).
4. The ex-patwari submitted an appeal to Commissioner, Kohat Division and the same was rejected vide an order dated 13/07/2012 (Annex-IX).
5. An FIR under Sections 419, 420, 422, 471 of PPC was also lodged by the then Assistant Commissioner, Kohat against the ex-patwari Abdul Wahed on the grounds of forging public documents and commission of criminal offence (Annex-X).
6. The accused patwari filed a W.P. 3260-P of 2014 in the Peshawar High Court Peshawar challenging the FIR No-91 mentioned above and the PHC vide its Judgement issued on 26/01/2015 dismissed the subject writ Petition having no merit (Annex-XI).
7. To ascertain veracity and genuineness of the record available in record room of the Revenue Department at Kohat, the relevant officials were summoned for proceedings of the inquiry. Arrested copies of Mutation No-2432 (Annex-XII) and Mutation No.1890 (Annex-XIII) were also retrieved. Copies of other mutations of various Serial numbers, attached in the same volume (file)

by the patwari concerned and tehsildar concerned have also been obtained to check the factual position of the case. Signatures of the accused patwari (i.e. Abdul Waheed) and the then tehsildar (Mr. Ikramullah) have been found matching/same as on other attached copies of mutations. Moreover, copies of Part Patwar of Mutation No 2432 and 1890 have also been obtained from the present revenue official (patwari Halqa Janna) which are enclosed (Annex-XIV).

8. Questionnaires were also served upon both the accused which are enclosed (Annex-XV), (Annex-XVI).

9. Both the accused took refuge under the self-construed claim that entries/attestation of the subject mutations were not made under their signatures, however, during the cross examination when they were asked that why they did not bring/refer the issue of fake mutations to the then competent authority/Deputy Commissioner Kohat, for further disposal of the same under Land Revenue Act 1967/Land Revenue Rules in vogue, they failed to respond the same.

10. The matter regarding counter verification of both the accused was referred to Forensic Science Laboratory (FSL), Peshawar vide letter No. PA/DS Admin/LG E&RDD/2022 dated 19/05/2022 (Annex-XVII). However due to high protocols of FSL at their level and non-provision of original record by Deputy Commissioner, Kohat to FSL including Jild Intaqalat /Register Jumabandi. Despite issuance of reminders to Deputy Commissioner, Kohat (Annex-XVIII), (Annex-XIX) and (Annex-XX). The mater could not be proceeded further.

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ANN-51

**MOST IMMEDIATE  
THROUGH REGISTERED A.D**



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

BS-301/11/112  
Dated Peshawar the September 12, 2011

M. Muhammad Ikramullah (PMS BS-17)  
Then Tehsildar Kohat  
Now Additional Assistant Commissioner (Law) Peshawar

Subject: **SHOW CAUSE NOTICE**

I am directed to refer to the captioned subject and to issue a Show Cause Notice (in original) duly signed by the competent authority (Deputy Commissioner Khyber Pakhtunkhwa) with the direction to submit written reply within 10 days of the receipt.

**Enclosed in original**

(ZAHID PERVEZ)  
SECTION OFFICER (E-I)  
P. No. 301/11/112

**ENDST: NO. & DATE EVEN.**

Copy forwarded for information to Deputy Commissioner, Tank

SECTION OFFICER (E-II)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

SHOW CAUSE NOTICE

I, Mahmood Khan, Chief Minister, Khyber Pakhtunkhwa, in compliance with the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2001 hereby serve you, Mr. Muhammad Ikramullah (PMS BS-17), the then Tehsildar Kohat (now Additional Assistant Commissioner Jandola, Tank) as follows:

- (i) That consequent upon completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of being heard vide communication letter No.PA/DS Admn/111 D&RDD/2022/3624 dated 09.05.2022; and
- (ii) 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:

- a) Inefficiency;
- b) Misconduct.

As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of \_\_\_\_\_ under rule 4 of the said Act.

You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case disciplinary action shall be taken against you.

A copy of the findings of the inquiry committee is enclosed.

(Mahmood Khan)

Chief Minister, Khyber Pakhtunkhwa

Mr. Muhammad Ikramullah (PMS BS-17),  
the then Tehsildar Kohat  
(now Additional Assistant Commissioner Jandola, Tank).



