

08th April, 2022


No one is present for appellant. Mr. Kabirullah Khattak, learned Addl. AG for the respondents present.

2. Case was called time and again but none appeared on behalf of the appellant till closing hours. Consequently the present service appeal is dismissed in default.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 08th day of April, 2022.*



(Kalim Arshad Khan)
Chairman



(Mian Muhammad)
Member (E)

14.07.2021

Appellant in person present. Mr. Usman Ghani, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court. Adjourned. To come up for arguments before the D.B on 04.10.2021. Appellant is directed to submit Member copy before the date fixed.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

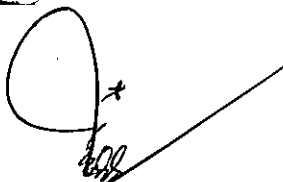


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

04.10.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Granted. To come up for arguments on 11.01.2022 before the D.B. ~~Decision of the~~
~~impugned order is suspended till next date subject to notice to~~
~~the respondents.~~



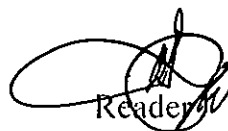
(Mian Muhammad)
Member(E)



Chairman

11.01.2022

Due to non-availability of D.B, case is adjourned to 08.04.2022 for the same as before.



Reader

~~2022~~

08.04.2022

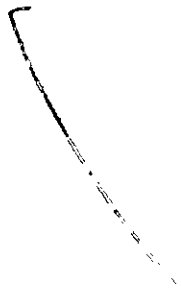
No one is present for appellant. Mr. Kabirullah Khattak, learned Addl. AG for the respondents present.

2. Case was called time and again but none appeared on behalf of the appellant. ^{for charging hours} Consequently the present service appeal is dismissed in default.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 08th day of April, 2022.*

(Kalim Arshad Khan)
Chairman

(Mian Muhammad)
Member (E)



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18.08.2020

Due to summer vacations, the case is adjourned to 20.10.2020 for the same.


Reader

20.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike today, therefore, the matter is adjourned to 30.12.2020 for hearing before the D.B.


(Mian Muhammad)
Member


Chairman

30.12.2020

Due to summer vacation, case is adjourned to 01.04.2021 for the same as before.


Reader

01.04.2021


Junior to counsel for appellant present.

Kabirullah Khattak, Additional Advocate General for respondents present.

A request for adjournment was made as senior counsel is busy in Apex Court.

Adjourned. To come up for arguments on 14-7.2021 before D.B.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(ROZINA REHMAN)
MEMBER (JUDICIAL)

20.04.2020

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Arif Superintendent for the respondents present. Appellant submitted application for adjournment. Adjourn. To come up for arguments on 14.04.2020 before D.B.

Member


Member

13.04.2020

Clerk to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not available. Adjourn. To come up for arguments on 27.04.2020 before D.B.


Member


Member

27.08.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.08.2020 before D.B.


Reader

27.08.2019

Learned counsel for the appellant and Mr. Zia Ullah learned DDA present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for further proceedings on 11.11.2019 before D.B.


Member


Member

11.11.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.12.2019 before D.B.


Member


Member

27.12.2019

Appellant in person present, Mr. Ziaullah, DDA for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourn. To come up for arguments on 28.02.2020 before D.B.



Member


Member


27.03.2019

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 12.06.2019 before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

12.6.2019

The Bench is incomplete therefore case is adjourned to 5.8.2019

Member

05.08.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Zia Ullah learned Deputy District Attorney present. Adjourn. To come up for further proceedings on 27.08.2019 before D.B.


Member



Member

22.11.2018

Counsel for the applicant Muhammad Hassan present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Arguments on restoration application heard.

Perusal of the record reveals that the service appeal of the applicant was dismissed in default on 13.09.2018 while the applicant submitted application for restoration of service appeal on 27.09.2018, meaning thereby that the restoration application is well within time, therefore, the same is accepted. However, the applicant is directed to attend the court positively. To come up for proceedings already fixed in main service appeal on 22.01.2019 before D.B. Original record be also requisitioned for the date fixed.



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

22.01.2019

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 27.03.2019 before D.B , *original record be requisitioned*




(Hussain Shah)
Member


(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 306/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	09.2018	<p>The application for restoration of appeal no. 394/2016 submitted by Mr. Hayatullah Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR.</p>
2	3 10-18	<p>This restoration application is entrusted to D. Bench to be put up there on <u>22-11-18</u></p> <p style="text-align: right;"> MEMBER</p>

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHUNKHWA PESHAWAR

Restoration Application No. 306/18
Muhammad HassanApplicant


VERSUS


Commissioner Peshawar Division Peshawar and
another
..... Respondents

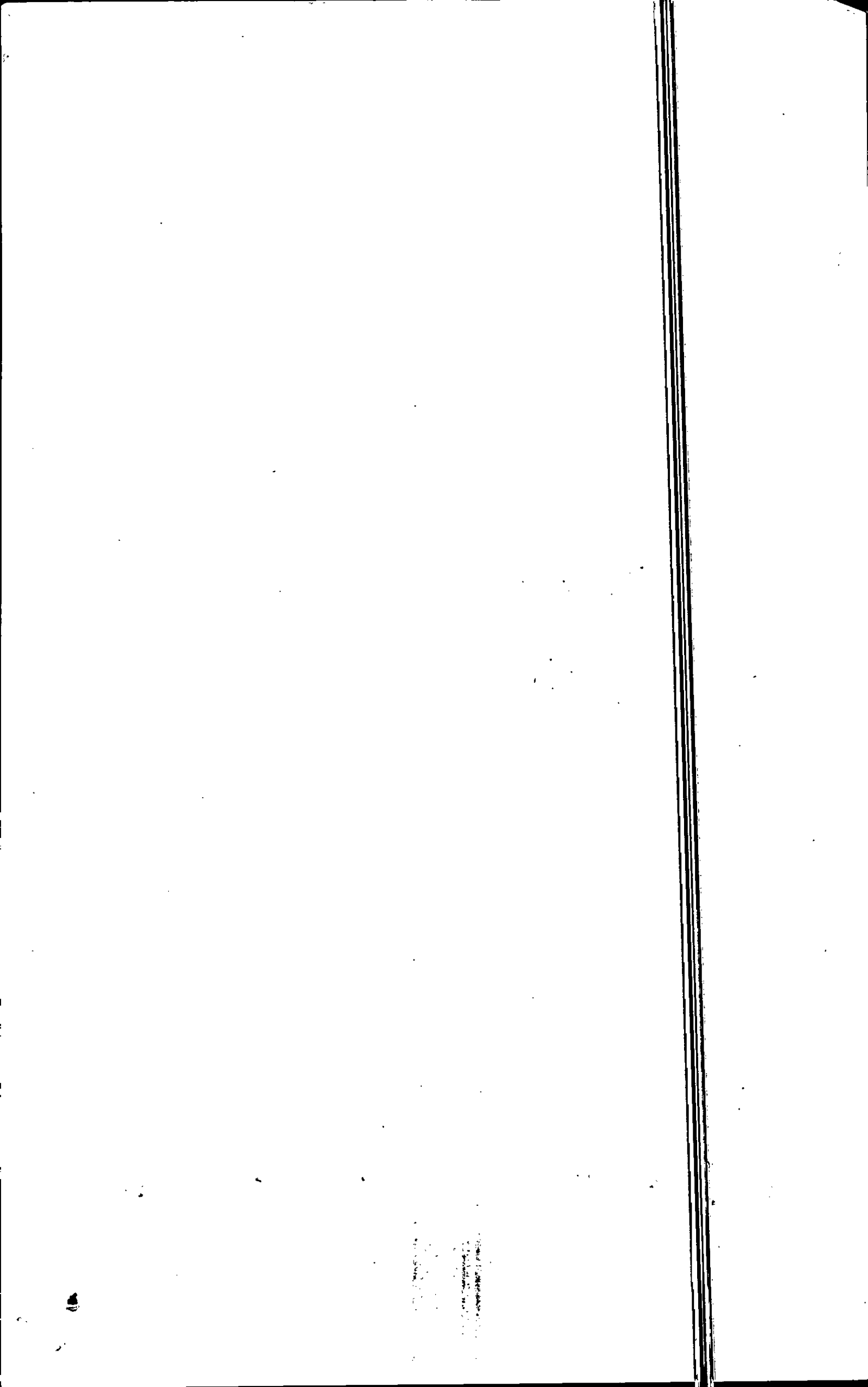
Index

S.No.	Description of documents	Annexure	Pages
1.	Application for restoration of appeal		1-2
2.	Affidavit		3
3.	Copy of order dated 13/09/2018	"A"	4

Dated 27/09/2018


Applicant/ appellant
Through


Hayat Ullah
Advocate
High Court, Peshawar
Cell # 0321-9189277



(1)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHUNKHWA PESHAWAR

Khyber Peshawar
No. 1072
Date 27/9/18

Restoration Application No = 306/18

Muhammad Hassan S/o Nawab Khan
Resident of Zaid Ullah Kaley Tehsil & District
Charsadda Ex-Patwari Revenue Department
Nowshera.

... .. Applicant

VERSUS

- 1- Commissioner Peshawar Division Peshawar
- 2- Deputy Commissioner Nowshera

... .. Respondents

APPLICATION FOR RESTORATION OF
SERVICE APPEAL NO.394 /2016 WHICH
WAS DISMISSED IN DEFAULT ON
13/09/2018.

Respectfully Sheweth:

- 1- That the above mentioned service was pending adjudication before this Hon'ble Tribunal and which was fixed for hearing on 13/09/2018.
- 2- That on the date fixed counsel for the applicant / appellant was busy in august Peshawar High Court, Peshawar and the appellant was sick and was unable to attend this Hon'ble Tribunal and the service of the appellant was dismissed in default.

2


3- That the absence of the applicant / appellant and his counsel was not deliberate but due to above mentioned reasons.

