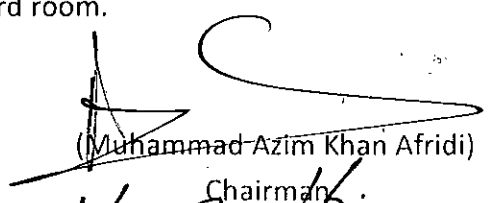


S.No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
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
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	16.03.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u> <u>CAMP COURT ABBOTTABAD</u> <u>SERVICE APPEAL NO. 59/2016</u></p> <p><u>(Saeed Akhtar-vs- Secretary to Govt. of Khyber Pakhtunkhwa, Local Govt. Election and Rural Development Department, Peshawar and two others)</u></p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u> Appellant with counsel and Mr. Gul Mir, Court Clerk alongwith Mr. Muhammad Saddique, Senior Government Pleader for respondents present. Arguments on maintainability of appeal heard and record perused.</p> <p>The appellant is admittedly employee of Gilyat Development Authority (GDA) Abbottabad which is an Autonomous Body and the appellant is, therefore, not a civil servant within the meaning of section-2(b) of Khyber Pakhtunkhwa Civil Servants Act, 1973. According to Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974, a civil servant aggrieved of any final order is authorized to prefer appeal before this Tribunal in the prescribed manners. Since the appellant is not a civil servant as such appeal of the appellant is not found maintainable under section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 read with section-2(b) of Khyber Pakhtunkhwa Civil Servants Act, 1973. The same is, therefore, dismissed in limine. File be consigned to the record room.</p> <p style="text-align: right;">             (Muhammad Azim Khan Afridi)            Chairman            16.03.16         </p> <p><u>ANNOUNCED</u> 16.03.2016</p>
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17.02.2016

Counsel for the appellant present and heard. The appellant has impugned orders passed by Gilyat Development Authority a body created under Act-7 of 1996. The question as to whether the appellant is a civil servant within the meaning of Section-2(b) of Civil Servants Act, 1973 would require determination.

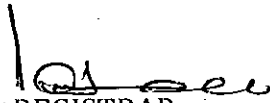

Let pre-admission notice be issued to the respondents for 16.3.2016 before S.B at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad

Form- A  
FORM OF ORDER SHEET

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


Case No. 59 /2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15.01.2016	<p>The appeal of Mr. Saeed Akhtar resubmitted today by post Through Mr. Abdul Aziz Tanoli Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>17-02-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Saeed Akhtar son of Qalandar Khan Ex-Draftsman GDA A.Abad received today i.e. on 29.12.2015 is returned to the counsel for the appellant with the direction to submit four spare copies/sets of the memorandum of appeal along with annexures i.e. complete in all respect within 10 days.

No. 2026 /S.T,

Dt. 30/12 /2015.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Abdul Aziz Khan Tanoli  
Advocate High Court A.Abad.

original Appeal received on 7-1-2016  
same is re-submitted after removal  
of objection on 14-1-2016 one original  
appeal along with 4 spare copies.



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

Service Appeal No. 59 /2016

Saeed Akhtar son of Qalandar Khan Ex. Draftsman Gilyat Development Authority (GDA), Abbottabad, resident of Jadoon Colony, Narrian Cantt. Tehsil & District Abbottabad.

...APPELLANT

VERSUS

Secretary to Govt. of Khyber Pakhtunkhwa Local Govt. Election & Rural Development Department Peshawar and others.

....RESPONDENTS

**SERVICE APPEAL**

**INDEX**

S.#	Description	Page No.	Annexure
1.	Service Appeal	1 to 8	
2.	Copy of Show Cause Notice	9 to 10	"A" & "B"
3.	Copy of reply	11 to 14	"C"
4.	Copy of final show cause notices	15 to 16	"D" & "E"
5.	Copy of reply to the final show cause notice	- 17 -	"F"
6.	Copy of show cause notice <i>and reply</i>	18 to 44	"G"-H
7.	Copy of impugned order	45 to 47	"I"
8.	Copy of departmental appeal and postal receipts	48 to 55	"J"
9.	Wakalatnama <i>Mention</i>	56	

...APPELLANT

Through;

Dated: 26-12/2015

(ABDUL AZIZ TANOLI)

Advocate High Court, Abbottabad

*Note: copies for Respondents  
Submitted after Admonition*

*Saeed Akhtar*

1

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

Service Appeal No. 59 /2016

A.W.P. Province  
Service Tribunal

Diary No. 1538

Dated 29-12-2015

Saeed Akhtar son of Qalandar Khan Ex. Draftsman Gilyat Development Authority (GDA), Abbottabad, resident of Jadoon Colony, Narrian Cantt. Tehsil & District Abbottabad.

...APPELLANT

VERSUS

1. Secretary to Govt. of Khyber Pakhtunkhwa Local Govt. Election & Rural Development Department Peshawar.
2. Director General G.D.A Abbottabad.
3. Deputy Director (Admn) G.D.A Abbottabad.

....RESPONDENTS

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED ORDER NO. GDA/P-F-/1523-26/ADMN DATED 03/08/2015 WHEREBY THE MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED

Re-submitted to-~~Reg~~  
and filed.

15/1/16  
Registrar

ON THE APPELLANT WITHOUT CONDUCTING OF  
INQUIRY UNDER E&D RULES 2011 KPK.

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**PRAYER:** ON ACCEPTANCE OF THE INSTANT  
APPEAL, THE IMPUGNED ORDER DATED  
03/08/2015 MAY VERY KINDLY BE SET-ASIDE  
BEING ILLEGAL, NULL AND VOID AND AGAINST  
THE LAW AND THE RESPONDENTS MAY PLEASE  
BE DIRECTED TO RE-INSTATE THE APPELLANT  
IN HIS SERVICE WITH ALL BACK BENEFITS. ANY  
OTHER RELIEF / REMEDY WHICH THIS AUGUST  
TRIBUNAL DEEMS FIT MAY ALSO BE AWARDED  
IN FAVOUR OF THE APPELLANT.

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Respectfully Sheweth: -

Following are the facts, giving rise to the instant appeal;-

1. That appellant is the employee of respondents and has served the respondent department as a Draftsman in BPS-11 for more than 34 years.

2. That the whole period of service of the appellant is unblemished therefore no any complaint against he appellant except the false & fabricated allegation mentioned in the show cause notice.
3. That respondent No. 2 with malafide intention issued two show cause notice to appellant vide letter No. GDA/9452/Admn dated 31/12/2014 under Khyber Pakhtunkhwa E & D Rules 2011. Copy of Show Cause Notice is annexed as Annexure "A" & "B".
4. That the appellant submitted detail parawise reply to the show cause notice alongwith documentary record wherein appellant through his reply denied the allegation of respondent and appellant give the documentary record to respondents for his innocence about the allegation. Copy of reply is annexed as Annexure "C".
5. That the respondent No. 2 without conducting regular inquiry and without compliance of codal formalities which was mandatory issued two final show cause notices to the appellant on the same day on the basis of the same allegation vide letter



No. GDA/PF/151/Admn dated 06/03/2015 and GDA/152 Admn dated 06/03/2015. Copy of final show cause notices is annexed as Annexure "D" & "E".

6. That the appellant thoroughly submitted detailed reply to the final show cause notice to respondents along with sufficient documentary record regarding baseless and fabricated allegation. Copy of reply to the final show cause notice is annexed as Annexure "F".
7. That when it reveals to respondents No. 2 that previous allegation was not proved against the appellant issued fresh show cause notice with malafide intention, against the laws and rules and on personal grudge to appellant on ~~06/03~~ 05/03/2015. Copy of show cause notice is annexed as Annexure "G".
8. That the appellant again submitted detailed reply to the fresh show cause notice, but respondent No.2 without considering the reply and record and without adopting legal process of law and without issuance of final show cause notice or personal

hearing passed impugned order of dismissal from service of appellant on 03/08/2015. Copy of impugned order is annexed as Annexure "H".

9. That the appellant being feeling aggrieved from the impugned order dated 03/08/2015, the appellant filed departmental appeal before the respondent No.1 but no reply has been received so far, hence, the present appeal on the following grounds amongst the others; – Copy of departmental appeal and postal receipts is annexed as Annexure "J".