To

The Honorable Chief Minister  
Khyber Pakhtunkhwa.

Ann = "H"

Subject:-

**REPLY TO SHOW CAUSE NOTICE.**

Respected Sir,

Reference show cause notice bearing No. SOE-II (ED) 2 (815) /022 Dated issued on 12/09/2022 by your good office which was received via mail on 26/09/2022.

Answering officer submits reply to the show cause notice as under:-

1. That I am serving as Additional Assistant Commissioner, Tribal sub Division Jandola District Tank (BPS-17) in Revenue Department, Tank. Since entry into service in 1996 as Naib-Tehsildar undersigned is governed inter-aila, under Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and notification issued thereunder.
2. That throughout the entire stretch of my service/career I have always discharged my official obligations with due diligence, dedication & devotion and to the utter satisfaction of my superiors. I never indulged in any misconduct nor was ever reckoned so. My superiors had always been kind to me and recognized my efforts in performance of my official duty.
3. That I appeared before the inquiry officer and submitted detailed reply which follows.
  - i. That the instant inquiry is based on the orders/Judgment/directions of Honorable Supreme Court of Pakistan in CA # 327/2021 Dated: 26/07/2021 titled SMBR vs Abdul Waheed Ex Patwari Kohat. The matter subjudiced was the Reinstatement of the said patwari Abdul Waheed by the Honorable Service Tribunal KPK in Service appeal # 550/2017 Dated: 15/12/2020. As Such worthy SMBR challenged the said orders in Supreme Court of Pakistan in CA # 327/2021.
  - ii. That the undersigned was not the party in the said CPLA, not any orders/directions have been passed against the undersigned by the apex court.
  - iii. The worthy SMBR challenged only the reinstatement of Patwari Abdul Waheed in this very CPLA and there is nothing against undersigned in that Petition.
  - iv. Earlier Deputy Commissioner Kohat had exonerated the undersigned in the inquiry conducted No: 711-14/ Reader AC/ Kohat Dated: 19/12/2013 where in the Patwari was held responsible for entering of two fake mutations i.e 2432 Dated: 16/05/2012 and 1890 Dated: 19/03/2012 Mauza Jarma Kohat.
  - v. Worthy SMBR did mention the dismissal of Patwari Abdul Waheed on the basis of the said inquiry and vehemently opposed the reinstatement of Patwari Abdul Waheed by Service Tribunal KP.
  - vi. The said CPLA heard in supreme court on Dated: 26/07/2021 and the relevant para of the Judgment follows as under:

"At the very outset, the learned ASC for the respondent (i.e Abdul Waheed Patwari) agrees that the matter may be remanded to the Department for obtaining of FSL report qua the signature of the Respondent on the aforesaid two fake mutations, allegedly prepared by him. – consequently, the impugned Judgment of the Tribunal dated: 15/12/2020 is set aside and the matter is remanded to the Department for re-conducting an inquiry and obtaining of FSL Report regarding the signature of Respondent on two fake mutations, referred to above. The department shall conclude the inquiry within a period of two months from the date of receipt of a certified copy of this order".

- vii. That the orders cited above were misconstrued by the staff of DC Kohat and the undersigned was needlessly dragged into the instant proceedings.
- viii. In the light of above humble submission, I do apologize to make request to put the whole things in accordance with the orders of Supreme Court in its true letter and spirit.
- ix. I may kindly also be provided the opportunity of personal hearing in this regard.

The undersigned has annexed the relevant record along with this reply for kind perusal.

Dated: 30/09/2022

**Humble Replying respondent**

— *Sd* —

**MUHAMMAD IKRAMULLAH (PMS BPS-17)**

Additional Assistant Commissioner,  
Sub Divisional Jandola, District Tank.

24

To

The Honorable Chief Minister  
Khyber Pakhtunkhwa.

Subject:- REPLY TO SHOW CAUSE NOTICE.

Respected Stated,

Reference Show Cause Notice bearing No. SOE-II (ED) 2 (815) /022 Dated issued on 12/09/2022 by your good office which was received via mail on 26/09/2022.

This reply is in continuation with my prior submitted tentative reply after going through the finding of inquiry Officer. This may kindly be treated as rejoinder.

