

Sir, I want to withdraw the instant appeal with the permission to file fresh appeal if need be. M1 T 18/3/2020


03.02.2020

Counsel for the appellant present. Addl: AG for respondents present. Written reply on behalf of respondents not submitted. Notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply on 18.03.2020 before S.B.

  
Member

18.03.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG for the respondents present. Learned counsel for the appellant request for withdrawal of the instant service appeal with the permission to file fresh appeal if need be. In this regard signature of the learned counsel for the appellant was obtained in the margin of order sheet. Request accepted. Consequently the present service appeal is dismissed as withdrawn. No order as to costs. File be consigned to the record room.

  
(Hussain Shah)  
Member (E)

Announced  
18.03.2020

19.09.2019

Counsel for the appellant present.

Contends that before passing of the impugned order dated 14.03.2019 whereby the major penalty of removal from service was imposed upon the appellant, no regular enquiry was conducted. Further, the appellant was not issued any charge sheet and statement of allegations nor was provided with an opportunity of defence.

In view of arguments of learned counsel and available record, 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 18.11.2019 before S.B.

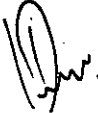
Appellant Deposited  
Security & Process Fee  
19/9/19

  
Chairman

18.11.2019

Appellant in person and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and furnish the requisite reply/comments. Adjourned to 19.12.2019 on which date the reply/comments shall positively be furnished.

Chairman 

19.12.2019

Appellant in person and Addl. AG for the respondents present.

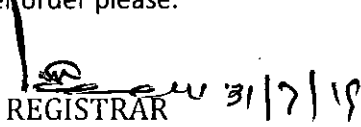

Learned AAG seeks time to contact the respondents and submit written reply/comments. Adjourned to 03.02.2020 on which date the requisite reply/comments shall positively be submitted.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No.- 1003/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/07/2019	<p>The appeal of Mr. Ikram Ullah resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	20/08/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/09/19</u>.</p> <p> CHAIRMAN</p>

PM

The appeal of Mr. Ikram Ullah received to-day by post i.e. on 24.07.2019 is returned to the counsel for the appellant with the direction to submit One more copies/sets of the appeal along with annexures i.e. complete in all respect within 15 days.

No: 1274 /S.T,

Dt. 26-7- /2019

  
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Mr. Noor Muhammad Khattak  
Adv, Peshawar.

*Sir,*

*Objection has been removed,  
Hence re-submitted today dated 31/7/2019.*

*M- [Signature]  
31/7/2019*

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

APPEAL No. 1003 /2019

**IKRAM ULLAH**

**VS**

**COMMISSIONER PESH:  
& ONE OTHER**

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**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK,  
ADVOCATE**

Flat No. 3, Upper Floor,  
Islamia Club Building,  
Khyber Bazar, Peshawar  
0345-9383141

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

**APPEAL NO. 1003 /2019**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 1038

Dated 24/7/19

Mr. Ikramullah, Ex: Patwari (BPS-09),  
Patwar Halqa Malakandher, District Peshawar.

..... **APPELLANT**

**VERSUS**

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

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST  
THE IMPUGNED ORDER DATED 14/3/2019 WHEREBY  
MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN  
IMPOSED ON THE APPELLANT AND AGAINST NO ACTION  
TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT  
WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**Filed to-day**

**Registrar**

24/7/19

**PRAYERS:**

That on acceptance of this service appeal the impugned order dated 14/03/2019 my kindly be set aside and the appellant may kindly be re-instated in to service with all back benefits. Any other remedy specifically not prayed for may kindly be awarded in favour of the appellant.

