

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 262/2016

Date of institution ... 18.03.2016
Date of judgment ... 01.06.2018

Naveed Shehzad, Ex: Patwari (BPS-09)
Halqa Namal Sara Toya, Tehsil & District Nowshera.

... (Appellant)

VERSUS

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Commissioner Peshawar Division, Peshawar.
3. The Deputy Commissioner District Nowshera.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 04.02.2015 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT AND AGAINST THE APPELLATE ORDER DATED 25.02.2016 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED BY THE RESPONDENT NO. 2 ON NO GOOD GROUNDS.

Mr. Noor Muhammad Khattak, Advocate.

.. For appellant.

Mr. Muhammad Jan, Deputy District Attorney

.. For respondents.

MR. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. MUHAMMAD HAMID MUGHAL

.. MEMBER (JUDICIAL)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: Counsel for the appellant present. M/S Attaullah, Assistant Secretary and Azizullah, SD alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Arguments heard and record perused.

Muhammad Amin
1.6.2018

2. Brief facts of case as per present service appeal is that the appellant was serving in Revenue Department as Patwari and during service he was terminated from service by the competent authority vide order dated 04.02.2015 on the allegation that he illegally received rupees 40000/- on the attestation of bogus/fake mutation and also remained absent from duty. The appellant filed departmental appeal on 24.02.2015 which was rejected on 08.09.2015. He again submitted review application on 03.02.2016 which was also rejected/filed on 25.02.2016 hence, the present service appeal on 18.03.2016.

3. Learned counsel for the appellant contended that the appellant was serving in Revenue Department as Patwari. It was further contended that neither proper inquiry was conducted nor charge sheet and statement of allegation was served upon the appellant nor opportunity of personal hearing and defence was provided to the appellant therefore, the appellant was wrongly imposed major penalty and was wrongly terminated by the competent authority. It was further contended that the inquiry report is only about the willful absence of the appellant but in the show cause notice and impugned order illegal gratification of Rs. 40000/- has also been mentioned therefore, the appellant was condemned unheard and the impugned order of termination is illegal and liable to be set-aside.

4. On the other hand, learned ^{Deputy} District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was terminated from service vide impugned order dated 04.02.2015 on the allegation of corruption and absence from duty and he has also filed departmental appeal on 24.02.2015 which was rejected on 08.09.2015. It was further contended that after the rejection of departmental appeal the appellant was required to file service appeal within one month as there is no provision of review application in the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 but the

*M. Anwar
1.8.2018*

appellant had filed review application on 03.02.2016 after rejection of departmental appeal and filed the present service appeal on 18.03.2016 after a delay of six months after rejection of departmental appeal therefore, the present service appeal is badly time barred and prayed for dismissal of appeal.

5. Perusal of the record reveals that the appellant was terminated from service vide order dated 04.02.2015 on the allegations of illegal gratification and absence from duty. The appellant filed departmental appeal on 24.02.2015 which was rejected on 08.09.2015. After rejection of departmental appeal the appellant was required to file service appeal within one month but the appellant after rejection of departmental appeal, filed a review application, although there is no provision to file review application after rejection of departmental appeal under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 and filed the present service appeal on 18.03.2016 after a delay of more than six months after rejection of departmental appeal therefore, the present service appeal is badly time barred. As such without touching the merit of the case, the present service appeal is dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

01.06.2018



(MUHAMMAD HAMID MUGHAL)
MEMBER




(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Service Appeal No. 262/2016

17.05.2018

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Attaullah, Assistant Secretary and Mr. Azizullah, SD for the respondents present. Arguments heard. To come up for order on 01.06.2018.


(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member


01.06.2018

Counsel for the appellant present. M/S Attaullah, Assistant Secretary and Azizullah, SD alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, the present service appeal is dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
01.06.2018


(MUHAMMAD HAMID MUGHAL)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

31.10.2017.


Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Mukhtiar Ali, Assistant Secretary and Mr. Abdul Jamal, ADK for the respondents present. Learned counsel for the appellant seeks adjournment. Granted. To come up for arguments on 18.01.2018 before the D.B.



Member


Chairman

18.01.2018


Clerk of the counsel for appellant present. Mr. Kabir Ullah Khattak, Addl: AG for the respondents present. Clerk of the counsel for appellant seeks adjournment as his senior counsel is not in attendance today. Adjourn. To come up for arguments on 22.03.2018 before D.B.



(Gul Zehra Khan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

22.03.2018

Clerk to counsel for the appellant and Learned Additional Advocate General alongwith Muhammad Jehan, District Kanungo for the respondents present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not available. Adjourn. To come up for arguments on ~~17~~ 05.2018 before D.B


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

30.03.2017


Counsel for the appellant and Mr. Abdul Jabbar, AD alongwith Addl: AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 18.05.2017.


Chairman

18.05.2017

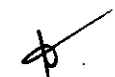
Clerk of the counsel for appellant and Mr. Muhammad Ibrar Assistant Secretary alongwith Mr. Muhammad Adeel Butt Additional AG for the respondents present. Clerk of the counsel for appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 12.09.2017 before D.B.

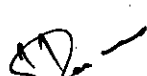

(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

12.09.2017

Counsel for the appellant and Mr. Ziaullah, DDA alongwith Mr. Abdul Jabbar, ADK and Mr. Muhammad Azhar, Assistant (Lit) for the respondents present. Learned Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 31.10.2017 before D.B.


Member
(Executive)


Member
(Judicial)

25.01.2017

03 2017

Counsel for the appellant and Addl. AG for respondents present. Written reply not submitted another opportunity is granted subject to payment of cost of Rs. 900/- further, which shall be borne by the respondents from their law expenses. To come up for written reply/comments and cost of Rs. 1500/- on 01.03.2017 before S.B.

(MUHAMMAD AMIR NAZIR)
MEMBER

01.03.2017

Counsel for the appellant and Addl. AG for respondents present. Written reply not submitted another opportunity is granted. To come up for written reply/comments and cost of Rs. 1500/- on 30.3.2017 before S.B.

(MUHAMMAD AMIR NAZIR)
MEMBER

48

08.08.2016

Agent of counsel for the appellant and Mr. Mukhtiar Ali, Superintendent alongwith Additional AG for respondents present. Written reply by respondents not submitted and requested for further time. Request accepted. To come up for written reply/comments on 25.10.2016 before S.B.


Member

25.10.2016

Counsel for the appellant and Assistant AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 15.12.2016 before S.B.


Chairman

15.12.2016

Counsel for the appellant and Addl. AG present. Written reply not submitted. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and costs on 25.01.2017 before S.B.


Chairman

3.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Patwari when subjected to inquiry on the allegations of involvement in illegal activities, corrupt practices and inefficiency etc and removed from service vide impugned order dated 4.2.2015 where-against he preferred departmental appeal on 24.2.2015 which was rejected on 25.2.2016 and hence the instant service appeal on 18.3.2016.

That the appellant was condemned unheard as neither opportunity of hearing was afforded to him nor inquiry conducted in the prescribed manners.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 26.5.2016 before S.B.