**A:** The inquiry officer has not taken the pain to dig-out the true evidence from the record which was required of him i.e:

- i. The inquiry Officer is stating that mutation no 2432 was attested by undersigned dated 16.5.2012 and then cancelled by undersigned on 17/01/2013. The record shows that undersigned was transferred in July 2012. How could I cancel a mutation after my transfer.
- ii. The inquiry Officer has not mentioned the other mutation i.e # 1890 Dated: 19-03-2012 throughout his findings. Although both the mutations were different along with their history. By not mentioning the mutation No: 1890 it is averred that he has not gone through the record. Hence the report he forwarded becomes devoid of merit.
- iii. The inquiry Officer has not probed the record altogether and just have satisfied himself with the obtaining/receiving some copies of other mutations. He should have gone in depth i.e Register of Reader to Tehsildar is showing no entry of the said mutation i.e #2432 meaning thereby that the mutation was not sent from the office of Tehsildar to record room. But the inquiry officer did not demanded any record to be perused in this regard.
- iv. The inquiry Officer himself is conforming that he has been not provided with original record in Para 10 of his findings. Is an inquiry possible without original record available.

**B:** The inquiry itself is enveloped in a cosmetic manner and it is left to face all kinds of objection i.e:

- i. The inquiry Officer neither recorded the statements of District Kanungo, Kohat regarding the availability or otherwise of the said subject mutations, nor recorded the statement of the current custodian of the record of the office of Tehsildar, Kohat for the same purpose hence no one appeared and deposed against the undersigned.
- ii. Inquiry officer did not call the persons in whose name the property was transferred and likewise he also did not call the complainant as to record their statements too. So in this manner he deprived the undersign of his right of Cross examination, which is mandatory for a just inquiry proceedings.
- iii. The inquiry officer had been directed by the competent authority to comply with the judgment of Supreme Court wherein the glaring theme is to conduct FSL test. However the inquiry officer didn't bother at all to comply with the said orders.

SOE-II  
 No 5/10/2022  
 Received  
 05/10/2022

**C:** The inquiry is in itself incomplete and infectuous for the reasons stated as under.

i. There were 5 accused in this case and were included in the 1<sup>st</sup> inquiry conducted i.e:

Javed Khan, Office Kanungo

Abdushakur, Naib Office Kanungo

Sohil Iqbal, Girdawar Circle

Abdul Waheed Patwari Halqa

Muhammad Ikram Ullah, then Tehsildar Kohat.

ii. So the inquiry was dealt with robotic manner and no regard was shown for the job description and responsibilities of different officials under the law.

If the inquiry proceedings were meant transparent then why the other officials are unavailable on the scene of inquiry? By doing so, the inquiry officer has shirked his responsibility.

**D:** In the findings of the inquiry officer, there is no mention of the undersign from para 1 to 8 and it only occurs in para no 9 as under:

"Why they did not bring/refer the issue of the fake mutations to the competent authority....." As stated earlier, mutation no 2432 was not sent to record room from the office of Tehsildar and the record branch is directly responsible to Deputy Commissioner, and they were in knowledge of the said mutations being delivered to them rather than the undersign. That is why it was necessary for the inquiry officer to associate all those who may have lent a hand in the scam. But in the instant Proceedings, those very persons have not been associated with the inquiry, thus without the main likely respondents the whole exercise has been left with no merit/credibility.

**E:** The inquiry officer when not provided with the original subject mutations by DC Kohat, for the purpose of FSL Test which remains the one and the only issue in the different courts of law up to the Supreme Court, the inquiry officer then finished it in a clerical manner like a formality. The findings he forwarded thus become his own whims not supported by the evidence just required.

**F:** Undersigned handed over the inquiry officer a written request for the kind perusal of the competent authority which included some legal aspects but he did not pay heed to this, the points were:

i. Whether the judgment of Supreme Court dated 26.7.2021 has not been misinterpreted and misconstrued to implicate undersign in the matter to which he was not a party?

ii. Whether the matter before the Supreme Court was not pertaining to dismissal and reinstatement of Abdul Waheed Patwari?

iii. Whether the inquiry on the basis of consent of counsel for Abdul Waheed Patwari (respondent in CA No: 327/2021) was not sent back to the department to reverify the signature of said Abdul Waheed on the fraudulent mutations through FSL?

iv. Whether the order dated 26.7.2021 in CA No.327/2021 was not a "jus in personam" and thus is binding on Abdul Waheed only?