**GROUND:-**

- a. That the respondents imposed the penalty of dismissal from service on the appellant without conducting of regular inquiry, charge sheet or personal hearing, thus penalty is totally against the law and natural justice, which is not sustainable in the eye of law and is liable to be set-aside
- b. That the respondent No. 2 without considering 34 years of service and reply of the appellant alongwith documentary record

passed impugned order of dismissal of the appellant without applying of judicial mind, hence, same is not sustainable in the eye of law and liable to be declared as null and void.

c. That the appellant before issuing of first show cause notice, submitted detailed encroachment report in concerned office but respondent did not consider the same, therefore no any fault on the part of appellant. Moreover, appellant performed the duties extra to the post and ever obeyed the orders of his superiors. Therefore no any complaint ever been made against the appellant in his 34 years of service, hence impugned order of respondent No. 2 is liable to be set-aside.

d. That the appellant was not treated in accordance with law and rules by the respondents/ department on the subject noted above, furthermore, respondents violated the Article 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973, hence, impugned order is

not sustainable in the eye of law and being illegal liable to be set-aside.

- e. That the impugned order dated 03/08/2015 is against the law, facts and norms of natural justice and material on the record, hence, not sustainable in the eye of law and is liable to be set-aside.
- f. That the respondent No.2 without holding inquiry permissible under law, without any sufficient evidence, grounds and without applying judicial mind passed impugned order of dismissal of appellant from service. Moreover serious nature of allegation leveled against the appellant needed to be inquired into through a regular inquiry but authority / respondent did not consider such fact and arbitrarily dispensed with the regular inquiry furthermore, appellant was also condemned unheard as no opportunity of personal hearing was given to the appellant, hence in impugned order is being illegal without lawful authority liable to be set-aside.

- g. That the appellant never did an act which amounts to misconduct under E&D Rules of KPK, 2011 thus the action and impugned order is void and coram non judice and liable to be set-aside.

It is therefore, humbly prayed that on acceptance of the instant appeal, the impugned order dated 03/08/2015 may very kindly be set-aside and the respondents may please be directed to re-instate the appellant in his service with all back benefits. Any other relief / remedy which this August Tribunal deems fit may also be awarded in favour of the appellant.

Dated: 26-12-2015

Through;

...APPELLANT

(ABDUL AZIZ TANOLD)

Advocate High Court, Abbottabad

VERIFICATION: -

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

...APPELLANT



**Galiyat Development Authority, Abbottabad**

Government of Khyber Pakhtunkhwa

Ph: 0992-9310240, Fax: 0992-331535

Email: [gdaatd@gmail.com](mailto:gdaatd@gmail.com)

No. GDA/ PR 19412 /Admn:

The Dated 31/12/2014

To,

**MR. SAEED AKHTAR**

Draftsman, Galiyat Development Authority,  
Abbottabad.

Subject:

**SHOW CAUSE NOTICE**

Whereas, you named above was directed vide Office Order bearing No. GDA/Office Order/4034-38/Admn./2013, dated 18<sup>th</sup> November, 2013 and Office Order bearing No. GDA/Office Order/7481-84/Admn; dated 9<sup>th</sup> May, 2014 to demarcate the encroachments and to place the correct and updated position of encroachments and properties falling in the right of way, before the Competent Authority. But, you deliberately did not demarcate the encroachments, therefore, disobeyed the lawful order of the Competent Authority. You have also intentionally concealed the fact that allotment of land for Fog Land Hotel, Mochidhara, Nathiagali had not been approved/concurred by the Provincial Government, and illegal occupier of Fog Land Hotel was not entitled to any permission to construct the Hotel Building on alternate site, in the wake of the Hon'ble Chief Minister's directive to allocate alternate sites to the affected allottees. Due to your willful concealment, the illegal occupier of Fog Land Hotel constructed hotel building on alternate site, with your active connivance and collusion.

Your above mentioned act tantamount to gross misconduct and renders you liable to be proceeded against under the relevant law. Since, record establishes your willful and deliberate acts of concealment of facts, and disobedience of lawful orders, therefore, feeling no need to order inquiry, you are directed to submit your written defence within seven (07) days of the receipt of this notice, positively, failing which you will be proceeded against, ex-parte.

  
**DIRECTOR GENERAL**  
GALIYAT DEVELOPMENT AUTHORITY  
ABBOTTABAD

*attested*  


**Abdul Aziz Khan Tarofi**  
Advocate  
District Bar Abbottabad

B

10



**Galiyat Development Authority, Abbottabad**

Government of Khyber Pakhtunkhwa

Ph: 0992-9310240, Fax: 0992-331535

Email: [gdaatd@gmail.com](mailto:gdaatd@gmail.com)

No. GDA/ 9452 /Admn:

Dated 31-12-2014

To,

**MR. SAEED AKHTAR**

Draftsman, Galiyat Development Authority,  
Abbottabad.

Subject:

**SHOW CAUSE NOTICE**

Whereas, you **named above** misguided the Anti-encroachment Team, when the Team reached "**Saba Dreams Hotel**", Ayubia for removal of illegal construction on land belonging to GDA. You willfully and knowingly informed the Team that there was no encroachment on GDA land, and that the Hotel was holding possession of the area duly allotted. But, when the Team undertook the measurements by itself, the covered area of Hotel came out to be about 11 Marlas against the allotted area of 5 Marlas.

Similarly, you intentionally and deliberately misled the Anti-encroachment Team in the case of **Lalazar Hotel, Ayubia**, where the Hotel Management was found encroaching upon 5 Marlas land in excess against the allotted land, but you had informed the Team that the Hotel was not holding any excess land.

You have also willfully concealed the encroachment of **Al-Azim Hotel**, where the Management of the Hotel was found encroaching upon an area of more than 1 Kanal by damaging the Green Belt by concrete work, illegally and without any sanction.

You have also been found disobedient to comply with the lawful orders of the Competent Authority to perform your duties, duly assigned, particularly, the affairs of Building Control Agency (BCA) and to submit timely reports of construction activities to your seniors, which is a clear evidence of your connivance extended to the land grabbers, land mafia and encroachers, and speak loud that you have joined hands with them.

Your above willful and deliberate acts and omissions tantamount to gross misconduct and render you liable to be proceeded against under the relevant law. Since, the record and personal observations of the undersigned establish your willful and deliberate acts, therefore, feeling no need to order inquiry, you are directed to submit your written defence within seven (07) days of the receipt of this notice, positively, failing which you will be proceeded against, ex-parte.

*Attested*  
*[Signature]*

**Abdul Aziz Khan Tanoli**  
Advocate  
District Bar Abbottabad

*[Signature]*

**DIRECTOR GENERAL**  
GALIYAT DEVELOPMENT AUTHORITY  
ABBOTTABAD

To

The Director General,  
Galiyat Development Authority,  
Abbottabad


C

11

Subject: **SHOW CAUSE NOTICE**

With reference to show cause notice No.GDA/PF/9412, Admn: dated: 31-12-2014. As desired statement / record in respect of defense to subject notice is as under:-

<b><u>Para.1 of show cause notice (reproduced)</u></b> Whereas, you named above was directed vide Office Order bearing No.GDA/Office Order/4034-38/Admn:/2013, dated. 18 <sup>th</sup> November, 2013	<b><u>Statement</u></b> Admitted that office order bearing dispatch No. /4034-38/Admn:/2013, dated.18 <sup>th</sup> November, 2013 under your kind signature was issued and received at that time.
<b><u>Para.2 of show cause notice (reproduced)</u></b> office order No.GDA/Office Order/7481-84/Admn:, dated. 9 <sup>th</sup> May, 2013, to demarcate the encroachments and to place the correct and updated position of encroachments and properties falling in the right of way, before the Competent Authority	<b><u>Statement</u></b> Admitted that office order bearing dispatch No.GDA/Office Order/7481-84/Admn: dated. 9 <sup>th</sup> May, 2013 under the signature of Dy. Director (Admn:), was issued and received, and responsibility to the extent of capacity and fulfilled under the kind direction of the officer in-charge
<b><u>Para.3 of show cause notice (reproduced)</u></b> But you deliberately did not demarcate the encroachments therefore, disobeyed the lawful orders of the Competent Authority. You have also initially concealed the fact that allotment of land for Fog Land Hotel, Mochidhara Nathia Gali had not been approved / concurred by the Provincial Government, and illegal occupier of Fog Land hotel was not entitled to any permission to construct hotel building on alternate site, in the wake of the Hon'ble Chief Minister's directive to allocate alternate sites to the affected allottees. Due to your willful concealment, the illegal occupier of fog land hotel constructed hotel building on alternate site, with your active connivance and collusion.	<b><u>Statement / record</u></b> We have performed our assigned duty and delivered services where and when order during the operation by the officer in-charge. Fog land hotel site was also demarcated and marked the required width of the road along with other buildings as per spot instruction. As regards facts regarding Fog land hotel were not conceived but the hotel was reconstructed at present site (alternate site) due to the following facts: <ol style="list-style-type: none"><li>1. Record file pertained to the property was with NAB due to which cancellation of the property was hidden.</li><li>2. The allottee has also not disclose the facts.</li><li>3. Further we think that order for giving alternate site was placed after having complete information regarding the status of the property. We therefore have no option except compliance of the order of our superiors</li></ol>