Chairman

26.05.2016

Clerk of counsel for the appellant Mr. Mukhtiar Ali, Supdt. alongwith Addl. AG for the respondents present. Requested for adjournment. To come up for written reply/comments on 08.08.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 262/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18.03.2016	<p>The appeal of Mr. Naveed Shahzad presented 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><i>[Signature]</i> REGISTRAR</p>
2	21-3-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>24.3.16</u></p> <p><i>[Signature]</i> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 262 /2016

Naveed Shehzad

VS

Revenue Department

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	.....	1-3.
2.	Condonation application	.....	4.
3.	Show cause notice	A	5.
4.	reply	B	6.
5.	record	C	7- 10.
6.	Inquiry report	D	11- 12.
7.	Impugned order	E	13.
8.	Departmental appeal	F	14- 18.
9.	Rejection	G	19.
10.	Review	H	20- 21.
11.	Rejection	I	22.
12.	Vakalat nama	.....	23.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 262 /2016

**G.W.F. Province
Service Tribunal**

Mr. Naveed Shehzad, Ex: Patwari (BPS-09),
Halqa Namal Sara Toya, Tehsil & District Nowshehra.

Slary No. 2140
Dated 18-3-2016

.....**APPELLANT**

VERSUS

- 1- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 2- The Commissioner Peshawar Division, Peshawar.
- 3- The Deputy Commissioner District Nowshehra.

.....**RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED ORDER DATED 4.2.2015
WHEREBY MAJOR PENALTY OF REMOVAL FROM
SERVICE WAS IMPOSED ON THE APPELLANT AND
AGAINST THE APPELLATE ORDER DATED
25.2.2016 WHEREBY THE DEPARTMENTAL APPEAL
OF THE APPELLANT HAS BEEN REJECTED BY THE
RESPONDENT NO.2 ON NO GOOD GROUNDS.**

PRAYER: That on acceptance of this appeal the impugned orders dated 4.2.2015 and 25.2.2016 may very kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Filed by
Sandhya
18.3.16

- 1- That appellant while serving as patwari (BPS-9) in the respondent Department a show cause notice was served to him on the allegations that the appellant has received illegal gratification of Rs.40,000/- from one namely Molvi Abdus Samad S/O Hazrat Abdus Salam and remained absent during inspection of Girdawri Rabi 2014. Copy of the show cause notice is attached as annexure **A.**
- 2- That appellant in response to the said show cause notice dated 15.1.2015 submitted his detailed reply along with certain documents and denied the allegations and too too. Copies of the reply and record are attached as annexure **B & C.**

- 3- That astonishingly vide impugned order dated 4.2.2015 the respondent No.3 imposed major penalty of removal from service on the appellant without conducting regular inquiry in the matter and without taking into consideration the recommendations of the inquiry officer. Copies of the inquiry report and impugned order are attached as annexure **D & E.**
- 4- That appellant feeling aggrieved from the impugned order dated 4.2.2015 filed Departmental appeal before the respondent No.2 on 23.2.2015 but the same has been rejected on 8.9.2015 on no good grounds. Copies of the Departmental appeal and rejection orders are attached as annexure **F & G.**
- 5- That appellant filed review against the rejection order dated 8.9.2015 but the same also been rejected by the respondent No.2 vide impugned order dated 25.2.2016. Copies of the review and rejection order are attached as annexure **H & I.**
- 6- That appellant feeling and having no other remedy prefer the instant appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned orders dated 4.2.2015 and 25.2.2016 are 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 respondent Department 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 has been served on the appellant before issuing the impugned order dated 4.2.2015 against the appellant.
- D- That no regular inquiry has been conducted in the matter which is as per Supreme Court judgments is necessary in punitive actions against the civil servants.
- E- That no chance of personal hearing/ defense has been given to the appellant before issuing the impugned order dated 4.2.2015.

- F- That the respondent No.3 without taking into consideration the recommendations of the inquiry officer has issued the impugned order dated 4.2.2015 whereby major penalty of removal from service was imposed on the appellant though in the said inquiry the inquiry officer has recommended the minor penalty of stoppage of annual increment.
- G- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 4.2.2015.
- H- That no fact finding inquiry has been conducted in the matter of appellant and as such the respondents violated the norms of natural justice.
- I- That the appellant has been discriminated by the respondents while issuing the impugned order dated 24.2.2015.
- J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 16.3.2016

APPELLANT



NAVEED SHEHZAD

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2016

Naveed Shehzad

VS

Revenue Department

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT



NAVEED SHEHZAD

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE



Office of the
Deputy Commissioner
Nowshera.

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

No. 39 /DK/DC/NSR/2015

15th January 2015

To

Mr. Naveed ShehZad
Patwari halqa Namal Sara Toya (Under suspension)

Subject:- SHOW CAUSE NOTICE.

Whereas inquiries were initiated against you on the following ground / complaints.

- 1- Molvi Abdus Samad s/o Hazrat Abdus Salam R/o Pirsabaq submitted a compliant against you regarding attestation of bogus/fake mutation No. 9500 dated 16-12-2012 and 9509 dated 16-12-2012 in his favour and received Rs. 40000/- for the same.
- 2- Remain absent during inspection of girdawari Rabi 2014 by the undersigned.

And whereas the above complaints/ acts was probed into through Tehsildar Nowshera and Assistant Commissioner Nowshera respectively. Both the Inquiry Officer have submitted their reports wherein have revealed that following act you has been committed.

- 1) That you have attested mutation No. 9500 dated 16-12-2012 and 9509 dated 16-12-2012 of mouza Pirsabaq as fake.
- 2) That you have received an amount of Rs. 40000/- for attestation of above mentioned mutation.
- 3) That you have illegally put signature and report of Ahli Commission on fake mutation.
- 4) That you has remain absent willful during inspection of girdawari.
- 5) That you have not performed official duties efficiently.
- 6) That you has not completed column No. 2 & 3 of Register Girdawari.
- 7) That you have not made entry in Jinswar.


Keeping in view , the inquiry reports and recommendations; the undersigned asked a comprehensive report from Additional Deputy Commissioner Nowshera vide No. 770-73 /DK/DC/NSR dated 27-6-2014 on your service, who reported that you were suspended thrice during service on various charges by awarding various punishment/ warnings/ Stoppage & deduction of Pay/ Last opportunity in future as patwari. And recommended that services of Naveed ShehZad are no more required for the revenue department.

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

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

Copy of the inquiry reports is attached.