- v. Whether the undersign was not exonerated in the inquiry conducted upon the orders of DC Kohat on 19.12.2013 and DC Kohat had not given the major penalty to Abdul Waheed Patwari?
- vi. Whether worthy SMBR and DC Kohat in their CPLA in the Apex court are not relying on that very inquiry as the reason for dismissal of Abdul Waheed Patwari?
- vii. Whether worthy SMBR and DC Kohat have not been stripped of their stance pleaded in CPLA by diverting the direction of the whole scenario?
- viii. Whether the said inquiry has not attained finality and thus is now past and closed transaction?

Sir,

The undersign a senior employee about the verge of retirement, beseech your kind attention to the whole exercise from A to Z and would be obliged to be heard in person.

**Annexures:**

- I. Judgment of Supreme Court dated 26.7.2021.
- II. Inquiry report by AAC Kohat dated 19.12.2013.

Dated: 05/10/2022

**Humble Replying respondent**

**MUHAMMAD IKRAMULLAH (PMS BPS-17)**

Additional Assistant Commissioner,  
Sub Divisional Jandola, District Tank.

# شکایت اپیل

Amn = 9

Case No.

327/2021

عزت مآب سینئر ممبر صاحب

بورڈ آف ریونیو خیرپور کوٹوالہ

عنوان، ڈپٹی کمشنر آفس کوٹوالہ کے سینئر سٹنڈٹ مسٹر ڈاکٹر نے سیرم کورٹ  
 احکام مورخہ 26/7/2021 بتقدیم CPLA بر 327/2021 بعنوان "سینئر ممبر بورڈ آف ریونیو  
 بنام عبدالوہید پٹواری" میں بددینی و بددیانتی کر کے اپنے آفس لیٹر نمبری 2385  
 مورخہ 13/8/2021 کے ذریعے احکام بالا سے روگردانی کی ہے اور معاملات کو  
 غلط طریقے پر ڈالا ہے۔

حاجت عالی!! خیرپور کوٹوالہ سروس ٹریبونل حکم صدرہ 15/12/2020 بتقدیم عبدالوہید  
 بنام سینئر ممبر بورڈ آف ریونیو میں پٹواری مذکور جو کہ ڈسمن فرام سروس تھا از روئے  
 آرڈر ٹریبونل بحال ہوا جس پر حاجت سینئر ممبر بورڈ آف ریونیو کی طرف سے عدالت عالیہ  
 سیرم کورٹ میں CPLA دائر کی گئی۔ عدالت کے حکم سے (ف شدہ I) کے  
 آرڈر پیرا کو ذیل پر تحریر کیا گیا ہے

"At the very outset, the learned ASC for the Respondent (i.e. Abdul Waheed Patwari) agrees that the matter may be remanded to the Department for obtaining of FSL Report qua the signatures of the Respondant on the aforesaid two mutations, allegedly prepared by him. Consequently the impugned judgment of the tribunal dated 15/12/2020 is set aside and the matter is remanded to the Department for re-conducting an inquiry and obtaining of FSL Report regarding the signatures of Respondent on two fake mutations, referred to above."

رہنما سیکرٹری (Est) بورڈ آف ریونیو نے حاجت ڈپٹی کمشنر صاحب کو پات کو بعنوان  
 سیرم کورٹ کے احکامات پر عملدرآمد کے لئے لکھا "Civil Appeal # 327/2021 SMBR vs A. Waheed Patwari"  
 سینئر سٹنڈٹ ڈی سی آفس کوٹوالہ نے مذکورہ بالا عنوان کے تحت جوابی لیٹر  
 مورخہ 13/8/2021 بھیجا جو کہ عمل نظر ہے (ف شدہ II)

