

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 101/2016.

Date of Institution... 23.12.2015
Date of decision... 24.08.2017

Khalid Mahmood, Ex-Patwari, Acquisition Branch, District, Haripur.
... (Appellant)

Versus

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar and 2
others. ... (Respondents)

MR. MUHAMMAD ARSHAD TANOLI,
Advocate ...

For appellant. .

MUHAMMAD BILAL
Deputy District Attorney ...

For respondents.

MR. NIAZ MUHAMMAD KHAN, ...
MR. MUHAMMAD HAMID MUGHAL ...

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant is aggrieved from order dated 07.09.2015 whereby he was removed from service under the disciplinary rules against which he filed a departmental appeal on 17.09.2015 which was rejected on 26.11.2015 and communicated to the appellant on 10.12.2015, thereafter, the appellant filed the present appeal on 23.12.2015. The ground for initiation of disciplinary proceedings is a complaint of one Muhammad Yousaf Khan to the Deputy Commissioner, Haripur regarding receipt of certain amount by the appellant as illegal gratification and also taken certain amount as loan.

ARGUMENTS

3. The learned counsel for the appellant argued that on the basis of that complaint, the Deputy Commissioner, Haripur referred the matter to Addl. Assistant Commissioner-I, Haripur for report on 03.08.2015. That the AAC-I Haripur submitted his enquiry report which is fact finding report and the Deputy Commissioner on the basis of that fact finding enquiry report issued show cause notice to the appellant on 27.08.2015. That no charge sheet and statement of allegations have been issued to the appellant nor regular enquiry has been dispensed with by the competent authority under the rules.

4. On the other hand, the learned Deputy District Attorney argued that the appellant was given show cause notice. That he was provided personal hearing by the Deputy Commissioner and during personal hearing, the appellant had confessed his guilt. That the order of removal of the appellant from service is only irregular and not illegal.

CONCLUSION.

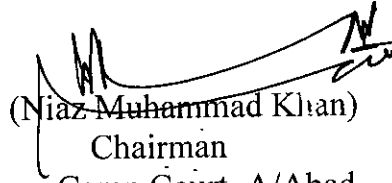
5. The record shows that on the application of complainant, the Deputy Commissioner marked the application to AAC-I only for report. The AAC-I was not even appointed as enquiry officer for fact finding enquiry. However, the AAC-I on his own conducted the enquiry which can at the most be called as fact finding enquiry though he was never appointed as enquiry officer. After the receipt of this enquiry report, the Deputy Commissioner, Haripur issued a show cause notice to the appellant wherein he has been held to be guilty of misconduct and has also proposed the major penalty in the said show cause notice on the basis of the said enquiry report. There is no order of dispensing with the regular enquiry by the Deputy Commissioner, Haripur nor the regular enquiry could be dispensed with as

the circumstances of the complaint warranted the holding of regular enquiry after following due procedural process by issuing charge sheet and statement of allegations.

6. The whole proceedings are void ab initio and therefore, this appeal is accepted, the impugned order is set aside and the appellant is reinstated in service. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)
Member



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

ANNOUNCED
24.08.2017

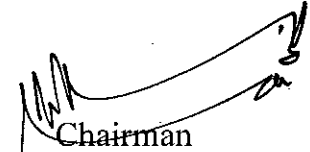
24.08.2017

Appellant alongwith Mr. Muhammad Arshad Tanoli, Advocate present and wakalatnama submitted. Mr. Muhammad Bilal, Deputy District Attorney alongwith Asif Shahzad, Assistant for the respondents present. Rejoinder submitted. Arguments heard and record perused. .

This appeal is accepted as per detailed judgment of to-day. Parties are left to bear their own cost. File be consigned to the record room.



Member



Chairman
Camp Court, A/Abad.


ANNOUNCED

24.08.2017

101/16

22.09.2016

Appellant in person and Mr. Asif Shahzad. Asstt. alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 13.3.2017 at camp court, Abbottabad.


Chairman
Camp court, A/Abad

13.03.2017


appellant with counsel and Mr. Bahadar Khan, Assistant alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder submitted. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before the D.B on 23.08.2017 at camp court Abbottabad.


Chairman
Camp Court, A/Abad

23.08.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney Bahadur Khan, Assistant for the respondents present. Due to shortage of time arguments could not be heard. To come up for arguments on 24.08.2017 before this D.B


Member


Chairman
Camp court, A/Abad

کورٹ فیس

وکالت نامہ

Peshawar High Service Tribunal ^{کے} بعدالت ^{کے} Peshawar

عنوان: Khalid Mahmood نام S M B P کے

منجانب: Appellant

نوعیت مقدمہ:

باعث تحریر آنکے

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف 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 ہر جانہ 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 جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برآمد استجارت نالاش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

الرقوم: 20/7/2013

Accepted

بمقام:

M. Arshad Khan Tanoli
Advocate
Office No 33 Adjacent to
A T D

ال

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Service Appeal No. _____-A/2017

Khalid Mehmood Ex-Patwari Acquisition Branch Haripur.

...APPELLANT

VERSUS

S.C.M.B.R. KPK, Peshawar & others.

...RESPONDENTS

REJOINDER ON BEHALF OF APPELLANT

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1.	Rejoinder alongwith affidavit	1 to 5	

...PETITIONER / Appellant

Dated: 13/3 /2017

Through

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Service Appeal No. _____-A/2017

Khalid Mehmood Ex-Patwari Acquisition Branch Haripur.

...APPELLANT

VERSUS

S.C.M.B.R. KPK, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;-

REJOINDER ON PRELIMINARY OBJECTIONS:

1. That Para No. 1 of the comments is incorrect and denied. That the appellant has illegally been removed from service by the respondents' department. Hence, the impugned removal from service order relates to terms and condition of service.

2. That Para No. 2 of the comments is incorrect and denied. Valuable rights of the appellants are involved.
3. That Para No. 3 is incorrect and denied.
4. That Para No. 4, 5, 6 and 7 are incorrect and denied she appellant has been made a scapegoat due to no fault of his.

REJOINDER ON FACTS:-

1. That Para No. 1 of the factual objection needs no reply.
2. That Para No. 2 of factual objection is incorrect and denied. The appellant has not been provided statements of allegations as well as opportunity of personal hearing and cross examining the complaint. Hence, inquiry report annexed with the comments is incorrect and denied.
3. Para No. 3 of the factual objection is incorrect and denied. The fact of receipt of bribe of Rs. 5000/- has not been proved against the appellant during

inquiry. Besides, as stated above, the appellant has not been proceeded according to the prescribed procedure. Hence, the inquiry report is void.

4. Para No 4 is incorrect and denied.
5. Para No. 5 of the comments is incorrect and denied, whereas para No. 5 of the appeal is correct.
6. Para No. 6 is incorrect and denied.
7. Para No. 7 is incorrect and denied.
8. Para No. 8 is incorrect and denied.

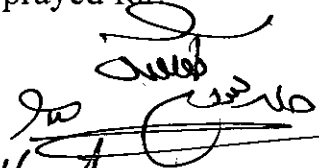
REJOINDER ON GROUNDS; -

- a. Para (a) of the comments is incorrect where para a of appeal is correct.
- b. Para (b) is incorrect and denied.
- c. Para (c) is incorrect. The appellant never admitted receipt of amount of Rs. 10,000/- from the complaint nor opportunity of cross

examining the complaint has been provided
by the enquiry officer.


