

13.10.2015

Appellant with counsel and Mr. Ziullah GP for the respondents present. Arguments heard and record perused. Vide our detailed judgment of to-day in connected appeal No.1251/2014, titled. "Amjid Khan Versus Government of Khyber Pakhtunkhwa through SMBR Peshawar etc.", this appeal is also disposed of as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED

13.10.2015

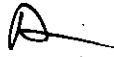
7155-8
MEMBER

MEMBER

1165/14

2.07.2015

Appellant with counsel and Mr. Muhammad Jan, GP with Naeem Khan, Assistant and Ayub Khan, Assistant for the respondents present. Due to rush of work, arguments could not be heard. To come up for arguments on 05.8.2015.



Member



Member

05.08.2015

Appellant with counsel and Mr. Mukhtiar Ali, Supdt. alongwith Mr. Muhammad Jan, GP for respondents present. Arguments heard. To come up for order on 15-09-2015



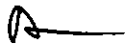
Member



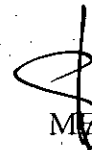
Member

15.09.2015

Appellant with counsel and Mr. Mukhtiar Ali, Supdt. alongwith Mr. Ziaullah, GP for respondents present. Since the Court time is over therefore, case is adjourned to 21-09-15 for order.



MEMBER



MEMBER

21.09.2015

Appellant in person and Mr. Muhammad Jan, GP for respondents present. Since the court time is over therefore, case is adjourned to 30-10-2015 for order.



Member



Member


30.03.2015

Appellant in person and Mr. Mukhtiar Ali, for respondent No. 2
alongwith Addl: A.G for respondents present. Comments submitted. The
appeal is assigned to D.B for rejoinder and final hearing for 13.10.2015.


Chairman


02.06.2015

Appellant with counsel and Mr. Mukhtiar Ali, Supdt
alongwith Addl: AG for the respondents present. Rejoinder
submitted which is placed on file and copy handed over to the
respondent-department. File to come up for arguments on
13.10.2015 before D.B.


Member

22.06.2015

Appellant in person and Asstt. AG with Naeem
Khan, Asstt. for the respondents present. Due to general
strike of the bar, counsel for the appellant is not available.
To come up for arguments on 29.10.2015.

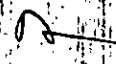

Member

Appeal No. 1165/2014
Mr. Saïed Ahmed

23.01.2015

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 04.08.2014, vide which the major penalty of dismissal from service has been imposed upon the appellant. Against the above referred impugned order appellant filed departmental appeal which was rejected vide order dated 10.09.2014; hence the instant appeal on 22.09.2014. Counsel for the appellant further contended that neither personal chance of hearing has been given to the appellant nor any proper inquiry has been conducted against the appellant. He relied on 1994 PLC (C.S) 1524 and 1992 PLC (C.S) 1000.

Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 12.03.2015 before the learned Bench-III.


Member

12.03.2015

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. for respondent No. 2 alongwith Addl. A.G for all respondents present. Written reply on behalf of respondents No. 3 and 4 submitted while representative of respondent No. 2 requested for adjournment which is granted. To come up for written reply on behalf of respondent 2 on 30.03.2015 before S.B.


Chairman

Appellant deposited process fee
& security



3.

14.10.2014

Counsel for the appellant present and moved an application for early hearing. Case file requisitioned. Application allowed. To come up for preliminary hearing on 13.11.2014 instead of 01.12.2014.


Member

4.

Reader Note:

13.11.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 23.01.2015 for the same.