*attested*  
  
**Abdul Aziz Khan Taboli**  
Advocate  
District Bar Abbottabad

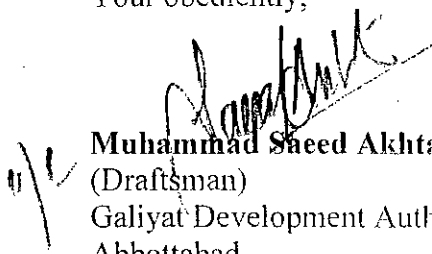


**Para.3 of show cause notice (reproduce)**

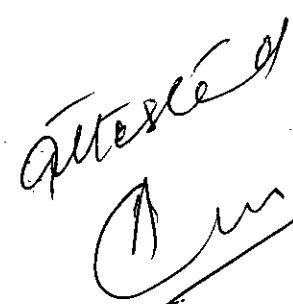
Your above mentioned act tantamount to gross misconduct and renders you liable to be proceeded against under the relevant law. Since, record establishes your willful and deliberate acts of concealment of facts, and disobedience lawful orders, therefore, feeling no need to order inquiry, you are directed to submit your written defence within seven (07) days of the receipt of this notice, positively, failing which you will be proceeded against, ex-parte.

12  
Keeping in view the above written defense, I am confident that my above statement given in my defense shall be considered synthetically and will not proceed further.

Your obediently,

  
Muhammad Saeed Akhtar  
(Draftsman)  
Galiyat Development Authority  
Abbottabad

Dated: 06.01.2015

  
Abdul Aziz Khan Tanoli  
Advocate  
District Bar Abbottabad

To

The Director General,  
Galiyat Development Authority,  
Abbottabad

150  
13

Subject: **SHOW CAUSE NOTICE**

With reference to show cause notice No.GDA/PF/9452/ Admn: dated: 31-12-2014. As desired statement / record in respect of defense to subject notice is as under:-

<p><b><u>Para.1 of show cause notice (reproduced)</u></b></p> <p>When the team reached "Saba Dream hotel" Ayubia for removal of illegal construction on land belonging to GDA. You willfully and knowingly informed the team that there was no encroachment on GDA land, and that the hotel was holding possession of the area duly allotted. But, when the team under took the measurements by itself, the covered area of hotel came out to be about 11 Marlas against the allotted area of 5 Marlas</p>	<p><b><u>Statement in defense with supporting record</u></b></p> <p>We have already reported the encroachment and violation as per detail below:</p> <p><b>Saba dream hotel.</b></p> <p>1. An area measuring 415 sq yards (encroachment) reported vide list of plots/ property at Ghoradhakka showing the encroachment at S.No.27 Column.7 (Anx: "A")</p> <p>2. Measurement taken at spot with I/O NAB, and submitted to PHC by NAB, namely <u>Reflected in report for Chief justice, Peshawar High Court Peshawar inspection of Galivat Region</u> vide S.No.12 /iii /a (Anx: "B")</p>
<p><b><u>Para.2 of show cause notice (reproduced)</u></b></p> <p>Similarly you intentionally and deliberately misled the anti-encroachment Team in the case of Lalazar hotel Ayubia, Where the hotel management was found encroaching upon 5 Marlas land in excess against the allotted land, but you had informed the team that the hotel was not holding any excess land.</p>	<p><b><u>Statement in defense with supporting record</u></b></p> <p><b>Lalazar Hotel.</b></p> <p>1. Measurement taken at spot with I/O NAB, and submitted to PHC by NAB, namely <u>Reflected in report for Chief justice, Peshawar High Court Peshawar inspection of Galivat Region</u> vide S.No.12 /iii /b (Anx: "C")</p> <p>2. An area measuring 415 sq yards (encroachment) reported vide list of plots/ property at Ghoradhakka showing the encroachment at S.No.27 Column.7 (Anx: "D")</p>
<p><b><u>Para.3 of show cause notice (reproduced)</u></b></p> <p>you have also willfully concealed the encroachment of Al Azim Hotel, where the Management of the hotel was found encroaching upon an area of more than one kanal by damaging the green belt by concrete work, illegally and without any sanction.</p> <p><i>attested</i> <b>Abdul Aziz Khan Taseer</b> Advocate District Bar Abbottabad</p>	<p><b><u>Statement in defense with supporting record</u></b></p> <p><b>Al Azim Hotel.</b></p> <p>1. Encroachment measured with NAB vide list of plots at Ghoradhakka/ Khanspur showing the encroachment with related data at S.No.10, annexed with letter dated: 04-04-2014 (Anx: "E")</p> <p>2. Encroachment reported on file of plot No.28 Ghoradhakka vide note sheet Para 89 along with sketch/ site plan (Anx: "F")</p>

**Para.4 of show cause notice (reproduced)**

You have also been found disobedient to comply with the lawful orders of the competent authority to perform your duties, duly assigned, particularly. The affairs of building control Agency (BCA) and to submit timely reports of construction activities to your senior, which is a clear evidence of your connivance extended to the land grabbers, land mafia and encroachers, and speaking loud that you have joined hands with them

**Statement in defense with supporting record**

Its evident from following that we are over burden and performing extra duty other than designated services as per my designation i.e. Draftsman.

1. Contribution in the different GDA day to day important matters/ task order by the competent authority i.e. reports on plots of estate and general branch, important correspondence, drafting of letters, preparation of working papers for meeting, Annexure papers, BOA, creation of new towns, master planning, court matters, etc.
2. As regard BCA, reporting of unauthorized construction and connivance etc. BCA duty relates to drawing section only to the extent of preparation of reports, site plan, consultation of building plans on case to case basis as and when directed verbally or in writing on order sheets on concerned files.

**Para.5 of show cause notice (reproduced)**

Your above willful and deliberate acts and omissions tantamount to gross misconduct and render you to be proceeded against under the relevant law. Since, the record and personal observations of the undersigned establish your willful and deliberate acts, therefore, feeling no need to order inquiry, you are directed to submit your written defence within seven (07) days of the receipt of this notice, positively, failing which you will be proceeded against, ex-parte.

**Keeping in view the above written defense, I am confident that my above statement given in my defense shall be considered sympathetically and will not proceed further.**

*attested*  
*A*  
**Abdul Aziz Khan Tareeli**  
Advocate  
District Bar Abbottabad

Dated: 06.01.2015

Your obediently,

*o/c*  
*Muhammad Saeed Akhtar*  
**Muhammad Saeed Akhtar**  
(Draftsman)  
Galiyat Development Authority  
Abbottabad



**Galiyat Development Authority, Abbottabad**  
**Government of Khyber Pakhtunkhwa**  
Ph: 0992-9310240, Fax: 0992-331535  
Email: [gdaatd@gmail.com](mailto:gdaatd@gmail.com)

(15)

No: GDA/ PF / 151 / Admn:

The Dated: 6 / 3 / 2015:

To,

**MR. SAEED AKHTAR**  
Draftsman, Galiyat Development Authority,  
Abbottabad.

Subject: **FINAL SHOW CAUSE NOTICE**

Reference: Show Cause Notice No. GDA/PF/9412/Admn: dated 31<sup>st</sup> December, 2014 and your reply.

Whereas, you named above was directed vide Office Order bearing No. GDA/Office Order/4034-38/Admn:/2013, dated 18<sup>th</sup> November, 2013 and Office Order bearing No. GDA/Office Order/7481-84/Admn; dated 9<sup>th</sup> May, 2014 to demarcate the encroachments and to place the correct and updated position of encroachments and properties falling in the right of way, before the Competent Authority. But, you deliberately did not demarcate the encroachments, therefore, disobeyed the lawful order of the Competent Authority. You have also intentionally concealed the fact that allotment of land for Fog Land Hotel, Mochidhara, Nathiagali had not been approved/concurred by the Provincial Government, and illegal occupier of Fog Land Hotel was not entitled to any permission to construct the Hotel Building on alternate site, in the wake of the Hon'ble Chief Minister's directive to allocate alternate sites to the affected allottees. Due to your willful concealment, the illegal occupier of Fog Land Hotel constructed hotel building on alternate site, with your active connivance and collusion.