- d. Para (d) is incorrect and denied.
- e. Para (e) is incorrect and denied.
- f. Para (f) is incorrect and denied.
- g. Para (g) is incorrect and denied. The reply
has already been given in para (C) above.
- h. Para (h) is incorrect and denied.
- i. Para (I, J, K) and (L) are incorrect whereas
para (I, J, K, L) of the appeal is correct.

It is therefore prayed that the appeal of the
appellant may graciously be accepted as prayed for


appellant
..PETITIONER

Through

Dated: 13/3 /2017


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Service Appeal No. _____-A/2017

Khalid Mehmood Ex-Patwari Acquisition Branch Haripur.

...APPELLANT

VERSUS

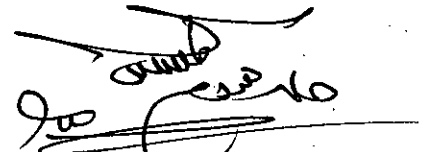
S.C.M.B.R. KPK, Peshawar & others.

...RESPONDENTS

REJOINDER ON BEHALF OF APPELLANT

AFFIDAVIT

I, Khalid Mehmood Ex-Patwari Acquisition Branch Haripur, do hereby affirm and declare that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Court.


DEPONENT

(4)

(24)

بخدمت جناب ڈپٹی کمشنر ج. پ. ا. ح.

درخواست برطرف خالد محمود بیگم کے لئے

فہمائی۔

یہ کہہ کر کہ خالد محمود بیگم کے لئے 5000 روپے
درجہ کارروائی کیا گیا ہے اور ان کے لئے
درجہ کارروائی کیا گیا ہے اور ان کے لئے
درجہ کارروائی کیا گیا ہے اور ان کے لئے

J.C
Issue notice
to the parties
through T.H
3/8/15

یہ کہہ کر کہ خالد محمود بیگم کے لئے
درجہ کارروائی کیا گیا ہے اور ان کے لئے
درجہ کارروائی کیا گیا ہے اور ان کے لئے

Stamp: DEPT. OF P.W. WORKS

14/7/15

رہنما علی محمد بیگم کے لئے

3-8-2015

3-8-2015

محمد رفیق بیگم کے لئے

محمد رفیق بیگم کے لئے

AAC-E (CH)

For Report Pt.

Signature

DEPUTY COMMISSIONER
HARIPUR

03/8/015

0335-5901421

11.02.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Patwari when subjected to inquiry on the allegations of involvement in corrupt practices and removed from service vide impugned order dated 7.9.2015 where-against he preferred departmental appeal on 17.9.2015 which was rejected on 26.11.2015 and hence the instant service appeal on 23.12.2015.

That no regular inquiry was conducted and appellant punished on the basis of a fact finding inquiry and as such the impugned orders are liable to be set-aside.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 14.4.2016 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

14.4.2016

Agent of counsel for the appellant and Mr. Mukhtiar, Supdt. and Ali Sher, Tehsildar alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 20.7.2016 before S.B at camp court, Abbottabad.


Chairman

20.07.2016

Appellant in person, M/S Ali Sher, Tehsildar and Asif Shahzad, Assistant alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Seeks adjournment. Last opportunity granted. To come up for written reply/comments on 22.09.2016 before S.B at camp court, Abbottabad.




Chairman

Camp court, A/Abad,

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 101/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27.01.2016	<p>The appeal of Mr. Khaled Mehmood resubmitted today by Mr. Ijaz Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	28-1-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>11-2-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Khaled Mehmood Ex-Patwari Distt. Haripur received to-day i.e. on 23.12.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

not removed

- ① Copy of Complaint mentioned in para-2 of the memo of appeal (Annexure-A) is not attached with the appeal which may be placed on it.
- ② Copies of comments of respondent No. 3 mentioned in para-7 of the memo of appeal are not attached with the appeal which may be placed on it
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

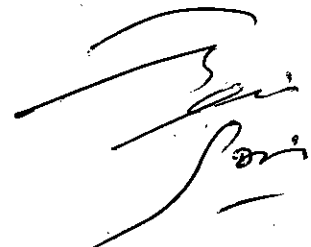
No. 5003 /S.T,

Dt. 28/12 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ijaz Anwar Adv. Pesh.

- 1, Copy of Complaint mention the filed as Annex-A with Appeal.
- 2, Copy of comments of Respondents no 3 is attached with Appeal
- 3, Annexure of the Appeal is attached
- 4, Annexure of the Appeal serial wise
- 5, Five more copies as attached on Appeal.


Sajid Amin

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

~~A.W.F Province
Service Tribunal
Diary No.
Dated~~

Appeal No. 101 /2016

Khalid Mehmood, Ex-Patwari, Acquisition Branch, District
Haripur. (Appellant)

VERSUS

Senior Member Board of Revenue Khyber Pakhtunkhwa
Peshawar and others. (Respondents)

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6	Copies of the show cause notice and reply to the show cause notice	E & F	13-14
7	Copy of the order dated 07.09.2015.	G	15
8	Copies of the departmental appeal, Comments and order dated 26.11.2015.	H, I & J	16-21
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Through

Ijaz Anwar
IJAZ ANWAR

Advocate Peshawar

Sajid Amin
SAJID AMIN

Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 101 /2016

S.W.F. Province
Service Tribunal
Diary No. 1527
Date 23/12/2015

Khalid Mehmood, Ex-Patwari, Acquisition Branch, District
Haripur. (Appellant)

VERSUS

1. Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
2. Commissioner Hazara Division, Abbottabad.
3. Deputy Commissioner, Haripur.

(Respondents)

Appeal under Section 4 of the Khyber Pukhtunkhwa Service Tribunal Act, 1974, against the order No. 11481-88/HVC/DC(H) dated 07.09.2015, whereby the appellant has been awarded the major punishment of Removal from Service, against which his departmental appeal dated 17.09.2015, has also been rejected vide order dated 26.11.2015 communicated to the appellant on 10.12.2015

Prayer in Appeal:

On acceptance of this appeal the impugned orders dated 07.09.2015 and 26.11.2015, may please be set aside and the appellant may be reinstated into service with all back benefits.

Filed to dep

[Signature]
Registrar

23/12/15

Respectfully Submitted:

That the appellant was appointed as Patwari on 12.12.1996. Ever since his appointment, the appellant had performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance.

re-submitted to dep
and filed.