2385/DCRt

مذکورہ کیسٹ میں سپرنٹنڈنٹ نے درج ذیل طریقے سے malafidi کی سپریم کورٹ کے واضح احکام کے برعکس اس سپرنٹنڈنٹ نے تجویز کیا کہ انکو آڑی میں من زیر دستخطی جو کہ اس وقت تحصیلدار کو مات تعینات تھا یہی شامل انکو آڑی کیا جانا چاہیے۔ واضح رہے کہ تحصیلدار اس مقدمہ میں فریق ہی نہیں تھے اس کے خلاف عدالت عالیہ نے کوئی Ruling یا ڈائر ایکشن دی تھی

• درجہ 13/10/2021 کو سپرنٹنڈنٹ نے یہ لٹر بورڈ آف ریونیو لکھوایا اس وقت زیر دستخطی تحصیلدار ڈیرہ اسماعیل خان تعینات تھا لیکن اپنے اس لیسٹر میں سپرنٹنڈنٹ نے لکھا کہ وہ تحصیلدار برہموشن پا کر ٹریڈنگ میں جلا گیا ہے۔ یہ اسکی بد نسبتی کا واضح ثبوت ہے۔ (برہموشن کا لیسٹر لف III ہے)

• پیٹواری عبدالوحید کی ڈسپل انکو آڑی بمقام خراب ڈسٹریکشنز ماحب درجہ 12/19/2013 پر چھٹی تھی جس میں من زیر دستخطی کے علاوہ چار ایڈیٹران بشمول پیٹواری مذکور طلب ہوئے تھے۔ (انکو آڑی رپورٹ لف IV ہے)

انگ سپرنٹنڈنٹ تحصیلدار کو شامل کرنے کی تجویز دیتا ہے تو وہ باقی کے تمام ایڈیٹران کو شامل انکو آڑی کرنے کی تجویز کیوں نہیں دیتا۔


سپرنٹنڈنٹ ڈی سی آفیس کا کسٹوڈین آف ریکارڈ ہوتا ہے اس نے جان بوجھ کر تمام ٹریڈنگ کارروائی کو غلط ٹریڈنگ پر ڈالا اور اپنے افسران بالا کو MISLEAD کیا۔ اس لیسٹر کے بعد سے کارروائی کا عنوان پیٹواری عبدالوحید کے بجائے "ڈسپلنری ایکشن بر خلاف محمد اکرام اللہ تحصیلدار اینڈ عبدالوحید پیٹواری" ہو گیا۔

زیر دستخطی کی اپیل ہے کہ اس سارے معاملے کی چھان بین کی جائے اور تمام اعداد کو دوبارہ صحیح ٹریڈنگ پر ڈالا جائے۔ اور تاریخ فیصلہ سیشن کو جاری کیا جائے

محمد اکرام اللہ حال ایڈیشنل اسٹنٹ کمشنر جنرل (T.S.D) ٹھکانہ قوط درجہ 7/10/2013  
 سابقہ تحصیلدار کوہاٹ عرباٹل بر  
 0348-6993619

29

Signature

		<b>GOVERNMENT OF KHIBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE &amp; ESTATE DEPARTMENT.</b>	
001-9214206		001-9214208	
No. F.A. 1153/ASST. AD. (E) Wazirabad Dt. 16357		Previous Dated On 12-07-2023	

To  
 Mr. Faheed Ullah  
 Additional Deputy Commissioner (Gen)  
 District Hangu.

**SUBJECT: COMPLAINT AGAINST MR. MUHAMMAD ZAKIR SUPERINTENDENT OFFICE OF THE DEPUTY COMMISSIONER KOHAT.**

Sir,  
 I am directed to refer to the subject noted above and to enclose herewith a copy of the complaint filed by Mr. Muhammad Ikram Ullah Additional Assistant Commissioner Jandala District Tank and to state that the competent authority is pleased to nominate you as inquiry officer to conduct fact finding inquiry as per allegations levelled in the said complaint against Mr. Muhammad Zakir Superintendent office of the Deputy Commissioner Kohat.

It is, therefore, requested to conduct facts finding enquiry and submit report within fortnight please.

**AD. Hangu**  
 1286  
 17/7/23

*Noor Khan*  
**(NOOR KHAN)**  
 Assistant Secretary (Estt.)  
 Board of Revenue

PA  
 Jw  
 ADLG  
 17/07/23





30

Deputy Commissioner Hangu

Tel: 0925/621175-621166-621165-621168

Fax: 0925/620050, Email: dc.hangu@gmail.com

No: DC/PA/ADU/G/Hangu

Dated: 29/08/2023

Ann = J

To

The Assistant Secretary (Estt.)  
Board of Revenue,  
Revenue & Estate Department,  
Govt. of Khyber Pakhtunkhwa, Peshawar.