**R/SHEWETH:**

**ON FACTS:**

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

- 1- That the appellant was appointed as Patwari in the year 2000 and after appointment the appellant has performed his duty quite efficiently and up to the entire satisfaction of his high ups.
- 2- That appellant while serving as Patwari Halqa Malakandher a complaint was filed against the appellant and on the basis of said concocted and frivolous complaint, the respondents conducted fact finding inquiry against the appellant. Copies of the complaint and fact finding inquiry report are attached annexure..... **A & B.**

**Re-submitted to -day  
and filed.**

**Registrar**

31/7/19

- 3- That thereafter, the appellant was served with a show cause notice, which was properly replied by the appellant and denied all the allegations levelled against him. Copy of the Show cause notice and reply are .....**C and D.**
- 4- That astonishingly the respondent No.2 without conducting regular Departmental inquiry against the appellant straight away issued the impugned order dated 14.03.2019 whereby major penalty of removal from service has been imposed on the appellant. Copy of the impugned order are ..... **E.**
- 5- That feeling aggrieved from the impugned order dated the appellant filed departmental appeal before Respondent No. 1 on 28/03/2019 but no reply has been received so far. Copy of the Departmental appeal is annexure .....**F.**
- 6- That feeling aggrieved and having no other remedy the appellant filed the instant service appeal on the following grounds inter alia.

**GROUND:**

- A. That the impugned order dated 28.03.2019 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B. That appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C. That no charge sheet and statement of allegation have been issued to the appellant before issuing the impugned order dated 28.03.2019 which is mandatory under E & D Rules 2011.
- D. That neither chance of personal hearing has been provided to the appellant nor the appellant was provided the opportunity to cross examined the complainant and witnesses produced against him.
- E. That no regular inquiry has been conducted by respondents before issuing the impugned order dated 28.03.2019 rather the appellant has been punished on the basis of fact finding inquiry.
- F. That as per Supreme Court judgments regular Departmental inquiry is must before initiation of punitive actions against the civil servants.

G. That the appellant seeks permission of this honourable tribunal to adduce other grounds during course of final arguments.

It is therefore, requested that appeal of the appellant may graciously be accepted as prayed for in the headings of appeal.

Dated: 24.07.2019

**APPELLANT**

  
**IKRAMULLAH**

Through:

  
**NOOR MOHAMMAD KHATTAK**

  
**SHAHZULLAH YOUSAFZAI**

**&**  
  
**MIR ZAMAN SAFI  
ADVOCATES**



خدمت جناب ڈپٹی کمشنر صاحب ضلع پشاور

A-4

جناب عالی!

گزارش کی جاتی ہے کہ حلقہ ملکنڈھیر میں اکرام اللہ نامی پٹواری ہے جو انتقال میں فی مرلہ 10% سے 14% کے حساب سے علاقے کے غریب عوام کو لوٹ رہا ہے، ایک کنال پلاٹ کے انتقال میں اس نے مجھ سے 200000/- روپے لئے تھے، پھر 7 مرلے کے پلاٹ میں 700000/- روپے لئے اور اب پھر 7 مرلے کے انتقال پر مجھ سے 8% سے 10% فی مرلہ کے حساب سے پیسے مانگ رہا ہے لہذا آپ صاحبان سے درخواست ہے کہ اکرام اللہ نامی پٹواری کا یہاں سے تبادلہ کر کے غریب عوام کو لوٹنے سے بچائے جس کیلئے ہم آپ کے بڑے مشکور و ممنون رہینگے۔

شکریہ۔

درخواست گزار

کاپی برائے:

Shahid  
راحت گل

چیف انسٹرکٹوریٹ نچمنٹ سیل KPK

ارباب شیر علی MNA NA-30 پشاور

تیور سلیم جھگڑا وزیر خزانہ خیبر پختونخوا

ارباب عاصم خان ناظم ضلع پشاور

نوٹ: بر میرے ساتھ تقریباً 8 سے 10 تک ایسے انتقال اور گواہ ہیں جن سے انھوں نے 8% سے 12% تک لئے ہیں۔

موبائل نمبر: 0314-7576968

23457  
24/9/18

ATTESTED

For strict return P.C.