Reader

[Faint, illegible text, possibly bleed-through from the reverse side of the page]

THE UNITED STATES OF AMERICA
 DISTRICT COURT OF THE DISTRICT OF COLUMBIA
 IN RE: [Illegible Name]
 [Illegible]
 [Illegible]

EXHIBIT

EXHIBIT
NO. 1

This exhibit consists of [illegible]
 [illegible]
 [illegible]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1165 /2014

JAVED AHMAD

VS

Govt: Of KPK

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	1- 3.
2.	Service Book & Medical certificate	A	4- 10.
3.	Charge Sheet & Statement of Allegation.	B	11- 13.
4.	Reply & Medical prescriptions	C & D	14- 25.
5.	Show cause	E	26- 27.
6.	Reply	F	28- 29.
7.	Affidavit	G	30.
8.	Impugned Order	H	31.
9.	Departmental appeal	I	32- 34.
10.	Comments	J	35.
11.	Rejection order	K	36.
12.	Vakalat nama	37.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1165 /2014

22/9/2014
1195
22/9/2014

Mr. Javed Ahmad, Patwari (BPS-09),
Patwar Halqa Chamkani, District Peshawar **Appellant**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 3- The Commissioner Peshawar Division, Peshawar.
- 4- The Deputy Commissioner Peshawar, District Peshawar.

..... **Respondent**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 04-08-2014 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST THE APPELLATE ORDER 10.9.2014 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned orders dated 04-08-2014 and 10.9.2014 may very kindly be set aside and the respondents may be directed to re-instated the appellant with all back benefits. Any other remedy which this august Tribunal deems fit may also be very kindly awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1. That appellant is the employee of respondent Department and has served the respondent Department as Patwari (BPS-09) for more than 25 years quite efficiently and up to the entire satisfaction of his superiors. Copies of the service book and medical certificate are attached as annexure

..... **A.**



2. That appellant while serving as patwari in the respondent Department at patwar halqa Chamkani, a charge sheet and statement of allegations was served on the appellant in which it was alleged that the son of appellant Mr. Shakeel Ahmad was caught red handed while holding the register of Mutations in his hands and was heading to Tehsil Revenue Office Peshawar for getting the signature of Tehsildar on Mutations. Copies of charge sheet and statement of allegations is attached as annexure **B.**
3. That in response to the said charge sheet and statement of allegations the appellant submitted his detailed reply and denied all the allegations which were leveled against the appellant. That appellant further stated in his reply that his son Mr. Shakeel Ahmad is highly educated person and having the degree of Master of Business Administration (MBA) and due to illness of appellant (Operated for Sciatica twice) his son helped the appellant in the un official work that is driving and holding of any type of weight. Copy of the reply and Medical Prescriptions are attached as annexure **C & D.**
4. That vide dated 02-06-2014 a show cause Notice was served on the appellant which was also replied in detailed by the appellant. Moreover the appellant has also submitted an affidavit in this regard. Copies of the Show cause Notice, reply and Affidavit are attached as annexure **E, F & G.**
5. That inspite of providing documentary proof and justification the respondents issued the impugned order dated 04-08-2014 due to which the appellant was dismissed from service without conducting regular inquiry in the matter. Copy of the impugned order is attached as annexure **H.**
6. That feeling aggrieved and having no other remedy the appellant filed Departmental appeal vide dated 06-08-2014 before the respondent No.3 but the same was regretted vide order dated 10.9.2014 on no good grounds. Hence the present appeal on the following grounds amongst the others. Copies of the Departmental appeal, Comments and rejection order are attached as annexure **I, J & K.**

GROUND:

- A. That the impugned orders dated 04-08-2014 and 10.9.2014 issued by the respondents are against the law, facts, norms of natural justice and materials on record , therefore not tenable and liable to be set aside.

- B. That the appellant has not been treated in accordance with law and rules on the subject noted above and as such the respondent Department violated Article 4 and 25 of the Constitution of Pakistan 1973.
- C. That no final show cause Notice has been served on the appellant by the respondents before issuing the impugned order dated 04-08-2014.
- D. That no regular inquiry has been conducted in the matter before issuing the impugned order dated 04-08-2014 against the appellant which is as per Supreme Court judgments is must in punitive action against the civil servant.
- E. That no chance of personal hearing /defense has been given to the appellant which is mandatory under the newly amended Rules 2011.
- F. That the inquiry which is conducted by the respondent was dubious and void ab initio on account of Mr. Sardar Asad Haroon Assistant Commissioner Peshawar who is complainant in the instant case.
- G. That inspite of providing documentary proofs and justification the respondent acted an arbitrary and malafidy manner by issuing the impugned order dated 04-08-2014.
- H. 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 very kindly be accepted as prayed for.