Your above willful and deliberate acts and omissions tantamount to gross misconduct and render you liable to be proceeded against under the relevant law. Since, the record and personal observations of the undersigned establish your willful and deliberate acts, and you were served with a Show Cause Notice and were directed to submit your reply within seven (07) days to which you have submitted reply and found unsatisfactory.

Therefore, I, Syed Nazar Hussain Shah, Director General, Galiyat Development authority is satisfied that you are guilty of misconduct, inefficiency and non compliance of orders of the superiors as specified in the relevant rules. I am further satisfied that sufficient evidence exist to dispense with the requirement of any inquiry against you.

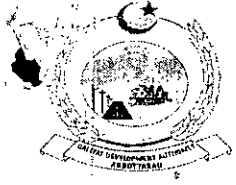
As a result, thereof, I, as competent authority have tentatively decided to impose upon you the major penalty/punishment as specified by the relevant rules.

You are, therefore, directed to show-cause as to why you should not be awarded major punishment for the charges mentioned above leveled against you under the relevant rules. Your written reply shall reach the undersigned within seven (07) days of the receipt of this notice, failing which; you will be proceeded against ex-parte.

Furthermore, you are directed to appear before the undersigned at DG GDA Office in this respect for personal hearing on 13<sup>th</sup> March, 2015 at 1430 Hrs positively.

*attested*  
*en*  
**Abdul Aziz Khan Tanoli**  
Advocate  
Justice Bar Abbottabad

  
**DIRECTOR GENERAL**  
**GALIYAT DEVELOPMENT AUTHORITY**  
**ABBOTTABAD**



**Galiyat Development Authority, Abbottabad**  
Government of Khyber Pakhtunkhwa  
Ph: 0992-9310240. Fax: 0992-331535  
Email: [gdaatd@gmail.com](mailto:gdaatd@gmail.com)

16

No. GDA/ 152 /Admn:

Dated 6/3/2015

To,

**MR. SAEED AKHTAR**  
Draftsman, Galiyat Development Authority,  
Abbottabad.

**Subject: FINAL SHOW CAUSE NOTICE**

**Reference:** Show Cause Notice No. GDA/PF/9452/Admn: dated 31<sup>st</sup> December, 2014 and your reply.

Whereas, you **named above** misguided the Anti-encroachment Team, when the Team reached "**Saba Dreams Hotel**", Ayubia for removal of illegal construction on land belonging to GDA. You willfully and knowingly informed the Team that there was no encroachment on GDA land, and that the Hotel was holding possession of the area duly allotted. But, when the Team undertook the measurements by itself, the covered area of Hotel came out to be about 11 Marlas against the allotted area of 5 Marlas.

Similarly, you intentionally and deliberately misled the Anti-encroachment Team in the case of **Lalazar Hotel, Ayubia**, where the Hotel Management was found encroaching upon 5 Marlas land in excess against the allotted land, but you had informed the Team that the Hotel was not holding any excess land.

You have also willfully concealed the encroachment of **Al-Azim Hotel**, where the Management of the Hotel was found encroaching upon an area of more than 1 Kanal by damaging the Green Belt by concrete work, illegally and without any sanction.

You have also been found disobedient to comply with the lawful orders of the Competent Authority to perform your duties, duly assigned, particularly, the affairs of Building Control Agency (BCA) and to submit timely reports of construction activities to your seniors, which is a clear evidence of your connivance extended to the land grabbers, land mafia and encroachers, and speak loud that you have joined hands with them.

Your above willful and deliberate acts and omissions tantamount to gross misconduct and render you liable to be proceeded against under the relevant law. Since, the record and personal observations of the undersigned establish your willful and deliberate acts, and you were served with a Show Cause Notice and were directed to submit your reply within seven (07) days to which you have submitted reply and found unsatisfactory.

Therefore, I, Syed Nazar Hussain Shah, Director General, Galiyat Development Authority is satisfied that you are guilty of misconduct, inefficiency and non compliance of orders of the superiors as specified in the relevant rules. I am further satisfied that sufficient evidence exist to dispense with the requirement of any inquiry against you.

As a result, thereof, I, as competent authority have tentatively decided to impose upon you the major penalty/punishment as specified by the relevant rules.

You are, therefore, directed to show-cause as to why you should not be awarded major punishment for the charges mentioned above leveled against you under the relevant rules. Your written reply shall reach the undersigned within seven (07) days of the receipt of this notice, failing which; you will be proceeded against ex-parte.

Furthermore, you are directed to appear before the undersigned at DG GDA Office in this respect for personal hearing on 13<sup>th</sup> March, 2015 at 1430 Hrs positively.

*Attested*  
*in*  
**Abdul Aziz Khan Tanafi**  
Advocate  
District Bar Abbottabad

  
**DIRECTOR GENERAL**  
GALIYAT DEVELOPMENT AUTHORITY  
ABBOTTABAD

31  
F

17

Dated: 12-03-2015

To,


The Director General  
Galiyat Development Authority  
Abbottabad

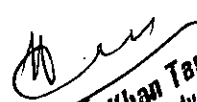
Subject: FINAL SHOW CAUSE NOTICE.


Please refer to your letter, NO.GDA/151/Admn: dated: 06-03-2015, it is submitted that contents of the above letter are the same as previous letter dated: 31-12-2014, and written statement to this effect has already submitted (Copy enclosed).

It is therefore requested that same statement/ reply may please be re- considered sympathetically.

Your Obediently,

  
Muhammad Saeed Akhtar  
(Draftsman)  
Galiyat Development  
Authority  
Abbottabad

*Attested*  
  
Abdul Aziz Khan Tanuli  
Advocate  
District Bar Abbottabad

*Received*  
  
J/c. 1313



# Galiyat Development Authority, Abbottabad

Government of Khyber Pakhtunkhwa

Ph: 0992-9310240, Fax: 0992-331535

Email: [gdaatd@gmail.com](mailto:gdaatd@gmail.com)

G-18

No. GDA/ P.F. / 331/Admn:

The Dated 25 / 12 / 2015

To,

**MR. SAEED AKHTAR**

Draftsman, Galiyat Development Authority  
Abbottabad.

**Sub: SHOW CAUSE NOTICE REGARDING MISCONDUCT AND CORRUPTION.**

1. Whereas, you named above were duty bound to have defined the boundaries /limits of GDA properties for the purpose of accurate demarcation, highlighting the cases of encroachments and land grabbing, being first hand source of property management throughout your service career in Hazara Hill Track Improvement Trust and Galiyat Development Authority. But, you deliberately failed to define the boundaries and limits of GDA lands, for accurate demarcation and indicating encroachments and land grabbing.
2. You have failed to maintain necessary record for property management of GDA i.e. to maintain registers of moveable & immoveable properties falling within the jurisdiction of GDA including register of properties under possession, without title; register of properties missing from record; register of encroachments; register of unauthorized occupants; register of un-noticed structural alterations; register of plots converted from residential to commercial and register of confirmation of actual possession of property after visit of the site by survey team.
3. You have failed to demarcate the plots, while giving away possession after approval of Building Plans, according to building bylaws.
4. You have failed to initiate necessary steps for undertaking Zoning and Master Planning, and establishing fixed boundary pillars, after demarcation of the plots in the area, in order to detect massive corruption committed by many influential individuals, which resulted in massive encroachments.
5. You have also failed to perform additional duties assigned to you in order to look after the affairs of Building Control Agency (BCA) with the assistance of Technical/Field Staff for removing/demolishing all such encroachments/un-authorized constructions on GDA lands being 1<sup>st</sup> hand source in Building control agency of GDA throughout your service.