MB

17-09-18  
DISTRICT NAZIM  
City District Govt. Peshawar.

Hold enquiry & report within 03 days.

ADCS  
Call all the concerned persons on 26-27/9/18 and open file for me in P.A. to ADCS.

26/9

سکنہ ریگی۔ رکیزائی پشاور

بیان مسمی اختر شیرول

(5)

حلفیہ بیان کرتا ہوں کہ میں کہ پٹواری اکرام اللہ پٹوار حلقہ ملکنڈیر سے اپنی 7 مرلے کی انتقال کے سلسلے میں ملا۔ موصوف نے مجھ سے 62 ہزار روپے اندراج کیلئے اور 17 ہزار گین ٹیکس لیا ہے اور 15 ہزار مالک جائیداد سے بھی لیں ہیں۔ جو کل ملا کر مبلغ 94 ہزار بنتے ہیں۔ جو کہ سرکاری فیس سے بہت زیادہ ہے۔ میں نے پٹواری مذکورہ کی اس بات چیت کی ریکارڈنگ بھی کی ہے۔ اور اسے ثبوت کے طور پر بھی پیش کیا ہے۔ اور مذکورہ بیان پر حلف لینے کے لئے بھی تیار ہوں۔

بیان سن کر درست تسلیم کرتا ہوں۔

*Handwritten signature*

اختر شیرول دمنور خان



سکنہ ریگی۔ رکیزائی پشاور

شناختی کارڈ 5-13-7544417301

موبائل نمبر 0315-9335939

**ATTESTED**

*Handwritten signature*

بیان مسمی راحت گل ولد خیر گل۔ سکنا ملکنڈیر محلہ چونگی گلی نمبر 3 پشاور

(6)

حلفیہ بیان کرتا ہوں کہ میں کہ پٹواری اکرام اللہ پٹواری حلقہ ملکنڈیر سے اپنی 7 مرلے کی انتقال کے سلسلے میں ملا۔ موصوف نے مجھ سے 75 ہزار روپے کی ڈیمانڈ کی۔ جو کہ سرکاری فیس سے بہت زیادہ ہے۔ میں نے پٹواری مذکورہ کی اس بات چیت کی ریکارڈنگ بھی کی ہے۔ اور اسے ثبوت کے طور پر بھی پیش کیا ہے۔ اور مذکورہ بیان پر حلف لینے کے لئے بھی تیار ہوں۔  
بیان سن کر درست تسلیم کرتا ہوں۔



*Rahat Gul*

راحت گل ولد خیر گل

سکنا ملکنڈیر محلہ چونگی گلی نمبر 3 پشاور

شناختی کارڈ 5-17301-5408980

موبائل نمبر 0314-7576968

**ATTESTED**

*4*



B-7

**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

**INQUIRY AGAINST MR. IKRAM ULLAH IN LIGHT OF  
APPLICATION BY RAHAT GUL RESIDENT OF MALAKANDER**

The undersigned was entrusted with conducting fact finding inquiry against Mr. Ikramullah Patwari Halqa Malakandher, Tehsil & District Peshawar in light of application by Mr. Rahat Gul s/o Khair Gul r/o Malakander, Tehsil & District Peshawar vide diary no 23457 dated 24-09-2018 by the office of Deputy Commissioner Peshawar the complainant alleged that Patwari concerned is taking 10 to 14 % amount from general public for attestation of mutations further stating that Mr. Ikramullah, Patwari Halqa Malakander took Rs. 2 lacs and 7000/- from him for attestation of one Kanal and 7 Marla plot.

**METHODOLOGY :**

To probe in to the matter the following methodology was adopted.