[Signature]
Registrar

27/11/16

2. That while posted as Acquisition Patwari, Haripur, one M. Yousaf filed a baseless complaint against the appellant to the Respondent No. 3, that the appellant is not returning him loan of Rs. 5000/- borrowed by the appellant ~~from~~ from him. ***(Copy of the complaint is attached as Annexure A)***
3. That a preliminary inquiry was conducted upon the complaint, the appellant was summoned to appear before the inquiry officer, accordingly the appellant appeared and recorded his statement, similarly the statement of the complainant was also recorded though appellant was not allowed opportunity to cross examine the complainant. Surprisingly during the inquiry the complainant added another baseless allegation that the appellant received bribe of Rs. 5000/- from him for preparation of Goshwara. ***(Copies of the notice dated 03.08.2015 and statements are attached as Annexure B & C)***
4. That the inquiry officer without properly probing the matter, concluded the inquiry and submitted his report dated 16.08.2015 wherein he recommended departmental action against the appellant. ***(Copy of the report dated 16.08.2015, is attached as Annexure D)***
5. That without serving upon the appellant any charge sheet or statement of allegations or issuing any order stating therein reasons for dispensing with the regular procedure of inquiry, a direct show cause notice was served upon the appellant containing the same false and baseless allegations of demanding bribe for preparation of Goshwara. The appellant duly replied the show cause notice and refuted the allegations leveled against him. ***(Copies of the show cause notice and reply to the show cause notice are attached as Annexure E & F)***
6. That without considering his defense reply, the appellant has been awarded the major penalty of removal from service vide order dated 07.09.2015. ***(Copy of the order dated 07.09.2015, is attached as Annexure G)***
7. That aggrieved from the order dated 07.09.2015, the appellant duly submitted his departmental appeal dated 17.09.2015, to the Respondent No. 2. The Respondent No. 3 also submitted his comments. Lastly the departmental appeal of the appeal of the

appellant has also been rejected vide order dated 26.11.2015, the same was endorsed on 30.11.2015 and copy of the order was communicated to the appellant on 10.12.2015. (*Copies of the departmental appeal, Comments and order dated 26.11.2015, is attached as Annexure H, I & J*)

8. That the impugned orders are illegal unlawful against law and facts hence liable to be set aside inter alia on the following grounds:

GROUND OF APPEAL.

- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the appellant the major penalty of *Removal from service*, he has not been served with any charge sheet or statement of allegations nor any regular inquiry has been conducted, thus the whole proceedings are conducted in violation of the Govt. Servants (E & D) Rules, 2011 and thus not tenable in the eye of law.
- C. That the appellant has not been given opportunity of personal hearing before awarding him the penalty of Removal from service hence he has been condemned unheard.
- D. That the appellant has not been served with any charge sheet or statement of allegations hence he has not been given fair opportunity to defend himself against the charges.
- E. That the charges leveled against the appellant were never proved during the preliminary inquiry, the inquiry officer gave his finding on surmises and conjunctures.
- F. That during the preliminary inquiry no independent witness has been examined. Moreover the statement of the complainant has also not been recorded in presence of the appellant nor the appellant has been allowed opportunity to cross examine him, thus under the law his statement cannot be relied upon.

G. That the Goshwara was prepared by the appellant on the orders of the Learned ADJ-I Haripur, on 23.04.2015, the appellant never demanded anything from the complainant for the preparation of the Goshwara. Even the Complainant had also never stated in his complaint that the appellant received any amount from him for the said purpose and only stated that the appellant borrowed loan from him, however during the preliminary inquiry he changed his statement and added that appellant received bribe. On the other hand the complainant had also stated in statement that the Goshwara was prepared by the appellant and one Mr. Riaz Patwari. Thus the complaint and the statement recorded by the complainant were self contradictory. *(Copies of the order sheets and Goshwara are attached as Annexure K & L)*

H. That the appellant never received any bribe from the complainant, since the son of the appellant was ill and the appellant had to take him for treatment, the complainant being the relative of the appellant, the appellant borrowed loan of Rs. 5000 from him which fact was also admitted by the Complainant, however it took some time to return the loan, therefore the complainant became personal and with malafide intentions leveled the false and baseless allegations on the appellant.

I. That adopting shorter procedure in the instant case was uncalled for and illegal the charges were never admitted by the appellant hence the issuance of show cause notice has prejudice his case and infact he was condemned unheard.

J. That the matter in hand required a full fledge regular inquiry, for the proof or other wise of the charges, in the absence of regular inquiry major penalty can not be imposed.

K. That the appellant has never committed any act or omission which could be termed as misconduct albeit he has illegally been removed from service.

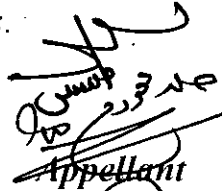
L. That the facts and grounds mentioned in the reply to the Show Cause Notice and departmental appeal of the

appellant may also be read as integral part of the instant appeal.

- M. That the appellant is jobless since his illegal removal from service.
- N. That the appellant has at his credit an unblemished and spotless service career of about 16 years, the penalty imposed upon him is too harsh and liable to be set aside.
- O. That the appellant also seek permission of this Honourable Tribunal to rely on additional grounds at the time of hearing of the appeal.


It is, therefore, very humbly prayed that on acceptance of this appeal the impugned orders dated 07.09.2015 and 26.11.2015, may please be set aside and the appellant may be reinstated into service with all back benefits.

Through


Appellant


IJAZ ANWAR

Advocate, Peshawar

&

SAJID AMIN

Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2015

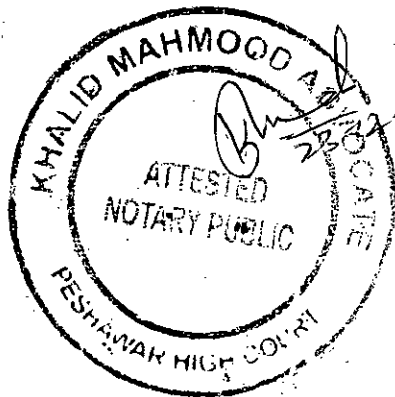
Khalid Mehmood, Ex-Patwari, Acquisition Branch, District
Haripur. **(Appellant)**

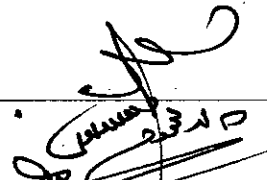
VERSUS

Senior Member Board of Revenue Khyber Pakhtunkhwa
Peshawar and others. **(Respondents)**

AFFIDAVIT

I, **Khalid Mehmood**, Ex-Patwari, Acquisition
Branch, District Haripur, do hereby solemnly
affirm and declare on oath that the contents of
the *above noted appeal* are true and correct and
that nothing has been kept back or concealed
from this Honourable Court.




DEPONENT

7

ANNEXE 'A'

OFFICE OF THE ADDITIONAL ASSISTANT COMMISSIONER-I HARIPUR.

No. 474 /AAC-I (H)
Dated 16/08 /2015

To

The Deputy Commissioner
Haripur.

HVC
DC H. Pur
16/8/15

SUBJECT: COMPLAINT AGAINST MR. KHALID MEHMOOD, PATWARI (ACQ: BRANCH)

Dear Sir,

Reference complaint submitted by Mr. Muhammad Yousaf Khan S/ O Muhammad Fareed Khan R/O Sector # 4, K.T.S (Annexe-I); regarding receiving an amount of Rs. 5000/- by the abovementioned Patwari.

Assis
16/8/15

Summons were issued to the parties for proceeding of enquiry on 10.08.2015.

Statements of the applicants and the respondents were got and questionnaires were also served to the party and cross examination were conducted.