Subject:

COMPLAINT AGAINST MR. MUHAMMAD ZAKIR SUPERINTENDENT  
OFFICE OF THE DEPUTY COMMISSIONER KOHAT

Kindly refer to your office letter No. Estt: VH/SA/850/17/Abdul Waheed/K/16387 dated 12.07.2023 on the subject noted above and find enclosed herewith the inquiry report along with its enclosures, for the perusal of the competent authority and further orders as deemed appropriate, please.

(FAHEED ULLAH KHAN)

Add. Deputy Commissioner (G)  
Hangu

INQUIRY REPORT

Introduction:

The inquiry was conducted in pursuance of order of Board of Revenue, F-1 State Department vide letter bearing No. F-10/PA/AD/DC/Kohat dated 12.07.2023 against Mr. Muhammad Zakir Superintendent Deputy Commissioner Office Kohat on the allegations levelled against him by Mr. Muhammad Iqbal Ex-Addl Assistant Commissioner Jandola District Tank.

The undersigned was appointed as Inquiry Officer vide above referred letter of Board of Revenue to inquire the matter and submit report/recommendations. (Annex-A)

Grounds For Proceeding:

The Addl. Assistant Commissioner Jandola (Ex-Tehsildar Kohat) submitted an application to Honorable Senior Member Board of Revenue wherein allegations were levelled against Mr. Muhammad Zakir Superintendent DC Office Kohat. (Annex-B)

Procedure:

The undersigned summoned both Mr. Muhammad Zakir Superintendent DC Office Kohat and Mr. Muhammad Iqbal AAC Jandola (Ex-Tehsildar Kohat) for recording their statements vide this office letters bearing No. 90280/PA/AD/DC/Hangu dated 27.07.2023 and No. 10956/PA/AD/DC/Hangu dated 11.08.2023 respectively. (Annex-C & D)

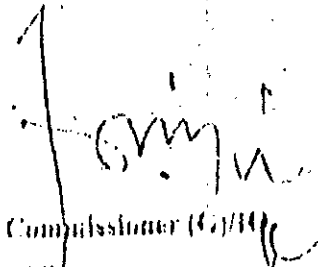
Findings:

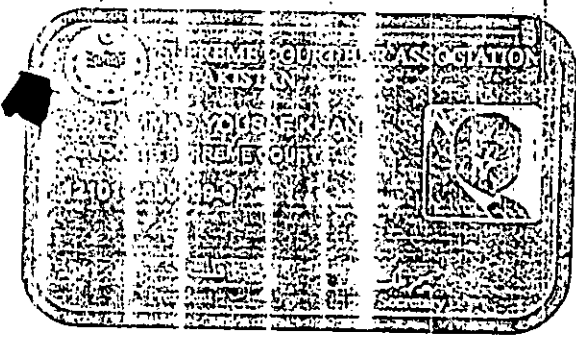
After perusal of the record and personal hearing, the following observations were made

1. No written directions have been passed by the August Squeenie Court of Pakistan in its order sheet dated 26.07.2023 regarding initiation of disciplinary action against Mr. Muhammad Iqbal Ex-Tehsildar Kohat. (Annex-E)
2. As per the statement of Mr. Muhammad Zakir, Superintendent DC Office Kohat, the letter was signed by him on the directions of Deputy Commissioner Kohat however, seen/signed copy by DC and ADC Kohat of the under reference letter were produced to the undersigned by him. (Annex-F, G & H)

Recommendations:

Keeping the above finding No. 1, it is recommended that the instant complaint may be filed, please. Furthermore, the complainant and respondent both have stated that the Worthy SMBR has already approved / initiated an inquiry with proper charge sheet against Mr. Iqbal Ullah, Ex-Tehsildar Kohat and the Patwari, so, it deemed appropriate, that inquiry may please be proceeded further as it will reveal all the facts, please