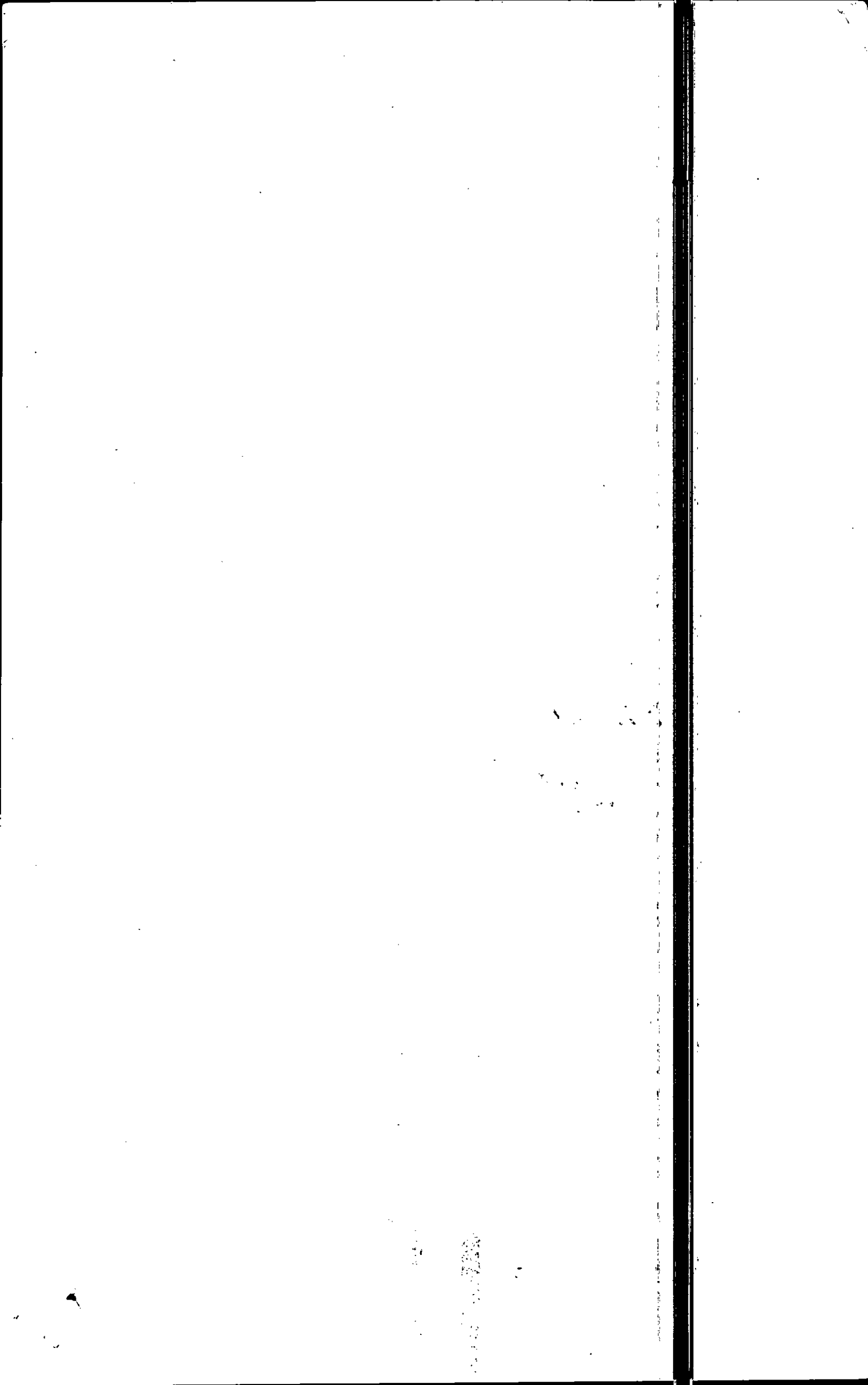
4- That the applicant is will within time and the applicant / appellant will attend in this Hon'ble Tribunal regularly.

It is, therefore, humbly prayed that on acceptance of this application, the above titled appeal may kindly be restored and decided on merit.

Dated 27/09/2018

Applicant/ appellant
Through


Hayat Ullah
Advocate
High Court, Peshawar



3

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHUNKHWA PESHAWAR

Muhammad HassanApplicant

VERSUS

Commissioner Peshawar Division Peshawar and
another

..... Respondents

Affidavit

I, Muhammad Hassan S/o Nawab Khan
Resident of Zaid Ullah Kaley Tehsil & District
Charsadda Ex-Patwari Revenue Department
Nowshera do hereby solemnly affirm and declare
on oath that the contents of the accompanied
application are true and correct to the best of my
knowledge and belief and nothing has been
concealed from this Hon'ble Court.



DEPONENT

~~ATTESTED~~
Anwar Zeb Advocate
Oath Commissioner
Peshawar

27.9.18

17th March 1944
The
Director
General
of
the
Census
Department
London

(4)

Annexure
"A"

A.W.P. Province
Service Tribunal
Dary No. 371
Date 13-4-2016

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR



IN RE; Service Appeal NO. 394/2016

Muhammad Hassan S/O Nawab Khan R/O Zaidullah Killay Tehsil and District Charsadda Ex-Patwari Revenue Department Nowshera..... Appellant

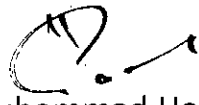
Versus

1. Commissioner Peshawar Division Peshawar.
2. Deputy Commissioner Nowshera..... Respondents

Service Appeal U\Section 4 of the KPK Service Tribunal Act, 1974 against the order dated 17-02-2016, conveyed vide letter dated 01.04.2016 passed by respondent no.1 whereby departmental appeal of the appellant against order dated 18.09.2015 passed by respondent no.2 through which appellant was dismissed from service, hence the instant appeal.

Appellant absent. Learned counsel for the appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General present. Case called for several times but none appeared on behalf of appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED
13.09.2018

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

13.09.2018

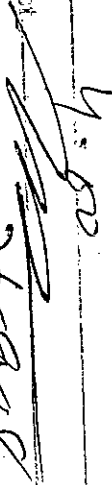
Date of Presentation of Application 25-9-18

Number of Words 4500

Copying Fee 4500

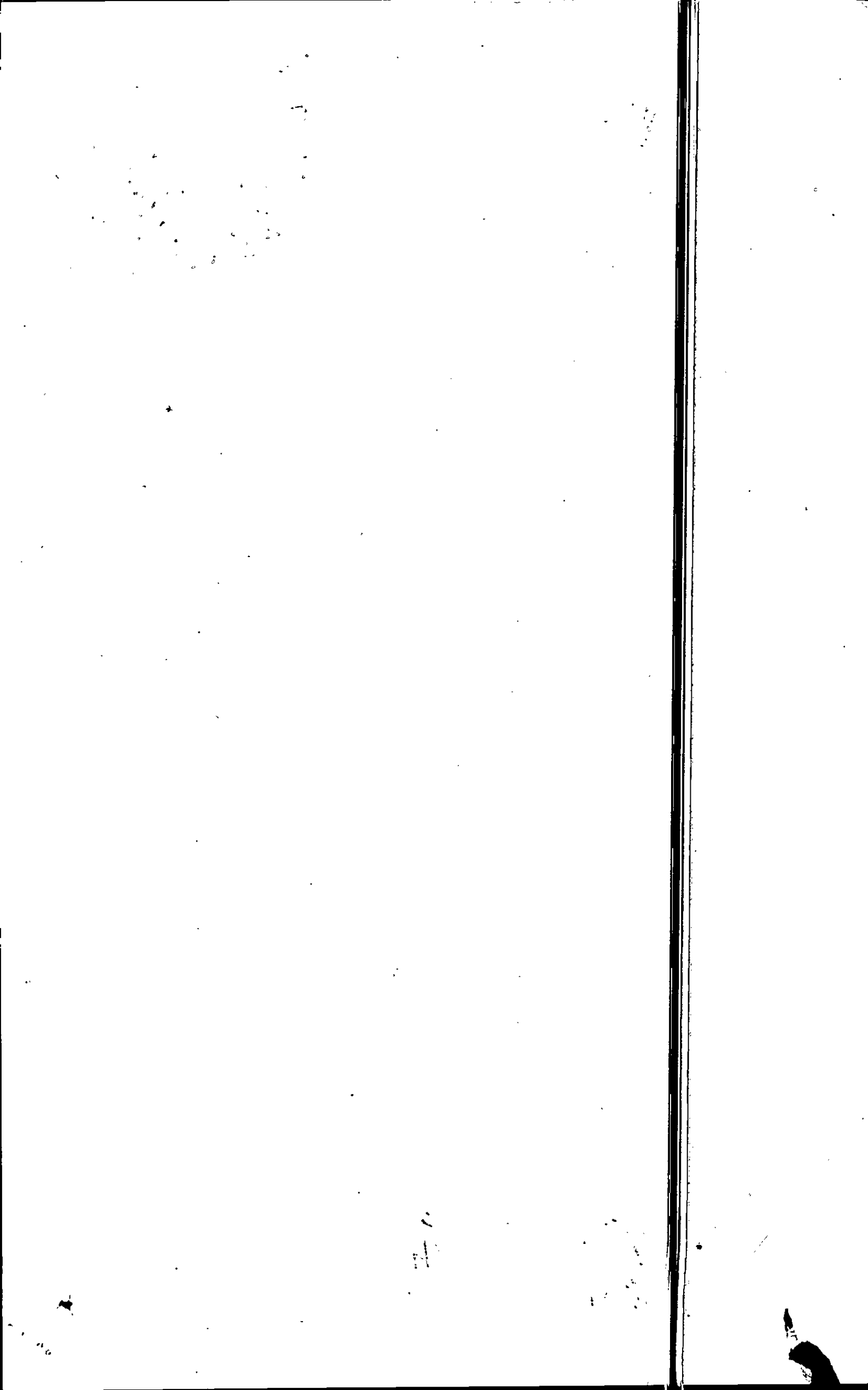
Urgent 4500

Total 4500

Name of Copyist 

Date of Completion of Copy 26-9-18

Date of Delivery of Copy 26-9-18

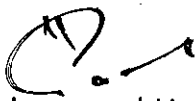


13.09.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General present. Case called for several times but none appeared on behalf of appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.


(Hussain Shah)

Member


(Muhammad Hamid Mughal)


Member

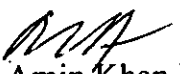
ANNOUNCED

13.09.2018

03.01.2018

Appellant in person present. Mr. Usman Ghani, District Attorney for respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 01.03.2018 before D.B.



(Ahmad Hassan)
Member(E)


(M.Amin Khan Kundi)
Member (J)

01.03.2018

Junior to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney alongwith Muhammad Yousaf for the respondents present. Junior counsel for the appellant seeks adjournment as senior counsel for the appellant is not available. Adjourn. To come up for arguments on 04.05.2018 before D.B


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member


04.05.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 20.07.2018


READER

20.07.2018

Due to engagement of the undersigned in judicial proceeding before S.B further proceeding in the case in hand could not be conducted. To come on 13.09.2018 before D.B


Member (J)

16.03.2017


Mr. Hayatullah, Junior counsel for appellant and Mr. Muhammad Adeel Butt, Additional AG for respondents present. Junior counsel for appellant submitted rejoinder which is placed on file. To come up for arguments on 11.07.2017 before D.B.



(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

11.07.2017

Junior to counsel for the appellant and Mr. Ziaullah, DDA alongwith Abdul Jabbar, ADK for the respondents present. Requested for adjournment as senior counsel for the appellant is busy in august Peshawar High Court. Adjourned. To come up for arguments on 07.11.2017 before the D.B.



Member


Chairman

07.11.2017

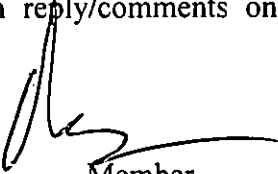
Clerk of the counsel for appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Clerk of the counsel for appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 03.01.2018 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

11.08.2016


None for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 27.9.2016.



Member

27.09.2016

Appellant in person and Mr. Abdul Jabbar, ADK alongwith Addl: AG for respondents present. Written reply submitted. To come up for rejoinder on 18.11.2016.



Member

11.12.2016

None present for the appellant. Mr. Abdul Jabbar, ADK alongwith Ziaullah, GP for respondents present. Notices be issued to the appellant and his counsel. To come up for rejoinder and arguments on 16.3.2017 before D.B.



Member



Chairman

26.4.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Patwari when subjected to enquiry on the allegations of involvement in corrupt practices and removed from service vide impugned order dated 18.09.2015 where-against he preferred departmental appeal on 08.10.2015 which was rejected on 17.2.2016 and hence the instant service appeal on 13.4.2016.