The compliant/applicant stated in his statement on oath that he contacted the Patwari concerned for preparation of Gushawarajat of his property. Patwari of acquisition branch Mr. Khalid Mehmoood, demanded an amount of Rs. 5000/- as bribes for the subject Gushwara. The complainant further stated that when he contacted again with the Patwari concerned on 27.04.2015, he demanded for another amount of Rs. 5000/- as loan.

The accused/respondent Patwari stated in his statement (Annexe-II) that he is working as Patwari for the last 16 years and he demanded an amount of Rs. 5000/- as loan from the applicant due to illness of his son. Responding to questionnaire the accused Patwari stated that he has been working as Patwari Acquisition for the last three years and received an amount of Rs. 5000/- from the applicant as loan and he has paid the subject amount of loan to the applicant/complainant.

CONCLUSION.

- i. During the cross examination the Patwari concerned admitted that he has received Rs. 5000/- from the applicant as loan and the same amount has been paid to the applicant on spot during the proceeding of the enquiry.
- ii. It was also ascertained during the proceeding that heavy amount is being received by the Patwaris working in Acq: branch for preparation of public documents/Gushawarajat.

19/9/15

17/8/15

Attested

RECOMMENDATION.

8

- I. In view of the finding of the enquiry disciplinary proceeding may be initiated against the Patwari concerned under E&D Rules-2011 and show cause notice may be issued to the default Patwari.
- II. Honest and efficient officials may be posted in Acq: branch so that public may not suffer in connection with preparation of their documents.

Encl: (07)

Additional Assistant Commissioner-I
Haripur



~~Support / AE~~
process

17-8-15

14/9/15

Attestation

ANNEX "B"

بعدالت جناب ایڈیشنل اسٹنٹ کمشنر - اہری پور۔

محمد یوسف خان ولد محمد فرید خان ساکن سیکٹر نمبر 4 کھلابٹ ٹاؤن شہر

بنام

خالد محمود پیٹواری حصول اراضی ہری پور۔

عنوان: درخواست برخلاف خالد محمود پیٹواری حصول اراضی ہری پور۔

انکوائری آدرہ از دفتر DC آفس ہری پور۔

بذریعہ تحصیل دار ہری پور:

آدرہ انکوائری درج بالا میں سائل و مسئلہ الیکٹریسیٹی کے متعلق اطلاع دینے کے لیے اس کی اجازت سے 10.08.2015

بوقت 09:00 بجے کے لیے کرنا ہے کہ حاضر عدالت ہو کر انکوائری درج بالا میں اپنا بیان دیا جائے۔ غیر حاضری کی صورت میں

ORDER TO BE FILED

(Signature)
14/9/15

حساب خراب کاروائی عمل میں لائی جائے گی۔
بجواز قبیل اصل واپس عدالت ہذا ہو۔

(Signature)
ایڈیشنل اسٹنٹ کمشنر



ہری پور۔

No. 458/AAC-I (H)
Dt. 03/08/2015.

بیان میں محمد یوسف ڈاکٹر محمد فرید خان سسٹم انکوارٹری
برخلاف خالد محمود بیٹواری حصول اراضی صورت پور (16)

برعکف بیان کیا ہے کہ گوشتوارہ بنوانے کیلئے بیٹواری مذکور
کے 5000 روپے رشوت کی ہے (فونو کاپی منسلک ہے)
27⁴/₁₅ کو دوبارہ بیٹواری خالد محمود نے 5000 روپے قرض کا مطالبہ کیا
کہ اسٹیشن ہمارے اور یہ رقم وہ کھپس نکلے پر والیس سرڈیا
(5335-111,6665)
مگر اس نے جواب نہ دیا اور آج تک مقولے
جس پر میں نے درخواست برائے والیس قرضہ جناب ڈپٹی کمشنر
صورت پور گزارا۔ خالد اور ریاض دونوں نے علی گڑھ شوارہ بنایا
جنہا لعل - میرا رقم والیس دلوانے مشکور فرمائیں

محمد یوسف ڈاکٹر محمد فرید خان Any one of
سیٹ 4 مکان 55 کھدیت ٹاؤن شیپ

133529-596743-7

0335 5901421

14/9/15

محمد یوسف
10/5/15

دفتر
کراچی

11/5/15

ANNEX D

11

خدمت مناب انوار الہی آمینہ صاب میں نور

انوار الہی بدر خواست اذان
خبر رسد و در فرید خان سکنہ گھنڈہ بنج برکی

1111

Additional Assistant
Commissioner-I
HA RUPUR

جواب جناب سول اللہ

جناب علی گاہ

جواب زیل ہے۔

میں یہ کہ میں نے بطور شہدائی عہدہ تقریباً 16 سال خدمات انجام
دے رکھے ہیں۔

میں من سول اللہ اپنے قائدانہ کاموں کا اور حد کفیل سے اور اپنی قبیلہ آمدنی
کو مد نظر رکھتے ہوئے اپنے مال بچوں کا کفالت کرتا چلا آ رہا ہے

میں یہ کہ گزشتہ دنوں میں سول اللہ نے اپنے بچے کی بیماری کے

سلسلہ میں تنگ دستی سے پیش نظر درخواست گزار
5000 روپے بطور قرض بیکر ماہ ستمبر 2015ء آفیس

وایکی کا وعدہ کیا جس پر کار بند ہوں اور قرض قندارہ انکار نہ ہے
میں من سول اللہ نے قرض قوادہ سے ساعدہ کو لا دھوکہ خواہ میں کیا

اس معاشرے کا فرد ہونے سے مناطے ایک بھروسہ سے قرض سے ہے
جو میرے زلفے واجب ادا ہے انشاء اللہ بھروسہ ادا ہوگی کہ ان کا

خانہ خود تیار ہوں جسوں اور فی و در فرید خان سکنہ گھنڈہ بنج

11/18/15

میں نے قرض واپس لیا ہے

سوال نمبر 12: پوری فائدہ محدود بابت انٹرویو ایاز IAE

سوال نمبر 1: آپ کب سے ایکورژن پراجیکٹ میں تعینات ہیں۔

جواب: میں تقریباً ایک سال سے ایکورژن پراجیکٹ میں تعینات ہوں

سوال نمبر 2: آپ کو شراہ جات تیار کر چکے ہیں۔

جواب: تقریباً ایک سو 100 قورب گو شراہ جات تیار کیے ہیں۔

سوال نمبر 3: آپ نے سہی محمد یوسف خان سے اسکی جائیداد کا گو شراہ تیار کیے
ایوارڈ نمبر 4 کتنی رقم وصول کی

جواب نمبر 3: سہی محمد یوسف سے گو شراہ تیار کرنا 10 پیسے میں لے بلکہ 5000 روپیہ ادھار
تیار کیا جو کہ صرف 12/8 کو واپس کر دیا۔ یہ ادھار بچے کا بیمار میں
لیا تھا جس سے انکار میں ہے۔

سوال نمبر 4: آپ نے درخواست کئے، یہ ادھار کیوں نہیں دیا۔
جواب نمبر 4: میں نے تنہائی کا حالت میں بچے کا بیماری کھینچنے کی وجہ سے ادھار نہیں دیا۔

سوال نمبر 5: کیا آپ کو مطلع ہے کہ قواعد و ضوابط ادھار میں لے سکتا
ہے یا نہیں۔

جواب نمبر 5: مجھے مطلع نہیں تھا اور مجبور تھا اس لیے ادھار لیا۔

12/8
15

12/8/15
15/8/15

14/9/15

12/8/15

ANNEX 'E'

113

SHOW CAUSE NOTICE.