  
Additional Deputy Commissioner (G/H)  
Hangu



# وکالت نامہ

بعدالت العالمیہ جسپر بھنگوٹوالا سروسز ٹریڈنگ کمپنی پشاور

منجانب \_\_\_\_\_  
محمد اکرم اللہ خان بہرام

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

سروسز (پشاور)

باعث تخریب آنکہ

مقدمہ مندرجہ بالا عنوان میں لہذا طرف بہرہ دہی وجہاً اور ہی برائے تخریباً یا تخریباً مقصدہ بنام  
محمد یوسف خان ایڈووکیٹ سپریم کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا لہذا بذریعہ روبرو عدالت حاضر ہوتا ہوں گا اور ہر وقت اپکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پشوری کے علاوہ پشوری کے اوقات سے پہلے یا نیچے یا بروز تھیل بہرہ دہی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پشوری کے علاوہ اور جگہ سماعت ہونے یا بروز تھیل یا پشور کے اوقات کے آگے پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار بالکل واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ دہاں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھے کوکل ساختہ پر دائرہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذمیری نظر ثانی اور نظر ثانی و رسم درخواست ہر قسم کے بیان دینے اور پر ثانی یا راضی نامہ و فیصلہ بر خلاف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیش مقدمہ مذکور پشوری صدر پشوری مقدمہ مذکور نظر ثانی اور نظر ثانی و رسم آمدگی مقدمہ یا منسوخی ذمیری یک طرفہ یا درخواست حکم امتناعی یا ترقی یا اگر ترقی قبل از فیصلہ اجراء ذمیری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ مختار بہرہ دہی کا اختیار ہو گا اور تمام ساختہ پر دائرہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے جزوی کاروائی یا بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے جزوی کاروائی یا بصورت درخواست نظر ثانی اور نظر ثانی یا دلیا معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ایئر مشر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کا پوری نہیں تاخیر پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بہرہ دہی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ انہی قسم کا صاحب موصوف کے برخلاف نہیں ہو گا۔

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔

مورخہ 20 نومبر 2023

مضمون کا دست نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور پڑھ لیا ہے

محمد اکرم اللہ خان  
مشیر

03486993614

# WAKALAT NAMA

BEFORE HONORABLE <sup>Cap</sup> KP Service Tribunal **DERA ISMAIL KHAN**

FROM: Petitioner

Muhammad Khamullah Khan VERSUS Govt of KP etc

SUIT/ OFFENCE: \_\_\_\_\_

DETAIL OF SUIT/OFFENCE: Service Appeal

I/WE, Muhammad Khamullah Khan

,do hereby appoint, Mr. NAUMAN AKBAR KHAN ADVOCATE HIGH COURT, Stationed at Dera Ismail Khan, in the above mentioned case, to do all or any of the following acts, deeds and things:

- 1) To appear, act and plead for me in the above mentioned case in this or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
- 2) To sign, verify, file or withdraw all proceedings, petitions, appeals, applications and affidavits for compromise or withdrawal or submission to arbitration of the said case or any other documents as may be deemed necessary or advisable by him for the conduct, prosecution or defense of the said case at all its stages.
- 3) To receive payment and issue receipt for all money that may or become due and payable to me during the course of proceedings.
- 4) To employ any other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

And hereby agree:

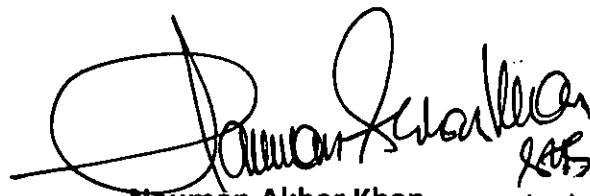
That the advocate shall be entitled to withdraw from the prosecution / defense of the case if the whole or any part of the agreed fees remains unpaid.

In witness whereof I/We have signed this Power of Attorney hereunder, the contents of which have been read/explained to me/us and fully understood by me/us on this \_\_\_\_\_ day of,

4/12/2023.

Attested & Accepted By:

Signature of Executant (s)



Nauman Akbar Khan  
Advocate High Court.

Nauman Akbar Khan  
Advocate High Court  
Dera Ismail Khan  
Cell # 0300, 0345-5795002