That the allegations against the appellant were that of issuance of fake Fard which the appellant has denied before the enquiry officer and which was not proved to have been issued by the appellant and as such the findings of the enquiry officer and penalty based thereof are against facts and law.

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 2.06.2016 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

02.06.2016

Appellant in person and Addl. AG for the respondents present. Requested for adjournment. To come up for written reply/comments on 11.09.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 394/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04.2016	<p>The appeal of Mr. Muhammad Hassan presented today by Mr. Nasir Mehmood 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;"><i>Nasir Mehmood</i> REGISTRAR</p>
2	14.4.16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>26.4.16</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO. ³⁹⁴/2016

Muhammad Hassan.....Appellant

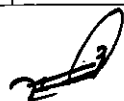
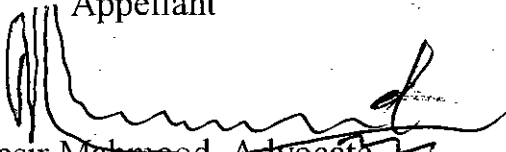
Versus

Commissioner Peshawar and another.....Respondents

INDEX

S.No	Description of Documents	Annexure	Pages
1.	Appeal with Affidavit		1-4
2.	Order of dismissal dated 18.09.2015		5
2.	Departmental appeal		6-12
3.	Order of Commissioner dated 17.02.2016		13-14
4.	Letter dated 01.04.2016		15
5.	Show Cause Notice dated 31.08.2015		16
6.	Reply		17
7.	Office Orders dated 25.02.2015 & 12.03.2015		18-19
8.	Copy of FIRs		20-21
9.	Enquiry Reports		22-26
10.	Statements		27-28
11.	Fardat		29-30
12.	Wakalat Nama		

Through


Appellant

Nasir Mahmood Advocate,
Supreme Court of Pakistan
13-D Haroon Mansion Peshawar.
Mob.No.0333-9176275

1

G.W.P. Province
Service Tribunal
Diary No. 371
Dated 13-4-2016

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO. 394/2016

Muhammad Hassan S/O Nawab Khan R/O Zaidullah Killay Tehsil and District
Charsadda Ex-Patwari Revenue Department Nowshera.....Appellant

Versus

1. Commissioner Peshawar Division Peshawar.
2. Deputy Commissioner Nowshera..... Respondents

Service Appeal USection 4 of the KPK Service Tribunal Act, 1974 against the order dated 17-02-2016, conveyed vide letter dated 01.04.2016 passed by respondent no.1 whereby departmental appeal of the appellant against order dated 18.09.2015 passed by respondent no.2 through which appellant was dismissed from service, hence the instant appeal.

Prayer in Appeal; To set-aside the order dated 17-02-2016 passed by respondent no.1 whereby departmental appeal of the appellant was dismissed which was filed against order dated 18.09.2015 passed by respondent no.2 and appellant be reinstated in service with all back benefits.

Respectfully Sheweth;

1. That the appellant was serving as Patwari in revenue department Nowshera and had rendered 13 years service as such in various Patwar Circles.
2. That appellant performed his duty to the entire satisfaction of his superior and never once any complaint has ever been filed against the appellant and has worked in the department with devotion, and to the best of his ability and honesty.

Filed to-day
13/4/16

2

3. That one Zardin Khattak has filed baseless complaint against the appellant to Anti-Corruption establishment Nowshera alleging therein that in spite of receipt of Rs. One Lac from the appellant has delivered him fake documents of land bearing khasra no.1208 measuring 99 kanals and 2 marlas having no record. On the basis of this complaint FIR was also registered against the appellant.
4. That one another person namely, Shah Hawas Khan also filed complaint against the appellant alleging therein that the appellant has received Rs.16000/- and Rs.4000/- as bribe in the year 2009 on account of preparation of khasra girdawri of shamilat land bearing khsaras no.14, 44, and 326 of mouza Namal Sara Toya and 1350 of mouza Garu, but inspite of receipt of bribe prepared and delivered him fake documents of girdawari. An FIR was also registered in P.S Anti-Corruption, Nowshera against the appellant.
5. That on receipt of both the FIR respondent no.2 initiated enquiry proceeding against the appellant.
6. That the enquiry officer without adopting the procedure as required by the law conducted the enquiry without providing a chance of hearing or cross examining the witnesses and then submitted one sided report to respondent no.2.
7. That on receipt of enquiry report respondent no.2 issued Show Cause notice to the appellant which was replied accordingly but respondent no.2 without considering the reply dismissed the appellant from service through order dated 18.09.2015.
8. That the appellant preferred departmental appeal to respondent No. 1 which was rejected by the said respondent through order dated 17.02.2016 hence the present appeal inter alia on the following grounds;

Grounds

- A. That the respondents have not treated the Appellant in accordance with law and rules on the subject and acted in violation of article-4 and 25 of the constitution of Islamic republic of Pakistan, 1973 and unlawfully dismissed the appellant from service which is unjust, unfair hence not sustainable in the eye of law.
- B. That the order of removal of appellant from service by respondent no.2 is illegal, void-ab-initio, without lawful authority, against the facts and materials available

on record, law and rules on the subject and principles of natural justice, hence untenable.

- C. That the appellant has clearly termed the signatures available on all the documents so produced by the complainants being fake and forged and disowned the same, still said documents were not sent to laboratory for comparison with the signature of the appellant, hence the impugned order is not sustainable and liable to be set-aside.
- D. That the enquiry officer has conducted one sided proceeding and has not provided chance of cross examining the complainants or the witnesses.
- E. That the appellant has also moved application for comparison of his signature to commissioner but the same has not been decided by him
- F. That no proper and regular enquiry has been conducted in the matter and with a jerk of pen appellant has been removed from service for no good ground ignoring his 13 years of service to his credit thus respondents have violated mandatory law on the subject which resulted in the passing of harsh order of removal of appellant from service.
- G. That keeping in view the 13 years of service of the appellant and a large family members who are dependent upon the appellant, the punishment imposed does not commensurate with the charges leveled against the appellant.
- H. That the appellant has neither been served with charge sheet and statement of allegation nor proper and regular enquiry has been conducted as the whole edifice built there under is illegal and thus set-aside.
- I. That as for as attestation of mutation no.820 is concerned neither the buyer nor seller has complained against the appellant which is genuine mutation, but the enquiry officer has not considered this aspect of the case.
- J. That the appellant seeks leave of this honorable tribunal to argue additional grounds at the time of final hearing of this appeal.

It is therefore respectfully prayed that on acceptance of this appeal both the order dated 17-02-2016 18.09.2015 passed by respondent no.1&2 respectively may

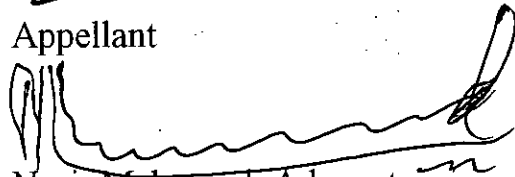
kindly be set-aside and appellant may be reinstated in service with all back benefits.

Any other remedy not specifically asked for but appropriate in the circumstances of the case may also be awarded to the appellant.



Appellant

Through



Nasir Mahmood Advocate,
Supreme Court of Pakistan
13-D Haroon Mansion Peshawar.

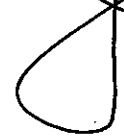
Affidavit

I, do hereby declare, and affirm on oath that the contents of accompanying appeal are true and correct to the best my knowledge and belief and nothing has been concealed from this hon'ble tribunal



Deponent

Attested
FIDA MOHAMMAD BANGASH
Advocate
Notary Public
Date 13/4/16
District Court Peshawar





Office of the
Deputy Commissioner
Nowshera

(Office Phone#0923-9220099, Fax#0923-9220159, Email: dconsrpk@yahoo.com)

18th September, 2015

OFFICE ORDER


No. 1094-1104/DK/DC/NSR/2015. Whereas the undersigned received the following two complaints from Anti-Corruption Establishment Nowshera against Muhammad Hassan Patwari.

- 1- That FIR No:4 dated 23/2/2015 was lodged by Anti-corruption police Nowshera, with complaint of taking bribe of Rs.100,000/- from Mr. Zar Din Khattak s/o Islam u Din Khattak resident of Nizam Pur and prepared fake and false documents of land bearing Khasra No. 1208 measuring 99K-2M having no record.
- 2- That FIR No.5 dated 2/3/2015 was lodged by Anti-corruption police Nowshera with the complaint of taking bribe of Rs.16,000/- and 4,000/- from Mr. Shawas Khan s/o Abbas Khan and prepared fake and false documents of Girdawri of Shamilat land bearing Khasra No. 14,44,326, of mouza Namal Sara Toya and 1350 of mouza Garu having no record.

Whereas the inquiry officer, Mr. Tanveer Khan Khattak, Additional Assistant Commissioner-II Nowshera, has proved as guilty after consulting revenue record, false Fard, and copy of Girdawari issued by him, his statement, as well as statement of complainant. It has been proved that the Patwari misused official authority for his own interest by not taking signature/Thumb impression of seller, buyer and witness for mutation No.820 against Ripat No. 208 in Roznamcha Waqiyati.

Whereas reply to show cause notice was found devoid of reason and sense. During personal hearing the accused patwari could not convince the undersigned being authority of his innocence.

Now therefore, I Zaka Ullah Khattak, being competent authority, keeping in view the above facts is pleased to agree with the inquiry report and therefore orders removal of services of the suspended patwari **Muhammad Hassan** (BPS-9) under section 4(1)(b) (iii) of Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules 2011, with immediate effect.



Deputy Commissioner
Nowshera,

Deputy Commissioner
NOWSHERA

Even No & Date.

Copy forwarded to the.

- 1- Commissioner Peshawar Division, Peshawar.
- 2- Settlement Office, Nowshera.
- 3- Assistant Commissioner Nowshera.
- 4- Additional Assistant Commissioner –II Nowshera/ inquiry Officer.
- 5- Account Officer, Deputy Commissioner Office Nowshera for necessary action.
- 6- P.S to Senior Member Board of Revenue Khyber Pakhtunkhwa for information.
- 7- Tehsildar Nowshera/ Jehangira/ Pabbi.
- 8- Muhammad Hassan Ex- Patwari.


Deputy Commissioner
Nowshera,

Deputy Commissioner
NOWSHERA


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6

BEFORE THE HON, BLE COMMISSIONER , PESHAWAR
DIVISION, PESHAWAR

Departmental Appeal No. ____/2015

Muhammad Hassan S/O Nawab Khan R/O Zaidullah Killay
Tehsil & Distt Charsadda Ex Patwari, Revenue Department
Nowshera

.....Appellant

VERSUS

The Deputy commissioner / authority Nowshera

.....Respondent

Departmental Appeal against order No.1094
04/D.K/DC/NSR/2015 dated 18/9/2015 issued by
Respondent / Authority whereby Appellant was removed
from service U/S 4 (1) (b) (iii) of Khyber Pakhtunkhwa Govt.
servants (E & D)

Rules, 2011, with immediate effect

PRAYER: On acceptance of this departmental appeal order dated
18/9/2015 regarding removal of Appellant from service
passed by Respondent / Authority may very graciously be
set aside and the appellant may kindly be re-instated in
service with all back benefits.