I, Tasleem Khan Deputy Commissioner, Haripur under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011 serve you Mr. Khalid Mehmood Patwari Acquisition Branch Show Cause Notice that an enquiry was conducted against you by Addl. Assistant Commissioner-I Haripur, wherein an opportunity was given to you to furnish your defense. The Inquiry Officer has submitted his report vide No. 474.AAC-I (H) dated 16.08.2015. You also appeared before the undersigned for personal hearing alongwith complainant Mr. Mohammad Yousaf on 27.08.2015. The Inquiry Officer was also present.

After going through the findings of the Inquiry Officer, material on record, your written defense before the Inquiry Officer and your personal hearing on 27.08.2015, I am satisfied that you have committed misconduct on the following accounts:-

1. As per report of Inquiry Officer you have not only received Rs. 5000/- as loan from the complainant but also demanded an amount of Rs. 5000/- as bribe from him for preparation of Goshwara.
2. During the personal hearing, the complainant re-affirmed on oath that you had received Rs. 10000/- from him for preparation of Goshwara of acquired property bearing Khasra Nos. 28, 259, 260, 261, 265, 267, 266 and 281. He also admitted that the bribe amount was returned to him by you when he submitted application/complaint against you to DC. During the personal hearing you have also admitted that you returned Rs. 10000/- to the complainant, after he submitted complaint against you.

As a result of above I, as Competent Authority, have agreed to the findings of Inquiry Officer and tentatively decided to impose upon you major penalty of removal from service as indicated in Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011.

You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.

If no reply to this Notice is received within 07 days of its delivery, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

A copy of the enquiry report is attached herewith.

Deputy Commissioner
Haripur.

No. HVC-DC(H) 1110
Dated Haripur the 27 08 2015
Mr. Khalid Mehmood Patwari Acquisition Branch,
DC Office Haripur.
Through Syed Iqbal Shah, Assistant Acquisition Branch.

original received

Khalid Mehmood
Patwari Acq. Br.

31/8
15

date of presentation of application

copying fee

urgent fee

total

no. of copy

14/9/15

(14)

جواب شوکانوس مورخہ 27/8/2015 وصول 31.08.2015

جناب عالی! جواب نوٹس ذیل عرض ہے

- ۱- یہ کہ سائل عرصہ 15/16 سال سے بطور پٹواری خدبات سرانجام دے رہا ہے۔ آج تک دوران ملازمت کبھی بھی کوئی شکایت بابت رشوت ستانی و دیگر کوئی کارروائی نہ ہوئی ہے۔ سائل نے ہمیشہ دیانتداری سے اپنی ڈیوٹی سرانجام دیتا رہا ہے۔
- ۲- یہ کہ جملہ الزامات بابت وصولی 5000 روپے عوضانہ بابت گوشوارہ ازاں درخواست دہندہ سراسر غلط، بے بنیاد اور جھوٹ پر مبنی ہے جو کہ الزام علیہ نے سائل کو جھوٹے مقدمہ میں پھنسانے کی خاطر سازشاً طور پر عائد کئے ہیں جس میں پیشہ ورانہ رکابت کا عنصر بھی شامل ہے۔
- ۳- یہ کہ بمطابق قانون سائل کے خلاف کوئی انکوائری ہوئی اور نہ ہی سائل کو اپنی بے گناہی ثابت کرنے کا موقع دیا گیا سائل بے گناہ ہے۔
- ۴- یہ کہ سائل نے گوشوارہ ملکیت الزام علیہ مورخہ 23.4.2015 کو تیار کر کے مطابق حکم عدالت مجاز بلا کسی تاخیر کے داخل کیا تھا۔
- ۵- یہ کہ گوشوارہ ملکیت تیار کردہ بمطابق ریکارڈ ہے جس میں کوئی کمی و بیشی نہ کی گئی ہے مزید یہ کہ درخواست الزام علیہ نے برخلاف سائل مورخہ 3.8.2015 کو دی گئی ہے جو بادی النظر میں اسی بناء پر غلط اور جھوٹ ثابت ہوتی ہے یہ امر بھی قابل غور ہے کہ نہ تو الزام علیہ نے اپنی ذاتی حیثیت میں کاغذ مال سائل سے بنوایا اور نہ ہی سائل نے کوئی ملکیت کا کاغذ یا گوشوارہ وغیرہ الزام علیہ کے کہنے پر تیار کیا جس بناء پر کسی بھی قسم کا عوضانہ لینے کا سوال ہی پیدا نہیں ہوتا۔ سائل نے گوشوارہ ملکیت حکم عدالت تیار کر کے عدالت مجاز میں داخل کیا ہے۔ حکم عدالت لف ہے۔

استدعا ہے کہ سائل کے خلاف دی جانے والی بے بنیاد بین گھڑت، جھوٹ پر مبنی درخواست کو بلا کارروائی داخل دفتر فرمائی جائے مزید یہ کہ سائل کو ذاتی طور پر پیش ہو کر صفائی کا موقع دیا جائے۔

العارض

Signature of the Officer

Signature of the Officer
27/8/15

خالد محمود پٹواری ایکوزیشن برانچ ہری پور

Signature of the Officer
14/9/15

45

ANNEXURE G

OFFICE OF THE DEPUTY COMMISSIONER HARPUR.

OFFICE ORDER.

An enquiry against Mr. Khalid Mehmood Patwari Acquisition was conducted on the application / complaint of Mr. Mohammad Yousaf Khan s/o Mohammad Farid Khan r/o Sector No. 4 Khalabat Township, who alleged that Mr. Khalid Mehmood Patwari received Rs. 5000/- as loan from him but he has not returned loan and he may please be directed to return loan which was given to him. As per report of the Inquiry Officer, received in this office vide No. 474/AAC-I (H) dated 16.08.2015, the concerned Patwari has returned the loan amounting to Rs. 5000/- to the complainant but the said Patwari has demanded an amount of Rs. 5000/- as bribe from the complainant for preparation of Goshwara. Consequently show cause notice was served upon the accused Patwari and he was directed to appear before the undersigned for personal hearing on 27.08.2015.

During the personal hearing, the Inquiry Officer and complainant were also present. The complainant re-affirmed on oath that the Patwari concerned had received Rs. 10000/- from him for preparation of Goshwara of acquired property bearing Khasra Nos. 28, 259, 260, 261, 265, 266, 267 and 281. He also admitted that the bribe amount was returned to him by Patwari concerned, when he submitted application / complaint against him to DC Haripur. Mr. Khalid Mehmood, Patwari Acquisition admitted that he had returned Rs. 10000/- to complainant after he submitted application / complaint against him.

As per findings of Inquiry Officer, statement of the complainant on oath and admission of guilt by the accused Patwari, he has been found guilty of gross misconduct. Hence in terms of E&D Rules 2011, Rule 4 (1) (b) (iii) Mr. Khalid Mehmood Patwari is hereby removed from service with immediate effect.