APPELLANT

JAVED AHMAD
THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE

A-4

Heirs.

- 1.
- 2.
- 3.

- 1. Name
- 2. Race
- 3. Resid.
- 4. Fathe

Verification Roll No. dated _____ received back _____

- 5. Date nearly

Left thumb-impression.

- 6. Exact

Qualification	Date	Qualifications	Matric	Date
English		First Arts		
Pashtu		B. L. or B. A.		
Urdu		Pleadership examination		
Plan-drawing		Training School Final examination		
Finger print		Other qualifications -		
Drill instructing				
Court duties				
Reserve duties	15-6-58			

- 7. Perso

- 8. Left sion

Little

Middle

Thumb

- 9. Signa

- 10. Signa
Hea
Offic

15-6-58
8/2
28/1
for Dep'ty Commissioner
1958-59

11. B—Line to be drawn under the qualification possessed

ATTESTED

[Signature]

(5)

Note:—The entries in this page should be renewed or re-attested at least every five years and the signatures to lines 9 and 10 should be dated.

1. Name *Jawid Ahmad*

2. Race *Afghan*

3. Residence *Necessi Tehsil & Dist. Peshawar.*

4. Father's name and residence *Gul Mohammad*

5. Date of birth by Christian era as nearly as can be ascertained *15.4.1958 (15th day of) April nineteen hundred & fifty eight.*

6. Exact height by measurement *5-6*

Date *24-5-90*

7. Personal marks for identification *A black mole on right side chest.*

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger. Ring Finger

Middle Finger. Fore Finger

Thumb.

9. Signature of Government servant. *[Signature]*

10. Signature and designation of the Head of the Office, or other Attesting Officer. *[Signature] DC Peshawar 24-5-90*

ATTESTED

24-5-90

6

1	2	3	4	5	6	7	8	9	10
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Da term of at in
<u>Patwari Teh: Peshawar</u> 520-18-860 (BPS-5)									
-11-		off/ser	520/-			1/86	23/11/2006	Met H DCP P. Mit	30/8
-11-		-11-	538/-			1/86	23/11/2006	H DCP P	30/8
<u>Patwari Teh: Peshawar</u> 700-25-1200 (BPS-5)									
-11-		-11-	725/-			1/87	23/11/2006	Met H DCP P. Mit	30/8
-11-		-11-	750/-	X		1/87	23/11/2006	H DCP P	20/8
-11-		-11-	700/- (750/-)			21/87	23/11/2006	Met H DCP	21/8
		700-25-1200 725/- Pat. Teh: Peshawar							
<u>Pat: Land Acq:</u> 700-25-1200 (B-5)	off/ser Temporary		750/-			26/88		Met P. Mit	31/8
<u>Pat: on circle</u> -11-	-11-		775/-		(20/-)	1/89			30/8
-11-	-11-		800/-		(20/-)	1/89		G. Singh for DZ, Pesh	30/8

All Cuttings attested.

ATTESTED

[Signature]

7 Date of appointment	8 Signature of Government servant	9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 3	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc).	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
						Nature and duration of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debitable to another Government		
						Period	Government to which debitable		
1/8/86	[Signature]	[Signature] H.D.C.P.	30/11/86	Increment	[Signature] H.D.C.P.				appointed as Patwari Halga Jala Bela and taken over charge on 1-6-86.
12/86	[Signature]	[Signature] H.D.C.P.	30/6/87	Revision of pay scale	[Signature] H.D.C.P.				[Signature]
7/87	[Signature]	[Signature] H.D.C.P.	30/11/87	Increment	[Signature] H.D.C.P.				
12/87	[Signature]	[Signature] H.D.C.P.	20/12/87	Reverted unpaid being junior most.	[Signature] H.D.C.P.				Reverted as unpaid from Service vide Assst. Commissioner Peshawar order No. 3022-41/Acs dated 12.12.87 and handed over charge on 20.12.87 A.O.
12/87	[Signature]	[Signature] H.D.C.P.	21/12/87	Posted & transferred to P.U.D.B.	[Signature] H.D.C.P.				Posted as Patwari P.U.D.B. vide Acs Peshawar order No. 3133-39/Acs dated 20.12.87.
6/88	[Signature]	[Signature] H.D.C.P.	31/12/88	Transferred as Circle Patwari & Granted Increment	[Signature] H.D.C.P.				[Signature]
		[Signature] G. Sgt for D.C. Persl.	30/11/89	Increment	[Signature] H.D.C.P.				26-6-1987 30/12-88 [Signature]