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ACR
my

Commissioner Peshawar
D/No. 7244 Dated 9/10/15

AR
Omara
9/10

Respectfully Sheweth:

The Appellant respectfully submits as under.

BRIEF FACTS OF THE CASE:

1. That the appellant was serving as patwari in Revenue Department Nowshera and has rendered 13 years service as such in various patwar halqas.
2. That the appellant performed his duty devotedly, hard workingly, to the best of his ability and honestly.
3. That no such like complaint has ever been filed against Appellant in the entire tenure of his service, to his superiors.
4. That zardin Khattak filed baseless complaint against appellant to Anti-corruption Establishment Nowshera alleging therein that in spite of receipt of Rs, one lac from the Appellant has delivered him (the complainant) fake and false documents of land bearing khasra No.1208 measuring 99 kanals and 2 marlas having no record. On the basis of this complaint FIR No.4 dated 23/02/2015 was registered against the appellant in police station, Anti-corruption Establishment, Nowshera (copys of FIR is enclosed herewith).
5. That one another person by the name of shah hawas khan also filed complaint against Appellant before anti corruption Establishment Nowshera alleging therein that the appellant has received Rs, 16000/- and 4000/- as bribe in the year 2009 on account of preparation of khasra girdawari of shamilat land bearing khasras No.14,44 of 326 of Mauza

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Namal Sara toya and 1350 of Mauza Garu, but inspite of receipt of bribe, per averments of complainant, prepared and delivered him fake and false documents of girdawari. On this complaint too case FIR No.5 dated 02.03.2015 was registered in P-S Anti-corruption, Nowshera against the Appellant (copys of FIR is annexed herewith)

6. That on the receipt of copies of the above mentioned two FIRs Respondent / Authority initiated Departmental proceedings against Appellant, through enquiry officer for the conduct of enquiries against him.
7. That without adopting the procedure as required for the conduct of enquiry against a government official and without waiting for the fate of cases registered against the Appellant in Anti Corruption police station Nowshera which are yet to be decided, enquiry reports based on no evidence submitted by enquiry officer to the Respondent/Authority recommending major penalty for him (the appellant).
(Attested copies of enquiry report and other documents are attached herewith).
8. That on the receipt of enquiry report the Respondent / Authority also did not consider this aspect of the matter and issued show cause notice to appellant, the reply whereof was submitted by him.
(Photo copies of show cause notice and reply are attached herewith).
9. That the Appellant on his own desire, was provided a chance of personal hearing, wherein he satisfied the Respondent/Authority that he is innocent in the whole episode having been involved in the cases with malafide.

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intention and that too after six years, still the Appellant was illegally removed from service vide order dated 18/09/2015.

(Attested copy of the order is enclosed herewith).

10. That aggrieved from the order date 18/09/2015 passed by the Respondent/Authority the Appellant is preferring the instant departmental appeal inter-alia on the following grounds amongst others:-

GROUNDS

- A. That the order of removal from service of the Appellant passed by the Respondent/Authority is illegal, void-ab-initio, without lawful authority, against facts and materials available on record, Law and Rules on the subject and principles of natural justice, hence untenable.
- B. That the appellant has clearly termed the signatures available on all the documents, so produced by complainants being fake and forged and disowned the same, still said documents were not sent to the laboratory/signature expert for comparison with the signature of Appellant, hence the impugned order is not sustainable and liable to be set-aside.
- C. That Appellant though has disowned the signature available on the fake and false documents so produced before Anti-corruption police Nowshera in his reply to show cause notice and his statement, still he once again requests the Appellate authority that the signatures available on the said fake documents may be sent to the laboratory/signature expert for comparison with his signatures. In this respect separate application is being filed. (Application is annexed).

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- D. That when the complainant Zardin khatak realized the fact that he had charged an innocent person having no hand in the matter , so he filed an affidavit with the enquiry officer and also recorded his statement to the effect that he does not want to proceed with the proceedings further against Appellant. On this the proceedings against Appellant should have been stopped / filed but it is very astonishing that this affidavit and statement of complainant was based the recommendation and award of major penalty i-e removal from service of appellant, by enquiry officer which is totally against the norms of justice as such the impugned order, is liable to be set-aside.
- E. That the enquiry officer should have given an opportunity of cross examination to the Appellant on witnesses of complainant but he deprived him of this right, as such the order being void ab-initio and illegal is liable to be set-aside.
- F) That no proper and regular enquiry have been conducted in the matter and with a jerk of pen Respondent removed the appellant from 13 years of service for no good ground, thus respondent has violated mandatory law on the subject which resulted in the passing of harsh order of removal of appellant from service, as such the order impugned is liable to be set-aside.
- G) That the Appellant has rendered 13 years service in the department and a large family members are dependent upon him , therefore such like harsh punishment should have not been awarded to him ,rather the matter should have been stayed till the disposal of cases registered against him or filed and in this way the respondent has erred in law to

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11

award him harsh punishment as such the impugned order on this score too is liable to be set-aside

- H) That the Appellant neither has been served with charge sheets and statements of allegation nor proper and regular enquiry has been conducted as such the impugned order being only based on improper and irregular enquiry is no order in the eye of law and also is not in accordance with the norms of justice, hence untenable.
- I) That as for as attestation of mutation number 820 is concerned neither the buyer nor seller has complained against Appellant which is a genuine mutation, but the enquiry officer was done the job beyond his duty so assigned to him by the Respondent/ Authority, hence impugned order is liable to be set aside.
- J) That statements of complainant and their witnesses were not recorded during enquiry proceedings per Rules and also Appellant was deprived of his right to cross examined him/ them.
- K) That other grounds do exist in favor of the appellant which will be agitated at the time of arguments with the permission of your honor.

It is therefore, humbly prayed that this departmental appeal may very graciously be accepted, order dated 18/09/2015 regarding removal of service of appellant may kindly be set aside and appellant re instated in service with all back benefits.

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Dated: 08/10/2015

Yours Obediently



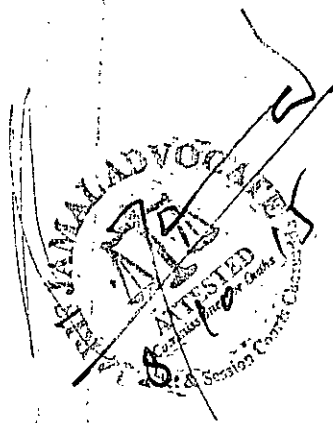
Appellant Muhammad Hassam
s/o Nawab Khan r/o Zaidullah
Kally Tehsil and District
Charsadda
Ex-patwari Revenue Deptt
Nowshera

AFFIDAVIT

I, Muhammad Hassam the appellant do hereby declare and affirm on oath that the contents of this departmental appeal are correct and true to the best of my knowledge and belief.



Deponent
Muhammad Hassam



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13

IN THE COURT OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR

Appeal No. 21/2015
Date of institution 09.10.2015
Date of decision 17.02.2016

Muhammad Hassan, Ex Patwari, District Nowshera
VS
The Deputy Commissioner, Nowshera.

Appellant

Respondent

ORDER

My this order will dispose of the departmental appeal filed by the above named appellant against the order dated 18.09.2015 whereby the appellant was removed from service u/s 4(1)(b)(iii) of the Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules-2011. Aggrieved of the same, the instant departmental appeal was filed before this court challenging the impugned order of the Deputy Commissioner Nowshera as illegal, unlawful and prayed for setting aside of the same and reinstatement.

Facts leading to filing of the instant departmental appeal are that 02 separate complaints were received to the Deputy Commissioner Nowshera through Anti-Corruption Estt: Nowshera by Mr. Zadin Khattak and Mr. Shawas Khan against the appellant in which FIRs were also registered against him for receiving illegal gratification and issuing fake documents.

In pursuance of the above 02 complaints, the competent authority (Deputy Commissioner Nowshera) ordered an enquiry into each complaint through AAC-II, Nowshera which are as such:-

Complaint No.1.

Complaint was made by Mr. Zardin Khattak r/o Garu, Nizampur before the Anti Corruption Estt: Nowshera complaining that the appellant received Rs. 100,000/- and prepared a fake and false document/Fard of his land measuring 99 Kanals in Khsra No. 1208, hence the Anti-Corruption Estt: registered FIR against the appellant on 2.3.2015 and forwarded the case to the Deputy Commissioner Nowshera for further necessary action.

The Inquiry Officer, in his detailed enquiry report held that though the complainant has deviated from his previous statement as in his complaint before the Anti-corruption deptt: the complainant has clearly mentioned the allegations while in his statement before the Inquiry Officer, he has deviated from his statement/complaint and produced an affidavit that he has made "razi nama" with the appellant. However, the Inquiry Officer compared the previous fard issued to the complainant with the "Zer-e-kar fard" and found visible difference as in both fardats. The complainant's name was shown in "Khana-Kasht" in column in the fard issued earlier. while in the instant fard, the complainant's name was not mentioned. Hence according to the Inquiry Officer, the appellant has committed fraud and thus recommended him for major penalty.

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Complaint No.2

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Complaint was made by, Mr. Shawas Khan before the Anti-Corruption Estt:Nowshera that the appellant received Rs. 16000/- and Rs. 4000/- as bribes in the year 2009 on account of documents of girdawari of shamilat land bearing Khasra No. 14,44,326 of mauza Namal Sara toya and in Khasra No. 1350 of mauza Garu which later-on proved false and fake having no record.An FIR was registered against the appellant on 06.2.2015

The Inquiry Officer reported that the complainant purchased 06 kanals land through mutation No. 820 at mauza Namal Sara Toya. The appellant received Rs. 16000/- for conducting girdawari in the name of the complainant in Khasra No. 14 & 44 and as per revenue record the said Khasra Nos are shamilat land and entered as "maqbooza Malikan" in khana kasht column of the register khasra girdawari. Similarly, Khasra No. 1350 is situated in moza Garu whereas Khasra 326 falls in maza Namal Sara Toya and are shamilat deh. Upto the year 2015 (Rabi) Girdawari was entered in the name of Gulab shah etc. The complainant submitted application for correction of girdawari on 31.12.2014 accordingly, girdawari was made in his name.Hence the Inquiry Officer has concluded that fard girdawari issued by the appellant was false and bogus as it neither mention crops of Rabi or Kharif, neither any cogent reasons of change of girdawari, hence stating that if change of girdawari in Khasra No. 326 had occurred during the period of posting of the appellant, there would have been no need of re-conduct of girdawari. He has further stated in his report that that girdawari in Khasra No. 1350 has been conducted in the name of the complaint back in the year 2013 which testifies that that the pert girdawari in mauza Garu issued by the appellant is fake. Thus the appellant was held guilty in issuing false and bogus fard of girdawari to the complainant and recommended him for major penalty.It is however, observed that proceedings in both the complaints are going on in the Anti-corruption court.

Appellant as well as representative of the Deputy Commissioner Nowshera Mr. Abdul Jabar, Girdawar Cricle along-with record present and heard. Para-wise comments requisitioned from the Deputy Commissioner Nowshera also received and examined.The appellant produced nothing in his defence though he was given ample opportunity except disowning the signatures affixed on documents as well as stating that the cases are under-trial before the Anti-corruption court. However, the Inquiry Officer in his separate reports in both the enquiries has proved him guilty on the basis of which major penalty of removal from service was awarded to him by the competent authority.Based on the reasons mentioned above, the appeal is dismissed and order of the Deputy Commissioner Nowshera dated 18.09.2015 upheld. File to GRR.