242
Date of presentation of application 14-9-2015
Copying Fee
Urgent Fee
Total
Name of Copyist
Date of Preparation of Copy 14-2-15
Date of delivery of Copy 14-2-15

Deputy Commissioner Haripur.

No. 11481-88/HVC/DC (H) Dated Haripur the 7/9 /2015.

Copy to the:-

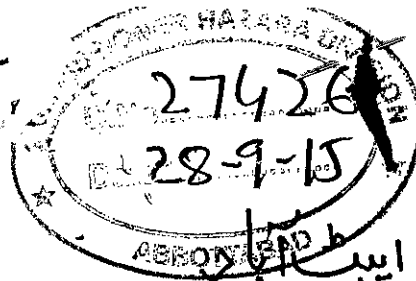
1. Commissioner Hazara Division Abbottabad.
2. Assistant Commissioner Haripur.
3. PS to Senior Member Board of Revenue Peshawar.
4. Tehsildar Haripur.
5. Assistant Acquisition Branch (local).
6. District Nazir (local) for necessary action.
7. Mr. Khalid Mehmood Patwari.
8. Personal File. c/o Acqy Assett

Signature and date 17/9/15

Deputy Commissioner Haripur.

Handwritten notes in Urdu: "HVC (H) ADC" and other illegible text.

ANNEXURE "H"



(11) (16)

بخدمت جناب کمشنر صاحب ہزارہ ڈویژن ایبٹ آباد
خالد محمود ولد محمد ایوب قوم کٹر لال سکنتھم پینڈ تحصیل و ضلع
ہری پور (سابقہ پٹواری حصول اراہنی ضلع ہری پور)۔۔۔۔۔
ایبٹ آباد

بنام
① محمد یوسف ولد عزیز خان سکنتھم سیکٹر 4 کھلا بٹ ٹاؤن شہب
تحصیل و ضلع ہری پور ② محمد ارشاد انکو اثری آفسیئر
اسسٹنٹ کمشنر 1 تحصیل و ضلع ہری پور۔۔۔۔۔ رسپانڈنٹ

حکمانہ اپیل تحت دفعہ 22 سول سروسٹس ایکٹ KPK
1973 برخلاف حکم نامہ نمبر 88-11481-15/2015 جس
کے تحت ڈپٹی کمشنر ہری پور نے رسپانڈنٹ نمبر 1 کی ایک
بے بنیاد شکایت پر من سائل / اپیلانٹ کو بدون کسی
ٹھوس ثبوت کے من سائل / اپیلانٹ کی تقریباً 19/20 سالہ
بے داغ سروس کے باوجود نوکری سے ہر طرف فرما کر سخت
نالضافی کا ثبوت دیا۔

استدعاء :- منظور کی اپیل پر احکم و منیصلہ
معدتہ 15/9/2015 7 ازاں جناب ڈپٹی کمشنر ہری پور نمبر 88-11481-15/2015 کو
نالضافی پر مبنی ہونے کے اور بدون کسی ٹھوس ثبوت ہونے کے
خارج فرمایا جائے اور من سائل / اپیلانٹ کو اپنی نوکری مع جملہ فوائد
کے بحال فرمایا جانے کی استدعاء ہے۔

جناب عالی! مہوجبات اپیل خیل عرض ہیں۔

یہ کہ شکایت رسپانڈنٹ نمبر 1 سراسر بے بنیاد ہے اور
من سائل / اپیلانٹ حکمہ مال کا دیرینہ ملازم ہے۔ اور تقریباً 20/19
سال سے حکمہ مال میں فرائض انجام دے رہا ہے۔ جناب من سائل
کا سروس کار ریگارد طلب فرما کر ملاحظہ فرما سکتے ہیں کہ من سائل /
اپیلانٹ کے خلاف کبھی بھی کوئی شکایت نہ ہے۔ اور جملہ سروس کا
ریگارد بے داغ ہے۔ جو من سائل / اپیلانٹ کی بے گناہی کا ثبوت
بولتا ثبوت ہے۔

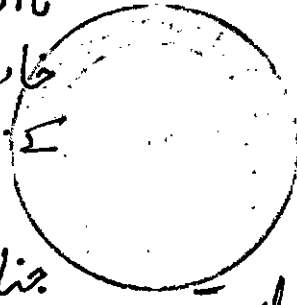
یہ کہ من سائل / اپیلانٹ نے اپنے انکو اثری آفسیئر کے سامنے

ACR

18/9/15

Auth

ACR



Attested
17/10/15

پہلے سے موجود ہے۔ اس لیے اسے اپنے تمام حصوں میں
 - اور اس میں سے ایک حصہ کو بھیج دیا گیا ہے۔ اس لیے اسے
 - اور اس میں سے ایک حصہ کو بھیج دیا گیا ہے۔ اس لیے اسے

اس لیے اسے اپنے تمام حصوں میں اور اس میں سے ایک
 - اور اس میں سے ایک حصہ کو بھیج دیا گیا ہے۔ اس لیے اسے
 - اور اس میں سے ایک حصہ کو بھیج دیا گیا ہے۔ اس لیے اسے

اس لیے اسے اپنے تمام حصوں میں اور اس میں سے ایک
 - اور اس میں سے ایک حصہ کو بھیج دیا گیا ہے۔ اس لیے اسے
 - اور اس میں سے ایک حصہ کو بھیج دیا گیا ہے۔ اس لیے اسے

اس لیے اسے اپنے تمام حصوں میں اور اس میں سے ایک
 - اور اس میں سے ایک حصہ کو بھیج دیا گیا ہے۔ اس لیے اسے
 - اور اس میں سے ایک حصہ کو بھیج دیا گیا ہے۔ اس لیے اسے

Att. Mr. Ahmad
 Sindh
 Pakistan
 Abroad



17

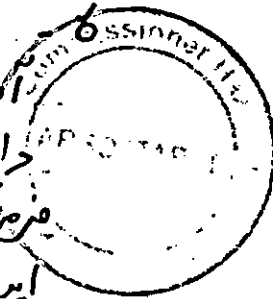
(11)

2

ہوئے ایسی جرأت کیسے کر سکتا ہے جس کے نتائج وہ خود سمجھتا ہے۔
ایذا جملہ شکایت مبنی برید نیتی و دشمنی ہے جو غلط ہے۔

5- یہ کہ فیصلہ میں فاضل ڈپٹی کمشنر صاحب فرماتے ہیں کہ من
سائل / اپیلانٹ نے جرم کو تسلیم کیا ہے وہ سراسر غلط اور بے
بنیاد ہے۔ انکو اثری آئینر / رسپانڈنٹ مینر کی رپورٹ سے بھی
عیان ہے کہ من سائل / اپیلانٹ نے کبھی بھی کوئی ایسا جرم کیا ہے
اور نہ ہی تسلیم کیا ہے۔ اس ضمن میں مزید یہ کہ من سائل / اپیلانٹ
ایک راسخ العقیدہ مسلمان ہے اور آپ کے سامنے بھی خدا کی کتاب
پر یا تو رکھ کر حلف اٹھانے کو تیار ہے۔ اور اس امر پر بھی تیار ہے
کہ نہ تو من سائل نے کسی قسم کی رشوت طلب کی اور نہ ہی من سائل /
اپیلانٹ نے ڈپٹی کمشنر صاحب یا انکو اثری آئینر / رسپانڈنٹ مینر
کے سامنے personal hearing میں بھی اس قسم کا کوئی جرم
تسلیم کیا۔ اسنو موصوف ڈپٹی کمشنر صاحب نے اس بے بنیاد
بات پر من سائل / اپیلانٹ کو نوکری سے برطرف کیا جو کہ ظلم ہے۔
من سائل / اپیلانٹ بال بچے دار ہے۔ اور خدا خوفی رکھتے ہوئے 20/19
سالہ نوکری کے فرائض ادا کیے ہیں۔ اور یہ 20 سال سروس کا
کارڈ کارڈ بالکل بے داغ ہے۔