ATTESTED

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts or pay falls under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant	9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8
<i>Pattani Tehsil Subdar</i> 700-25-1200 (B-5)	<i>Temp</i>	-	825/-	-	<i>1/12</i> 23/-	1/12/90	<i>[Signature]</i>	<i>[Signature]</i>
<i>Pattani Tehsil Subdar</i> 1035-49-1770 (B-5)	-	-	1280/-	-	-	01/91	<i>[Signature]</i>	D. C. PESHAWAR <i>[Signature]</i>
<i>[Signature]</i>	-	-	1329/-	-	-	01/91	<i>[Signature]</i>	D. C. PESHAWAR <i>[Signature]</i>
<i>Pattani</i> 1035-49-1770 (B-5)	-	-	1378/-	-	-	1/12/92	<i>[Signature]</i>	D. C. PESHAWAR 2 <i>[Signature]</i>
<i>[Signature]</i>	-	-	1427/-	-	-	01/93	<i>[Signature]</i>	D. C. PESHAWAR <i>[Signature]</i>

Witness of the Accountant General
W. F. P. Peshawar.
Pay fixed in the Revised Pay Scales 1981
of Rs. 1035-49-1770 51
of Rs. 1280/- P.M. 1-6-1991
of Rs. 1329/- P.M. 1-12-1991

Accountant General
W. F. P. Peshawar

ATTESTED

Service verified from 01/07/2002
 30/11/2003 from the office records
 of all bills and other records

7 Date of appointment	8 Signature of Government servant	9 Signature and designation of the head of the office or other attesting officer in attestation columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc).	12 Signature of the head of the office or other attesting officer	13 Leave Allocation of period of leave on average pay upto four months for which leave salary is debitab to another Government	14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government servant.
1/12/2002			30/11/2002	Document				Suspended vide office order No. 259-64/2002-ET/DK dt. 31-01-2003 w.e. effect
			30/11/2001	Grant of leave over to (B.D) vide 0/0/0-1783-84/E A dt. 25/8/2003 w.e. 01/12/2001				
1/12/2001			30/11/2006	Service verified from 01/12/2003 to 30/11/2006 in the office copies of all bills and other records.				T.R.# 156-DL-10-10-2005 Drawn Rs 5913/= on A/c of difference of arrears of pay & allowance due to function by pay function party w.e. 1-7-2005 to 30-9-2005 in 072005 pay Rs 3051/=, HRA R. 1860/= MAR. 645/= SRA R. 180/= ARA R 180/=
1/12/2003			30/11/2004	Increment				
01/12/2004			30/11/2005	Revised pay scales 01-07-2005				
7/12/2005			30/11/2005	Increment				Re-instated in service vide office order No. 610-36/2005-ET dt. 25-10-2005 with immediate effect
12/2005			30/11/2006	Increment				
12/2006								

ATTESTED

10

MEDICAL CERTIFICATE

Name of Official..... *Javed H Khan*
 Caste or race..... *Muslim*
 Father's name..... *Sul. Muhammad Fikri*
 Residence..... *Village Narmi P.O. Shekardar Fort*
Tehsil Distt. Ferozpur
 Date of birth..... *15/4/1958*
 Exact height by measurement..... *5-1/2*
 Personal marks of identification..... *A mole on R. Side upper part of chest*
 Signature of the Official..... *Javed*
 Signature of head of office.....

Seal of Office.....