1. Recording statement of the complainant Mr. Rahat Gul s/o Khair Gul r/o Malakander Tehsil & District Peshawar.(F/A)
2. Recording statement of Mr. Akhtar Sher s/o Munawar Khan R/O Regi Rokizai Peshawar.(F/B)
3. Recording statement of Mr. Ikramullah, Patwari Halqa Malakander, Tehsil & District Peshawar.(F/C)
4. Recording statement of Mr. Khurshid Shah, Naib Tehsildar, Daudzai, Peshawar.(F/D)
5. Analysis of audio record of Telephonic conversation between complainant Mr. Rahat Gul and Patwari Mr. Ikramullah for tax assessment and bribery.

**FINDING :**

On the basis of recording of the statement of complainant, Naib Tehsildar Daudzai, Patwari Halqa Malakandher, analysis of audio record and others, the following findings were made.

**ATTESTED**

1. As per statement of Naib Tehsildar Daudzai, the total Govt Tax for transfer of 7 Marla land in Mauza Malakandir comes out to be Rs. 38000/- whereas during telephonic conversation Patwari Ikramullah is demanding for Rs. 76000/- initially and negotiating it upto Rs.65000/-, by

DISTRICT ADMINISTRATION PESHAWAR

8

the end of conversation which is clear cut proof of bribery and abuse of official decorum by Patwari Mr. Ikramullah.

2. Mr. ikramullah, Patwari Halqa Malakander during conversation is mentioning about 5<sup>1/2</sup>% Tehsil share and 2% share of his own which proves the genuiness of the claim by complainant Mr. Rahat Gul.
3. Both the complainant Mr. Rahat Gul s/o Khair Gul and Mr. Akhtar Sher s/o Munawar khan both resident of Malakander are ready to prove the allegation on proper oath as well as mentioned in their written statement.
4. Discrepancy was found in the statement of Patwari and telephonic conversation whereby in statement Patwari Mr. Ikramullah, Patwari Malakandher mentions that applicant was asked to deposit the Government tax himself in bank whereas telephonic conversation clearly shows that Patwari concerned was negotiating the amount for transfer of 7 Marla land which is clear cut proof of non-compliance of Standing operating Procedure by Patwari Halqa, Malakandher.

**RECOMMENDATION :**

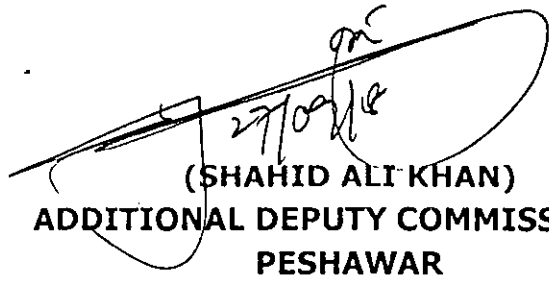
On the basis of the above fact findings inquiry the following recommendation are made.

1. Mr. Ikramullah, Patwari Halqa Malakander may be suspended immediately and formal inquiry under efficiency & Discipline rules 2011 may be initiated against him for misuse of office and for taking bribe from innocent civilian.
2. Tehsildar be directed to ensure to implementation of Standard Operating Procedure of applicant depositing Government taxes through bank challan by applicant themselves rather than giving the same to revenue officials.
3. Additional Assistant Commissioner Revenue shall be directed to take legal action against the touts visiting Tehsils office and Patwar Khanas
4. Taxation details/ valuation table may be displayed on prominent Government buildings i.e Tehsil Building, Patwar Khanas, and for General Public Consumption at prominent places.

Submitted Please.

**ATTESTED**



  
27/02/18  
(SHAHID ALI KHAN)  
ADDITIONAL DEPUTY COMMISSIONER  
PESHAWAR

## SHOW CAUSE NOTICE

C-9

Dr. Imran Hamid Sheikh, Deputy Commissioner Peshawar, as competent authority, under the Khyber Pakhtunkhwa Govt. Servants Efficiency and Discipline Rules 2011, do hereby serve you, Mr. Ikramullah, Patwari Halqa Malkandher Peshawar (Under suspension), as follows:

1. (i) That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing vide office communication which was availed by you and
- (ii) On going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers.