یہ کہ مندرجہ بالا حقائق کی روشنی میں من سائل / اپیلانٹ
آپ سے اصراف کا معافی ہے۔ اور گزارش کرتا ہے کہ اتنی بے
داغ نوکری کے تحت اتنی بڑی سزا جو دی گئی ہے اس کو مسترد
فرمایا کر سائل کو اپنی ملازمت پر بحال فرمایا جاوے۔ من سائل /
اپیلانٹ اور میرے بچے آپ کی اقبال بلندی کے لیے پیشہ دعا
گوریں گے۔



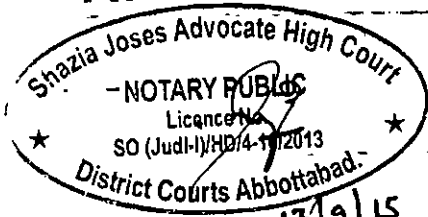
17/9/2015

المرقوم

اپیلانٹ

خالد محمود

ATTESTED



بیان حلفی :-
باقرار صالح بیان کیا جاتا ہے
کہ جملہ مراتب اپیل بالاتحاد
علم و یقین درست ہے اور کوئی
امر حلفی نہ رکھا ہے۔

17/9/2015

اپیلانٹ

المرقوم
خالد محمود

(19) ANNEXURE 'I'

BEFORE THE COMMISSIONER HAZARA DIVISION ABBOTTABAD.

ORDER BEARING ENDORSEMENT NO. 11481-88/HVC/DC(H) DATED 07.09.2015 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE.

Preliminary Objections.

1. That the appellant has got no cause of action.
2. That the appellant has not come to this Honourable forum with clean hands.
3. That the appeal is bad in its present form.
4. That the appellant is estopped by his conduct.


On Facts.

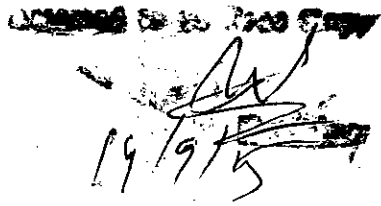
The joint Para-wise comments in the above titled appeal are submitted as under:-

1. Incorrect. During the personal hearing held on 27.08.2015 before the Competent Authority the appellant has himself admitted in the presence of AAC-I Haripur / Inquiry Officer. and the complainant that he had received Rs. 10000/- from the complainant Mohammad Yousaf Khan s/o Mohammad Farid Khan r/o Sector No. 4 Khalabat Township. On the other the complainant also confirmed on oath that Mr. Khalid Mehmood the appellant had received Rs. 10000/- from him for preparation of Goshwara. The appellant did not deny during the personal hearing rather admitted that he had returned the said amount to the complainant during the enquiry conducted by AAC-I Haripur after the complainant submitted complaint against him.
2. Incorrect. Stated as above.
3. Incorrect. During the enquiry process no such statement was submitted by him to the Inquiry Officer nor did he submit during the personal hearing before the Competent Authority.
4. Correct to the extent that learned court had ordered the preparation of Goshwara of the acquired land bearing Khasra Nos. 28, 259, 260, 261, 265, 267, 266 and 281 related to the complainant but the Patwari delayed the preparation of the same and compelled the applicant for giving bribe for the early preparation of Goshwara. Hence he is guilty of demanding and receiving bribe.
5. Incorrect. He had already admitted the receiving of Rs. 10000/- before the Competent Authority during the personal hearing in the presence of Inquiry Officer.

In view of above, it is requested that the appeal of Mr. Khalid Mehmood Ex-Patwari being baseless and false may please be rejected.


Deputy Commissioner,
Haripur.


Addl: Assistant Commissioner-I
Haripur (respondent No. 2).


19/9/15

By Registered.

OFFICE OF THE DEPUTY COMMISSIONER HARIPUR.

No. 13385 /HVC/DC(H).

Dated: November 3, 2015.

To,

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

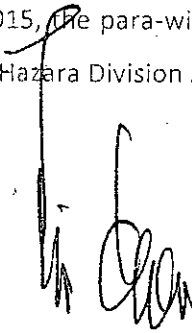
SUBJECT:- SERVICE APPEAL.

Memo;

Reference your letter No. Estab/2830-31 dated 08.10.2015, the para-wise comments alongwith enclosures are forwarded herewith for perusal of Commissioner Hazara Division Abbottabad, please.

Enclosures as above.

(05)


Deputy Commissioner
Haripur.





OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

SERVICE APPEAL/DEPARTMENTAL REPRESENTATION

Khalid Mehmood Ex-Patwari (appellant) V/S Deputy Commissioner Haripur (Respondent)

Date of institutions 17.09.2015
Date of disposal 26.11.2015

ORDER

1. Whereas, Mr. Khalid Mehmood Ex- Patwari Land Acquisition Haripur filed an appeal against the order of Deputy Commissioner Haripur bearing No. 11481-88/HVC/DC (H) dated 07.09.2015, whereby the Deputy Commissioner Haripur has impose major penalty of removal from service in the terms of E&D Rules, 2011 4(i)(b)(iii).

2. Whereas, personal hearing of appellants were made on 25.11.2015.

3. Whereas, from the available record, material available on file, personal hearing and comments obtain from Deputy Commissioner Haripur charge levelled against the appellants stand proved and un-rebutted and its was found that order of Deputy Commissioner does not suffer from any illegality/irregularity.

4. Now, therefore, keeping in view the relevant record, personal hearing and all rules and procedure, the appeal in hand is rejected and order of Deputy Commissioner Haripur bearing No. 11481-88/HVC/DC (H) dated 07.09.2015 is maintained as intact.

Announced
26.11.2015

No.1/12-Estab/ 3676-77

Copy forwarded to the:

1. The Deputy Commissioner Haripur for information and necessary action.
2. Mr. Khalid Mehmood, Ex Patwari Land Acquisition Haripur C/o Deputy Commissioner office, Haripur

Commissioner,
Hazara Division, Abbottabad.

Dated Abbottabad the 30/11/2015

Secretary to Commissioner,
Hazara Division, Abbottabad.