M. Z. Jale

COMMISSIONER
PESHAWAR DIVISION PESHAWAR.

Announced.
17.02.2016

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15

**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

No. D.Appeal/Hassan/AR/2016
Dated 01.04.2016

To,

Mr. Muhammad Hassan (Appellant)
Ex-Patwari, District Nowshera.

Subject: **DEPARTMENTAL APPEAL.**

Reference your departmental appeal filed before this court against the order of Deputy Commissioner, Nowshera dated 18.09.2015.

You are hereby informed that your departmental appeal has been rejected. A copy of the judgment dated 17.02.2016 announced by this court is enclosed herewith for information please.

A. Q. Khan 01.4.16
Assistant to Commissioner (Rev/GA)
Peshawar Division, Peshawar.

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16
Office of the
Deputy Commissioner
Nowshera.

(16)

(Office Phone#0923-9220098, Fax#0923-9220159, Email: dconsrpk@yahoo.com)

No. 1055 /DK/DC/NSR/2015

31st August, 2015

Muhammad Hassan
Ex- Patwari Halqa Garu.

Subject:- SHOW CAUSE NOTICE.

Whereas the undersigned received the following two complaints against you from Anti-Corruption Establishment, Nowshera. I

- 1- That FIR No.04 dated 23-2-2015 was lodged by Anti-Corruption Police Nowshera, with complaints of taking bribe of Rs.100000/- from Mr. Zar Din Khattak s/o Islam u Din Khattak R/o Nizam Pur and prepared fake and false documents of land bearing khasra no. 1208 measuring 99K-2M having no record.
- 2- That FIR No. 05 dated 02-03-2015 was lodged by Anti-Corruption Police Nowshera, with complaints of taking bribe of Rs.16,000/- and 4000/- from Mr. Shawas Khan s/o Abbas Khan and prepared fake and false documents of Girdawari of Shamilat land bearing khasra no. 14, 44,326 of mouza Namal sara toya and 1350 of mouza Garu having no record.

Subsequently your services were placed under suspension and Mr. Tanveer Khattak, Additional Assistant Commissioner-II Nowshera was appointed as Inquiry Officer to probe the allegations and report.

And whereas Additional Assistant Commissioner Nowshera has reported on 12-8-2015 and 18-8-2015 with following act of offence committed by you.

- 1) That you issued a false Fard having name of Zar Din Khattak in cultivation column of khasra no.1208 which does not tally with actual records.
- 2) That you have issued the said Fard fraudulent and fictitiously
- 3) That you have misused your official authority for your own interest.
- 4) That you have issued the bogus and false copy of Girdawari to Mr Shawas Khan
- 5) That you have not taken signature /thumb impression of seller, buyer, and witness for mutation 820 in Roznamcha Waqiyati Ripat no. 208.

In view of the above, you are therefore, directed to show cause as to why should not your service be laid off/ removed for the above commission of offence and also intimate whether you desire to be heard in person or otherwise

If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have nothing in your defence and an ex-parte action shall be taken against you.

Copies of the inquiry reports are attached.

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Deputy Commissioner
Nowshera

17

OFFICE OF THE DEPUTY COMMISSIONER NOWSHERA

OFFICER	DEPUTY COMMISSIONER
NO.	12162
Diary No.	27-8-15
Date	27-8-15

Subject: Reply to show cause notice No. 1055/DK/NSR/2015

In reply it is submitted that the respondent is a noble and honest citizen and belongs to a respectable family.

So far as the Fard Jamabandi of Khasra No. 1208 is concerned neither any Fard was issued to Zardin Khattak (Complaint) nor signed by me, or any money/ bribe was taken by me from anyone.

Further the allegation contained in FIR No.4 dated 23/02/2015 is baseless and having no foundation and the case is pending adjudication in the court competent jurisdiction and yet to be proved the allegation of bribe against me. In this respect the complainant Zardin Khattak has also submitted an affidavit in court regarding my innocence. So no Fraud has been committed by me.

Now, keeping in view these facts, when the allegations contained in FIR No. 4 is not proved then the whole inquiry report dated 12/08/2015 submitted by A.C Nowshera is also baseless and can not be relied upon.

Dr. Spu today
h 7/9
Deputy Commissioner
NOWSHERA

As for as the allegation of FIR No.05 dated 02/03/2015 is concerned I have not received any bribe from complainant Shawas Khan, nor issued any Fard Jamabandi / Khasra Girdawari to complainant Shawas Khar, nor signed and sealed by me. I have committed no fraud. The case is pending adjudication and is yet to be proved by the complainant, and if the allegation is not proved against me, then the whole inquiry report dated 12/08/2015 is null and void and at this stage it is baseless as I have committed no offence.

Note: I request the worthy office and desire to be heard personally.

Dated: 07/09/2015

Muhammad Hassan
Patwari, Nowshera

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B Office of the
Deputy Commissioner
Nowshera.

(Office Phone#0923-9220099, Fax#0923-9220159, Email: dconsrpk@yahoo.com)

25th February, 2015

OFFICE ORDER.


No 271-78 /DK/DC/NSR/2015. Subsequent to the arrest of Mr. Muhammad Hassan Patwari by the Anti -Corruption Police Nowshera on 23-02-2015 vide FIR No. 04, the undersigned is pleased to place his services under suspension with immediate effect. And appoint Mr. Tanveer Khattak, Additional Assistant Commissioner -II Nowshera, as inquiry Officer to probe and submit his recommendation within 15days.


Deputy Commissioner
Nowshera. j

Even No & Date.

Copy forwarded for information to the:-

- 1- Commissioner Peshawar Division Peshawar.
- 2- Additional Deputy Commissioner Nowshera
- 3- Settlement Officer Nowshera .
- 4- Assistant Commissioner Nowshera.
- 5- Additional Assistant Commissioner -II Nowshera/ Inquiry Officer.
- 6- The Tehsildar Nowshera w/r to his report dated 24-02-2015.
- 7- Official Concerned.


Deputy Commissioner
Nowshera. p

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Office of the ¹⁹
Deputy Commissioner
Nowshera.

15

(Office Phone#0923-9220099, Fax#0923-9220159, Email: dconsrpk@yahoo.com

No. 362-65 /DK/DC/NSR/2015

12th March, 2015

Additional Assistant Commissioner-II
Nowshera.

Subject:- FIR NO.5 DATED 02-03-2015 UNDER SECTION.161,420, 468-471 , 5(2)
PC ACT BY ANTI-CORRUPTION ESTABLISHMENT NOWSHERA.

In continuation to this office order No.271-78/DK/DC/NSR/2015 dated 25-02-2015 and to enclose herewith a copy of letter No. 61-5-CO.ACE.NSR dated 02-03-2015 received from the Circle Officer, Nowshera that Muhammad Hassan ex-Patwari halqa Garu Nizampur has been arrested in FIR No.5.

You are therefore, appointed as inquiry officer to probe the compliant/ allegations against Muhammad Hassan Patwari (under suspension) and submit discreet report along-with recommendation jointly with inquiry entrusted vide above quoted order within 15days positively.

[Signature]
Deputy Commissioner
Nowshera

Even No & Date.

Copy forwarded for information to the:-

- 1- Commissioner Peshawar Division Peshawar.
- 2- Assistant Commissioner Nowshera.
- 3- Official concerned.

[Signature]
Deputy Commissioner
Nowshera

Speak
Amir
13/03/15

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CO - ACE - MSR
06-02-2015

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تاریخ	2015
مقام	5232 PC Act
موضوع	PC Act 165-120
تعداد	2015
ملاحظات	

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Handwritten signature or name in Urdu.

(1) 2015

True Copy

02/12/2015 - 152

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16/8

Dr. / 8/8

12/08/15

II

Amir Khan

18/8

Dr. / 18/8
Amno camera

Handwritten signature/initials

Handwritten text in Urdu, mentioning 'KPK govt servants' and 'FARVA'.

Handwritten signature

Main body of handwritten text in Urdu, containing a detailed message or report.

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یہ سرٹیفکیٹ 1350 نو مہینوں کے لیے جاری کیا گیا ہے۔

326 پر 05/03/2015 تاریخ کے ساتھ جاری کیا گیا ہے۔

اس سرٹیفکیٹ میں "مقبول" لکھا گیا ہے۔

اس سرٹیفکیٹ کی تصدیق کرنے والے کے پاس 326 پر 05/03/2015 تاریخ کے ساتھ جاری کیا گیا ہے۔

اس سرٹیفکیٹ کی تصدیق کرنے والے کے پاس 326 پر 05/03/2015 تاریخ کے ساتھ جاری کیا گیا ہے۔

اس سرٹیفکیٹ کی تصدیق کرنے والے کے پاس 326 پر 05/03/2015 تاریخ کے ساتھ جاری کیا گیا ہے۔

(1) سرٹیفکیٹ کی تصدیق کرنے والے کے پاس 326 پر 05/03/2015 تاریخ کے ساتھ جاری کیا گیا ہے۔

(2) سرٹیفکیٹ کی تصدیق کرنے والے کے پاس 326 پر 05/03/2015 تاریخ کے ساتھ جاری کیا گیا ہے۔

(3) سرٹیفکیٹ کی تصدیق کرنے والے کے پاس 326 پر 05/03/2015 تاریخ کے ساتھ جاری کیا گیا ہے۔

(4) سرٹیفکیٹ کی تصدیق کرنے والے کے پاس 326 پر 05/03/2015 تاریخ کے ساتھ جاری کیا گیا ہے۔

الزامات کے مطابق FIR نمبر 05/03/2015

362-65/DK/MSR/2015 پر 15 مارچ 2015 کو جاری کیا گیا ہے۔

05/03/2015 تاریخ کے ساتھ جاری کیا گیا ہے۔

FIR نمبر 05/03/2015 تاریخ کے ساتھ جاری کیا گیا ہے۔

یہ سرٹیفکیٹ 1350 نو مہینوں کے لیے جاری کیا گیا ہے۔

انٹرنیٹ پر جاری کیا گیا ہے



اور سالانہ رپورٹوں کے ساتھ ساتھ 2008 میں ایسی ایسی چیزیں پیش کی گئی ہیں جن سے
 پتہ چلتا ہے کہ وہ اس وقت بھی اپنی سرگرمیوں کو جاری رکھ رہے ہیں۔ (صفحہ 11)
 جن میں سے کئی چیزیں ایسی ہیں جن سے پتہ چلتا ہے کہ وہ اس وقت بھی اپنی سرگرمیوں کو جاری رکھ رہے ہیں۔

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اس کے علاوہ اس رپورٹ میں اس بات کا بھی ذکر کیا گیا ہے کہ وہ اس وقت بھی اپنی سرگرمیوں کو جاری رکھ رہے ہیں۔
 اس کے علاوہ اس رپورٹ میں اس بات کا بھی ذکر کیا گیا ہے کہ وہ اس وقت بھی اپنی سرگرمیوں کو جاری رکھ رہے ہیں۔
 اس کے علاوہ اس رپورٹ میں اس بات کا بھی ذکر کیا گیا ہے کہ وہ اس وقت بھی اپنی سرگرمیوں کو جاری رکھ رہے ہیں۔

اس کے علاوہ اس رپورٹ میں اس بات کا بھی ذکر کیا گیا ہے کہ وہ اس وقت بھی اپنی سرگرمیوں کو جاری رکھ رہے ہیں۔
 اس کے علاوہ اس رپورٹ میں اس بات کا بھی ذکر کیا گیا ہے کہ وہ اس وقت بھی اپنی سرگرمیوں کو جاری رکھ رہے ہیں۔
 اس کے علاوہ اس رپورٹ میں اس بات کا بھی ذکر کیا گیا ہے کہ وہ اس وقت بھی اپنی سرگرمیوں کو جاری رکھ رہے ہیں۔

اس کے علاوہ اس رپورٹ میں اس بات کا بھی ذکر کیا گیا ہے کہ وہ اس وقت بھی اپنی سرگرمیوں کو جاری رکھ رہے ہیں۔
 اس کے علاوہ اس رپورٹ میں اس بات کا بھی ذکر کیا گیا ہے کہ وہ اس وقت بھی اپنی سرگرمیوں کو جاری رکھ رہے ہیں۔
 اس کے علاوہ اس رپورٹ میں اس بات کا بھی ذکر کیا گیا ہے کہ وہ اس وقت بھی اپنی سرگرمیوں کو جاری رکھ رہے ہیں۔

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جان بوجھ کر درخواست گزار کو دھوکہ دیا، خراڈ اور بیہوشی
پر جاری کیا تھا۔ اپنے اختیارات کا ناجائز ماخذہ اٹھایا تھا۔

سفارشات 5۔

محمد حسن سابقہ شواری گاڑو، داخل سہہ توپان نظام پور کو
کو KPK Govt: Servants (E&D) Rules, 2011 کے سیکشن
(ط) 4(1) کے تحت سزا دینے کی سفارش کی جاتی ہے۔

M. M. Khan

توسیر خان

18/08/15
ایڈیشنل سٹیشننگ آفیسر نو شہرہ

ڈیپٹی کمشنر صاحب نو شہرہ

OFFICE OF THE
DEPUTY COMMISSIONER
NOWSHERA
Diary No. 11182
Date 20/8/15

DK
Apsa

DK
Issue Show
cause

20/8

19/8

Certified to be
True Copy

22/09/15
Asst District Kanungo
Deputy Commissioner Office
Karnal

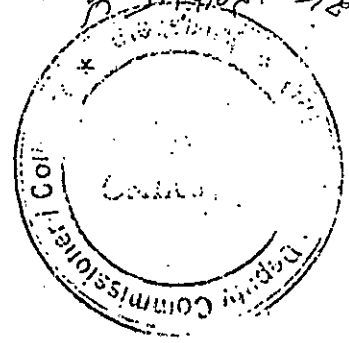
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True Copy

11/05/15
Karnal
10/10

11/05/15

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16

(b)



28

12

سان فوٹو کاپی بلاتم بخوار نظامی

خدا ہوا

لسانہ انٹرنی زون خند و اسلام الدین خند ملکہ نظام پور نے میری طرف سے جو درخواستیں کرنا

درخواستیں سربراہر جھوٹ اور بددیانتی پر مبنی تھیں۔ میں نے مائل سے کئی قسم کی لین نہیں کی ہے۔

حکمی ثبوت دستاویز نمبر 895 مورخہ 27/2/2015 بصورت بیان حکمی لف ملز ایس۔

کپڑا آریجیو ایس سے اشتہار کے مائل میں جانی ادرم کا ملکہ گارے۔ اور آریجیو ملکہ فٹا طرے گا۔

نیز درپور ملکہ ایس۔

نیز درپور ملکہ ایس۔
30/4/15

Amirul Islam
Ape. II / I O
30/04/15

Certified to be
True Copy

ATTESTED
to be true Copy

Asstt District Kanungo
Deputy Commissioner
Nowshera

22/09/15

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۲۹

درق نمبر کتاب نمبر ضلع دوشنبہ تحصیل دیسہ برصغیر خسر مگرواری موضع ۸۴۸

۱	۲	۳	۴	۵	۶	۷	۸	۹	۱۰	۱۱	۱۲	۱۳	۱۴	۱۵	۱۶	۱۷
کیفیت	نام مالک	نام کاشتکار	رتبہ	دین		بیمہ	دین	دین	دین	دین	بیمہ	دین	دین	دین	بیمہ	کیفیت
				فصل	بیمہ											
	نبرکاتہ	نبرکتونی	قسم زمین	فصل	بیمہ	تبدیل حق کاشت یا قبضہ و نگاہ سے احوال	فصل	فصل	فصل	فصل	فصل	فصل	فصل	فصل	فصل	
	جلاکت پورہ	مقبولہ دکانہ	لیٹریٹ ہاؤس	۱۶	۹۹		۱۶	۹۹	۱۶	۹۹	۱۶	۹۹	۱۶	۹۹	۱۶	۱۲۵۸
	مدریہ قہار	مدریہ کھٹی	۹۹-۲	۱۶	۹۹		۱۶	۹۹	۱۶	۹۹	۱۶	۹۹	۱۶	۹۹	۱۶	
	کٹلا	۳۷۵														

۱۶/۱۲/۲۰۲۰
 ۱۶/۱۲/۲۰۲۰
 ۱۶/۱۲/۲۰۲۰

Certified to be
 TRUE COPY

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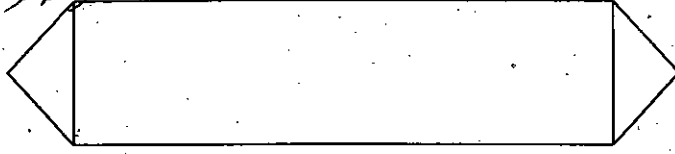
322	سليم خان دبير	نذر جغتوي	نوزاد اقبال دبير	سليم خان دبير	نذر جغتوي	52-8	01	02	X	01	02	01	02	01	02	01	02	X
323	شاملت ديكه	سليم خان دبير	سليم خان دبير	سليم خان دبير	نذر جغتوي	52-8	01	02	X	01	02	01	02	01	02	01	02	X
324	دورنت جوهان	عقوبه سالمان	عقوبه سالمان	عقوبه سالمان	عقوبه سالمان	01-4	01	02	X	01	02	01	02	01	02	01	02	X
325	سليم خان دبير	نذر جغتوي	نذر جغتوي	نذر جغتوي	نذر جغتوي	26-17	01	02	X	01	02	01	02	01	02	01	02	X
326	شاملت ديكه	سليم خان دبير	سليم خان دبير	سليم خان دبير	سليم خان دبير	68-4	01	02	X	01	02	01	02	01	02	01	02	X

Certified to be True Copy

13272530151815 of 100 L...DLR-675/10

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بعدالت جناب سرورس در بیونیل خیر محفو خواہ



مورخہ 2016ء پنجاب
مقدمہ سرورس اپیل
دعویٰ محمد حسن بنام عیسیٰ لیشا اور
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام لیشا اور کیلئے ناہسر محووم صید علیہ (طصیظ) ابنہ حیار ابن اللہ ایدو لیشا

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظرنانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھد یا کہ سندر لکھد۔

2016

ماہ اپریل

المرقوم 13

العبد گواہ العبد

کے لئے منظور ہے۔

مقام لیشا اور

BEFORE SERVICE TRIBUNAL KHYBERPAKHTUNKHWA, PESHAWAR

In service Appeal No 394-----/2016

Muhammad Hassan s/o Nawab Khan R/o Zaidullah Killay Tehsil and District Charsada

Ex- Patwari Revenue Department Nowshera

-----APPELLANT

Versus

1. Commissioner Peshawar Division, Peshawar.
2. Deputy Commissioner Nowshera.

-----RESPONDENTS.

PARA WISE COMMENTS OF RESPONDENTS ARE AS UNDER

1. That the appellant has no cause of action and locus standi.
2. That the instant Appeal is not maintainable in its form.
3. That the Appellant has not come to this honorable court with clean hands.

ON FACTS

1. Correct. The appellant was appointed as Patwari on 16.05.2002 in District Nowshera.
2. Pertain to Record.
3. Incorrect. subsequent to arrest of appellant vide FIR No. 04 dated 23/03/2015 by Anti-Corruption Establishedment, Mr. Tanveer Khan Additional Assistant Commissioner-II Nowshera was appointed as inquiry officer to probe the complaint of Mr. Zardin Khattak and according to inquiry report it was that the Appellant has delivered fake documents to the complainant.(Annexure-A)

4. Incorrect. Subsequent to arrest of appellant Vide FIR No. 05 dated 02/03/2015 by Anti- Corruption Establishment Nowshera in complaint of Mr. Shawas Khan, inquiry was also entrusted to Additional Assistant Commissioner –II Nowshera, Mr. Tanveer Khan to probe the allegations, where the appellant was also found guilty of issuance of fake and false documents of girdawari to Mr. Shawas Khan, by misusing official authority in his own interested. **(Annexure-B)**
5. Correct. After receiving copy of Fir/arrest of appellant, his services were placed under suspension and Mr. Tanveer Khan Additional Assistant Commissioner-II Nowshera was appointed inquiry officer to probe the allegations. **(Annexure-C)**
6. Incorrect. Both the inquiries were held as per law and rules and appellant was dealt as per law. No illegality has been Committed.
7. Incorrect. On receiving inquiry reports a show cause notice was issued upon the appellant along with inquiry report according to khyberpakhtunkhwa Civil Servants (Efficiency and Discipline) rules, 2011. Reply of show cause notice was found devoid of reason and sense, Thus Appellant was dismissed from Service Vide order No. 1094-1104/DK/DC/NSR/2015 dated 18th sep, 2015. **(Annexure-D)**
8. Correct. Department appeal of the appellant was properly rejected on 17.02.2016 by the respondent No. 01 (Commissioner Peshawar Division, Peshawar). **(Annexure-E)**

ON GROUND

- a) Incorrect. Appellant was treated in accordance with law and rules and in according to law/rules The appellant was rightly dismissed,
- b) Incorrect. Order of removal from Service of appellant is according to law/rules.
- c) Incorrect. Appellant has not requested for comparison of Signature /stamp affixed for FSL before inquiry officer, being guilty, appellant submitted affidavit before the court regarding conciliation with complainant Zardin Khattak.
- d) Incorrect. Proper inquiry procedure was followed in both the complaint and appellant as well as complainants recorded their statements before inquiry officer along with question answer section.

- e) Incorrect. Appellant should have requested for the comparison of signature before the inquiry officer or Deputy Commissioner in show cause reply. Application to Commissioner Peshawar Division, Peshawar, being appellant forum is illegal.
- f) Incorrect. proper inquiry was conducted by inquiry officer according to law/rules.
- g) Incorrect. penalty awarded to appellant is according to law.
- h) Incorrect. proper inquiry procedure was followed and a show cause notice along with inquiry report was served upon appellant.
- i) Incorrect. Inquiry officer acted as per law /rules, Complainant shawas khan in his affidavit stated regarding mutation No.820
- J) No Comments. Relates to discretion of honorable Tribunal.

In view of the above, it is requested that the instant appeal is without substance therefore, may kindly be dismissed.



Commissioner Peshawar Division,
Peshawar.

Commissioner Peshawar Division
Peshawar



Deputy Commissioner,
Nowshera.

Deputy Commissioner
Nowshera

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 394/2016

Muhammad Hassan S/O Nawab Khan R/O Zaid ullah kally Tehsil and District
Charsada.

EX- Patwari Revenue Department Nowshera,

VS

1. Commissioner Peshawar Division, Peshawar.
2. Deputy Commissioner, Nowshera.

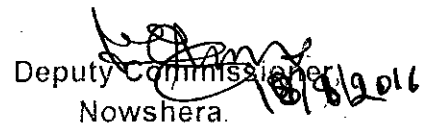
AFFIDAVIT

We respondent no 01 and 02, do hereby solemnly affirm and declare on oath that
the contents of the instant reply are true and correct to the best of our knowledge
and belief and nothing has been concealed from this honorable Tribunal.



Commissioner Peshawar Division,
Peshawar.

Commissioner Peshawar Division
Peshawar

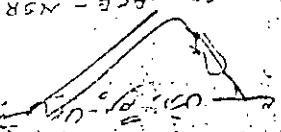


Deputy Commissioner
Nowshera.

Deputy Commissioner
Nowshera

191
 191
 191

CO - ACE - MSR
 06.02.2015



Handwritten text in Urdu, appearing to be a list or inventory of items, possibly related to military or administrative records. The text is dense and difficult to read due to the cursive script and some fading.

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ردیف	تاریخ	موضوع
1	13/05/2014	...
2
3
4
5
6
7

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انسانی وسائل کے بارے میں...

انسانی وسائل

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16

Deputy Commissioner
NOWSHERA

CO-ACE-NSR
23-02-2015

D.K.

Handwritten notes in Urdu, including references to BBA 2015 and BBA 2014. The text appears to be a list or summary of items, possibly related to a tax or financial audit. Some words are underlined.

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OFFICE OF THE DEPUTY COMMISSIONER NOWSHERA
Diary No. 2934
Date 24/02/15

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N. 203/174
M/2015

Deputy Commissioner
NOV. 16/2015

Teknikda nsa
24/12/15

Sir,
Forwarded for further
action please.

24/12/2015
M/2015

الرجاء
م/2015
161-165-420
5 (2) P.C.M.E
24/12/2015
P.P.

OFFICE OF THE
DEPUTY COMMISSIONER
NOVEMBER
2935
Date 24/12/15

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Office of the
Deputy Commissioner
Nowshera.


①

(Office Phone#0923-9220099, Fax#0923-9220159, Email: dconsrpk@yahoo.com)

25th February, 2015

OFFICE ORDER.


No 271-78 /DK/DC/NSR/2015. Subsequent to the arrest of Mr. Muhammad Hassan Patwari by the Anti -Corruption Police Nowshera on 23-02-2015 vide FIR No. 04, the undersigned is pleased to placed his services under suspension with immediate effect. And appoint Mr. Tanveer Khattak, Additional Assistant Commissioner –II Nowshera, as inquiry Officer to probe and submit his recommendation within 15days.


Deputy Commissioner
Nowshera. 3

Even No & Date.


Copy forwarded for information to the:-

- 1- Commissioner Peshawar Division Peshawar.
- 2- Additional Deputy Commissioner Nowshera
- 3- Settlement Officer Nowshera .
- 4- Assistant Commissioner Nowshera.
- 5- Additional Assistant Commissioner –II Nowshera/ Inquiry Officer.
- 6- The Tehsildar Nowshera w/r to his report dated 24-02-2015.
- 7- Official Concerned.


Deputy Commissioner
Nowshera. 3

- 1) Call patwari concerned .
- 2) Applicant (complainant
- 3) Relevant record be produced on urgent basis .

Reader:


27/02/2015

اس کی تاریخ 13/8/15 ہے۔
میں نے اس کی کاپی لے لی ہے۔
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Date	13/8/15
Diary No.	10548
OFFICE OF THE DEPUTY COMMISSIONER NOWSHERA	

انوائس برائے

18/08/15
II

Amir Khan
Tehran

Dr

PHS Research
Ahmad Zaman

Dr. Khan
1978

1978

Dr. Amir Khan
Tehran

Dr. Amir Khan
PHS Research
Ahmad Zaman
Tehran

Amir Khan

Dr. Amir Khan
PHS Research
Ahmad Zaman
Tehran
Amir Khan
PHS Research
Ahmad Zaman
Tehran



Office of the
Deputy Commissioner
Nowshera.

(Office Phone#0923-9220099, Fax#0923-9220159, Email: dconsrpk@yahoo.com)

No. 362-65 /DK/DC/NSR/2015

12/11/15

March, 2015


To

Additional Assistant Commissioner-II
Nowshera. ✓

**Subject:- FIR NO.5 DATED 02-03-2015 UNDER SECTION.161,420, 468-471, 5(2)
PC ACT BY ANTI-CORRUPTION ESTABLISHMENT NOWSHERA.**

In continuation to this office order No.271-78/DK/DC/NSR/2015 dated 25-02-2015 and to enclose herewith a copy of letter No. 61-5-CO.ACE.NSR dated 02-03-2015 received from the Circle Officer Nowshera that Muhammad Hassan ex-Patwari halqa Garu Nizampur has been arrested in FIR No.5.


You are therefore, appointed as inquiry officer to probe the compliant/ allegations against Muhammad Hassan Patwari (under suspension) and submit discreet report along-with recommendation jointly with inquiry entrusted vide above quoted order within 15days positively.


Deputy Commissioner
Nowshera

Even No & Date.

Copy forwarded for information to the:-

- 1- Commissioner Peshawar Division Peshawar.
- 2- Assistant Commissioner Nowshera.
- 3- Official concerned.


Deputy Commissioner
Nowshera

Speak.
Am.
13/03/15

زرین بیک

Deputy Commissioner
NOWSHERA

Co - ACE-N.S.R
2-3-2015

As proposed
P/S put up

11/12

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OFFICE OF THE
DEPUTY COMMISSIONER
NOWSHERA
Diary No. 3224
Date 02-03-15

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NO 61-5-CO.ACE.NSR
date 2-3-2015

ACE N/S

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جان بوجھ کر درخواست گزار کو دعوت دہی، فراڈ اور بد نییتی
سرجاری کیا تھا۔ اپنے اختیارات کا ناجائز خاندانہ اٹھایا تھا۔

سفارشات ۵

۱) محمد حسن سالقہ پٹواری گاڑو، اعلیٰ سہہ توپان نظام پور کو
کو 2011ء کے KPK Govt: Servants (E&D) Rules کے سیکشن
(ب) 4(1) کے تحت سزا دینے کی سفارش کی جاتی ہے۔

Amir Khan

نور خان 18/08/15

ایڈیشنل سیکرٹری نو شہرہ

ڈیپٹی کمشنر صاحب نو شہرہ

OFFICE OF THE DEPUTY COMMISSIONER NOWSHERA
Diary No <u>11182</u>
Date <u>20/8/15</u>

DR
Apu

DR
Issue show
cause

20/8

h
19/8




Office of the
Deputy Commissioner
Nowshera.

(Office Phone#0923-9220099, Fax#0923-9220159, Email: dconsrpk@yahoo.com)

25th February, 2015

OFFICE ORDER.


No 271-78 /DK/DC/NSR/2015. Subsequent to the arrest of Mr. Muhammad Hassan Patwari by the Anti -Corruption Police Nowshera on 23-02-2015 vide FIR No. 04, the undersigned is pleased to placed his services under suspension with immediate effect. And appoint Mr. Tanveer Khattak, Additional Assistant Commissioner -II Nowshera, as inquiry Officer to probe and submit his recommendation within 15days.


Deputy Commissioner
Nowshera. j

Even No & Date.


Copy forwarded for information to the:-

- 1- Commissioner Peshawar Division Peshawar.
- 2- Additional Deputy Commissioner Nowshera
- 3- Settlement Officer Nowshera .
- 4- Assistant Commissioner Nowshera.
- 5- Additional Assistant Commissioner -II Nowshera/ Inquiry Officer.
- 6- The Tehsildar Nowshera w/r to his report dated 24-02-2015.
- 7- Official Concerned.


Deputy Commissioner
Nowshera. j

- 1) Call patwari Concerned .
- 2) Applicant (Complainant)
- 3) Relevant record be produced on urgent basis .

Reader:


27/02/2015

انوار کمالی / منیر ٹو شیرو
12/05/2015

Office of the
Deputy Commissioner
Nowshera.

(Office Phone#0923-9220099, Fax#0923-9220159, Email: dconsrpk@yahoo.com)

No. 362-65 /DK/DC/NSR/2015

12th March, 2015


To

Additional Assistant Commissioner-II
Nowshera. ✓

Subject:- FIR NO.5 DATED 02-03-2015 UNDER SECTION.161,420, 468-471, 5(2)
PC ACT BY ANTI-CORRUPTION ESTABLISHMENT NOWSHERA.

In continuation to this office order No.271-78/DK/DC/NSR/2015 dated 25-02-2015 and to enclose herewith a copy of letter No. 61-5-CO.ACE.NSR dated 02-03-2015 received from the Circle Officer Nowshera that Muhammad Hassan ex-Patwari halqa Garu Nizampur has been arrested in FIR No.5.


You are therefore, appointed as inquiry officer to probe the compliant/ allegations against Muhammad Hassan Patwari (under suspension) and submit discreet report along-with recommendation jointly with inquiry entrusted vide above quoted order within 15days positively.


Deputy Commissioner
Nowshera

Even No & Date.

Copy forwarded for information to the:-

- 1- Commissioner Peshawar Division Peshawar.
- 2- Assistant Commissioner Nowshera.
- 3- Official concerned.


Deputy Commissioner
Nowshera

Depu
N

Speake.

Am.
13/03/15

ذریعہ کی کارروائی



Office of the
Deputy Commissioner
Nowshera.

(Office Phone#0923-922098, Fax#0923-9220159, Email: dconsrpk@yahoo.com)

No. 1055 /DK/DC/NSR/2015

31st August, 2015

To
Muhammad Hassan
Ex-Patwari Halqa Garu.

Subject:- SHOW CAUSE NOTICE.

Whereas the undersigned received the following two complaints against you from Anti-Corruption Establishment, Nowshera. I

- 1- That FIR No.04 dated 23-2-2015 was lodged by Anti-Corruption Police Nowshera, with complaints of taking bribe of Rs.100000/- from Mr. Zar Din Khattak s/o Islam u Din Khattak R/o Nizam Pur and prepared fake and false documents of land bearing khasra no. 1208 measuring 99K-2M having no record.
- 2- That FIR No. 05 dated 02-03-2015 was lodged by Anti-Corruption Police Nowshera, with complaints of taking bribe of Rs.16,000/- and 4000/- from Mr. Shawas Khan s/o Abbas Khan and prepared fake and false documents of Girdawari of Shamilat land bearing khasra no. 14, 44,326 of mouza Namal sara toya and 1350 of mouza Garu having no record.

Subsequently your services were placed under suspension and Mr. Tanveer Khattak, Additional Assistant Commissioner-II Nowshera was appointed as Inquiry Officer to probe the allegations and report.

And whereas Additional Assistant Commissioner Nowshera has reported on 12-8-2015 and 18-8-2015 with following act of offence committed by you.

- 1) That you issued a false Fard having name of Zar Din Khattak in cultivation column of khasra no.1208 which does not tally with actual records.
- 2) That you have issued the said Fard fraudulent and fictitiously
- 3) That you have misused your official authority for your own interest.
- 4) That you have issued the bogus and false copy of Girdawari to Mr Shawas Khan
- 5) That you have not taken signature /thumb impression of seller, buyer, and witness for mutation 820 in Roznamcha Waqiyati Ripat no. 208.

In view of the above, you are therefore, directed to show cause as to why should not your service be laid off/ removed for the above commission of offence and also intimate whether you desire to be heard in person or otherwise

If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have nothing in your defence and an ex-parte action shall be taken against you.

Copies of the inquiry reports are attached.


Deputy Commissioner
Nowshera

OFFICE OF THE DEPUTY COMMISSIONER NOWSHERA

OFFICE OF THE
DEPUTY COMMISSIONER
NOWSHERA
Diary No. 12162
Date 07-9-15

Subject: Reply to show cause notice No. 1055/DK/NSR/2015

In reply it is submitted that the respondent is a noble and honest citizen and belongs to a respectable family.

So far as the Fard Jamabandi of Khasra No. 1208 is concerned neither any Fard was issued to Zardin Khattak (Complainant) nor signed by me, or any money/ bribe was taken by me from anyone.

Further the allegation contained in FIR No.4 dated 23/02/2015 is baseless and having no foundation and the case is pending adjudication in the court competent jurisdiction and yet to be proved the allegation of bribe against me. In this respect the complainant Zardin Khattak has also submitted an affidavit in court regarding my innocence. So no Fraud has been committed by me.

Now, keeping in view these facts, when the allegations contained in FIR No. 4 is not proved then the whole inquiry report dated 12/08/2015 submitted by A.C Nowshera is also baseless and can not be relied upon.

Dr
Sp. Kodari
h 7/a
Deputy Commissioner
NOWSHERA

As for as the allegation of FIR No.05 dated 02/03/2015 is concerned-I have not received any bribe from complainant Shawas Khan, nor issued any Fard Jamabandi / Khasra Girdawari to complainant Shawas Khan, nor signed and sealed by me. I have committed no fraud. The case is pending adjudication and is yet to be proved by the complainant, and if the allegation is not proved against me, then the whole inquiry report dated 12/08/2015 is null and void and at this stage it is baseless as I have committed no offence.

Note: I request the worthy office and desire to be heard personally.

Dated: 07/09/2015

Muhammad Hassan
Patwari, Nowshera



Office of the
Deputy Commissioner
Nowshera

(Office Phone#0923-9220099, Fax#0923-9220159, Email: dconsrpk@yahoo.com)

18th September, 2015

OFFICE ORDER

No. 1094-1104/DK/DC/NSR/2015. Whereas the undersigned received the following two complaints from Anti-Corruption Establishment Nowshera against Muhammad Hassan Patwari.

- 1- That FIR No:4 dated 23/2/2015 was lodged by Anti-corruption police Nowshera, with complaint of taking bribe of Rs.100,000/- from Mr. Zar Din Khattak s/o Islam u Din Khattak resident of Nizam Pur and prepared fake and false documents of land bearing Khasra No. 1208 measuring 99K-2M having no record.
- 2- That FIR No.5 dated 2/3/2015 was lodged by Anti-corruption police Nowshera with the complaint of taking bribe of Rs.16,000/- and 4,000/- from Mr. Shawas Khan s/o Abbas Khan and prepared fake and false documents of Girdawri of Shamilat land bearing Khasra No. 14,44,326 of mouza Namal Sara Toya and 1350 of mouza Garu having no record.

Whereas the inquiry officer, Mr. Tanveer Khan Khattak, Additional Assistant Commissioner-II Nowshera, has proved as guilty after consulting revenue record, false Fard, and copy of Girdawari issued by him, his statement, as well as statement of complainant. It has been proved that the Patwari misused official authority for his own interest by not taking signature/Thumb impression of seller, buyer and witness for mutation No.820 against Ripat No. 208 in Roznamcha Waqiyati.

Whereas reply to show cause notice was found devoid of reason and sense. During personal hearing the accused patwari could not convince the undersigned being authority of his innocence.


Now therefore, I Zaka Ullah Khattak, being competent authority, keeping in view the above facts is pleased to agree with the inquiry report and therefore orders removal of services of the suspended patwari **Muhammad Hassan** (BPS-9) under section 4(1)(b) (iii) of Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules 2011, with immediate effect.


Deputy Commissioner
Nowshera

Even No & Date.

Copy forwarded to the.

- 1- Commissioner Peshawar Division, Peshawar.
- 2- Settlement Office Nowshera.
- 3- Assistant Commissioner Nowshera.
- 4- Additional Assistant Commissioner -II Nowshera/ inquiry Officer.
- 5- Account Officer, Deputy Commissioner Office Nowshera for necessary action.
- 6- P.S to Senior Member Board of Revenue Khyber Pakhtunkhwa for information.
- 7- Tehsildar Nowshera/ Jehangira/ Pabbi.
- 8- Muhammad Hassan Ex- Patwari.


Deputy Commissioner
Nowshera

1094-1104-07050809907

13

IN THE COURT OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR

Appeal No. 21/2015
Date of institution 09.10.2015
Date of decision 17.02.2016

Mulhammad Hassan, Ex Patwari, District Nowshera
VS
The Deputy Commissioner, Nowshera.

Appellant
Respondent

ORDER

My this order will dispose of the departmental appeal filed by the above named appellant against the order dated 18.09.2015 whereby the appellant was removed from service u/s 4(1)(b)(iii) of the Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules-2011. Aggrieved of the same, the instant departmental appeal was filed before this court challenging the impugned order of the Deputy Commissioner Nowshera as illegal, unlawful and prayed for setting aside of the same and re-instatement.

Facts leading to filing of the instant departmental appeal are that 02 separate complaints were received to the Deputy Commissioner Nowshera through Anti-Corruption Estt: Nowshera by Mr. Zardin Khattak and Mr. Shawas Khan against the appellant in which FIRs were also registered against him for receiving illegal gratification and issuing fake documents.

In pursuance of the above 02 complaints, the competent authority (Deputy Commissioner Nowshera) ordered an enquiry into each complaint through AAC-II, Nowshera which are as such:-

Complaint No.1.

Complaint was made by Mr. Zardin Khattak r/o Garu, Nizampur before the Anti Corruption Estt: Nowshera complaining that the appellant received Rs. 100,000/- and prepared a fake and false document/Fard of his land measuring 99 Kanals in Khsra No. 1208, hence the Anti-Corruption Estt: registered FIR against the appellant on 2.3.2015 and forwarded the case to the Deputy Commissioner Nowshera for further necessary action.

The Inquiry Officer, in his detailed enquiry report held that though the complainant has deviated from his previous statement as in his complaint before the Anti-corruption deptt: the complainant has clearly mentioned the allegations while in his statement before the Inquiry Officer, he has deviated from his statement/complaint and produced an affidavit that he has made "razi nama" with the appellant. However, the Inquiry Officer compared the previous fard issued to the complainant with the "Zer-e-kar fard" and found visible difference as in both fardats. The complainant's name was shown in "Khana-Kasht" in column in the fard issued earlier. while in the instant fard, the complainant's name was not mentioned. Hence according to the Inquiry Officer, the appellant has committed fraud and thus recommended him for major penalty.

Certified to be
True Copy

Complaint was made by Mr. Shawas Khan before the Anti-Corruption Estt: Nowshera that the appellant received Rs. 16000/- and Rs. 4000/- as bribes in the year 2009 on account of documents of girdawari of shamilat land bearing Khasra No. 14,44,326 of mauza Namal Sara toya and in Khasra No. 1350 of mauza Garu which later-on proved false and fake having no record. An FIR was registered against the appellant on 06.2.2015

The Inquiry Officer reported that the complainant purchased 06 Kanals land through mutation No. 820 at mauza Namal Sara Toya. The appellant received Rs. 16000/- for conducting girdawari in the name of the complainant in Khasra No. 14 & 44 and as per revenue record the said Khasra Nos are shamilat land and entered as "maqbooza Malikan" in khana kasht column of the register khasra girdawari. Similarly, Khasra No. 1350 is situated in moza Garu whereas Khasra 326 falls in maza Namal Sara Toya and are shamilat deh. Upto the year 2015 (Rabi) Girdawari was entered in the name of Gulab shah etc. The complainant submitted application for correction of girdawari on 31.12.2014 accordingly, girdawari was made in his name. Hence the Inquiry Officer has concluded that fard girdawari issued by the appellant was false and bogus as it neither mention crops of Rabi or Kharif, neither any cogent reasons of change of girdawari, hence stating that if change of girdawari in Khasra No. 326 had occurred during the period of posting of the appellant, there would have been no need of re-conduct of girdawari. He has further stated in his report that that girdawari in Khasra No. 1350 has been conducted in the name of the complaint back in the year 2013 which testifies that that the pert girdawari in mauza Garu issued by the appellant is fake. Thus the appellant was held guilty in issuing false and bogus fard of girdawari to the complainant and recommended him for major penalty. It is however, observed that proceedings in both the complaints are going on in the Anti-corruption court.

Appellant as well as representative of the Deputy Commissioner Nowshera Mr. Abdul Jabar, Girdawar Cricle along-with record present and heard. Parawise comments requisitioned from the Deputy Commissioner Nowshera also received and examined. The appellant produced nothing in his defence though he was given ample opportunity except disowning the signatures affixed on documents as well as stating that the cases are under-trial before the Anti-corruption court. However, the Inquiry Officer in his separate reports in both the enquiries has proved him guilty on the basis of which major penalty of removal from service was awarded to him by the competent authority. Based on the reasons mentioned above, the appeal is dismissed and order of the Deputy Commissioner Nowshera dated 18.09.2015 upheld. File to GRR.

M. Jale

COMMISSIONER
PESHAWAR DIVISION PESHAWAR.

Announced.
17.02.2016

Certified to be
True Copy

لجودالت سرور منظر نمبر پندرہ فیبر و کھنڈہ - چٹا

محمد حسن بنک سرور

عقد ان ... قرارداد ... قرارداد حکم زمانے واسطے
بجائے تاریخ پیشی کی ہے
دیگر مبالغہ کی مقدار دیکھتے

تاریخ پیشی ۲/۱۲۵

جی ایم ای

مقدمہ لکھنؤ بال لجدالت سرور منظر نمبر پندرہ فیبر و کھنڈہ
چٹا میں اور کھنڈہ ہے جس میں انفریمیاٹم ۲-۲۵-۲۵۰

یہ وہ وسیلے کا اصل حکم لکھنؤ وقت انفریمیاٹم ۲-۲۵-۲۵۰
۲۷۲۷ کے حکم کے اور سرور پیشی کے کام ہے

لیجودالت سرور سے اس کے ساتھ ساتھ
کے ساتھ سرور کے کام لکھنؤ کے اور کھنڈہ کے
تاریخ پیشی سرور ۲۰۲۱-۲-۲۵ کے حکم کے اور کھنڈہ کے

محمد حسن
دیگر لکھنؤ

۱۷۶۱-۹۶۳-۱۷۶۰۱

کے