I am satisfied that you have committed the following acts/omissions specified/falls under the purview of Section 3 of the said Ordinance:

- (a) That one Mr. Rahat Gul r/o Malkandher lodged a complaint against you that you were charging public illegally @ 10% per marla as bribe and that the complainant has paid to you Rs.200000/- for transfer of One Kanal and Rs.70000/- for transfer of 07 marla plots. He has further alleged that you are now demanding 8 to 10% per mala for transfer of 07 marla plot.
- (b) That complainant Rahat Gul submitted audio call whereby you were openly bargaining for attestation of mutation.
- (c) That you are not following Government Instruction of applicant submitting Govt. taxes at their own as is obvious from your telephonic discussion.
- (d) That this act of yours is indicative of routine corrupt practices of taking extra money than due Govt taxes.
- (e) That this act of your amounts abuse of official powers.
- (f) That you were suspended from service vide this office order No.2888/DC/DK dated 01/10/2018 and a detail enquiry was ordered.
- (g) That in the detail inquiry the Inquiry Officer/Assistant Commissioner Peshawar stated that you have been found guilty in quoting a price over and above the government taxes and dues to the complainant and therefore recommended for awarding penalty under E&D Rules 2011.

2. You are, therefore, required to show cause as to why any penalty under Khyber Pakhtunkhwa Efficiency & Discipline rules 2011 shall not be imposed upon you and also intimate whether you desire to be heard in person.


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

4. A copy of the findings of the Inquiry Officer is enclosed.

U.O.No. 25 /DC (P)/DK.  
Dated 04/01/2019

**ATTESTED**



  
Deputy Commissioner  
Peshawar  
(Competent Authority)

NO 329/DK

Place in account  
inquiry file.

D-10

To,

Deputy Commissioner.  
Peshawar.

Subject:

REPLY TO THE SHOWCAUSE NOTICE  
DATED 04/01/2019 COMMUNICATED/  
SERVED ON 31/01/2019

Dear Sir,

With most respect reply of the show cause notice dated 04/01/2019, communicated/served on 31/01/2019 is as.

1. That I served the revenue department for the last nineteen years without any complaint and to the entire satisfaction of my superior offices.
2. That while posted as patwari Halqa malkandher Peshawar I was suspended and so called inquiry was conducted against me without issuing a charge sheet and statement of allegation which is pre requisite under E&D rules 2011.
3. That inquiry was conducted but at the back of the appellant without providing proper opportunity of defense, neither statement of any witness was recorded in my presence, nor did opportunity of cross examination was provided to me and this act on the part of the

ATTESTED



(12)

(11)

inquiry officer by itself vitiate the whole proceedings.

4. That though the show cause notice was bearing date 04/01/2019 however the same has been served on me on dated 31/01/2019 without providing inquiry report to me and after receiving the same. I submitted an application for providing inquiry report alongwith other important documents, but the same remained unresponded however replied to the allegations mentioned in the show cause notice are as.

Grounds:-

A. Para "A" of the Notice is false favilious without any supporting evidence I did not charge anyone illegally @ 10% per marla, nor did I demanded any bribe or paid to me by anyone, the allegations are based on malafide. Hence denied.

B. Allegation at this para is totally denied as neither I called the complaint nor did the inquiry officer got CDR which would substantiate this allegation it is worth mentioning that the duty of the patwari is to register mutation which I performed. The

ATTESTED

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↑  
availability of personal hearing, defence and  
was conducted without offending me as  
of suspension however the so called inquiry  
E. Allegation at this part is correct to the extent

accordingly:

of registration of mutation which I performed  
my official power which is only to the extent  
E. Allegation at this part is false I never advise

expedited.

by the concerned directly into the public  
Government taxes and dues are always paid  
take single penny from anyone, the  
D. Allegation at this part is incorrect I did not

telephonic discussion is totally denied.

reply has been given above, the so called  
instructions of the Government, the detailed  
never violate any regulations

C. Allegation at this part is false frivolous, I

respect.

the same nor did I made any bargain in this  
national expedient so I had no concern with  
deposited the Government Dues (taxes) in the  
performed. The complainant himself  
party is to register mutation which I


the inquiry was conducted in violation of  
Khyber Pakhtunkhwa E & D Rules 2011.