I do hereby certify that I have examined *Javed H Khan* a candidate for employment in the Office of the *Deputy Commissioner Ferozpur* and can not discover that he has any disease communicable or other constitutional affection or bodily infirmity except *nil*

I do not consider this as disqualification for employment in the office of the *Deputy Commissioner Ferozpur*. His age according to his own statement *28* year and by appearance about *28* years.

LEFT HAND THUMB AND FINGER IMPRESSIONS.....

T. H. A.
 Medical Supervisor
 Civil Hospital Ferozpur
 Medical Superintendent,
 Civil Hospital. *17/4/86*

ATTESTED



OFFICE OF THE
DEPUTY COMMISSIONER
PESHAWAR

No. 4640 /DC(P)/EA
Dated Pesh., the 30/4/2014

B- (11)

From: The Deputy Commissioner,
Peshawar.

To: Sardar Asad Haroon,
Assistant Commissioner, Peshawar.


Subject: DISCIPLINARY PROCEEDINGS AGAINST MR. JAVED AHMAD,
PATWARI HALQA CHAMKANI, PESHAWAR (UNDER SUSPENSION)

I, the undersigned, in the capacity as the Competent Authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has approved initiation of disciplinary proceeding against Mr. Javed Ahmad, Patwari Halqa Chamkani, Peshawar (Under suspension) vide attached Statement of allegations. Consequently, the competent authority has been further pleased to appoint an Inquiry Committee consisting of you and the following member to scrutinize the conduct of the aforesaid accused official vis-à-vis the statement of allegations:

Mr. Mahmood Ahmad,
Add. Assistant Commissioner, Peshawar.

And desire that the Inquiry Committee, so constituted, should take further necessary action and submit its findings, recommendations and report in accordance with the provision of the rules mentioned above within 30 days positively.


Encls: As Above



Deputy Commissioner
Peshawar

No. 4641-44 /DC(P)/EA.

Copy forwarded to the:-

1. The Assistant Commissioner, Peshawar alongwith copy of charge sheet & statement of allegations for similar necessary action.
2. Mr. Mahmood Ahmad, Add. Assistant Commissioner- VI Peshawar for necessary action.
3. Mr. Javed Ahmad, Patwari Halqa Chamkani, Peshawar (the accused official) through DK of this office alongwith copy of charge sheet & statement of allegations with the direction to appear before the Inquiry Committee on the date, time and place fixed by the Committee for the purposes of inquiry proceedings.
4. District Kanungo of this office with the direction to be present during the inquiry proceedings.


Deputy Commissioner
Peshawar

ATTESTED


DISCIPLINARY ACTION

I, S. Zaheer-ul-Islam, Deputy Commissioner Peshawar, as competent authority, am of the opinion that Mr. Javed Ahmad, Patwari Halqa Chamkani, Peshawar (Under suspension), has rendered liable to be proceeded against, as he committed the following acts/omissions with in the meaning of rule-3 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011.

12

STATEMENT OF ALLEGATIONS

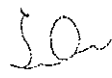
- (a) That during inspection of Patwar Khana by Assistant Commissioner Peshawar, Mr. Shakeel Ahmad your son was caught red handed while holding the register of mutation in his hand and was heading to Tehsil Revenue Office for getting signature of the Tehsildar on the mutations, which is clear violation of the Land Revenue Act as well as instructions issued by the Board of Revenue under the Special Initiatives.
- (b) You were suspended vide this office order No.773-79/DC(P)/DK dated 20/01/2014 and a preliminary inquiry was ordered against you and Mr.Fawad Khan AAC-VII Peshawar was appointed as Inquiry Officer.
- (c) That the Inquiry Officer AAC-VII Peshawar in his report recommended that you were keeping your son as Munshi who works with you in the Patwar Khana which is not only violation of Land Revenue Act but also violation of the instructions issued by the Board of Revenue from time to time and tantamounts towards disobedience, indifference to the rules and instructions.
- (d) That Inquiry Officer concerned has recommended for imposing major penalty under E&D Rules 2011.