ATTESTED


Deputy Commissioner
Nowshera

ATTESTED

دستخط

فرائض

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

منعاً

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

منعاً

No. 39 _____ 15-1-2015 D. 12/DC/MSR 2015

میں نے اس پر دستخط کیا ہے۔ اس پر دستخط کرنے والے شخص کی شناخت مندرجہ ذیل ہے۔

B-6

بیت المقدس
مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

مجلس اعلیٰ

12/1/1951

Handwritten signature

Handwritten signature

ATTESTED

Handwritten mark

Handwritten numbers and text

Handwritten numbers and text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten signature and text

Handwritten signature

Handwritten text and numbers

رپورٹ بخاری
بیتدین کرادار
قانونی

10-7-0

13/4
الحق

11-11-11

مقام	تاریخ	ملاحظات	مبلغ	ملاحظات	مبلغ
مجلس	13-11-0	مجلس	7791	مجلس	39972
مجلس	22-13	مجلس	8993	مجلس	6993
مجلس	2-6-2	مجلس	68856	مجلس	68856
مجلس	41-8	مجلس	110	مجلس	715
مجلس	5-10	مجلس	895	مجلس	895

الحق

رجسٹر انتقال

نمبر حدیست

تحصیل

ضلع

ورق نمبر

11

13	14	13	12	11	10	9	8	7	6	5
----	----	----	----	----	----	---	---	---	---	---

اندران حدیست میں جس کی ترمیم مطلوب ہے۔ اندران جدید ہواب نام کیا جاوے گا۔

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
اندران حدیست	اندران حدیست	اندران حدیست	اندران حدیست	اندران حدیست	اندران حدیست	اندران حدیست	اندران حدیست	اندران حدیست	اندران حدیست	اندران حدیست	اندران حدیست	اندران حدیست	اندران حدیست	اندران حدیست

9806	993	1150	1150	2004	2182	25-15	2760	2760	63600	63600	3356	2187	25-15	31-10
منظور شدہ	الہوی بیوہ	خانہ سفالہوری	مسئلہ اعلیٰ	میرٹور	میرٹور	میرٹور	میرٹور	میرٹور	میرٹور	میرٹور	میرٹور	میرٹور	میرٹور	میرٹور

ATTESTED

3.12.2013

Handwritten notes and signatures at the bottom of the page.

فردی حساب	تاریخ افتتاح	بستان	تاریخ انقضای	مبلغ	نوع	تاریخ	مبلغ	نوع	تاریخ	مبلغ
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...
15	2014/31	...	...	...	...	...	...	...	...	...

ATTESTED

[Signature]

9807
31/10
2014

INQUIRY REPORT.

①
②
D - 11

1. INTRODUCTION

Naveed Shehzad Patwari halqa Namal Sara Toya Circle Khairabad was suspended by the competent authority vide order No.1539-42/PS/DC/NSR/2014 dated 29.4.2014 for being remained absent during the visit of Deputy Commissioner, Nowshera for inspection of Girdawari Rabi 2014 in halqa Namal Sara Toya on 29.4.2014. To inquire about the willful absence of accused Patwari the competent authority appointed the undersigned as Inquiry Officer in the said order as (Annex-A).

2. STATEMENT OF ALLEGATION.

The accused Patwari was charged with the allegation that he willfully remained absent during the visit of Deputy Commissioner, Nowshera on 29.4.2014 and thus committed negligence in obeying order of superiors.

3. PROCEDURE.

After receiving the inquiry file from the office of the competent authority the accused Patwari, Girdawar circle, Naib Tehsildar circle Khairabad were summoned to record their statements regarding the allegations levelled against the accused Patwari. Their statements were recorded and they were cross-examined too as (Annexures-B, C & D) respectively. Furthermore to investigate about the Girdawari Rabi 2014 in halqa Namal Sara Toya in accordance with the schedule (Fard Raftar) Shabir Khan Patwari Kahi having the additional charge of halqa Namal Sara Toya was also summoned to produce the relevant revenue record who appeared before the undersigned and produced the same i.e. Registers Khasra Girdawari, Roznamchas Karguzari and Aks Shajaras, findings of which are attached as (Annex-E).

4. FINDINGS.

From perusal of the statements recorded, cross-examination, findings of the relevant revenue record and personal hearing of the accused Patwari the following findings are made:-

- I. That the accused Patwari was properly informed well before by the Naib Tehsildar and Girdawar Circle Khairabad about the visit of Deputy Commissioner, Nowshera for inspection of Girdawari Rabi 2014 of halqa Namal Sara Toya but he failed to ensure his presence in his Patwar halqa on 29.04.2014 and even he could not traced on his cell No.
- II. That the accused Patwari has taken over the charge of halqa Namal Sara Toya on 08.04.2014 in compliance of order No.1226-36 /DK/DC/NSR/ dated 28.03.2014 (Annex- F). However deficiencies like no entries in column No.2 & 3, no entry of Jinswar, non existence of Aks Shajara etc. were found in the relevant revenue record of mouzas (Namal Sara Toya, Hardomazritang and Lashora Totki) of halqa Namal Sara Toya which reflects some inefficiency on his part.


ATTESTED

[Handwritten signature]

5. RECOMMENDATIONS.

Keeping in view the above findings, it becomes clear that the accused Patwari Naveed Shehzad is found guilty for being remained absent during the visit of Deputy Commissioner, Nowshera for inspection of Girdawari Rabi 2014 on 29.4.2014 as there were some deficiencies in the relevant revenue record on his part. Thus the following penalties for the accused Patwari are recommended:-

- I. One annual increment may be deducted from him. AND
- II. The accused Patwari may be directed to complete the deficiencies in the revenue record within two weeks' time.


Assistant Commissioner,
Inquiry Officer, Nowshera.

ATTESTED





Office of the
Deputy Commissioner
Nowshera.

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

04th February, 2015.

E-13

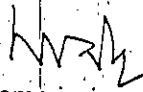
OFFICE ORDER

No. 176-82 /DK/DC/NSR/2015. Whereas inquiries were initiated against Mr. Naveed Shehzad Patwari (BPS-09) on the complaint of Molvi Abdus Samad s/o Hazrat Abdus Salam R/o Pirsabaq for attestation of bogus/ fake mutation No. 9500, 9509 on Rs. 40000/- and his absence from duty reported during inspection of Girdawari Rabi of the undersigned.

And whereas inquiry reports vide No. 1028/TN dated 05-06-2014 and 119/AC/NSR dated 23/05/2014 revealed that he is found guilty for attestation of fake mutation No. 9500 and 9509 in mouza Pirsabaq, received Rs. 40000/- for attestation of fake mutations, putting signature and report of Ahli Commission illegally, remain absent from official duty during inspection of Girdawari, incomplete of Column No.2 & 3 and no entry in Jinswar by recommending major penalty, followed by comprehensive report of Additional Deputy Commissioner Nowshera vide No.9310/EA-13/ADC dated 10-12-2014 on his service record that he remained suspended thrice from service on various charges by awarding various punishments, warnings, stoppage, deduction of pay and last warning as patwari in future. And recommended that services of Mr. Naveed Shehzad Patwari are no more required for revenue department.

The undersigned has gone through inquiry reports, show cause notice reply and have found Mr. Naveed Shahzad Patwari bold enough in committing, misconduct, getting involved in illegal activities, absent from duty, guilty of corruption, inefficiency in official work.