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G. Allegation at this para is denied detail reply  
has been given in the above paras.

It is therefore, requested that on  
acceptance of this reply the subject inquiry  
may kindly be filed and I may kindly be  
exonerated from the charges with further  
request that the opportunity of personal  
hearing may kindly be provided to me I shall  
be thankful to you for this.

Yours Obediently

22/2/19 

Ikramullah Patwari  
Peshawar.

ATTESTED





E - 14

**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. 510 /DC P/AD/DK  
Dated Peshawar the 14-03-2019

**OFFICE ORDER**

In light of complaint by Mr. Rahat Gul r/o Mouza Malakandher Tehsil and District Peshawar against Mr. Ikram Ullah, the then Patwari Halqa Malakandher for making illegal demand of Rs. 75,000/- for attestation of 07 marla plot against the Government taxes, fact finding inquiry was conducted by the Additional Deputy Commissioner, Peshawar who recommended the Patwari concerned to be suspended and formal inquiry to be initiated under E&D Rules 2011 against the Patwari Concerned.

Accordingly Mr. Ikram Ullah, Patwari Halqa Malakandher was suspended vide Office Order No: 2888/DC/DK dated 01/10/2018 under Section 06 of E&D Rules 2011 and Assistant Commissioner, Peshawar was appointed as an inquiry Officer for conducting formal inquiry by serving statement of Allegations and Show Cause Notice upon the accused official whereby the accused official was proved guilty of corruption vide inquiry report No: 4246/AC(P)/Reader dated 04-12-2018, for doing open bargaining with one Mr. Rahat Gul r/o Malakandher for demanding Rs. 70,000/- for transfer of 07 marla plot as against Government taxes of Rs. 38,117/-.

Accordingly, Show Cause Notice along with inquiry report was served upon the accused Official along with copy of inquiry report vide letter No: 26/DC(P)/DK dated 04-01-2019. In response, the accused official submitted written statement which was found un-satisfactory.

In view of the above, I, Mr. Imran Hamid Sheikh, Deputy Commissioner, Peshawar, competent authority under in light of Section 4(b) (iii) of Khyber Pakhtunkhwa Efficiency & Discipline Rules 2011, do

**ATTESTED**

hereby impose a major penalty of removal from service upon Mr Ikramullah  
khan, the then Patwari Halqa Malakander.

(15)  
M. J. J. 11/3/19  
DEPUTY COMMISSIONER  
PESHAWAR

No. 511-19 /DC(P)DK

Copy forwarded for the information to the;-

1. Commissioner Peshawar Division Peshawar.
2. Additional Deputy Commissioner Peshawar.
3. Assistant Commissioner Peshawar.
4. Additional Assistant Commissioner Revenue, Peshawar.
5. Account Officer, Deputy Commissioner Peshawar for making requisite entries in the record.
6. Tehsildar Peshawar.
7. District Kanungo Peshawar for making relevant entries in the record.
8. Superintendent DC Office Peshawar.
9. All Officers/ Officials Concerned.

M. J. J. 11/3/19  
DEPUTY COMMISSIONER  
PESHAWAR

**ATTESTED**

*[Handwritten signature]*

To,

F-16

The Commissioner,  
Peshawar.