2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry committee, consisting of the following, is constituted under rule 10(1)(a) of the ibid rules.

- i. Sardar Asad Haroon AC Peshawar
- ii. Mr Mahmood Ahmad Adl. AC Peshawar

3. The inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/inquiry committee.


Deputy Commissioner
Peshawar
(COMPETENT AUTHORITY)

ATTESTED


CHARGE SHEET

S. Zaheer-ul-Islam, Deputy Commissioner, Peshawar as competent authority, hereby charge you, Mr. Javed Ahmad, Patwari Halqa Chamkani, Peshawar (Under suspension), as follows:-

13

That you were posted as Patwar Halqa Chamkani Peshawar committed the following irregularities:

- (a) That during inspection of Patwar Khana by Assistant Commissioner Peshawar, Mr. Shakeel Ahmad your son was caught red handed while holding the register of mutation in his hand and was heading to Tehsil Revenue Office for getting signature of the Tehsildar on the mutations, which is clear violation of the Land Revenue Act as well as instructions issued by the Board of Revenue under the Special Initiatives.
- (b) You were suspended vide this office order No.773-79/DC(P)/DK dated-20/01/2014 and a preliminary inquiry was ordered against you and Mr Fawad Khan AAC-VII Peshawar was appointed as Inquiry Officer.
- (c) That the Inquiry Officer AAC-VII Peshawar in his report recommended that you were keeping your son as Munshi who works with you in the Patwar Khana which is not only violation of Land Revenue Act but also violation of the instructions issued by the Board of Revenue from time to time and tantamounts towards disobedience, indifference to the rules and instructions.
- (d) That Inquiry Officer concerned has recommended for imposing major penalty under E&D Rules 2011.

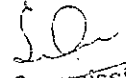
2. By reasons of the above, you appear to be guilty of misconduct under rule-3 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry Committee.

4. Your written defense, if any, should reach the Inquiry Committee, within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A Statement of allegations is enclosed.


Deputy Commissioner
Peshawar

(COMPETENT AUTHORITY)

ATTESTED



C-14

TO

The Honorable Deputy Commissioner,
Peshawar.

Subject: Reply to the charge sheet and statement of allegation served on me by your good self vide dated 30-4-2014 communicated to me on 6-5-2014.

R/Sir:

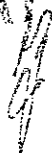
It is most humbly stated that the allegation which has been leveled against me in the charge sheet and statement of allegation is totally wrong and baseless and I had never done such like acts and omission during my entire service. Sir I have served the Revenue Department as Patwari for more than twenty seven years quite efficiently and up to the entire satisfaction of my superiors.

That so far as the allegation is concerned, that my son Shakeel Ahmad was caught red handed by the Assistant Commissioner Peshawar while holding the register of mutation in my son hand and was heading to Tehsil Revenue Office Peshawar for getting signature of the Tehsildar on the motations is totally wrong and not based on facts rather the same is clearly showing malafide on the part of Assistant Commissioner Peshawar.

Respected Sir I am a patient of back ache/Sciatica and due to that reason my son who is highly educated person (MBA Degree) has helping me in driving as well as my unoffical work i.e. by helping me in holding the mutation register and other revenue record. That on the mentioned date the Assistant Commissioner Peshawar without any reason and clear justification straight away asked from my son namely Shakeel Ahmad that whether he is helping me as munshi or otherwise. Copies of the medical record is attached.

That in response of that allegation my son have told him (to the Assistant Commissioner) that he is not a munshi but the real son of mine and due to illness he is helping his father i.e. me in the

ATTESTED



1

(15)

unofficial work i.e. in driving and other unofficial work. That later on I also explained in detail about my illness and the real situation. That inspite of my justification to the said allegation the Assistant Commissioner prepare complaint against me before your good self. That without fact finding inquiry in the matter I was straight away suspended from my service.

That I am the most experienced and efficient patwari of District Peshawar and I had never done such like act and omission during my entire service. That my commitment to my work is crystal clear before your good self. That the allegation which is leveled against me is false and baseless, therefore I may very kindly be exonerated from the said charge/allegation.

It is therefore most humbly prayed that on acceptance of this reply to the charge sheet and statement of allegation I may very kindly be exonerated from the charge and my suspension order may very kindly be set aside. Any other relief which your good self deems fit that may also be awarded in favor of me.

Javed Ahmad

Javed Ahmad
Patwari halqa Chamkani

ATTESTED

[Signature]

Dr. Umair Rashid Chaudhry

D-16

M.B.B.S. (Pb), D.P.H. (Pb), D.M.R.D. (Pb), M.C.P.S. (Pak),
M.Sc. Neurovascular Diseases (Paris), C.C. TCD (Germany)

Neuroradiologist, Neurosonologist
Neuro Interventionalist

Office: 042-99264051-8 (Ext 223)
Fax: 042-37572488 email: dr_umairch@yahoo.com
Mobile: 0300-4270130 Dr_umair@hotmail.com
0300-4755330 pprc@wol.net.pk

Date: 29.9.13

OZONUCLEOLYSIS (Oxygen Ozone Therapy)

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042-35302701-111171819
0300-4829760
Islamabad (Sunday)
051-8441002 - 8446666

Pain & Headache Clinic CONSULTATION DAYS

Monday to Thursday only
Timings 05:00 p.m. to 07:00 p.m.
Ph: 42-37589666-7, 0300-4490938
Mailing Address:
83-Shah Jamal Colony, Lahore

Ref: _____

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- * Visiting Professor of Radiology, The University of Lahore, Pakistan
- * Co-Editor-in-Chief The Neuroradiology Journal
- * Founder Member The Epilepsy Society of Pakistan
- * Senior Member World Federation of Interventional and Therapeutic Neuroradiology
- * National Delegate AOSNHNR
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Dr. Umair Rashid Ch.
M.B.B.S., D.P.H., D.M.R.D., M.C.P.S.
M.Sc. Neurovascular Diseases
C.C. TCD (Germany)
HEAD Department of Neuroradiology,
Lahore General Hospital Lahore.

ATTESTED

Handwritten signature/initials

Dr. Umair Rashid Chaudhry

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Fax: 042-37572400 email: dr_umairch@yahoo.com
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0300-4755330 pprc@wol.net.pk

Date: 25.8.13

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Ph: 37589666-7 - 0300-4490938
Mailing Address
83-Shah Jamal Colony, Lahore

Ref: _____

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- * Visiting Professor of Radiology, The University of Lahore, Pakistan
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Lahore General Hospital, Lahore

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18

Dr. Umair Rashid Chaudhry

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0300-4755330 ppcc@wol.net.pk

Date: 4.8.13

OZONUCLEOLYSIS (Oxygen Ozone Therapy)

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Monday to Friday
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Ph: 37589666-7 - 0300-4490938
Mailing Address
83-Shah Jamal Colony, Lahore

Ref: _____

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[Signature]

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ATTESTED

[Signature]

Dr. Umair Rashid Chaudhry

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Date: 7.7.13

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Ph: 37589666-7 - 0300-4490938
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03-Shah Jamal Colony, Lahore

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HEAD Department of Neurology
Lahore General Hospital, Lahore

ATTESTED

Dr. Umair Rashid Chaudhry

20

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0300-4755330 pprc@vof.net.pk

Date: 2-6-13

OZONUCLEOLYSIS (Oxygen Ozone Therapy)

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Islamabad (Sunday)
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Ph: 37589666-7 - 0300-4490938
Mailing Address
85-Shah Jamal Colony, Lahore

Ref: _____

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HEAD Department of Neuroradiology,
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ATTESTED

M. A.

Dr. Umair Rashid Chaudhry



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Date: 2-6-13

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Mailing Address
83-Shah Jamal Colony, Lahore

Ref: _____

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M.Sc. Neurovascular Diseases
C.C.TCD (Germany)
HEAD Department of Neuroradiology,
Lahore General Hospital, Lahore.

ATTESTED



Patient Name: Jayed Ahmad
Ref By: Dr. Muhammad Tariq Safi

Age: 54 Yrs/M

Date: 24 August 2013

MRI LUMBOSACRAL Spine without contrast.