Now therefore, I, Zaka Ullah Khattak Deputy Commissioner Nowshera, being competent authority, in exercise of power conferred upon me under section 4 (1)(b)(iii) of Government of Khyber Pakhtunkhwa servants (Efficiency and Discipline) Rules, 2011 agrees with Inquiry Officer and laid off / remove Mr. Naveed Shehzad Patwari (BPS-09) from service with immediate effect.


Deputy Commissioner
Nowshera

Even No & Date.

Copy forwarded for information to the.

- 1- Commissioner Peshawar Division Peshawar.
- 2- Additional Deputy Commissioner Nowshera w/r to his report No.1093/EA13/ADC dated. 10-12-2014 for necessary action.
- 3- Assistant Commissioner Nowshera / Inquiry Officer w/r to inquiry report No. 119/AC/NSR dated 23-5-2014.
- 4- Accounts Officer, Deputy Commissioner Office Nowshera for necessary action.
- 5- Tehsiidar Nowshera / Inquiry Officer w/r to inquiry report No. 1028/TN dated 05-06-2014
- 6- Mr. Naveed Shehzad Ex- Patwari.

ATTESTED


Deputy Commissioner
Nowshera

B/p/c
6/2/15

F - (14)

To

The Hon'ble Commissioner,
Peshawar Division, Peshawar

Subject,

DEPARTMENTAL APPEAL AGAINST THE ORDER DATED
4-02-2015 WHEREBY THE APPELLANT HAS BEEN AWARDED
THE MAJOR PUNISHMENT OF REMOVAL FROM SERVICE.

Prayer-in-Appeal

On acceptance of this departmental appeal, the order dated 4-02-2015 may please be set aside and the undersigned may be re-instated into service with all back benefits.

Respected sir,

ATTESTED

I very humbly submit the following few lines for your kind and sympathetic considerations :-

1. That I was initially appointed as patwari in the year 2009. Ever since my appointment, I had performed my duties as assigned with zeal and devotion and there was no complaint whatsoever regarding my performance.

That a fact finding inquiry was conducted departmentally to enquire the allegation about my absence during the visit of deputy commissioner on 29-04-2014, surprisingly the inquiry officer while submitting his findings recommended the undersigned for annual increment deduction and to complete the deficiencies in the revenue record within two weeks time, by the Assistant Commissioner, Nowshera, despite the fact that I gave my statement alongwith supporting evidence, that on the relevant day I was busy in Girdawari at Namal Gara Poi and due to burden of work in the first month of my posting I could not complete column 2 and 3 in mauza but time to time I completed

AR
Oms
24/2/15

ACR
Pl examine
& put up
24/2/15
AC(R)

Commissioner Peshawar
DN 491 dated 24/2/15

the data. (Copy of A.C. inquiry report is annexed).

3. That the competent authority remanded the inquiry to the inquiry officer i.e. Tehsildar Nowshera, the inquiry officer in a haste manner conducted and submitted his findings with regard of faking the bribe of Rs. 40,000/- for entering bogus mutation but wherein he recommended the undersigned for major punishment despite the fact that complainant gave a statement that my allegation was false and frivolous. (Copy of the second inquiry report of Tehsildar is annexed).

4. That thereafter the undersigned was served with show cause notice containing certain baseless and unfounded allegations. The undersigned duly replied the show cause notice and refuted the allegations levelled against him as false and baseless. (Copy of show cause notice, reply and affidavit of complainant is annexed).

5. That without considering my defence reply and principle of double jeopardy mentioned in the constitution, I was awarded the major penalty of removal from service vide order dated 4-02-2015.

6. That the appellant served the department since his appointment in just/fair and good manner with devotion and having a clean history of service record i.e. unblemished.

7. That the penalty imposed upon me is illegal, unlawful, against law and facts, hence liable to be set aside inter-alia on the following grounds :-

grounds of departmental appeal

a) that I have not been treated in accordance with law, hence my rights secured and guaranteed under the law are badly violated.

ATTESTED

- b) that no proper procedure has been followed before awarding me the major penalty of removal from service, no proper inquiry has been conducted, no charge sheet statement of allegations has been served upon me before the initiation of inquiries, more over I have not been associated with the inquiries proceedings, statements of witnesses if any were not taken in my presence, nor I have been allowed opportunity of cross examination, thus the whole proceedings are conducted in violation of the government servant efficiency & disciplinary rules and thus not tenable in the eye of law.
- e) That I have not been given opportunity of personal hearing before awarding me penalties, hence I have been condemned unheard.
- d) That I have never been served with any charge sheet or statement of allegations before the initiation of inquiries, thus I have not been given fair opportunity to defend myself.
- e) That the charges levelled against me were never proved during the inquiries, the inquiry officers gave their recommendations on mere surmises and conjectures.
- f) That I have not been provided the copies of the inquiries reports alongwith show cause notice which is mandatory in the case of awarding major penalty.
- g) That the whole proceedings run contrary to the express provisions of the government servant E&D Rules, 2011. As it has not been clear if the show cause procedure was adopted or the regular inquiry procedure was adopted.
- h) That I have never committed any act or omission which could be termed as misconduct, albeit I have been awarded the penalty of removal from service.
- i) that I have never been charged in any sort of F.I.R. the complainant in his statement discharged me from the

ATTESTED

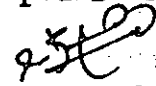
taking of bribe and despite this fact I also mentioned my engagement in girdawari but this was neglected too which shows malafide on the part of the concerned officers/officials who in order to save their own skins roped me in the instant false allegations.

- j) That witnesses if any were never examined in my presence nor I have been given opportunity of cross examination and I was twice penalized for the one offence which amounts to double jeopardy and is forbidden by the constitution of 1973 which is law of the land.
- k) That the charges levelled against me were neither admitted by the undersigned nor the same has been proved during the fact finding inquiries, hence adopting shorter procedure of show cause is unwarranted.
- l) That I have not been associated with the inquiries proceedings, my statements has not been recorded by the inquiry officers, nor any witness have been examined or if so examined, I have not been allowed to cross examine those who may have depose against me.
- m) That the facts and grounds mentioned in my reply to the show cause notice may also be read as an integral part of the instant departmental appeal.
- n) That I am jobless since the illegal penalty imposed upon me.
- o) That I have at about 6 years service career at my credit, the penalty imposed upon me is harsh and liable to be set aside.
- p) That this Hon'ble forum on the same pretext allowed the departmental appeal of patwari tehsin ullah and now serving as patwari in district Nowshera.

ATTESTED

It is, therefore, most humbly prayed that on acceptance of this departmental appeal, the order dated 4-02-2015 may please be set aside and the undersigned may be re-instated into service with all back benefits.

Yours obediently,



(Naveed shahzad)
Ex-patwari

Mauza Namal gara Toya
Tsil and district
Nowshera

PESHAWAR

23-02-2015

ATTESTED





IN THE COURT OF
COMMISSIONER PESHAWAR DIVISION
PESHAWAR

G-19

APPEAL NO:
DATE OF INSTITUTION: 24.02.2015
DATE OF DECISION: 08.09.2015

Naveed Shehzad, Ex-Patwari halqa Namal Sara Toya, Nowshera.....Appellant

VERSUS

The Deputy Commissioner, Nowshera.....Respondent

Order

My this order will dispose off the instant appeal filed by the above named official against the Deputy Commissioner Nowshera office order bearing No. 176-82/DK/DC/NSR/2015 dated 04.02.2015, vide which the appellant namely Mr. Naveed Shehzad, Ex-Patwari halqa, Namal Sara Toya circle Khairabad, Nowshera was removed from service under section 4(1)(b)(ii) of Government of Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules-2011.

The allegations levelled against the appellant were that inquiries were initiated against him on the complaint of Molvi Abdus Samad s/o Hazrat Abdus Salam r/o Pir sabaq for attestation of fake mutation No. 9500, 9509 mauza Pir sabaq and receiving of Rs. 40,000/- as illegal gratification for attestation of said fake mutation by putting signature and report of Ahle Commission illegally. Similarly, the appellant was suspended on 29.04.2014 and proceeded against for his willful absence and switching off cell No. during the visit of Deputy Commissioner, Nowshera to his Patwar halqa for inspection of girdawari Rabi 2014 despite the fact that he was earlier informed by the Revenue officer Circle Khairabad to ensure his presence. Moreover, from perusal of the available record on file, it is observed that service record of the appellant is not satisfactory as he was suspended thrice on various charges by awarding various punishments/warnings etc.

Aggrieved of the same, the appellant filed the instant departmental appeal before this court on 24.02.2015 praying for setting aside the impugned order of the Deputy Commissioner Nowshera teming it illegal. However, the appellant did not bother to appear and pursue his appeal before this court which showed his lack of interest and irresponsibility. On 08.09.2015 his case/appeal was fixed for hearing, Representative of the Deputy Commissioner office, Nowshera alkongwith record present, however, the appellant again remained absent. Representative of the Deputy Commissioner office Mr. Abdul Jabar, Kanungo informed that the appellant is not tracable as his cell No. is switched off.

Keeping in view the above, due to absence of the appellant, his lack of interest to pursue appeal before the court of Appellate authority, the appeal in hand stands rejected. File to GRR.

ATTESTED

COMMISSIONER
Peshawar Division, Peshawar/
Appellate Authority

Announced
08.09.2015

In respect of :-

H - 20

COMMISSIONER DIVISION, PESHAWAR / APPELLATE AUTHORITY

SUBJECT : APPLICATION FOR REVIEW OF ORDER DATED :- 08/09/2015 WHEREBY APPEAL OF APPLICANT

AGAINST THE ORDER OF DEPUTY COMMISSIONER NOWSHERA NO 176-82/DK/DC/NSR/2015 DATED :-

04/02/2015 WAS DISMISSED IN DEFAULT

AC (R)

Commissioner Peshawar

D/No. 872/A-3-2-16

The applicant respectfully submits as under :-

- 1) That, the applicant while being serving as Patwar Halqa Nama! Sara Toya Circle Khairabad was removed from service under section (4)(1)(b)(ii) of Government of Khyber-Pukhtunkhwa (Efficiency and Disciplinary) Rules, 2011.
- 2) That, feeling aggrieved the applicant filed appeal before your good office ,but, on the date fixed for hearing he was suffering from serious ailment and was under constant round the clock treatment of the medical officer ,hence, was not in knowledge about the date of proceedings ,hence, was proceeded ex-parte as a result thereof his appeal was dismissed in default on 08/09/2015(Copy annexed for the facility of reference)
- 3) That, the applicant seeks benevolent indulgence of this august forum to have the order dated :- 08/09/2015 to provide his defence in the proceedings on following grounds :

GROUND

ATTESTED



- a) That, there is nothing in the record showing his knowledge about the date of proceedings.
- b) That, the applicant was under the constant round the clock treatment of medical officer for serious ailment.

- c) That, the latest trend of Supreme Court decision is in favor of deciding controversies on merits instead of being thrown out on technical grounds.
- d) That Pakistan is an Islamic State as per Articles 2,2A and 3 of Constitution of Pakistan,1973 wherein officials of State and Government are expected to provide justice and relief to the deserving cases. The said Articles of Constitution are reproduced ad-verbatim as under :-

Islam shall be the State religion of Pakistan. 2A. The principles and provisions set out in the objectives Resolution reproduced in the Annex are hereby made substantive part of the Constitution and shall have effect accordingly. 3. The State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work.

- e) That I ensure to abide by all the relevant laws, rules and regulations applicable for the said purpose and shall ensure to be as regular as clock in future proceedings.

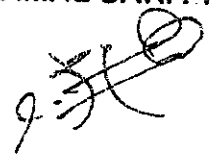
IT IS THEREFORE, RESPECTFULLY SUBMITTED THAT IN THE CONTEXT OF APPLICATION IN HAND, ORDER DATED :- 08/09/2015 BE REVIEWED AND PROCEEDINGS BE ALLOWED TO TAKE THEIR LOGICAL CONCLUSION AS PER LAW.

APPLICANT

NAVEED SHAHZAD EX-PATWRI

NAMAL SARA TOYA NOWSHERA

ATTESTED



IN THE COURT OF
COMMISSIONER PESHAWAR DIVISION
PESHAWAR

No. Review application/AR/2015/2107
Dated 25.02.2016.

I-22

To

Mr. Naveed Shehzad
Ex-Patwari, District Nowshera (Applicant).

Subject: **APPLICATION FOR REVIEW OF ORDER DATED 08.09.2015**

I am directed to refer to your application dated 03.02.2016 for review of order dated 08.09.2015 announced by this court vide which the departmental appeal against the Deputy Commissioner Nowshera order No. 176-82/DK/DC/NSR/2015 dated 04.02.2015 was rejected due to absence and lack of interest in proceedings.

The application for review can not be entertained/processed by this court due to the fact that it is time-barred, hence filed.

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

ATTESTED

ok

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

A.No. 262 OF 2016

Naveed Shehzad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS


Revenue Department

(RESPONDENT)
(DEFENDANT)

I/We Naveed Shehzad

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. ____/____/2016



CLIENT


ACCEPTED

**NOOR MOHAMMAD KHATTAK
(ADVOCATE)**



**MUHAMMAD MAAZ MADNI
(ADVOCATE)**

OFFICE:


Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

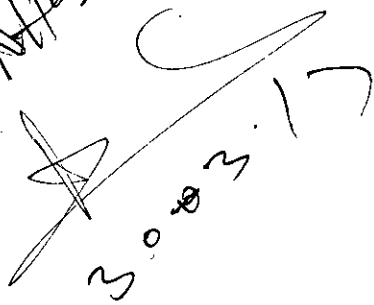
Phone: 091-2211391

Mobile No.0345-9383141

Receipt:

I have received Rs. 15,001/-
in connection with the penalty
imposed upon respondents for non-
filing of reply in case titled
Mr. Naveed Shahzad vs SMBR & others.
today on 30th March 2017.