نمبر 1

13/10

ADMITTED

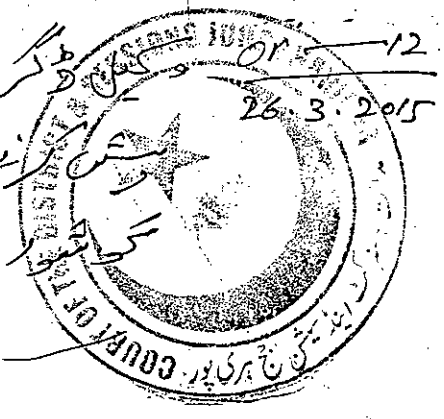
مکمل ڈگریاں حاصل کرنے والے طلبہ کی فہرست کے لئے لکھنؤ دارنٹ (شمارہ 26/3/15)

OR-11
26.3.15

22

Haq Nawaz
Addl. District & Sessions Judge-II
Haripur

مکمل ڈگریاں حاصل کرنے والے طلبہ کی فہرست کے لئے لکھنؤ دارنٹ (شمارہ 29-4-15)



Haq Nawaz
Addl. District & Sessions Judge-II
Haripur

مکمل ڈگریاں حاصل کرنے والے طلبہ کی فہرست کے لئے لکھنؤ دارنٹ (شمارہ 18-05-2015)

OR-13
28.4.15

Attested to be true copy
Authorized U/A 27 of
Qanoon-e-Shahadat order, 198

مکمل ڈگریاں حاصل کرنے والے طلبہ کی فہرست کے لئے لکھنؤ دارنٹ (شمارہ 11-6-15)

15
18.5.15
Examiner
& Session Judge
Distt. Haripur

Haq Nawaz
Addl. District & Sessions Judge
Haripur

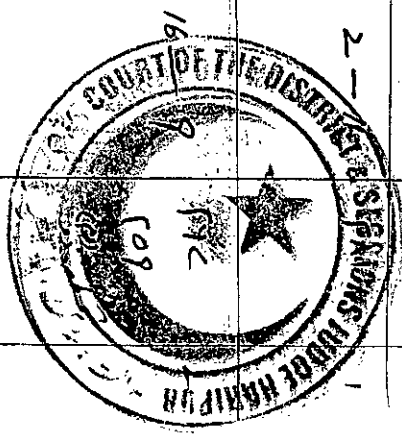
مکمل ڈگریاں حاصل کرنے والے طلبہ کی فہرست کے لئے لکھنؤ دارنٹ (شمارہ 15-7-15)

Haq Nawaz
Addl. District & Sessions Judge-II
Haripur

Case No. AN/1531/16
 Date of Filing: 29.4.15
 Court: District Court, Hanapur

Case No. 234
 Date of Filing: 29.4.15
 Court: District Court, Hanapur

65953/2	39880/2	26073/2	3400/2	22673/2	94824/2	18358/2	22151/2	2-3	1	126-10	198	5
89								2-0	6/48	12-0	24,241	4
251X								1-19	1/8	15-13	240,241	3
								2-1	6/48	16-9	192	
								0-6	1/8	2-2	162	
								2-9	1/8	2-2	162	



Signature
 Director, D.A.S.
 Date: 29.4.15

Signature
 Land Acquisition Collector
 Hanapur

Signature
 Head & Sessions Judge
 District Hanapur
 29.4.15

Signature
 District Sessions Judge
 Hanapur

126-10
 Personal order
 198

NO 4024 = 15-12-15
Date of presentation of Application 15-12-15
No of Words —
Copying Fee —
Urgent Fee —
TOTAL —
Name of Copyist V.
Date of Receipt of File 15-12-15
Date of Preparation of Copy 15-12-15
Date of Delivery of Copy 15-12-15



4

24

گذشت حساب در پی کشفه ۱۳۹۱

درخواست به صرفه خالص محمود بیگواران لعلی روزگار ۱۳۹۱

فایده عالی

اینکه ضمیمه نامه با نام بیگواران من مبلغ ۵۰۰۰۰ ریال در پی
در روز کارروائی بتاریخ ۱۳۹۱/۱۱/۱۱
در پی سرفشان دینو بنیم گفته که هر عملی
نکته اولی است

J.C
Issue notice
to in parties
through T.H
3/8/15

اینکه ضمیمه نامه در پی اطلاعیه کارروائی است
اینکه دولت من کسر است

۱۳۹۱/۹/۱۳

استماع صورت شده رقم در پی

3-8-2015

محمود بیگواران لعلی روزگار

۱۳۹۱/۱۱/۱۱

0335-5901421

AAC-E (H)

For Export Pt.

DEPUTY COMMISSIONER
HARIPUR

03/8/015

(4)

(3)

(25)

بعدالت جناب ایڈیشنل اسٹنٹ کمشنر - اہری پور۔

محمد یوسف خان ولد محمد فرید خان ساکن سیکٹر نمبر 4 کھلا بٹ ٹاؤن شپ

بنام

خالد محمود پیٹواری حصول اراضی ہری پور۔

عنوان: درخواست برخلاف خالد محمود پیٹواری حصول اراضی ہری پور۔

انکوائری آمدہ از دفتر DC آفس ہری پور۔

بذریعہ تحصیل دار ہری پور:

آمدہ انکوائری درج بالا میں سائل و مسئول ایس کی اطلاع یابی بذریعہ سمن ہذا مقررہ پیشی مورخہ 10.08.2015

بوقت 09:00 بجے کے لیے کرائی جائے کہ حاضر عدالت ہو کر انکوائری درج بالا میں ایسا بیان دیا کرے۔ غیر حاضری کی صورت میں

حسب ضابطہ کار واری عمل میں لائی جائے گی۔

بعد از تعمیل اصل واپس عدالت ہذا ہو۔

AMENDED TO THE ORDER

[Handwritten signature]
14/9/15

[Handwritten signature]
یشنل اسٹنٹ کمشنر - اہری پور۔



No. US8/AAC-I (N)

DT: 03/08/2015

No. 2039 PK

[Handwritten signature]
15/8/15

محمد علی زگرو اور سرکل ایچ اے حلقہ 4

حسب ضابطہ تعمیل کے

والی رپورٹ کے ساتھ

[Handwritten signature]

15/8/2015

1987

آل 7-9596743-13302

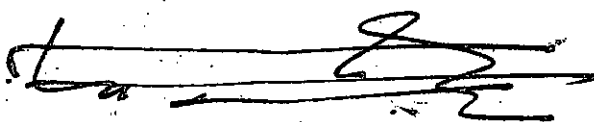
محمد يوسف خان ولد محمد فرید خان

تاریخ ۱۲۰۶۰۶

ضمانت عالی

محمد فرید خان ولد محمد فرید خان کو
حساب بنابر اطلاع عالی طویل علی


اپنی طرف سے



۰۷.۰۸.۱۵

ضمانت

محمد يوسف خان ولد محمد فرید خان ضامن علی بطور ضمانت کر رہے ہیں۔


۱۵/۸/۱۵

POWER OF ATTORNEY

In the Court of _____

Ishelw Mahmood

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

S.M.B.R. and others.

} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____

Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

al Saied Amir Adli my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 1990 /ST Dated: 30 / 8 /2017

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To,

The Deputy Commissioner,
Government of Khyber Pakhtunkhwa,
Haripur.

Subject: - **JUDGMENT IN APPEAL NO. 101/2016, KHALID MEHMOOD.**

I am directed to forward herewith a certified copy of judgment dated 24/08/2017 passed by this tribunal on the above subject for strict compliance.

Encl: as above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR