

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 830/2019

Date of Institution ... 20.06.2019  
Date of Decision ... 21.06.2021

Muhammad Hamayun, Girdawar Circle Tehsil and District  
Peshawar.

... (Appellant)

**VERSUS**

The Commissioner Peshawar and one another.

... (Respondents)

Naila Jan,  
Advocate

... For appellant.

Riaz Khan Paindakheil,  
Assistant Advocate General

... For respondents.

AHMAD SULTAN TAREEN  
ROZINA REHMAN

... CHAIRMAN  
... MEMBER (J)

**JUDGMENT**

ROZINA REHMAN MEMBER (J): Briefly stating the facts necessary for the disposal of the lis in hand are that appellant was inducted as Patwari. He was promoted as Girdawar. He had been asked by the National Accountability Bureau for the provision of information in connection with an inquiry against the Administration of Al-Hamra Builders, Mardan and others but the said information was allegedly delayed, therefore, charge sheet and statement of allegations were issued. An inquiry was also conducted and after completion of inquiry,

Handwritten signature and date: 21/6/21

law contained in Rule-14(F) bypassing the show cause notice, thus  
The competent authority also skipped another mandatory provision of  
the charges, which were already cleared by the inquiry committee.  
the inquiry committee. It is noticed that appellant was penalized for  
approach of the competent authority to dissent with the findings of  
record any other ground or material in support of overlooking  
skipped and violated such provision of law. We also did not find an  
inquiry committee but in the instant case, the competent authority  
order a de-novo inquiry through different inquiry officer or different  
such directions, as the competent authority may like to give or may  
inquiry officer or the inquiry committee, as the case may be, with  
was required to record reasons in writing either to remand to the  
& Discipline) Rules, 2011 by virtue of which, the competent authority  
Rule-14(F) of Khyber Pakhtunkhwa Government Servants (Efficiency  
the inquiry report, failed to take mandatory steps as canonized in  
competent authority while not agreeing with the recommendations of  
increment was recommended only for the guilt of delay. The  
concealment of fact, hence, minor penalty of withholding an  
the officials adopted proper procedure and are not guilty of  
cleared by the inquiry committee with recommendations that since  
the allegations to the extent of concealment of information was  
that too, was found as not intentional or willful. Second portion of  
the guilt only to the extent of delay in submission of information and  
Record further shows that the inquiry committee has narrowed down  
days were spent on making the letter down the road in the hierarchy.  
office of D.C. Peshawar to the hands of Halpa Giridwar. Such twenty

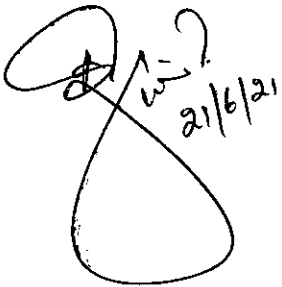
31/1/21

he was awarded minor punishment of deduction of two annual increments for two years. He preferred departmental appeal which was filed, hence the present service appeal.

2. Learned counsel for appellant submits the impugned order is against law, facts and norms of natural justice as the appellant was not treated in accordance with law and that the respondents violated Article-4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973. Learned counsel submitted that no show cause notice was served before the issuance of the impugned order dated 11.12.2018. He contended that no chance of personal hearing was provided to the appellant before issuance of the impugned orders. Lastly, he submitted that no regular inquiry was conducted and the allegations leveled against the appellant were not proved in the inquiry but even then, penalty was imposed upon appellant. Reliance was placed on 2019 SCMR 1004 and 2020 SCMR 1689.

3. Conversely, learned A.A.G representing the respondents, submits that penalty was imposed keeping in view the guilt of the appellant whose slackness cause a bad image before the National Accountability Bureau, however, he frankly conceded the non-issuance of show cause notice to the appellant.

4. Perusal of record would reveal that initially the issue erupted on the question of the late submission of information to NAB which later on attracted other issues pertaining to concealment of facts as well. On the question of delay, it is evident that the NAB letter addressed to D.C Peshawar took twenty days while travelling from the

A handwritten signature in black ink, followed by the date '21/6/21' written below it.


office of D.C Peshawar to the hands of Halqa Girdawar. Such twenty days were spent on marking the letter down the road in the hierarchy. Record further shows that the inquiry committee has narrowed down the guilt only to the extent of delay in submission of information and that too, was found as not intentional or willful. Second portion of the allegations to the extent of concealment of information was cleared by the inquiry committee with recommendations that since the officials adopted proper procedure and are not guilty of concealment of fact, hence, minor penalty of withholding an increment was recommended only for the guilt of delay. The competent authority while not agreeing with the recommendations of the inquiry report, failed to take mandatory steps as canonized in Rule-14(6) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 by virtue of which, the competent authority was required to record reasons in writing either to remand to the inquiry officer or the inquiry committee, as the case may be, with such directions, as the competent authority may like to give or may order a de-novo inquiry through different inquiry officer or different inquiry committee but in the instant case, the competent authority skipped and violated such provision of law. We also did not find on record any other ground or material in support of overweening approach of the competent authority to dissent with the findings of the inquiry committee. It is noticed that appellant was penalized for the charges, which were already cleared by the inquiry committee. The competent authority also skipped another mandatory provision of law contained in Rle-14(4) bypassing the show cause notice, thus,

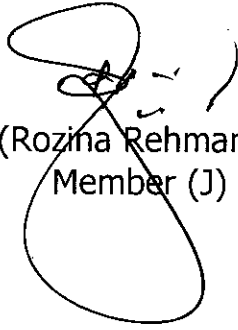
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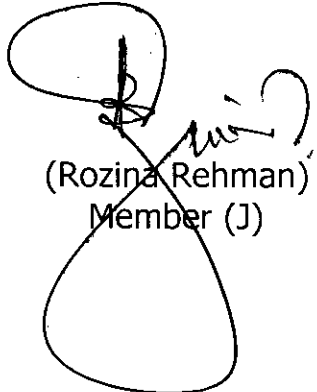
deprived the appellant from affording appropriate opportunity of defense, so the impugned order is liable to be struck down on this score alone but it would be appropriate to point out some intrinsic flaws in the inquiry proceedings which has snatched the opportunity of offering proper defense from the appellant. Departure from the set pattern and that too without a cogent reason in the present case caused irreparable damage to the appellant at the cost of substantial justice. Show cause notice is a mandatory requirement as well as demand of principle of natural justice. The disciplinary proceedings in hand cannot be termed as fair, just and reasonable to the effect that fixing responsibility on only one echelon of hierarchy in this particular case amounts to shirking responsibility in order to save their own skin. We are of the considered opinion that the disciplinary proceedings were not conducted as per law.

5. In view of the above discussion, instant service appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
21.06.2021

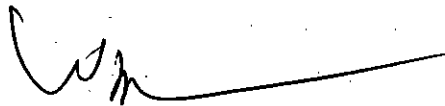
  
(Ahmad Sultan Tareen)  
Chairman

  
(Rozina Rehman)  
Member (J)

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	21.06.2021	<p><u>Present:</u></p> <p>Noor Muhammad Khattak, Advocate ... For Appellant</p> <p>Riaz Khan Paindakheil, Assistant Advocate General ... For respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, instant service appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 21.06.2021</p> <p> (Ahmad Sultan Tareen) Chairman</p> <p> (Rozina Rehman) Member (J)</p>

01.06.2021

Appellant alongwith Miss. Naila Jan, Advocate, present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and requested for adjournment being not prepared for arguments today. Adjourned. Last opportunity is given. To come up for arguments before the D.B on 08.06.2021.



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



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

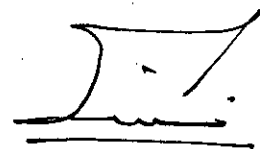
08.06.2021

Appellant alongwith his counsel Miss. Naila Jan, Advocate, present. Mr. Sher Wali, ADK alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned Deputy District Attorney requested that the appeal of other official proceeded against in the same inquiry is pending adjudication before this Tribunal and is fixed on 21.06.2021, therefore, the appeal in hand also be heard alongwith the said appeal. Adjourned. To come up for arguments before the D.B on 21.06.2021.



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



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

06.08.2020

Counsel for the appellant is present. Mr. Kabirullah Khattak, Additional AG for the respondents is also present.

Neither written reply/comments on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents for filing of written reply/comments by way of last chance. File to come up for written reply/comments on 30.09.2020 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER

30.09.2020

Counsel for the appellant and Addl. AG alongwith Naeem Jan, Patwari for the respondents present.

Respondents have not furnished requisite reply/comments despite various opportunities including last opportunity. The matter is, therefore, posted to D.B for arguments on 09.12.2020.

  
Chairman

09.12.2020

Due to COVID-19, case is adjourned to 01.03.2021 for the same as before.

  
Reader

01.03.2021

Due to COVID-19, the case is adjourned for the same on 01.06.2021.

  
READER




14.01.2020 Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to furnish reply/comments. Adjourned to 24.02.2020 on which date the requisite reply/comments shall positively be furnished.

  
Chairman

24.02.2020 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present. Learned AAG requested for further time to submit reply/comments. Last opportunity is granted. To come up for written reply/comments on 31.03.2020 before S.B.


  
(Hussain Shah)  
Member

31.03.2020 Due to public holiday on account of COVID-19, the case is adjourned to 23.06.2020 for the same. To come up for the same as before S.B.

  
Reader

23.06.2020 Nemo for the parties.

Notice be issued to both the parties and learned Additional Advocate General for 06.08.2020 for written reply/comments before S.B

  
Member

16.09.2019

Junior to counsel for the appellant present.

A request for adjournment is made due to general strike of the bar. Adjourned to 02.10.2019 for preliminary hearing before S.B.

  
Chairman

02.10.2019

Counsel for the appellant present.

On the strength of admitting note recorded in service appeal no. 379/2019 (Muhammad Nadeem-vs-SMBR and others), the instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/ comments on 02.12.2019 before S.B.

Appellant Deposited  
Security & Process Fee

  
2/10/19

  
Chairman

02.12.2019

Counsel for the appellant and Addl. AG for the respondents present.

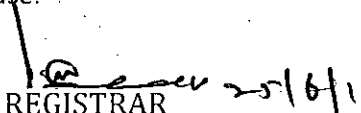


Learned AAG seeks time to contact the respondents and submit reply/comments. Adjourned to 14.01.2020 on which date the requisite reply/comments shall positively be submitted.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 830/2019 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/06/2019	<p>The appeal of Mr. Muhammad Hamayun resubmitted today by Naila Jan 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 25/6/19</p>
2-	23.07.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/07/19</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Mrs. Huma Khan, Advocate for appellant present.</p> <p>Request for adjournment is made as learned senior counsel for appellant is not available to argue the matter. Adjourned to 16.09.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Muhammad Hamayun Girdawar Circle Qasba Tehsil and District Peshawar received today i.e. on 20.06.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓ 1- Affidavit may be got attested by the Oath Commissioner.
- ✓ 2- Memorandum of appeal may be got signed by the appellant.

No. 1113 /S.T,

Dt. 21-6- /2019.

*[Signature]*  
21/6/19

REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Naila Jan Adv.Pesh.

*Removed all the  
objections and resubmitted*

*by Naila Jan  
[Signature]*

*25/6/2019*

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

S.A. 830 /2019

Muhammad Humayun

**VERSUS**

The Commissioner Peshawar and others

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*Muhammad Humayun Khan*  
**Appellant**

Through

*Naila Jan*

&

*Huma Khan*

Advocates, High Court  
Peshawar.

Dated: 20/06/2019

①

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

Khyber Pakhtukhwa  
Service Tribunal

S.A. 830 /2019

Diary No. 874

Dated 20/6/2019

Muhammad Humayun, Girdawar Circle Qasba,  
Tehsil and District Peshawar.

-----*(Appellant)*

**VERSUS**

1. The Commissioner Peshawar.
2. Deputy Commissioner Peshawar.

-----*(Respondents)*

**APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICES TRIBUNAL  
ACT, 1974 AGAINST THE IMPUGNED  
ORDER DATED 11/12/2018 WHEREBY THE  
APPELLANT WAS AWARDED MINOR  
PENALTY OF DEDUCTION OF TWO  
ANNUAL INCREMENT FOR TWO YEARS  
WAS IMPOSED AND AGAINST THE  
APPELLATE ORDER WHEREBY HIS  
DEPARTMENTAL APPEAL WAS FILED  
HOWEVER THE SAME WAS NOT  
COMMUNICATED TO THE APPELLANT.**

Filed to-day

Registrar  
20/6/19

Re-submitted to -day  
and filed.

Registrar  
20/6/19

**PRAYERS:-**

**ON ACCEPTANCE OF THE INSTANT APPEAL  
THE IMPUGNED ORDER MAY KINDLY BE SET  
ASIDE AND THE APPELLANT TWO ANNUAL**

(2)

INCREMENT MAY KINDLY BE RESTORED  
WITH ANY OTHER RELIEF DEEMS FIT BY  
THIS HON'BLE TRIBUNAL.

Respectfully Sheweth,

*The appellant submits as under:-*

1. That the appellant was appointed as Patwari and since his appointment, the appellant performed his duties with great zeal, zeast and enthusiasm and there was no complaint against the appellant throughout of his service career.
2. That due to meritorious services, the appellant was subsequently regularly promoted as Girdawar.
3. That the appellant was lastly posted as Girdawar Qasba Circle where he was issued a charge sheet alongwith statement of allegation containing same baseless allegations against the appellant which was replied by the appellant and denied all the allegation leveled against the appellant. (Copy of the charge sheet, Statement of allegation and reply are annexed as annexure "A & B")

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4. That a so called inquiry was conducted against the appellant without providing an opportunity of self defense, nor did the appellant was associated with the inquiry proceedings. It is worth mentioning that the so called inquiry report was never communicated to the appellant.
  
5. That without issuing a final show cause notice or opportunity of personal hearing, the appellant was imposed the minor punishment of deduction of two annual increment for two years vide impugned order dated 11/12/2018 is violation of procedure provided in the Khyber Pakhtunkhwa efficiency and disciplinary Rules 2011. **(Copy of the impugned order is annexed as annexure "C")**
  
6. That feeling aggrieved from the impugned order the appellant filed a departmental appeal against the order however the appellant got information on 11/06/2019. That the departmental appeal was filed the appellant submitted application for providing the same however the same was re-questioned not provided. The same may be re-questioned from Respondent No.1 by



(4)

the Hon'ble Tribunal. (Copy of the Departmental Appeal and Application are annexed as annexure "D & E")

**GROUND:-**

- A. That the impugned order is against the law, Rules, Principles of Natural Justice, Void-ab-initio, is liable to be set aside.
- B. That the appellant has not been associated with the inquiry proceedings, neither statement of any witness has been recorded nor did opportunities of cross examination has been provided.
- C. That the impugned order has been issued without issuing proper show cause notice which is clear cut violation of E & D Rules.
- D. That the appellant has been condemned unheard as no opportunity of personal hearing has been provided to the appellant by the competent authority but by the ADC who is not the competent authority.
- E. That the right of fair trial as guaranteed by Article 10-A of the Constitution of Islamic Republic of Pakistan 1973.

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- F. That the whole Proceedings have been conducted in violation of E&D Rules 2011 which is not sustainable under the law.
- G. That the impugned order is against the law rules principal of Natural justice hence void ab-initio.
- H. That even no final show cause notice was issued to the appellant which is also violation of law rules and judgment of this Hon'ble Tribunal.
- I. That the appellant has been subjected to documents which is violation of article 25 of the constitution of Islamic Republic of Pakistan 1973.
- J. That even in the impugned order no reason has been given that why the appellant was awarding the minor penalty.
- K. That the appellant was punished for the act of the other which is not sustainable under the law.
- L. That even the inquiry report has not been provided to the appellant.

6

M. That the appellant seeks permission to adduce other grounds during Arguments.

*It is, therefore, most humbly prayed that the appeal may kindly be accepted as prayed for in the heading of the appeal.*

*Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.*

*Hungoos  
Khan*  
Appellant

Through

*Naila Jan*

&

*Huma Khan*

Advocates, High Court  
Peshawar.

Dated: 20/06/2019

**NOTE:-**

As per information of my client no such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

*Naila Jan*  
Advocate

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

S.A \_\_\_\_\_/2019

Muhammad Humayun

**VERSUS**

The Commissioner Peshawar and others

**AFFIDAVIT**

I, Muhammad Humayun, Girdawar Circle Qasba, Tehsil and District Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

**ATTESTED**  
IRFAN ULLAH ADVOCATE  
NOTARY PUBLIC

*Muhammad Humayun*  
*Khren*  
**DEPONENT**

Identified By;

*Naila Jan*

**NAILA JAN**

Advocate High Court  
Peshawar.

*25/10/19*

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

S.A \_\_\_\_\_/2019

Muhammad Humayun

**VERSUS**

The Commissioner Peshawar and others

**APPLICATION FOR CONDONATION OF DELAY**

**RESPECTFULLY SHEWETH:-**

Application submits as under.

1. That the above mentioned appeal is filing before this Hon'ble Court in which no date is fixed for hearing so far.
2. That through the instant appeal is written time however if there is any delay the same is condonable on the following grounds.

**GROUND:**

A. That the appellant departmental appeal was filed by the Respondent No.1 however the appellant was informed orally upon which the appellant submitted an application on dated 11/06/2019 for providing the final order but till date the same has not provided to the appellant.

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B. That the impugned order is in violation of Art 10-A of the Constitution hence void therefore as per judgment 2019 SCMR 648, No limitation runs against void order.

C. That as per judgment of Supreme Court cases are to be decided on merit rather than technicalities.

*It is therefore requested that the limitation period (if any) may kindly be condone in the interest of justice.*

*Humayun Khan*  
Appellant

Through

*Naila Jan*

&

*Huma Khan*

Advocates, High Court  
Peshawar.

Dated: 20/06/2019

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

S.A \_\_\_\_\_/2019

Muhammad Humayun

**VERSUS**

The Commissioner Peshawar and others

**ADDRESSES OF PARTIES**

**APPELLANT.**

Muhammad Humayun, Girdawar Circle Qasba,  
Tehsil and District Peshawar.

**RESPONDENTS**

1. The Commissioner Peshawar.
2. Deputy Commissioner Peshawar.

Through

*Muhammad Humayun*  
*Humayun Khan*  
**Appellant**

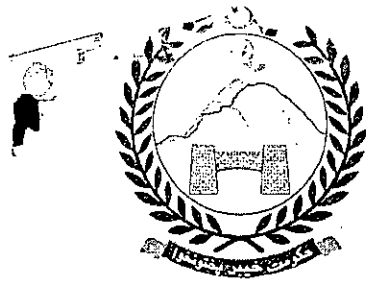
*Naila Jan*

&

*Huma Khan*

Advocates, High Court  
Peshawar.

Dated: 20/06/2019



11

Amir A

## OFFICE OF THE DEPUTY COMMISSIONER PESHAWAR

Address: Gate No: 3, Opposite Pearl Continental Hotel, Khyber Road, Peshawar.  
Phone: 091-9212302 Fax: 091-9212303 Email Address: dcpeshawar@hotmail.com

II

No. 2548-49/DK P, Dk  
Dated Peshawar the 10/8/2018

### CHARGE SHEET

1. I, Imran Hamid Sheikh, Deputy Commissioner Peshawar as a competent Authority, in light of the fact finding inquiry by Additional Assistant Commissioner- Revenue Peshawar and in light of National Accountability Bureau, Hayatabad Complex, Peshawar vide letter no 1/34(972.U.No 320225)/W-I/NAB(KP) 492 dated 22-05-2018, hereby charge you, Mr. Humayun Khan, Girdawar Qasba Circle for the following misconduct/inefficiency.

- i) That on 31-05-2017, National Accountability Bureau, Hayatabad Complex Peshawar asked for the provision of information U/S NAO,1999 in connection with an inquiry against the Administration of Al Hamra builders Mardan & others regarding cheating public at large. The search of properties of Sirajuddin S/O Abdul Qudus and Aisamuddin S/O Abdul Qudus was asked for by NAB authorities but you willfully delayed the report submission for three months time which amounts to misconduct and is against the official decorum.
- ii) That you concealed the facts by submitting Nil report as against the ground realities whereby the accused were owners of land at Mouza Shah Dhand and Mouza Tehkal Payan which shows Malafide intentions on behalf of you.
- iii) That this act of yours amounts to abetting whereby concerned authority could not take necessary action timely.
- iv) That this irresponsible attitude of yours to the official business tantamount to creating trust deficit between National Accountability Bureau Hayatabad Peshawar and Deputy Commissioner Office Peshawar.
- v) That this act of yours resulted in undue inconvenience and embarrassing position for your senior hierarchy.

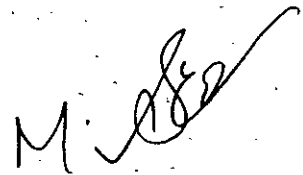
2. By reason of the above, you appear to be guilty of inefficiency & misconduct under rule -3 (a & b) of Khyber Pakhtunkhwa Government Servants Efficiency & Discipline rules 2011 and have rendered yourself liable to all or any of the penalties Specified Under Rules 4 of the rules ibid.

Imran Hamid Sheikh

Imran Hamid Sheikh  
Deputy Commissioner



3. You are, therefore, required to submit your written defence within (07) days of the receipt of this charge sheet to the inquiry Officer/ Committee.
4. Your written defense, if any should reach the inquiry Officer/ Committee within the Specified Period, failing to which it shall be presumed that you have nothing to say in defense and in that case you shall be proceeded ex-parte.
5. Intimate as to whether you desire to be heard in person.
6. Statement of allegations is enclosed.

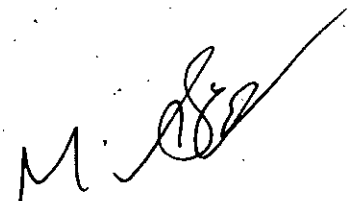


**DEPUTY COMMISSIONER  
PESHAWAR**

Endst No: 2548-49-1DCB Dk

Copy Forwarded to

1. Mr. Humayun, Girdawar Qasba Circle.



**DEPUTY COMMISSIONER  
PESHAWAR**

*Amir*



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**OFFICE OF THE  
DEPUTY COMMISSIONER PESHAWAR**

**Address:** Gate No: 3, Opposite Pearl Continental Hotel, Khyber Road, Peshawar.  
**Phone:** 091-9212302 **Fax:** 091-9212303 **Email Address:** dcpeshawar@hotmail.com

No. 2526-29/DCB/DR  
Dated Peshawar the 10/8/2018

**DISCIPLINARY ACTION**

I, Imran Hamid Sheikh, Deputy Commissioner Peshawar as a competent Authority, am of the opinion that Mr. Humayun Khan, Girdawar Circle Qasba has rendered himself liable to be proceeded against for committing the following acts/ omission within the meaning of Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

**STATEMENT OF ALLEGATIONS**

- i) That on 31-05-2017, National Accountability Bureau Hayatabad Complex Peshawar asked for the provision of information U/S NAO, 1999 in connection with an inquiry against the Administration of Al Hamra builders Mardan & others regarding cheating public at large. The search of properties of Sirajuddin and Aisamuddin sons of Abdul Qudoos was asked for by NAB authorities but Mr. Humayun Khan, Girdawar Circle Qasba willfully delayed report submission for three months time which amounts to misconduct and is against the official decorum.
- ii) That Mr. Humayun Khan, Girdawar Circle Qasba concealed the facts by submitting Nill report as against the ground realities whereby the accused were in owners of land at Mouza Shah Dhand and Mouza Tehkal Payan which shows Malafide intentions on behalf of you.
- iii) That this act of Mr. Humayun Khan, Girdawar Circle Qasba amounts to abetting whereby delayed and wrong report submission resulted in inaction against the above accused involved in cheating general public at large.
- iv) That this irresponsible attitude of Mr. Humayun Khan, Girdawar Circle Qasba to the Official business Tantamount to creating trust deficit between National Accountability Bureau Complex, Hayatabad, Peshawar and Deputy commissioner Office Peshawar.
- v) That this act of Mr. Humayun Khan, Girdawar Circle Qasba resulted in undue inconvenience and embarrassing position for your senior Hierarchy.

17

Attested

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9

2. For the purpose of inquiry against the said accused with reference to the above Allegations, Mr Islah uddin Additional Assistant Commissioner Town-I Peshawar & Mr Saeedullah Jan Additional Assistant Commissioner Town - VI are hereby appointed as Enquiry Committee under Rule 10 (1)(a) of the rules ibid.
3. The inquiry committee shall, in accordance with the provisions of the rules, ibid provide reasonable opportunity of hearing to the accused, record their findings and make, recommendations as to punishment or other appropriate action against the accused within 15 days of the receipt of this order.
4. District Kanungo Peshawar Office Peshawar shall join the Proceedings on the date, time and place fixed by the inquiry committee for assistance of the Committee.

**DEPUTY COMMISSIONER  
PESHAWAR**

Endst No: 2526-29/DC(C)DK  
Copy Forwarded to

1. Mr. Islah-ud-din, Additional Assistant Commissioner, Town-I, Member Inquiry Committee.
2. Mr. Saeed Ullah Jan, Additional Assistant Commissioner, Town-IV, Member Inquiry Committee.
3. Mr. Humayun Khan, Girdawar Circle Qasba.

**DEPUTY COMMISSIONER  
PESHAWAR**

*Attested  
M. S. J.*

ذریعہ حساب ڈیجیٹل مینٹرننگ  
۱۵

جواب بلبلہ جاری ٹیٹ مریٹھی ٹیری (P)DK 49-2518

دورہ 2018-108 جانب کردار سہل قصبہ بلڈنگ کے متعلق رقم لے کر

ضابطہ جاری - سہل حساب بلڈنگ کے لئے

(1) یہ کہ من سہل قصبہ بلڈنگ کے متعلق رقم لے کر اور من لکھور کردار سہل

انٹیمپٹیشن سے اجتناب رکھنا اور سہل کے مانتہ کل (19)

ٹواریاں نام کر رہے ہیں

(2) یہ کہ دورہ 2017-21.6 کو من سہل نے NAB کی جانب سے ایک عدد  
901

ٹھی ٹیری (K.P) NAB/W-1/25/1 دورہ 2017-31.5 وصول پائی جس میں

سزا اللہ بن و عزیزہ کے نام جائیداد کی تفصیل طلب فرمائی گئی تھی

(3) یہ کہ من سہل نے حسب مزایات چھٹی سزا کو رد بلڈنگ کو اپنے مانتہ ٹواریاں  
حلقہ کو ارسال کی

(4) من سہل کے مانتہ ٹواریاں حلقہ نے اپنی اپنی رپورٹ بائیں چھٹی سزا کو

نالہ جمع کروائی۔ جو کہ من سہل نے حسب قانون امران بلڈنگ کو دورہ

17-7-2017 کو ارسال کی!

استاذ

کی یہ کہ چونکہ من سائل کا رکارڈ صرفہ یا رکارڈ بابت  
 ملکیت مکان سے کوئی واسطہ نہ ہے یہی وجہ جارحیت ہذا  
 کے باقی فقرہ جات کے ساتھ من سائل کا کوئی تعلق یا واسطہ نہ ہے

کا یہ کہ من سائل نے حسب حرمت برقیہ طور پر احکامات کو منقلہ  
 اشہد ان و المصلحان کو ارسال کیا ہے اور اسے فرانسس جی کئی تم  
 کا کوئی بھی من برقی ہے

لہذا استدعا ہے کہ جارحیت شدہ کارن یا شدہ منظر  
 سائل کو معذرت کرنے کا صحیح صادر فرمایا جائے۔

الغرض

سائل محمد ہادیوں کے طور پر سائل قبیلہ گجر کے متعلق ہے

*[Handwritten Signature]*  
 17/8/18

*[Handwritten Signature]*



(15)

Amir

**OFFICE OF THE  
DEPUTY COMMISSIONER PESHAWAR**

*Address: Gate No. 3, Opposite Pearl Continental Hotel, Khyber Road, Peshawar.  
Phone: 091-9212302 Fax: 091-9212303 Email Address: dcpeshawar@hotmail.com*

No. 3922 /DC/1P/DK  
Dated Peshawar the 11/12/2018

**OFFICE ORDER:**

Mr. Islah-ud-Din, Additional Assistant Commissioner Town-I & Mr. Saeed Ullah Jan, Additional Assistant Commissioner Town-IV were entrusted upon conducting formal inquiry under Efficiency & Discipline rules 2011 in respect of Mr. Muhammad Nadeem, Girdawar Circle Khalil, Mr. Muhammad Hamayun, Girdawar Circle Qasba, Mr. Abdul Ghafoor, Patwari Halqa Shah Dhand and Mr. Riaz Ahmad, Patwari Halqa Tehkal Payan for concealment of facts / misreporting by submitting nil report regarding ownership record in respect of Siraj-ud-Din s/o Abdul Qadoos and Aisam-ud-Din s/o Abdul Qadoos to National Accountability Bureau, Authorities Hayatabad Complex Peshawar who asked for the same vide letter No: 1/25/100-1/NABC(KP)/904 dated 31-05-2017. The inquiry panel after recording of statement, perusal of record and others recommended withholding of one increment for a period of one year vide enquiry report No: 638/AAC-VII dated 11-09-2018.

Consequently the accused officers / officials were called for a personal hearing by the undersigned on 23-10-2018 at 1000 hrs and on 26-10-2018 proper opportunity of hearing was given to the accused Officers / Officials. After detailed personal hearing, the following facts surfaced.

- 1) That nil report was submitted by the Officers / Officials when Siraj-ud-Din s/o Abdul Qadoos Aisam-ud-Din s/o Abdul Qadoos were owners in both Mouza Shah Dhand and Mouza Tehkal Payan which amounts to concealment of facts.
- 2) That no entry regarding the letter by NAB was made in the peon book further private servant of Mr. Muhammad Nadeem Girdawar namely Mr. Shah Mir dealt the dispatch of the important letter by NAB which shows causal approach and lack of seriousness to Official business of top priority.
- 3) That no entry regarding compliance to NAB was made in Roznamcha Karguzari by any of the revenue Officers / Officials while submitting the report.
- 4) That on 15-08-2017, mutation no 18661 and 18667 were attested from Mr. Siraj-ud-Din s/o Abdul Qadoos which was registered by Patwari, Mr. Riaz Ahmad, compared by Girdawar Mr. Muhammad Nadeem and attested by Niab Tehsildar Mr. Adil Waseem though having the knowledge of NAB investigation in the subject case.

Amir  
11/12/18

- 18
- 5) That equal punishment of withholding of one increment for a period of one year was recommended for all four revenue officers having different scale of misconduct whereby Mr. Muhammad Humayun Girdawar Circle Qasba and Patwari Mr. Abdul Ghafoor are involved in misreporting whereas Mr. Muhammad Nadeem Girdawar Khalil and Patwari Mr. Riaz Khan committed the additional of transferring land from Siraj-ud-Din in spite of the knowledge that the subject case was under investigation by NAB authorities.

In light of the above personnel hearing having gone through the entire record, I Imran Hamid Sheikh, Deputy Commissioner, Peshawar competent authority under Efficiency and Disciplinary rule 2011 award the following penalties upon the officers / officials keeping in view the nature and scale of misconduct to meet the ends of justice.

A) Minor Penalty of Deduction of two increments from Mr. Muhammad Hamayun, Girdawar Circle Qasba and Patwari Halqa for a period of two years under Section 4 (a)(II) of Efficiency and Disciplinary rule 2011.

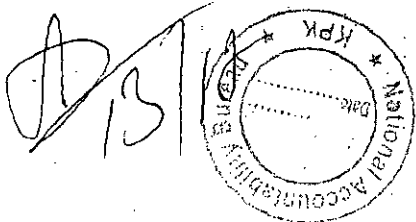
B) Major Penalty of Reduction to 05 lower stages in time scale under Section 4 (b)(i) of Efficiency and Disciplinary rule 2011 in respect of Mr. Nadeem Khan, Girdawar Circle Khalil and Mr. Riaz Ahmad Patwari Halqa Tehkal Payan. Both Mr. Muhammad Nadeem Girdawar Circle Khalil and Mr. Riaz Ahmad, Patwari Halqa Tehkal Bala shall not be engaged in any process related to land mutation for one year within the jurisdiction of District Peshawar.

*M. [Signature]* 7/12/18  
(Imran Hamid Shiekh, PAS)  
DEPUTY COMMISSIONER  
PESHAWAR

No. 3923-29/DCP/DK Dated Peshawar the 11-12-2018  
Copy forwarded to the:-

1. Commissioner, Peshawar Division Peshawar.
- ✓ 2. Assistant Director National Accountability Bureau, PDA Complex Hayatabad, Peshawar.
3. Additional Deputy Commissioner, Peshawar.
4. Assistant Commissioner Peshawar with the direction to impart training upon Mr. Muhammad Nadeem Girdawar Circle Khalil and Mr. Riaz Ahmad, Patwari Halqa Tehkal Bala regarding proper handling of land mutation affairs.
5. Additional Assistant Commissioner Revenue Peshawar.
6. Tehsildar Peshawar.
7. District Kanungo Peshawar.

*M. [Signature]* 7/12/18  
(Imran Hamid Shiekh, PAS)  
DEPUTY COMMISSIONER  
PESHAWAR o/c



To,

The Commissioner,  
Peshawar.

19  
Amudav D

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER NO. 3922/DC/P/DK DATED 11/12/2018 WHEREBY MINOR PENALTY OF TWO INCREMENTS FOR A PERIOD OF TWO YEARS, WAS IMPOSED ON THE APPELLANT.

PRAYERS:

ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED ORDER DATED 11/12/2018, MAY KINDLY BE SET ASIDE BEING ILLEGAL, VOID AB-INITIO AGAINST FACTS AND CIRCUMSTANCES OF THE CASE.

Dear Sir,

*The appellant submits as under:-*

FACTS:

1. That the appellant was appointed as Patwari and since his appointment, the appellant performed his duties with great zeal, zeast and enthusiasm and there was no complaint against the appellant throughout of his service career.

2. That due to meritorious services, the appellant was subsequently regularly promoted as Girdawar.

3. That the appellant was lastly posted as Girdawar Qasba Circle where he was issued a charge sheet alongwith statement of allegation containing same baseless allegations against the appellant which was replied by the appellant and denied all the allegation leveled against the appellant. (Copy of the Charge Sheet,

On 10/1/19 Pat up pl  
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12-1-19  
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(2)

Statement of allegation and reply are annexure "A" & "B").

4. That a so called inquiry was conducted against the appellant without providing an opportunity of self defense, nor did the appellant was associated with the inquiry proceedings. It is worth mentioning that the so called inquiry report was never communicated to the appellant.
5. That without issuing a final show cause notice or opportunity of personal hearing, the appellant was imposed the minor punishment of deduction of two annual increment for two years vide impugned order dated 11/02/2018 is violation of procedure provided in the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules 2011.
6. That feeling aggrieved for the impugned order, the appellant having no other adequate remedy filing the instant appeal on the following grounds inter alia:-

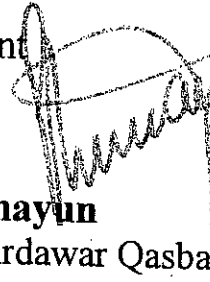
**GROUNDS:**

- A. That the impugned order is against the Law, Rules, Principles of Natural Justice, void ab-initio, is liable to be set aside.
  - B. That the appellant has not been associated with the inquiry proceedings, neither statement of any witness has been recorded nor did opportunities of cross-examination has been provided.
- G  
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- 21
- (7)
- C. That the impugned order has been issued without issuing proper show cause notice which is clear cut violation of E & D Rules.
- D. That the appellant has been condemned unheard as no opportunity of personal hearing has been provided to the appellant by the competent authority but by the ADC who is not the competent authority.
- E. That the right of fair trial as guaranteed by Article 10-A of the Constitution of Islamic Republic of Pakistan 1973.
- F. That the whole proceedings have been conducted in violation of E&D Rules 2011 which is not sustainable under the law.

**It is, therefore requested that on acceptance of this Departmental Appeal, the impugned order may kindly be set aside.**

Appellant

  
**M. Humayun**  
Then (Girdawar Qasbar Circle)

9/01/19



بیان حکم ہائیوں (گروہ) ۵۰۵.۵ نائیب تعمیرات

مکتبہ ہندی ہند (پرائیویٹ) (پرائیویٹ) (پرائیویٹ)

۷۷

باقی اصرار صحیح بیان کیا کہ اس میں زبردستی کے تحت کتاب لکھی

میں نے حسب ۵۰۵.۵ کے حکم فری ۱۵۸ ۳۹۲۲/۵  
صرف ۱۱/۱۱ کے خلاف میں نے دائر کیا ہے۔

۱- میں نے تحصیل نئی نسبت جائیداد سراج الامین حسب  
نمبر ۱۰۱۱ ڈاکٹر اسٹر میں درج کی تھی۔ (صداقتاً نقل  
کار "A" ہے۔

۲- میرے ساتھ دوران تعلیمی کوئی سہ (ٹوٹی ٹنڈن شخص) کا  
بیمیں کرتا تھا۔ جلد سے خود کرتا تھا اور اب بھی خود  
کرتا ہوں۔ (نئی کی منگلی جو میرے پاس کی ہے)

۳- تحصیل کا روزنامہ کارکنوں میں اشراج نہیں ہوتا۔ نہ ہی  
گروہ کے پاس روزنامہ ہوتا ہے۔ (میں اس کی منگلی بھی نہیں ہے)

۴- لیکن یہ وہ جو میرے پاس کی ہے  
میں نے بتایا کہ جیل میں ندم گروہ کے آرڈر منتری  
میں میرا نام بھی نائیب کر رہا ہے۔ صلوات کا لونا

ڈاکٹر آفس آرڈر درکار تھا۔

نیز اس کے کہ حکم قدرہ ہاں سنہن لیا جاوے

ڈاکٹر منشیس جیل کے جاوے

میرا ہوں آنا ہے

۱۱

## وکالت نامہ

بعدالت عدالت کراچی کے وکیل صاحب

محمد نعیم ایون گرو اور بنام

مخبرہ شمارہ  
مخبرہ شمارہ  
مخبرہ شمارہ

20/6/2019

تاریخ

اسٹیل اینڈ

### باعث تحریر آنکھ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام

شمارہ

کے لئے

### نانکہ جان اینڈ ہما خان ایڈووکیٹس ہائی کورٹ

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظر کو کوئی نقصان پہنچنے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا اختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و گرانہ ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد وراثی و رضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا نیگی علیحدہ مختیار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا پیر مشر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختیار نامہ لکھ دیا تاکہ سند رہے مورخہ 20/6/2019 مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

ATTESTED & ACCEPTED

نانکہ جان اینڈ ہما خان ایڈووکیٹس ہائی کورٹ پشاور

نانکہ جان اینڈ ہما خان ایڈووکیٹس ہائی کورٹ پشاور

محمد نعیم ایون گرو اور بنام

محمد نعیم ایون گرو اور بنام

08/06

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

**Appeal No.830/2019**

Muhammad Humayun, Girdawar Circle Qasba, Peshawar

.....(Appellant)

**VERSUS**

1. The Commissioner Peshawar.
2. Deputy Commissioner Peshawar

.....(Respondents)

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2	Affidavit		3
3	Copy of Letter of Commissioner Peshawar Division Peshawar No.2-3/NAB/AR/2018 dated 10-07-2018	Annex-A	4
4	Copy of Enquiry Order No.2252-50/DC(P)/DK dated 13-08-2018.	Annex-B	5
5	Copy of Enquiry Report	Annex-C	10

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

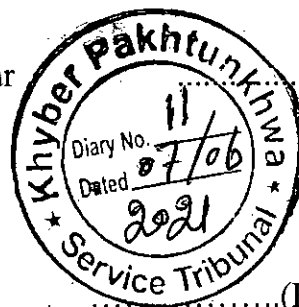
**Appeal No.830/2019**

Muhammad Humayun, Girdawar Circle Qasba, Peshawar

(Appellant)

VERSUS

1. The Commissioner Peshawar.
2. Deputy Commissioner Peshawar



(Respondents)

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2**

Respectfully Sheweth,

**Preliminary Objections.**

1. That the appellant in the instant case has no locus standi and cause of action to institute present appeal.
2. That the appellant has not come to this honourable court with clean hands.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in the present form.
5. That the instant appellant is barred by law and badly time barred.
6. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

**REPLY ON FACTS.**

1. Correct to the extent that he performed duty as Patwari in District Peshawar.
2. Pertains to record.
3. Incorrect. All the allegations were based on facts and were pointed out by NAB authorities upon which the Respondent No.1 sought report from Respondent No.2 vide letter No.2-3/NAB/AR/2018 dated 10-07-2018 (Annex-A) and hence an enquiry was ordered vide letter No.2252-50/DC(P)DK dated 13-08-2018 (Annex-B).
4. Incorrect. According to the E&D Rules 2011, the inquiry was conducted. The appellant was provided full opportunity for self-defense and his reply is a self-evidence. Furthermore the appellant was heard in person on 23-10-2018 but he could not defend the allegations (as evident from office order). Copy of the enquiry report is Annex-C.
5. Incorrect, hence denied. It is submitted that enquiry was conducted and after personal hearing, appellant was found guilty, resultantly, minor punishment was imposed upon the appellant vide order dated 11-12-2018. The entire proceedings were conducted in accordance with Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules 2011, the competent authority has full powers, if it deem necessary, to impose a penalty/exonerate from charges upon any accused official if proved guilty.

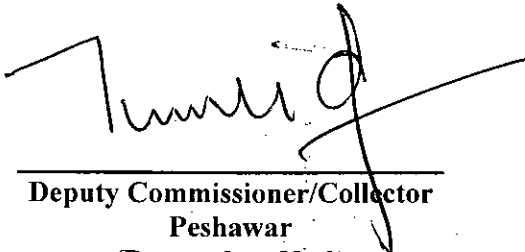
(Continued on Page-2)

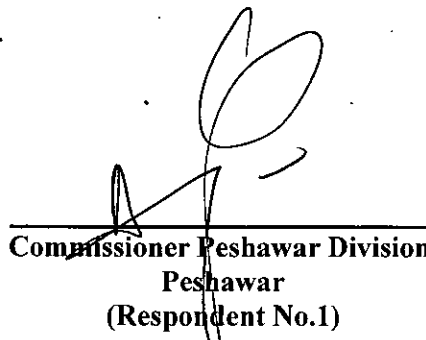
6. In reply, it is submitted that the appellant was found guilty of mis-conduct by delaying in submission of required information and misreporting by submitting "Nil" reply for the NAB authorities which caused embarrassment for the office. Moreover, the departmental appeal was baseless and without cogent reasons. Furthermore, the instant service appeal is badly time barred and not maintainable.

**REPLY ON GROUNDS**

- A. Incorrect. The order was issued according to the E&D Rules 2011, and no rights of the appellant were violated.
- B. Incorrect. All the proceedings were conducted under E&D Rules 2011 and the appellant was fully associated with the enquiry proceedings.
- C. Incorrect. As per para-4&5 above.
- D. Incorrect. Personal hearing was conducted on 23-10-2020 and the facts proved that the appellant was found guilty of mis-conduct. Detail reply already given in Paras ibid.
- E. In reply, it is stated that the appellant was treated as per law.
- F. Incorrect. The prescribed procedure under E&D Rules 2011 was adopted in the inquiry.
- G. Incorrect. The impugned order is in accordance with laws and rules of natural justice.
- H. Incorrect. Detail reply has been given in above Paras.
- I. Incorrect. As stated above.
- J. Incorrect. The appellant was found guilty in the inquiry, hence minor punishment was awarded.
- K. Incorrect. Detail reply have been given in Para 4 to 6 ibid.
- L. Incorrect. Detail reply have been given in Para 4 to 6 ibid.
- M. The respondents seek permission to raise additional grounds at the time of arguments.

It is therefore prayed before the honourable Tribunal that appeal in hand having no weight may very humbly be dismissed with cost.

  
\_\_\_\_\_  
Deputy Commissioner/Collector  
Peshawar  
(Respondent No.2)

  
\_\_\_\_\_  
Commissioner Peshawar Division,  
Peshawar  
(Respondent No.1)

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

**Appeal No.830/2019**

Muhammad Humayun, Girdawar Circle Qasba, Peshawar

.....(Appellant)

**VERSUS**

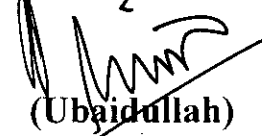
1. The Commissioner Peshawar.
2. Deputy Commissioner Peshawar

.....(Respondents)

**AFFIDAVIT**

I, Ubaidullah, Superintendent Deputy Commissioner Office Peshawar do hereby solemnly affirm and declare that the contents of accompanying Para-wise Comments on behalf of respondents No.1 & 2 are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

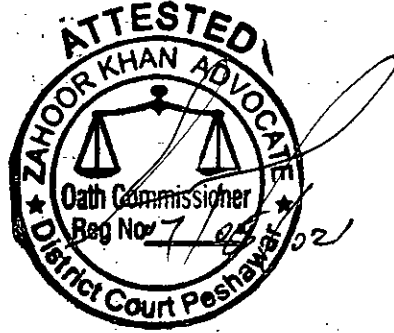
**DEPONENT**



(Ubaidullah)

**Superintendent**

Deputy Commissioner's Office Peshawar







OFFICE OF THE  
COMMISSIONER PESHAWAR DIVISION  
PESHAWAR

No. 2-3/NAB/AR/2018 / 9159  
Date: 10.07.2018

To

The Deputy Commissioners  
Peshawar.

Subject:

INQUIRY AGAINST SIRAJ UD DIN, AISAM UD DIN,  
OFFICERS/OFFICIALS OF REVENUE DEPARTMENT  
PESHAWAR AND OTHERS REGARDING CONTRAVENTION OF  
SECTION 23(A) OF NAO 1999 AND CORRUPTION AND  
CORRUPT PRACTICES.

I am directed to enclose herewith a copy of letter No. 1/34/(1972 U No.320225).W-1/NAB(KP) 492 dated 22.5.2018 received from the National Accountability Bureau Peshawar alongwith its enclosures on the subject noted above.

It is requested that a report in the matter may be furnished to this office within 15 days positively for onward submission to the quarter concerned.

Assistant to Commissioner (Rev/GA)  
Peshawar Division Peshawar.

No. 2-3/NAB/AR/2018 / 9161-62

Copy forwarded to the:

1. Additional Director (Staff), National Accountability Bureau, Peshawar for information with reference to above please.
2. PS to Commissioner Peshawar Division.

Assistant to Commissioner (Rev/GA)  
Peshawar Division Peshawar.

*ADC*  
*The matter is v. Serious*  
*Grantail harsh consequences for involved*  
*persons. Pl. look into it personally &*  
*furnish report.*  
*Sh 18/7/18*

Office of the Deputy Commissioner  
Peshawar

Diary No. 1744  
Date 16-7-2018





OFFICE OF THE  
DEPUTY COMMISSIONER PESHAWAR

Address: Gate No: 3, Opposite Pearl Continental Hotel, Khyber Road, Peshawar.  
Phone: 091-9212302 Fax: 091-9212303 Email Address: dcpeshawar@hotmail.com

No. 2552-56/DLP, DK

Dated Peshawar the 13/8/2018

To

1. Mr. Islah-ud-din,  
Additional Assistant Commissioner, Town-I, Peshawar.
2. Mr. Saeed Ullah Jan,  
Additional Assistant Commissioner, Town-IV, Peshawar.

Subject:

**MISREPORTING BY REVENUE OFFICIARS/OFFICIALS IN AN INQUIRY AGAINST SIRAJ-UD-DIN, AISAM-UD-DIN, OFFICERS/OFFICIALS OF REVENUE DEPARTMENT PESHAWAR AND OTHERS REGARDING CONTRAVENTION OF SECTION 23(A) OF NAO 1999 AND CORRUPTION AND CORRUPT PRACTICES.**

Please refer to the captioned subject, the undersigned in light of the fact finding inquiry by Additional Assistant Commissioner (Rev) Peshawar and in light of National Accountability Bureau, Hayatabad Complex, Peshawar letter no. 1/34(972.U.No 320225)/W-1/NAB(KP) 492 dated 22-05-2018 hereby order initiation of formal inquiry against the following Revenue officers/officials under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011;

1. Mr. Muhammad Humayun, Girdawar Circle Qasba.
2. Mr. Muhammad Nadeem, Girdawar Circle Khalil.
3. Mr. Abdul Ghafoor, Ex-Patwari Halqa Shah Dhand
4. Mr. Riaz Ahmad Afridi, Ex-Patwari Halqa Tehkal Payan

Consequently, You are hereby appointed as an inquiry committee to investigate the charges and conduct an inquiry under the provision of the said rules against the said officers/officials in the light of attached charge sheet and statement of allegation.

You are hereby directed that findings/ report in the subject inquiry be submitted within a period of 30 days positively.

  
DEPUTY COMMISSIONER  
PESHAWAR

Endst No. 2552-56/DLP, DK  
Copy of the above is forwarded to:

Dated Peshawar the 13/08/2018

1. Commissioner Peshawar Division Peshawar.
2. Director General, National Accountability Bureau, Hayatabad Complex, Peshawar.
3. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. Official Concerned.

  
DEPUTY COMMISSIONER



OFFICE OF THE  
DEPUTY COMMISSIONER PESHAWAR

Address: Gate No: 3, Opposite Pearl Continental Hotel, Khyber Road, Peshawar.  
Phone: 091-9212302 Fax: 091-9212303 Email Address: [dcpeshawar@hotmail.com](mailto:dcpeshawar@hotmail.com)

No. 638 AAC-VII

Dated Peshawar the 11/09/2018

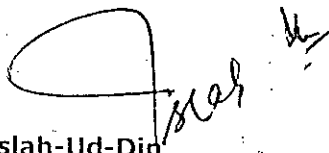
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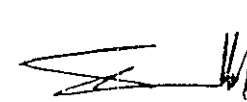
The Deputy Commissioner,  
Peshawar.