M Naz Madni
30/03/2017

Attested

30.03.17

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Mr. Naveed Shehzad, EX-Patwari (BPS-09),
Halqa Namal Sara Toya, Tehsil & District Nowshera.

.....APPELLANT

Versus

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Commissioner Peshawar Division, Peshawar.
3. The Deputy Commissioner, Nowshera.

.....RESPONDENTS

PARA WISE COMMENTS OF RESPONDENTS ARE AS UNDER.

Respectfully sheweth:-

Preliminary Objection

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

ON FACT:

1. Para 01 is correct. Appellant was served with show cause notice No. 39/DK/DC/NSR/2015, dated 15th January 2015 after complete report of inquiries (Annexure - A).
2. Para 02 is correct to the extent that Appellant submitted reply on 26.01.2015, which was found unsatisfactory and avoided personal hearing (Annexure- B).
3. Para 03 is incorrect. Appellant was treated in accordance with Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules 2011. Proper inquiry was conducted, wherein the inquiry officer recommended major

penalty on the appellant hence order No. 176-82/DK/DC/NSR/2016 dated 4th February 2016 was passed (**Annexure-c**).

4. Para 04 is correct to the extent that Appeal of the appellant has rightly been rejected by the respondent No.02 (**Annexure-D**).
5. Para 05 is correct.
6. No comments.

GROUNDS

- a) Incorrect. Both the orders dated 04.02.2015 and 25.02.2016 are in accordance with the law and no illegality has been committed.
- b) Incorrect. Appellant was properly treated in accordance with law.
- c) Incorrect. Appellant was treated according the law.
- d) Incorrect. Proper inquiries were conducted and on the recommendations of inquiries order No. 176-82/DK/DC/NSR/2015 dated 04.02 2015 the impudent order was passed.
- e) Incorrect. Appellant was intimated vide show cause Notice No. 39/DK/DC/NSR/2015 dated 15.01.2015, to be heard in person but he avoided personal hearing and submitted written reply only.
- f) Incorrect. Order dated 04.02.2015 was passed in accordance with the law. Appellant is concealing facts from the honourable Service Tribunal. The inquiry officer recommended major penalty of the appellant as mentioned in order No. 176-82/DK/DC/NSR/2015 dated 04.02.2015.
- g) Incorrect. Order dated 04.02.2015 was passed in accordance the law.
- h) Incorrect. Proper fact finding inquiries were conducted and no norms of natural justice violated.
- h) Incorrect. Appellant was dealt as per law.
- i) No comments.

"IT IS THEREFORE, MOST HUMBLY REQUESTED THAT THE APPEAL OF THE APPELLANT MAY KINDLY BE REJECTED AND THE ORDER PASSED BY COMMISSIONER PESHAWAR DIVISION, PESHAWAR AND DEPUTY COMMISSIONER, NOWSHERA BE MAINTAINED."

26/5/2016
Senior Member Board of Revenue,
KhyberPakhtunKhwa.

M. Zaman
Commissioner Peshawar Division,
Peshawar.

Deputy Commissioner, Nowshera.
Deputy Commissioner
Nowshera



Office of the
Deputy Commissioner
Nowshera.

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

No. 39 /DK/DC/NSR/2015

15th January, 2015

To

Mr. Naveed ShehZad
Patwari halqa Namal Sara Toya (Under suspension)

Subject:- **SHOW CAUSE NOTICE.**

Whereas inquiries were initiated against you on the following ground / complaints.

- 1- Molvi Abdus Samad s/o Hazrat Abdus Salam R/o Pirsabaq submitted a compliant against you regarding attestation of bogus/fake mutation No. 9500 dated 16-12-2012 and 9509 dated 16-12-2012 in his favour and received Rs. 40000/- for the same.
- 2- Remain absent during inspection of girdawari Rabi 2014 by the undersigned.

And whereas the above complaints/ acts was probed into through Tehsildar Nowshera and Assistant Commissioner Nowshera respectively. Both the Inquiry Officer have submitted their reports wherein have revealed that following act you has been committed.

- 1) That you have attested mutation No. 9500 dated 12-1-4-2011 and 9509 dated 13-4-2011 of mouza Pirsabaq as fake.
- 2) That you have received an amount of Rs. 40000/- for attestation of above mentioned mutation.
- 3) That you have illegally put signature and report of Ahli Commission on fake mutation.
- 4) That you has remain absent willful during inspection of girdawari.
- 5) That you have not performed official duties efficiently.
- 6) That you has not completed column No. 2 & 3 of Register Girdawari.
- 7) That you have not made entry in Jinswar.

Keeping in view , the inquiry reports and recommendations, the undersigned asked a comprehensive report from Additional Deputy Commissioner Nowshera vide No. 770-73 /DK/DC/NSR dated 27-6-2014 on your service, who reported that you were suspended thrice during service on various charges by awarding various punishment/ warnings/ Stoppage & deduction of Pay/ Last opportunity in future as patwari. And recommended that services of Naveed Shehzad are no more required for the revenue department.

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

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

Copy of the inquiry reports is attached.

Deputy Commissioner
Nowshera

17



Office of the
**ADDITIONAL DEPUTY COMMISSIONER,
NOWSHERA.**

(Office Phone#0923-9220101, Fax#0923-9220101)

No. 9310 /EA-13/ADC/NSR/2014
10 / ~~November~~ ^{December}, 2014

To: The Deputy Commissioner,
Nowshera.

Subject: SUSPENSION ORDER / INQUIRY.

Memo: Kindly refer to your office letter No.770-73/DK/DC/NSR/2014 dated 27-6-2014, on the subject noted above.

Pir Sabaq Comprehensive report of service record of Naveed Shehzad Patwari Halqa is as under:-

He has been suspended thrice during his service and on various charges, firstly, his two months pay and allowance w.e.f. 1-5-2010 to 30-6-2010 was stopped. Secondly, he will be remove from service if he repeated any kind of illegality in remaining service. Thirdly, his ten days salary and allowance w.e.f. 26-6-2012 to 5-7-2012 was deducted and warning was also issued for last opportunity in future as Patwari.

In this complaint of Molvi Abdus Samad s/o Hazrat Abdus Salam r/o Pir Sabaq, the Tehsildar Nowshera conducted an enquiry against Naveed Shehzad patwari and submit his report vide his No.1028/TN dated 5-6-2014 wherein he recommended for Major Penalty under E&D Rules, 2011.

It is further added that no service entry has been made in his service book for the year 2013 & 2014.

RECOMMENDATION.

In view of the above service record, the services of Naveed Shehzad Patwari is no more required for the revenue Department. So, it is recommended that Major Penalty of removal from service may be imposed upon him under the E & D Rules, 2011 in the best interest of public as well as for the state.

S. Z. / u
Additional Deputy Commissioner,
Nowshera

DK
Put up show cause notice

h
7/11

10

OFFICE OF THE
DEPUTY COMMISSIONER
NOWSHERA

OFFICE OF THE
ASSISTANT COMMISSIONER,
NOWSHERA.