**Subject: DEPARTMENTAL APPEAL AGAINST THE  
IMPUGNED ORDER DATED 14/03/2019  
WHEREBY THE APPELLANT HAS BEEN REMOVED  
ILLEGALLY FROM HIS SERVICE.**

**Prayer:**

**ON ACCEPTANCE OF THIS DEPARTMENTAL  
APPEAL THE IMPUGNED ORDER MAY KINDLY BE  
SET ASIDE AND THE APPELLANT MAY KINDLY BE  
REINSTATED INTO SERVICE WITH ALL BACK  
BENEFITS.**

Respected Sir,

The appellant submits as under: -

1. That the appellant was appointed as Patwari on the year 2000 and after his appointment, the appellant served the department with great zeal, zeast enthusiasm and to the entire satisfaction of the department.
2. That while serving as Patwari Halqa Malkandher due to a concocted and frivolous complaint and later on without issuing / serving any charge sheet alongwith statement of allegation and without providing any opportunity of defense, a one sided inquiry was conducted against the appellant at the back of the appellant.(Copy of the inquiry report is annexure "A").
3. That thereafter, the appellant was served with a show-cause notice, however, no inquiry report was annexed with the show-cause notice. Therefore, the appellant submitted an

**ATTESTED**



application for providing charge sheet alongwith statement of allegations if any, inquiry report, however, the same was not provided. The appellant submitted a detail reply of the Show-Cause Notice denying all the charges. (Copy of Show-Cause Notice & Reply are annexure "B", "C & D").

- 4. That the appellant was orally informed that he was removed from service vide order dated 14/03/2019 without providing any opportunity of personal hearing by the competent authority, hence the appellant again submitted an application for providing the impugned order alongwith inquiry report etc. (Copy of the Impugned order, Application are annexed as "E" & "F")
- 5. That the appellant feeling aggrieved from the impugned order, filing this appeal on the following grounds inter alia;-

GROUNDS:

- A. That the impugned order is against the law, rules and principles of Natural Justice, hence not maintainable in the eyes of law.
- B. That no Charge Sheet and Statement of allegations served upon the appellant which is mandatory under E & D Rules 2011.
- C. That neither any statement of complainant or any other witness recorded in the presence of the appellant nor did the appellant was provided opportunity of cross examination and the whole proceedings has been conducted without associating the appellant.
- D. That the appellant has been condemned unheard as opportunity of defense or personal hearing has not been

**ATTESTED**



provided by the inquiry officer or competent authority which is very much evident from the impugned order.

- E. That the right of fair trial has not been provided to the appellant which has been guaranteed by Article 10-A of the Constitution of Islamic Republic of Pakistan 1973.
- F. That the charges leveled against the appellant are totally false, neither the appellant charge the complainant or anyone, 10 % per Marla nor did the appellant demanded any bribe or paid to the appellant by anyone.
- G. That neither the appellant called the complainant on his phone nor did the inquiry officer for CDR which would substantiate the allegation of recording call, it is worth mentioning that the duty of Patwari is to register mutation so far as the government dues or taxes are concerned, the same is the duty of buyer he himself deposit, the same in the National Exchequer.
- H. That the appellant has not violated any rules regulations or instructions of the government nor did abused his official power or authority.
- I. That the alleged telephonic discussion / recording is totally denied as the same in false concocted self-made and even not admissible as evidence in any court/ tribunal of law as per Qanun-e-Shahadat Ordinance.

**ATTESTED**



Dated: 28/03/2019

It is, therefore, requested that the departmental appeal may kindly be accepted and the appellant may kindly be reinstated into service with all back benefits.

Your Most Obedient

**Ikram Ullah (Patwari)**

**VAKALATNAMA**

*Before The KP Service Tribunal, Peshawar*

OF 2019

*Ikram Ullah*

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

*Commissioner Peshawar & others*

(RESPONDENT)  
(DEFENDANT)

I/We *Ikram Ullah*

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2019

*[Signature]*  
\_\_\_\_\_  
CLIENT

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK**

*Shahzad*  
**SHAHZULLAH YOUSAFZAI**

*[Signature]*  
**MIR ZAMAN SADI**  
**ADVOCATES**

OFFICE:

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Mobile No.0345-9383141