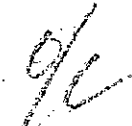
Subject: **INQUIRY REPORT.**

Respected Sir,

Reference to your officer order No. 2252-56/DC(P)/DK, dated 13-08-2018 regarding misreporting by revenue officials to the NAB authorities, the undersigned conducted a detailed inquiring and the inquiring report is submitted please.

  
Islah-Ud-Din  
AAC-Town-1/  
Inquiry Officer

  
Saeed Ullah Jan  
AAC-Town-IV/  
Inquiry Officer



## INQUIRY REPORT

Subject: MISREPORTING BY REVENUE OFFICERS/OFFICIALS IN AN INQUIRY AGAINST SIRAJ-UD-DIN, AISAM -UD-DIN.

Reference to Deputy Commissioner Peshawar letter No. 2252-56/ DC (P)/DK, dated 13-08-2018, the undersigned were appointed as enquiry officers against following officials of Revenue Department.

1. Mr. Muhammad Hamayun, Girdawar Circle Qasba.
2. Mr. Muhammad Nadeem, Girdawar Circle Khalil.
3. Mr. Abdul Ghafoor, Ex-Patwar Halq Shah Dhand.
4. Mr. Riaz Ahmad Afridi, Ex-Patwari Halqa Tehkal Payan.

Following allegations were stated in the charge sheet.

- i) That on 31-05-2017, National Accountability Bureau, Hayatabad Complex Peshawar asked for the provision of information U/S NAO,199 in connection with an inquiry against the Administration of Al Hamra builders Mardan & others regarding cheating public at large. The search for properties of Sirajuddin S/O Abdul Qudus and Aisamuddin S/O Abdul Qudus was asked for by NAB authorities but you willfully delayed the report submission for three months time which amounts to misconduct and is against the official decrom.
- ii) That you concealed the facts by submitting nil report as against the ground realities whereby the accused were owners of land at Mouza Shah Dhand and Mauza Tehkal Payan which shows Malafide intentions on behalf of you.
- iii) That this act of your amounts to abetting whereby concerned authority could not take necessary action timely.
- iv) That this irresponsible attitude of yours to the official business tantamount to creating trust deficit between National Accountability Bureau Hayatabad Peshawar and Deputy Commissioner Officer Peshawar.

- v) That this act of yours resulted in undue inconvenience and embarrassing position for your senior hierarchy.

**Brief Facts:**

1. The National Accountability Bureau was conducting inquiry under the provision of National Accountability ordinance (NAO), 1999, against Directors/ Shareholder of Al-Hamra Builders.
2. On 31-05-2017 the National Accountability Bureau through letter No. 1/25/1w-1/NABC(KP)/904 requested Deputy Commissioner Peshawar to conduct general search of properties held in the name of accused firm, Al-Hamra Builders or its Directors /Share holder. (Letter from NAB attached as Annex-A).
3. This letter No.1/25/1w-1/NAB(KP)/904, from NAB was marked by the Deputy Commissioner Peshawar to the Additional Deputy Commissioner on 06-06-2017. Additional Deputy Commissioner marked the same to Tehsildar Peshawar on 13-06-2017. Tehsildar Peshawar forwarded the same to Naib-Tehsildar Qasba for compliance on 19-06-2017 who forwarded it to Girdawar Circle on 20-06-2017.
4. The field Qanoongo/Girdawar Circle forwarded the compliance report to Naib-Tehsildar Peshawar and then Tehsildar Peshawar on 2-08-2017 which was further forwarded to National Accountability Bureau on 09-08-2017 as reported by the District Kanoongo on the back of the letter from the NAB. (Attached as Annex "b")

**Findings:**

The Inquiry committee summoned all the accused officials, heard in person and their written statements, were recorded. Following are the findings of the inquiry committee:-

1. That there is no proper date of receiving and forwarding on the letter on the part of the accused officials. 20-06-2017 is the last date mentioned on the letter through which Naib Teshildars, Peshawar forwarded it to the field kanungo/ Gridawar Circle.

2. That Tehsildar Peshawar and Naib Tehsildar Peshawar after compliance forwarded the same letter on 02-08-2017 to District Kanoongo.
3. That after hearing the accused in person and going through the record it was observed that Directors/ Share holders of Al-Hamra Builders were not owners in the column of ownership in Jamabandi for the year 2009-10 nor their names were available in the index radeefwar. Only mutation numbers were mentioned in the Remarks column from which no meaningful information could be extracted regarding ownerships. (relevant page of the jamabandi is attached as Annex (C)).
4. That after receiving the information back from the NAB regarding transfer of properties by the Directors/ share holders of Al-Hamra Builders, the accused officials acted promptly to attach those properties from further alienation.
5. That the mutations from the Directors/ Shareholders of Al-Hamra Builder were immediately cancelled after information and orders of the court.
6. That it is true that the accused officials somehow failed to provide the information / reply to the Nab authorities well in time due to their involvement in field activities like dengue emergency, polio campaign, court matters and other matters.

**Recommendations:-**

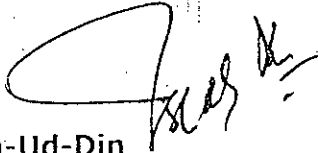
After hearing the accused officials in person, going through their written statement and record produced as evidence related to the charges leveled against them, the inquiry committee is of the opinion that the accused officials followed the procedure of finding the record through jamabandi in a proper way but the names of the Directors/ shareholders of Al-Hamra Builders were not available in the ownership column of Jamabandi 2009-10 nor in the index radeefwar.

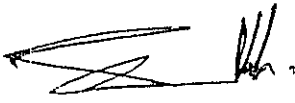
The accused officials also tried to find information via elders of the locality but couldn't find it and hence gave null report. It is pertinent to mention that after receiving information from NAB, the accused acted promptly to attach the said

properties and cancelled the mutations and therefore not guilty of concealing the facts regarding properties of the Directors /Share holders of Al-Hamra Builders.

As for as the delay is concerned, it is clear that the Tehsildar Peshawar forwarded the letter to Girdawar Circle for compliance on 20-06-2017 which was returned back by the Girdawar on 02-08-2017 i.e the accused officials took around 40 days in compliance which make them guilty for delaying the report.

Keeping in view the above mentioned facts and findings, the inquiry committee is of the opinion that the accused officials are guilty only to the extent of delay in submission of the report i.e it took forty (40) days to submit their report and which was found not intentional or willful. Therefore the accused officials are recommended for imposition of minor penalty of withholding an increment for a period of one year.

  
Islah-Ud-Din  
AAC-Town-1/  
Inquiry Officer

  
Saeed Ullah Jan  
AAC-Town-IV/  
Inquiry Officer



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1396 /ST

Dated 19/07 / 2021


To

The Deputy Commissioner,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: - JUDGMENT IN APPEAL NO. 830/2019, MR. MUHAMMAD HUMAYUN.

I am directed to forward herewith a certified copy of Judgement dated 21.06.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.