No. 119 /AC/NSR
23 May, 2014

Diary No. 5889
Date 23/05/14


To
The Deputy Commissioner,
Nowshera.

Subject:- SUSPENSION ORDER / INQUIRY.

Please refer to your suspension order no. 1539-42/PS/DC/NSR/2014 dated 29th April, 2014.

The undersigned as Inquiry Officer conducted the inquiry which is enclosed herewith for your kind perusal and further appropriate action please.

Encl: (10) Pages.


Assistant Commissioner
Inquiry Officer, Nowshera.

Dk
pbz spr
23/5

INQUIRY REPORT.

(9)

1. INTRODUCTION

Naveed Shehzad Patwari halqa Namal Sara Toya Circle Khairabad was suspended by the competent authority vide order No.1539-42/PS/DC/NSR/2014 dated 29.4.2014 for being remained absent during the visit of Deputy Commissioner, Nowshera for inspection of Girdawari Rabi 2014 in halqa Namal Sara Toya on 29.4.2014. To inquire about the willful absence of accused Patwari the competent authority appointed the undersigned as Inquiry Officer in the said order as (Annex-A).

2. STATEMENT OF ALLEGATION.

The accused Patwari was charged with the allegation that he willfully remained absent during the visit of Deputy Commissioner, Nowshera on 29.4.2014 and thus committed negligence in obeying order of superiors.

3. PROCEDURE.

After receiving the inquiry file from the office of the competent authority the accused Patwari, Girdawar circle, Naib Tehsildar circle Khairabad were summoned to record their statements regarding the allegations levelled against the accused Patwari. Their statements were recorded and they were cross-examined too as (Annexures-B, C & D) respectively. Furthermore to investigate about the Girdawari Rabi 2014 in halqa Namal Sara Toya in accordance with the schedule (Fard Raftar) Shabir Khan Patwari Kahi having the additional charge of halqa Namal Sara Toya was also summoned to produce the relevant revenue record who appeared before the undersigned and produced the same i.e Registers Khasra Girdawari, Roznamchas Karguzari and Aks Shajaras, findings of which are attached as (Annex-E).

4. FINDINGS.


From perusal of the statements recorded, cross-examination, findings of the relevant revenue record and personal hearing of the accused Patwari the following findings are made:-

- I. That the accused Patwari was properly informed well before by the Naib Tehsildar and Girdawar Circle Khairabad about the visit of Deputy Commissioner, Nowshera for inspection of Girdawari Rabi 2014 of halqa Namal Sara Toya but he failed to ensure his presence in his Patwar halqa on 29.04.2014 and even he could not traced on his cell No.
- II. That the accused Patwari has taken over the charge of halqa Namal Sara Toya on 08.04.2014 in compliance of order No.1226-36 /DK/DC/NSR/ dated 28.03.2014 (Annex- F). However deficiencies like no entries in column No.2 & 3, no entry of Jinswar , non existence of Aks Shajara etc. were found in the relevant revenue record of mouzas (Namal Sara Toya, Hardomazritang and Lashora Totki) of halqa Namal Sara Toya which reflects some inefficiency on his part.

5. RECOMMENDATIONS:

Keeping in view the above findings, it becomes clear that the accused Patwari Naveed Shehzad is found guilty for being remained absent during the visit of Deputy Commissioner, Nowshera for inspection of Girdawari Rabi 2014 on 29.4.2014 as there were some deficiencies in the relevant revenue record on his part. Thus the following penalties for the accused Patwari are recommended:-

- I. One annual increment may be deducted from him. AND
- II. The accused Patwari may be directed to complete the deficiencies in the revenue record within two weeks' time.


Assistant Commissioner,
Inquiry Officer, Nowshera.

انٹوائس رپورٹ بر خلاف نوید شہزاد ٹواری

OFFICE OF THE
DEPUTY COMMISSIONER
NOWSHERA
Diary No. 286878
Date 95/6/14

محترم جناب ڈپٹی کمشنر ہاؤسنگ
بر درخواست فولوی عبداللہ ولد حضرت عبدالسلام

سینڈ پیرسباق برائے ملاحضہ و ضروری کارروائی جاری ہے۔
برخواست کنندہ نے برخلاف نوید شہزاد ٹواری تحریر کیا ہے
کہ انہوں نے سٹائل سے مبلغ 400000 روپے ہزار روپے
وصول کرے تو اس زنجالت تہری

روز 9509 صوفہ 4/11
ٹواری ریٹائر ہو چکے ہیں۔ جن کا نوٹ

نوید شہزاد ٹواری نے بیان کیا ہے۔
ماتر وہ اس بابت اپنے بیانات ریٹائر ہو چکے ہیں۔
بار بار الحاحاً ٹواری نوید شہزاد صاحب کو کہا۔
نوید شہزاد صاحب کو کہہ دیا کہ وہ اپنے
تحریری بیانات قلمبند کرنے۔

سابق بیان ٹواری مذکورہ بالا رقم سے دستخط
اور پیش رپورٹ دستا تحریر کردہ رقم سے۔ بلکہ فری/جلی
کہ سابق بیان مقرر شاہ رڈ کھسار مذکورہ زنجالت سے ثابت

کوئی ریگسٹریڈ ڈاکیومنٹری و اجبات کو پورنہ

پس فیلورہ ہالہ بیانات در فورست لدر ریگسٹریڈ اور

ڈاکیومنٹری ہالہ ہائیر سولج اس بات ہائیر ہائیر

در زسالت ہیری ۹۵۰۰ ۹۵۰۰ ہیری ہیری ہیری

در فہرہ ہیری ہیری ہیری ہیری ہیری ہیری ہیری

سفارشات :- ہیری ہیری ہیری ہیری ہیری ہیری

(E&D) Rules 2011 ہیری ہیری ہیری ہیری

(Major Penalty) ہیری ہیری ہیری ہیری ہیری

ہیری ہیری ہیری ہیری ہیری ہیری ہیری

ہیری ہیری ہیری ہیری ہیری ہیری ہیری

Examine & Assess

۵/۶

۵/۶

ہیری ہیری ہیری ہیری ہیری ہیری ہیری

جواب بر سلسلہ لٹرس اظہار وجوہ آمدہ ارباب ڈپٹی کمشنر صاحب نوشہرہ۔

15-1-2015 D.N/DC/NSR 2015 بروہی اظہار وجوہ آمدہ

OFFICE OF THE DEPUTY COMMISSIONER NOWSHERA
Diary No. 1303
Date 10/1/15

جناب عالی؟

موردانہ گزارش ہے میں استقامت 9500، 9509 سے واقع موضع پیرساہی رنج پئے تھے۔ جوکہ برادر فریقین کے رضامندی سے رنج پئے تھے۔ جس میں سے کوئی رقم از مولوی عبدالعہد اور حضرت مولانا عبدالسلام کوئی رقم وصول نہ کئے تھے۔ جو العہد میں برادر استقامت جناب ریونیو انسیر صاحب نے حارجہ پئے۔ بعد ازاں استقامت 9806 سے 9807 رنج رجسٹر ہو چکے ہیں۔ جوکہ کھنڈر صاحب نوشہرہ نے منظور پئے ہیں۔ جس سے عبدالعہد درخواست کفینہ کی حشر می ہو چکی ہے۔