Page 1 of 2

*Attested*  
*[Signature]*  
**Abdul Aziz Khan Tanoli**  
Advocate  
District Bar Abbottabad

6. You have intentionally concealed the actual measurements of GDA lands, when prepared statement of encroachments/un-authorized constructions, as a member of Committee constituted for the purpose, greatly, damaging the GDA and its reputation, resultantly, GDA has been indulged in litigation; injunctive orders have been obtained, suits for damages instituted and Contempt of Court applications were filed against the functionaries of GDA.
7. You have deliberately failed to give proper assistance to the Operational Staff during the Anti-encroachment drive. You have also deliberately concealed the limits/boundaries of encroachments and grabbed lands in the area from the Operational staff, despite being the group leader of Encroachment Operation Squad-II.
8. You have misled the Operational Team in cases of encroachments and land grabbing, thereby, protected the land grabbers and encroachers, during the Anti-encroachment Operation.
9. You have intentionally provided incorrect data/measurements to Anti-encroachment Team, when the Team arrived to assess the encroachment of Willow Grove Hotel, Ayubia disclosing that there was no encroachment in the case of Willow Grove hotel, Ayubia. However, when the Assistant Commissioner and Deputy Director, GDA measured the same in my presence, encroachment of more than 01 Kanal was found, which was dully removed on the spot.
10. You have a persistent reputation of being corrupt, and are notorious for mal-practices.
11. Your conduct detailed above is prejudicial to the good order, discipline and smooth working of the Authority, and is a gross misconduct under the Conduct Rules, 1985 and E&D rules 2011 and expose you to be proceeded against under the Efficiency and Discipline Rules and Conduct Rules, 1985 and E&D rules 2011.
12. You are, therefore, directed to submit your written reply within seven (7) days of the receipt of this Notice, failing which it shall be presumed that you have nothing in your defense, and will be proceeded against, accordingly.

  
DIRECTOR GENERAL  
GALIYAT DEVELOPMENT AUTHORITY  
ABBOTTABAD

*attested by*  
*Aus*  
Abdul Aziz Khan Taseeli  
Advocate  
District Bar Abbottabad



TO

H

20

The Director General  
Galiyat Development Authority  
Abbottabad.

Subject: Show Cause notice regarding  
misconduct and Corruption.

Ref:- NO. GDA/PE/334/Admn. dated. 25-03-2015

As desired reply to the above  
referred letter is submitted as  
under (Parawise):-

Para-1. Its evident from the record  
files, ~~that~~ Block plans, Statements  
Correspondance etc. that I have  
delivered my Services regarding  
boundary limits of towns, plots  
detection of encroachments on Case  
to Case basis when required, Important  
is listed below:-

1. Nathiagali bazar Complete  
alongwith preparation of Site  
plans in 1999 (Copy enclosed)

2. Nathiagali Town (Complete  
town) with detection of  
encroachments (available in  
record and can be produced)

31/3/2015

P-1/2

attested  
Aun

Abdul Aziz Khan Terelli  
Advocate  
District G.D. Abbottabad

3. My reports are available on plot files regarding encroachments building violations etc.

4. I myself requested to the then chief Secretary in police rest house Abbottabad that town boundaries of GDA town are missing and required demarcation and re-construction of boundary pillars. The then C/S please to order Forest department to undertake Survey of the town and exercise was made but un-luckily boundary pillars could not be erected and nobody at that time take pain to establish the boundary pillars resulting grabbing of land at Khairagali, masot village and Khampure Nathagali near Elite hotel etc.

Proper Correspondence to this effect is available in the record namely revised topographic Survey.

5. I myself attempt Mr. Lock the Austrian who grabbed

P.2/3

attested

Abdul Aziz Khan Terzuli  
Advocate  
District Bar Abbottabad

31/3/2015

GDA land at Khandiani and fixed barbed wire on about 200 Kanal land. The encroachment was removed and facilitate the Govt. to settle the issue being minority on provincial level. evidence is available in the record.

6. The undersigned attempted several time against the locals of Khanspur to save the GDA land on town boundary near Masjid (Small at boundary) Dhabigat, police station eastern boundary of town.

7. Maintain old record of 1924-25 collected from Survey of Pakistan old C&W office etc and keep it in safe custody which is still available with me.

8. Preserve the old record in safe custody

9. Many other works relates to demarcation, precautionary measures

31/3/2015

3/4

Attested  
Abdul Aziz Khan Tanuli  
Advocate  
District Bar Association

10. Full time assistance to my Superiors in the field work even in water supply, VVIPs duty at Nathiyali Sanitation. GOA Staff is available to as evidence if so required.
11. I was often remain most obedient servant to my Superiors who at present almost retired from the post of Chief Secy, Secy, chief engineers, JEs.
12. I was remain focal persons of PIT's inquiry, NAB etc and highlighted the encroachments grabbing building violation etc even in the Court of Law.
13. I am sorry to say that instead of appreciation in the recent anti encroachment drive I was un-necessarily targeted only due to gap of communication and haphazard action in hurry.

attested

Aur

Abdul Aziz Khan Tanoli  
Advocate  
District Bar Association

P. 4/5

31/3/2015

14. Instead of requests no body listens my request during the detection of encroachments and unskilled/untrained GOA staff, Malis Sweepers, etc were deputed to measure the precious land haphazardly.

15. At present putwaris are deputed to measure the plots which is obsolete way of working of land measure specially in these hilly areas when there are sophisticated instruments are available like total station etc.

16. Of course the duty assigned or unassigned pertain to Land Cases is my responsibility as there is no one to handel the Land Cases Satisfactorly

13/2015

P-5/6

attested  
  
Abdul Aziz Khan Tanuli  
District Engineer

17. In addition to above I never refuse any orders of my Superiors even that was my duty or otherwise. I have also assist my Superiors in the high level meetings of Board of Trustees, BOA's, Commencement meetings, Governors meetings, High Court Judges in their chambers, attending of Chief Justices, CM, C.S, Governors, President, Nobody ~~is~~ have any Complaint as for as my duty is concerned I have also appeared with you Sir, in P.H.C. and contribute meetings and prepare working papers of different meetings -

19. I dont know why you have signed this Showcause mast probably I am no more fit for

attested

Abdul Aziz Khan Tanoli  
Advocate  
District Sd. Muzaffargarh

11/3/2015

P. 6/7

further duty as demanded by  
 your goodness i.e day and  
 night service. Sir I am again  
 sorry to say that my working  
 style is different I could not  
 delivered my paper unless understand  
 fully. probably my age i.e 47  
 years des not permit me to  
 bear such load however I have  
 tried my best to perform my  
 duty satisfactory.

Attested  
 A in

Abdul Aziz Khan Tanoli  
 Advocate  
 District Bar, District

3/3/2015

P. 7/8

Para-2.

Para-2 pertains to maintaining of different record/registers i.e. Eight kinds of property registers. It is very good approach to maintain the same but nobody asked me earlier because I remain already overburdened till date dealing with almost all affairs of GDA.

proposal may please be implemented in future with modification proposed as under:-

- 1. ~~the~~ please check the record and ~~the~~ ask to

P/8/9

3/1/2015

Abdul Aziz Khan Teswili  
Advocate  
District Bar Council



Trace the same property register and entries may please be updated

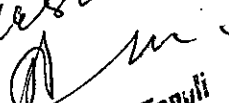
2. A Clerk may please be deputed to make entries and maintain the same register as the necessary data is available in the form of lists.

3. I think no property is missing from record however if feel so please order accordingly under the relevant rule.

4. Register of encroachment can be maintained but how we reflect the building plans site plans is given in the register because without

3/3/2015

P. 7/10

Attested  


Abdul Aziz Khan Tanoli  
 Advocate  
 District Court, Islamabad

detail Site plan only report is not sufficient to determine

the exact position/location of

encroachment however record is available to maintain the register

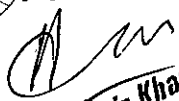
5. Register of un-authorized occupants. please order someone to maintain the same as the information is available on record.

6. un-noticed structural alterations is the Joint work of engineering & CA Section which has already maintained and required to be reflected in the register if so required.

7. Register of Commercial use of residential plots, it can be maintain by the clerk as the information is available on record.

31/3/2015

P. 10/11

attested  


Abdul Aziz Khan Tanuli  
 Advocate  
 255/2002 Law Commission

8. Last Register of Confirmation of possession of property by the Survey team. It can also be maintain from available record.

Fixing of responsibility of maintaining of above registers could not be justified as no sufficient staff is working under the drawing branch. Only one tracer is working with me who is already over burdond due to verity of work expected/don by the drawing section.

3/13/2015

P. 11/12

attested  
Abdul Aziz Khan Tanuli  
Jointed...

Para-3

All the plots are already demarcated and Site plan issued accordingly as per rule. Plot owner deposited demarcation fees and get demarcated those plots when they needed. However for Controle No perfect System has yet been devised to Controle the same satisfactorily. In spite of recommendation of NAB, PIT. No proper BCA Staff has been provided nor any system of BCA. i.e printing of BC Form (reporting etc) has yet been prepared.

Man  
3/3/2015

P.12/13

Attested  
Man

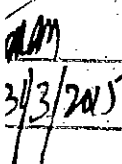
Attested  
Man

No. Head of BCA (Director level) has been posted, no qualified Staff is available to Control the same, even nobody bother to discuss the prevention factors of Controlling the Encroachment/ un-authorized Construction at present it's evident from site that number of un-authorized Constructors are going on. everyone know that present Staff is un-sufficient to Control the goathers, Encroachers violators even in the existing towers, Jurisdiction Control is out of question.

P. 13/14

attested





Building bylaws are defectives

there is no town planner, Architect,  
Legal drafter nor body to  
addressed the flaws in bylaws.  
no body could understand

the actual technical problems  
as no body in this department  
is technically so sound nor have  
qualification of this type.

WA  
4. Very strange to see para 4 of  
the letter regarding initiating necessary  
steps for undertaking zoning and  
master planning and establishing  
of boundary pillars by the draftsman

AM  
13/2015  
Sir, as you know that P.H.C  
in the case of Shamsi building

P.16/15

attested  
AM

Official Seal of the P.H.C

Constituted a high level Commission with TORs to sort out the planning etc and asked for recommendations. as per your instructions I have also tried to poke nose in the matter but could not understand the high level study elements and there solution in sciences of environments etc. even Consultant under Manhi failed to undertake the Job even having received considerable amount.

Sir, please make Justice wheather it is my Job to take

necessary steps. for Master

planning most probably I could not understand that what services is expected from the undersigned"

mm  
31/3/2015

attested




Principal Officer, Manhi

P.15/18

Time and again the boundaries of plots were demarcated by the relevant staff in past, by me and my staff and asked the plot owners to fix the boundary pillars on their limits and not to exceed the plot limits but you know Sir, no body care about this as law enforcing agencies not cooperating with department even inspite of numbers of letter addressed to DSP's, SHO, etc no FIR has been lodged under encroachment act etc. Its a precedent from

11/3/2015 record that this department initiated action against the violators

P/16/17

attested  


Abdul Aziz Khan Tsoli  
 Adm. Officer  
 District Administration



but no fruitful result has been achieved  
in my presence your good self ask

Afridi Sahib (Judge honorable) in  
D.H.C regarding action on the culprits  
of Kusagali and then some action

was taken against the Waseem and  
Chadony. At present even we

could not control the  
violators when the Govt. is fully

co-operated with QDA.

Sir, please instead of  
forming charges against myself  
please do something positive

to enforce the law in Galiyat  
as you have on good books

of the provincial Govt: and

11/3/2015 We proud to claim this reputation  
of our officers in KPK P-17/18

Attested  
[Signature]

Abdul Aziz Khan Tanoli

Most probably I may not  
serve more in GOA due  
to my bad habits which

could not be controlled due to  
my utmost efforts.

Sir, I would like to remind  
you that I have controlled the  
number of illegal attempts by the  
different land grabbers Sir, you  
know, Mission Land at Thandani,  
vacation of Qtrs with ADs, transfer  
of encroachments with plots. Bkg.  
BNS, 97kg. etc.

Para-5

As regard additional duties  
of BCA, it is submitted that

15/2015

P-18/19

Attested  
Abdul Aziz Khan Tanuli  
Deputy Commissioner

In fact it is additional duty alongwith other additional work of Head clerk. Supdt etc. other than drawing section. However I never refused any kind of orders of my Superiors given to me in my total Service of about 35 years. I have work with Mr. Gulistan-AD, Khurshid Sahib AD, Yasir Mehmood A.D. and achieve the different targets under your kind supervision/directions. Also my Junior and my self remain in front during the demarcation, Identification, removal of encroachments special in bazar during Snow falls and Snow ~~not~~ Cold whether

2/3/2015

P. 19/20

attested  
  
 Abdul Aziz Khan Tanoli  
 Education Officer

Correspondence, videos, locals. GOA  
 Staff is ~~not~~ avidant. Dak  
 moving registers available in different  
 branches are to monitor the  
 movement of files carrying  
 all these land matter with  
 my reports, notices, etc. I am  
 not only 1st hand source but  
 Last hand source.

29.  
 Litigations Cause is not the  
 measurement but question of so  
 called prestige of the encroachers/violation  
 etc. what we have done that is  
 as per law I have not conceived  
 any facts because no body could  
 conceived the facts of land measurements

11/3/2015

P.20/21

attested  
 Abdul Aziz Khan Tanuli  
 Adhikari

400

As Land and measuring tape, record etc are available every time no one can conceal the facts however your kind observation are due to hurry and rapid attempt of removal by the encroachment removal staff team accompanied by the usama AC ATP, DSP, etc. I have

already explain that there was no bad intention nor any connivance but only thing may cause of misunderstanding is shortage of time and odd timings of operation i.e. evening late night etc.

para-7

Explanation is the same

as stated above please

P-21/22


Attested

Abdul Aziz Khan Tanoli

Para 8 I have not misled the operational team and not protected the land grabbers/ violators I have pointed out the plot of relative of Fasel Saleh Hafyat Khanpur near HEC building to the team at Khanpur rest house in your presence the team was asking about the clear Major Violators in Khanpur Ayubia at about at the time of Sun Set late evening I was so tired and could not understand work perfectly at that time however even then I have not protected any one lists were available every thing was clear.

13/2/2015

P.22/23

attested by  


Abdul Aziz Khan Tanuli  
13/2/2015

Para-9

There was no such intention to provide incorrect data regarding willow grove so called hotel. In fact the statement was prepared on the basis of report of un-skilled different teams and unfortunately the encroachment was not reported by the un-known team. may be headed by some un-skilled individual. In hurry we could not check the same list. however in the other list encroachment was reported which was not available at that time. Sir, I was also objected at that time that we may remove the encroachment from the exact site i.e a strip started from gate to downward without building but nobody listen to me and remove the building from the actual plot area. Sir, it is prof that we have taken action in hurry. without *islahi* i.e Site plan removal of encroachment is not advisable.

Further no one can conceived the facts specially regarding land measures

31/3/2005

P. 23/24

Attested  
 Abdul Aziz Khan Tanuli  
 Adm. Officer

When the land and record is available  
Please forget me and requested  
not to make charge of this type  
as you see in other cases there may  
not such errors.

Para-10

This para is highly objectionable  
and totally blame and herted  
me please avoid this type of  
blames.

Para 11

Application of Conduct rules  
and disciplinary rules as per  
para-11 of the letter referred  
above. may please be applied  
as per law if applicable as

I feel that I am innocent in  
this case.

P. 24/25

attested

Abdul Aziz Khan Tanoli



This written reply to the letter  
is submitted with the confidence  
that explanation above will  
be considered considering me as  
subordinate and excuse if any  
thing feel not suitable.

Submitted please.

*[Signature]*  
GMA

Galyat Development  
Authority

31-03-2015

*[Signature]*  
5/3/2015

P-25/25

Attested  
*[Signature]*

Abdul Aziz Khan Tanoli



## Galiyat Development Authority, Abbottabad

Government of Khyber Pakhtunkhwa

Ph: 0992-9310240, Fax: 0992-331535

Email: [gdaatd@gmail.com](mailto:gdaatd@gmail.com)

LB

45

I

The Dated: 03/08/2015:

### OFFICE ORDER:

No: GDA/P.F/1523-26/Admn: In exercise of powers under Rule 5 of Khyber Pakhtunkhwa Government Servants ( Efficiency and Discipline ) Rules, 2011 read with Rule 20 of Galiyat Development Authority (Terms & Conditions) of Service Rules, 2012, I, Syed Nazar Hussain Shah, being Competent Authority have decided to dispense with the requirement of holding inquiry against Mr. Saeed Akhtar, Draftsman, GDA (accused official) due to sufficient material available on record and grounds mentioned below:

1. The accused official did not demarcate the boundaries/limits of GDA lands, for identification of encroachments upon GDA lands, in excess of allotted areas.
2. The accused official failed to maintain proper/necessary record required for the management of properties belonging to GDA i.e. The registers of moveable & immovable properties; properties under possession without title; properties missing from record; encroachments; unauthorized occupants; un-noticed structural alterations; plots converted from residential to commercial and confirmation of the actual possession of properties after visit of the site by survey team.
3. The accused official failed to properly demarcate the plots while giving possession, after approval of Building Plans, according to building bylaws.
4. The accused official did not initiate necessary steps for undertaking Zoning and Master Planning, and to establish fixed boundary pillars, after demarcation of the plots in the area, in order to detect massive corruption committed by influential individuals, which had resulted in massive encroachments upon GDA lands.
5. The accused official failed to perform additional duty to look after the affairs of Building Control Agency (BCA) with assistance of technical/field staff for removing encroachments/un-authorized constructions from the GDA lands.

Attested  
A m

3/8

Abdul Aziz Khan Tsouli

6. The accused official had intentionally concealed actual measurements/demarcations of GDA land, when he prepared the statement of encroachments/un-authorized construction, in the capacity of a member of the Committee constituted for the purpose, greatly, damaging the reputation of GDA, due to which GDA was indulged in un-necessary litigation, by obtaining stay orders, and instituting damages suits, besides, filing Contempt of Court applications against the functionaries of GDA.
7. The accused official had deliberately arrived late on 10-05-2014 i.e. at about 1100 hours, when all the responsible officers including Deputy Commissioner, Abbottabad, Director General GDA, Superintending Engineer C&W, Assistant Commissioner, Abbottabad, Assistant Director (Technical) and Sub-Divisional Police Officer Galiyat had reached at 0800 hours duly fixed, to the Commissioner's House at Nathiagali with machinery to start with Anti-encroachment Operation.
8. He accused official failed to give proper assistance and demarcations of encroachments, besides, the grabbed lands in the area, to the Operational Staff, despite being the group member of Encroachment Operation Squad-II.
9. The accused official had also misguided the Operation Team in cases of majority of encroached buildings and grabbed lands, thereby, protected the land grabbers and encroachers, during the Anti-encroachment Operation.
10. The accused official intentionally provided incorrect data/measurements to the Anti-encroachment Team, when the team arrived to assess the encroachment of Willow Grove Hotel, Ayubia and disclosed that there was no encroachment, however, when the Assistant Commissioner and Deputy Director, GDA carried measurements, encroachment of an area more than one Kanal was found and was cleared on the spot.
11. The accused official also enjoyed persistent reputation of being corrupt.

The accused official was served with a Show Cause Notices No. GDA/PF/334/Admn; dated 25-03-2015, he however, submitted written replies to the Show Cause Notices, on 31-03-2015. But, the reply was found un-satisfactory, as the charges confronted with the accused official were proved on record and were physically apparent. Moreover, no convincing defence could have been offered. Therefore, Final Show Cause Notices bearing No. PF/393/Admn; dated 06-04-2015 was served upon the accused official, which he received

*attested*  
*Am*  
 Abdul Aziz Khan Tanoli

*[Signature]*  
 3/8

(47)

on 07-04-2015. The accused official submitted reply thereto, which was found not satisfactory. The accused official sought opportunity of personal hearing, therefore, he was heard in person on 09-07-2015. But, nothing worth considering was placed before the undersigned to have explained his position with respect to the charges mentioned above.

In view of the above circumstances, the charges stand proved against the accused official as per record, who failed to advance any convincing and acceptable defence. Hence, I, the, Director General, Galiyat Development Authority, Abbottabad being Competent Authority do, hereby, impose major penalty of dismissal from service upon Mr. Saeed Akhtar, Draftman GDA, Abbottabad, with immediate effect, in the larger interests of public.


**DIRECTOR GENERAL  
GALIYAT DEVELOPMENT AUTHORITY  
ABBOTTABAD**

Cc:

Copy of the above is forwarded to:

1. Secretary to Government of Khyber Pakhtunkhwa, Local Government, Election & Rural Development Department.
2. Director, Galiyat Development Authority, Abbottabad
3. Accounts Officer, Galiyat Development Authority, Abbottabad.

  
**DIRECTOR GENERAL  
GALIYAT DEVELOPMENT AUTHORITY  
ABBOTTABAD**

*Attested*  
  
**Abdul Aziz Khan Tsouli**  
Secretary

To

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The Secretary  
Local Government, Election and Rural Department  
Khyber Pakhtunkhwa, Peshawar.

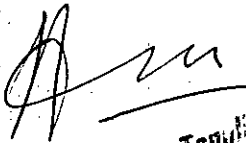
DEPARTMENTAL APPEAL AGAINST THE  
IMPUGNED OFFICE ORDER ISSUED UNDER NO  
GDA/P.F/1523-26/ADMN DATED 03/08/2015 BY THE  
DIRECTOR GENERAL GALLIYAT DEVELOPMENT  
AUTHORITY P.M.A KAKUL ROAD ABBOTTABAD  
WHEREBY IMPOSED MAJOR PENALTY OF  
DISMISSAL FROM SERVICE WITH IMMEDIATE  
EFFECT AGAINST APPELLANT, HAVING 34  
YEARS REGULAR SERVICE.

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Respected Sir,

Appellant submits his appeal as under

- attested
- 1) That appellant was appointed on regular basis as Draftsman in BPS # 11 on 02/06/1981 and was working in Galliyat Development Authority P.M.A Kakul Road Abbottabad in the same scale PBS # 11 and has unblemished service record in his credit and always performed his duties to the entire satisfaction of higher authorities.
  - 2) That Peshawar High Court while hearing a Writ Petition No 384 of 2011 (titled M/S Shamsi Builders Ltd Versus The Galliyat Development Authority etc) was passed an order on 07/02/2013, relevant portion of the order is reproduced herein below,

  
Abdul Aziz Khan Tenzil

“Therefore, DG NAB shall depute senior investigating/enquiry officer to examine the record of GDA & carry out spot inspection of multistory buildings in Galiyat and to also discover that who amongst the officials were involved, permitting the raising of structure in violation of law and what was consideration for allowing such illegal activities and if case is made

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out and culprits are traced out they shall be booked under the relevant law and reference be prepared & filed against them."

Copy of Peshawar High Court Order is annexed as Annexure A.

3) That on the basis of decision of Board of Authority (BOA) in its meeting on 22/10/2013 & directives of Peshawar High Court passed in Writ Petition No 348 of 2011, Director General GDA Abbottabad issued Office Order dated 18/11/2013 wherein Assessment and Demolition Committee constituted, Body of Committee is as Under

- 1) Eng: Gulzar Muhammad ----- Chairman  
Director GDA Abbottabad.
- 2) Mr: Muhammad Gulistan ----- Member  
AD(T) GDA Abbottabad.
- 3) Mr: Saeed Akhtar (Appellant) ----- Member  
Draftsman GDA Abbottabad.
- 4) Mr: Wasif Mir ----- Member  
B.I GDA Abbottabad.
- 5) Mr: Nisar Ahmad ----- Member  
Tracer GDA Abbottabad.

It was heavy work, and was required large number of staff to meet the target/task, so in the same office order dated 18/11/2013, special note was mentioned regarding to required staff and in this reason all contingent paid staff whose services have been extended shall remain at the disposal of committee. Copy of office order is annexed as Annexure "B"

attested  
*[Signature]*

Abdul Aziz Khan Tsoufi  
Advocate

4) That committee and appellant being its member along with almost all available unskilled and unqualified staff including Clerical staff, Peons, Chowkidars, Drivers and Gardners (Malis) of GDA Abbottabad, participated in the huge task and prepared relevant report as required by the committee (TORs of

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Committee) in the office order and where it was found any violation, notices under the relevant law were being issued by the competent authority. The committee prepared a tentative report of approximately 900 plots after regular work of nearly two months. Copies of relevant pages of report and some notices are annexed as Annexure "C" & "D"

5) That it is well pertinent to mention here that before the issuance of office order dated 18/11/2013 above relating to asses the nature of violations upon the GDA property, In compliance the order of Peshawar High Court passed in Writ Petition No 384 of 2011 on 07/02/2013, NAB KPK Peshawar wrote a letter dated 20/02/2013 to DG GDA Abbottabad for the provision of record/information and also deputed senior investigating officer for conducting inquiry and investigating team started their inquiry/work in April 2013 and report was prepared on 31/10/2013 for its submission before Peshawar High Court in Writ Petition *ibid.* appellant fully assisted and co-operated the NAB investigating team on each and every plot where they selected to collect data and to detect any violation, and all their record was prepared with the participation of appellant. Copy of NAB letter dated 20/02/2013 & 28/02/2013 and relevant pages of report are annexed as Annexure "E", "F" & "G" respectively

6) That in the meanwhile, the NAB KPK Peshawar wrote a letter dated 04/04/2014 relating to find out other illegalities of same nature in the area of GDA Abbottabad, while on the other hand Assessment and Demolition Committee was preparing the encroachment detail Dy Director (Admn) GDA Abbottabad issued office order on 09/05/2014 regarding to Anti encroachment drive within very short notice of few hours, wherein 08 persons including appellant were stated responsible, in the Anti encroachment drive, appellant not only completely participated but detected the encroached portion. Copy of letter

*attested*  
*[Signature]*

Abdul Aziz Khan Tashir  
[Signature]

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dated 04/04/2014(NAB) & Office Order 09/05/2014 are annexed as Annexure "H" & "H-1"

- 7) That process of assessment of violation was going on and during the same, Director General GDA Abbottabad served two separate Show cause notices to appellant on 31/12/2014 which were not only base-less but against the legal and factual position of the record and real position, appellant submitted his reply to the both notices on 06/01/2015. Copies of both Show Cause notices and replies are annexed as Annexure "I", "I-1", "J" & "J-1"
- 8) That before or after issuance of Show Cause Notice dated 31/12/2014, DG, GDA Abbottabad did not suspended the appellant nor serve any Charge Sheet and appellant was performing his duties regularly, but with out examining the facts and record, on 06/03/2015 appellant was again served two separate Final Show cause notices by the DG, wherein almost same allegations was shown which was mentioned in previous Show Cause Notice, appellant submitted his reply on 12/03/2015 and relied upon previous reply. Copies of both Final Show Cause notices & replies are annexed as Annexure "K", "L", "M" & "N".
- 9) That DG, GDA Abbottabad again served fresh (Show Cause notice regarding Misconduct and Corruption) on 25/03/2015, wherein some new allegations was shown and it reveals that previous allegations were reserved being incorrect, against facts and record and continuation of previous case was closed but according to ground facts that DG was predetermined mind to hang the appellant in any kind of true or false case, to release the pressure of NAB Authorities as well as Board of Authority and Peshawar High Court, and all the responsibilities were shifted to the lower employees just like appellant who was in BPS No 11. Moreover appellant submitted his detailed reply on 31/03/2015. Copy of Show Cause notice and reply are annexed as Annexure "O" & "P".

*Attest*  
*[Signature]*  
Abdul Aziz Khan Tsooli



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(S)

10) That appellant was against received final show cause notice on 06/04/2015 and he submitted his reply by relying his previous submission dated 13/04/2015. Copy of final show Cause Notice and reply are annexed as Annexure "Q" & "R"

11) That Director General GDA Abbottabad, with out examining the record, reply of appellant and and with out adopting legal process of relevant law, illegally appellant being 34 years regular service, dismissed from their service through Office Order dated 03/08/2015, Copy of Office Order dated 03/08/2015 is annexed as Annexure "S" which is being assailed/impugned through instant departmental appeal on the following amongst other grounds

### GROUND

a) That appellant was served 34 years service and he was in BPS No 11, low paid employee and he was no powers & jurisdiction to interrupt and decide the whole routine matter of GDA nor has any power in the affairs of GDA Abbottabad beyond his service status, he is not responsible for those acts or omissions if available in any manner, which was the powers and jurisdiction of his superior/Officers, according to GDA Service Rules-2012, DG-PBS 20, 03 officers in 18, 02 officers in 17, 02 officers in 16, and so on, similarly appellant's position according to appendix is at S.No 18 (Draftsman BPS # 11) but when gone through the reasons of Impugned Office Order dated 03/08/2015 wherein it seems that whole responsibilities of GDA was, upon appellant which is admittedly illegal and appellant was made scapegoat in the matter of his dismissal from service.

Attested

*[Signature]*

Abdul Aziz Khan Tanoli  
Advocate

b) That DG GDA did not fix the responsibilities according to facts and service status and illegally released the pressure

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of NAB Authorities, Board of Authority and Peshawar High Court on the bottom (low paid employees) including appellant while in the committee high ranking officers have not enquired at any level and DG issued the impugned dismissal order in serious violation of relevant law and ignored the provision of Article 25 of the Constitution of Pakistan while exercising his powers in refusing the relief to the appellant committed discrimination.

- c) That dismissal of service of appellant was very serious matter as he his regular service is 34 years and DG has very simply issued dismissal order and has totally failed to appreciate the contents, facts, grounds and law of the case but side tracked the legal aspects of the case, thus impugned judgment is based on surmises and conjectures.
- d) That in the case of appellant under the law formal enquiry was much important but no formal inquiry was conducted in the case which was much necessary to reach the conclusion of the case, there was no such special circumstances available in the case where enquiry proceedings is dispensed which was referred in the KPK Govt: Servants (E & D) Rules, 2011, thus dismissal order issued on surmises under which the whole process was initiated and the very illegal and unlawful order was issued.
- e) That application of rule 07 of the KPK Govt: Servants (E & D) Rules, 2011 is against the facts and circumstances of the case as well as with out holding of formal inquiry it is not clear just surmises that what were the material/grounds, under which the whole process was initiated and the very illegal and unlawful impugned order was issued.
- f) That under the law, during the formal inquiry proceedings, accused uses/exercises his full opportunity to cross the

*Ante*  
*Am*  
**Abdul Aziz Khan Tanoli**

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witnesses of the case as well as documents, for the purpose of placing on record and for focus the very real and factual position, but issuing Authority DG was clearly biased.

- g) That there is adopted no prescribed procedure in the case and all is done for save the other staff by sacrifice appellant in his dismissal from service, which is against law.
- h) That it is admitted facts that separately issuance of two show cause notices in the same day and same time, did not cover any law, and two Show Cause Notice dated 31/12/2014 & 06/03/2015 were discontinued and it seems that to be filed, because that was related with the record and all the record favours to appellant, which can not be concealed as available with two forum i.e. NAB Authorities and in the GDA record, the Fresh Show Cause Notice dated 25/03/2015 is totally different and relates pro and contra evidence through formal enquiry and could not be proved in hurry manner.
- i) That Final Show Cause Notice dated 06/04/2015 was issued contrary to relevant law, as there is no major penalty was proposed specifically while 04 kinds of major penalties were available and the only one must be offered under which further order is being issued under the law but proper procedure was not adopted and thus impugned order is illegal and liable to be set aside.
- j) That before the NAB authorities the enquiry proceedings are being continued and they did not fix the target and not yet file reference in the Accountability Court but how DG initiated pre-mature proceedings unlawfully and issued dismissal order with out any legal and factual footing.

attested



Abdul Aziz Khan Farooqi

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k) That the Instant departmental appeal is being filed with in time

In the light of the above factual and legal position the impugned Office Order dated 03/08/2015 may kindly be set aside and appellant may graciously be reinstated in service with all back benefits in the interest of justice.

An interim relief, the operation of order dated 03/08/2015 through which appellant dismissed from service may please be suspended till the final disposal of the titled departmental appeal.

Any other relief for which the appellant is entitled, and the same is not asked/prayed specifically, may very kindly be granted in favour of the appellant.

Yours Sincerely

*Saeed Akhtar*

Dated 28/08/2015

Saeed Akhtar S/o Qalandar Khan  
Jadon Draftsman GDA Abbottabad.  
R/o Colony link Road Narrian Cantt:  
Abbottabad

Copy to:- for Information and necessary action. DG GDA Abbottabad

*attested*  
*Q*  
Abdul Aziz Khan Tanoli

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Head Clerk  
 District Bar Association  
 Abbottabad

وکالت نامہ

بعدالت سروس ٹریڈنگ پرائیویٹ لمیٹڈ

عنوان: سید اختر بنام گورنمنٹ

منجانب: اسٹریٹ نوعیت مقدمہ \_\_\_\_\_

باعث تحریر آنکہ \_\_\_\_\_

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی و جماعتی برائے پیشی یا تصفیہ مقدمہ بمقام اسٹریٹ کے لیے صدر القلمس خزانہ نواز (مگر کو کورٹ) کے لیے اسٹریٹ کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ وکیل خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ ساعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا بخاند کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و رضامندی نامہ ذیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرق یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ محتانہ بیرونی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔  
 مورخہ: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 دن \_\_\_\_\_ ماہ \_\_\_\_\_ سال \_\_\_\_\_

مضمون وکالت نامہ سن لیا ہے اور اسٹریٹ سمجھ لیا ہے اور منظور ہے۔  
اسٹریٹ

*Handwritten signature*