جناب عالی؟

خلو خود سے میں کبھی غیر حاضر نہ رہا جس دن کی غیر حاضری کا سوال ہے میں نخل سترہ کوئی میں گزرا اور کر رہا تھا۔ جہاں تک گزرا اور کے خانہ عروج ہے کا تعلق ہے جب میں نے حارجہ حاصل کیا تو گزرا اور کے خانہ عروج سے خالی تھے۔ حلقے پر میرا تقریباً ایک ماہ ہوا تھا۔ اس ایک ماہ میں حلقے میں کافی کام تھا۔ اور تعمیرات بھی تھے جو بعد زبانی کام و تعمیرات و مستحق ہائے خانہ عروج پر نہ کر سکا۔ ساتھ کے ساتھ پر کرنا رہتا۔ جو کہ اب مکمل ہے۔

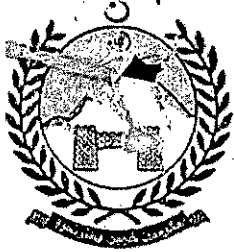
جناب عالی؟

Dk
E. S. Khan

ماتحت نون اور انسان نون خطا و کار نون اور معافی کا طلب کار نون
معاذ فرمایا جائے۔ ائذہ کیلئے معذور رہتا
جواب عرض ہے

Deputy Commissioner
NOWSHERA 26/1

Handwritten signature and date 26/1/15



Office of the
Deputy Commissioner
Nowshera.

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

04th February, 2015

OFFICE ORDER

No. 176-82 /DK/DC/NSR/2015. Whereas inquiries were initiated against Mr. Naveed Shehzad Patwari (BPS-09) on the complaint of Molvi Abdus Samad s/o Hazrat Abdus Salam R/o Pirsabaq for attestation of bogus/ fake mutation No. 9500, 9509 on Rs. 40000/- and his absence from duty reported during inspection of Girdawari Rabi of the undersigned

And whereas inquiry reports vide No. 1028/TN dated 05-06-2014 and 119/AC//NSR dated 23/05/2014 revealed that he is found guilty for attestation of fake mutation No. 9500 and 9509 in mouza Pirsabaq, received Rs. 40000/- for attestation of fake mutations, putting signature and report of Ahli Commission illegally, remain absent from official duty during inspection of Girdawari, incomplete of Column No.2 & 3 and no entry in Jinswar by recommending major penalty, followed by comprehensive report of Additional Deputy Commissioner Nowshera vide No.9310/EA-13/ADC dated 10-12-2014 on his service record that he remained suspended thrice from service on various charges by awarding various punishments, warnings, stoppage, deduction of pay and last warning as patwari in future. And recommended that services of Mr. Naveed Shehzad Patwari are no more required for revenue department.

The undersigned has gone through inquiry reports, show cause notice reply and have found Mr. Naveed Shahzad Patwari bold enough in committing, misconduct, getting involved in illegal activities, absent from duty, guilty of corruption, inefficiency in official work.


Now therefore, I, Zaka Ullah Khattak Deputy Commissioner Nowshera, being competent authority, in exercise of power conferred upon me under section 4 (1)(b)(iii) of Government of Khyber Pakhtunkhwa servants (Efficiency and Discipline) Rules, 2011 agrees with Inquiry Officer and laid off / remove Mr. Naveed Shehzad Patwari (BPS-09) from service with immediate effect.


Deputy Commissioner
Nowshera

Even No & Date.

Copy forwarded for information to the.

- 1- Commissioner Peshawar Division Peshawar.
- 2- Additional Deputy Commissioner Nowshera w/r to his report No.1093/EA13/ADC dated. 10-12-2014 for necessary action.
- 3- Assistant Commissioner Nowshera / Inquiry Officer w/r to inquiry report No. 119/AC/NSR dated 23-5-2014.
- 4- Accounts Officer, Deputy Commissioner Office Nowshera for necessary action.
- 5- Tehsildar Nowshera / Inquiry Officer w/r to inquiry report No. 1028/TN dated 05-06-2014
- 6- Mr. Naveed Shehzad Ex- Patwari.


Deputy Commissioner
Nowshera



IN THE COURT OF
COMMISSIONER PESHAWAR DIVISION
PESHAWAR

APPEAL NO:
DATE OF INSTITUTION: 24.02.2015
DATE OF DECISION: 08.09.2015

Naveed Shehzad, Ex-Patwari halqa Namal Sara Toya, Nowshera.....Appellant

VERSUS

The Deputy Commissioner, Nowshera.....Respondent

Order

My this order will dispose off the instant appeal filed by the above named official against the Deputy Commissioner Nowshera office order bearing No. 176-82/DK/DC/NSR/2015 dated 04.02.2015, vide which the appellant namely Mr. Naveed Shehzad, Ex-Patwari halqa, Namal Sara Toya circle Khairabad, Nowshera was removed from service under section 4(1)(b)(ii) of Government of Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules-2011.

The allegations levelled against the appellant were that inquiries were initiated against him on the complaint of Molvi Abdus Samad s/o Hazrat Abdus Salam r/o Pir sabaq for attestation of fake mutation No. 9500, 9509 mauza Pir sabaq and receiving of Rs. 40,000/- as illegal gratification for attestation of said fake mutation by putting signature and report of Ahle Commission illegally. Similarly, the appellant was suspended on 29.04.2014 and proceeded against for his willful absence and switching off cell No. during the visit of Deputy Commissioner, Nowshera to his Patwar halqa for inspection of girdawari Rabi 2014 despite the fact that he was earlier informed by the Revenue officer Circle Khairabad to ensure his presence. Moreover, from perusal of the available record on file, it is observed that service record of the appellant is not satisfactory as he was suspended thrice on various charges by awarding various punishments/warnings etc.

Aggrieved of the same, the appellant filed the instant departmental appeal before this court on 24.02.2015 praying for setting aside the impugned order of the Deputy Commissioner Nowshera teming it illegal. However, the appellant did not bother to appear and pursue his appeal before this court which showed his lack of interest and irresponsibility. On 08.09.2015 his case/appeal was fixed for hearing, Representative of the Deputy Commissioner office, Nowshera alongwith record present, however, the appellant again remained absent. Representative of the Deputy Commissioner office Mr. Abdul Jabar, Kanungo informed that the appellant is not tracable as his cell No. is switched off.

Keeping in view the above, due to absence of the appellant, his lack of interest to pursue appeal before the court of Appellate authority, the appeal in hand stands rejected. File to GRR.

COMMISSIONER
Peshawar Division, Peshawar/
Appellate Authority

Announced
08.09.2015