Multi planer & multi sequential MRI imaging performed acquiring pre contrast T1&T2W1 images.

Findings:

Lumbar lordosis is preserved. No spondylolisthesis is identified. Vertebral bodies are within normal limits in signal intensity and morphology, without evidence of vertebral body compression.

Visualized portions of the spinal cord are within normal limits in signal intensity.

Central disc protrusion is seen at L1-L2 level with obliteration of the anterior thecal sac and nerve roots compression.

Central disc extrusion is seen at L2/L3 level with the extruded disc lying within the spinal canal causing spinal canal stenosis and nerve roots compression. The exit canals are narrowed bilaterally.

Diffuse disc bulge is also seen at L3/L4 and L4/L5 levels with bilateral exit canals and spinal canal stenosis and nerve roots compression.

Left paracentral disc protrusion is seen at L5/S1 level with ipsilateral exit canal stenosis.

Degenerative changes are seen at the same levels.

Conclusion:

See comments.

(Signature)
Consultant Radiologist
Dr. Nadia Khattak (FCPS)

Peshawar Institute of Medical Sciences Plot-2, Sector B-2, Phase-5, Hayatabad Peshawar.
Ph: 091-5892730-9 Fax: 5892739

ATTESTED
(Signature)

LADY READING HOSPITAL PESHAWAR



23

No. 4357⁸ /LRH/EG
Dated. 27th /12/2012

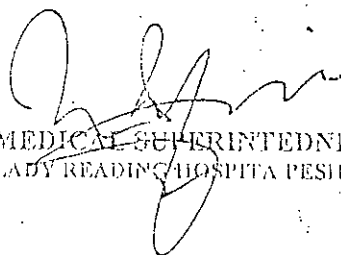
To

✓
Chairman Standing Medical Board
Medical Superintendent
Police/Services Hospital Peshawar.

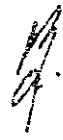
Subject: STANDING MEDICAL BOARD

Reference your letter no. 4423-26/MIS.SMB/2012-13, dated 19/12/12.

Enclosed please find herewith a letter no.1232/G-1, dated 27/12/12 received from Resident Medical Officer of this hospital which is self explanatory for further necessary action.


MEDICAL SUPERINTENDENT
LADY READING HOSPITAL PESHAWAR

ATTESTED



(24)

Subject: STANDING MEDICAL BOARD

Reference letter No. 1423-26/MS/SMB/2012-13, dated: 19/12/2012 from Office of the Medical Superintendent Police and Services Hospital Peshawar, marked to this office vide your diary No. 23181, dated: 20/12/2012 on the subject cited above.

Accused Javed Khan has been examined by Dr. Muhammad Siddiq Associate Professor Neurosurgery Department L.R.H and advised surgery dated: 02-02-2013.

The case is returned back for onward submission to the quarter concerned please.

Encl: Prescription Chart (In original).

[Signature]
RESIDENT MEDICAL OFFICER
Govt. Lady Reading Hospital Peshawar

U.C. No. 1232 IS.1633/13852
Dated 27/12/2012

MEDICAL SUPERINTENDENT
Govt. Lady Reading Hospital Peshawar

ADMINISTRATION SECTION
D.No: 235/27
Date: 27/12/12
Govt. L.R.H. Peshawar

[Signature]
27/12

ATTESTED
[Signature]

THROUGH REGISTERED AD

E - (26)

IMMEDIATE



OFFICE OF THE
DEPUTY COMMISSIONER
PESHAWAR

No. 6204 /DC(P)/EA
Dated Pesh. the 02/06/2014

To


Mr. Javed Ahmad,
Patwari, C/O DK of this office.

Subject: SHOW CAUSE NOTICE

Memo:

Enclosed please find herewith 2 copies of "SHOW CAUSE NOTICE" alongwith copy of Enquiry Report with the direction that one copy may be retained and the other copy be signed as a token of receipt and returned to this office for record immediately.

Encls:(As above)


Deputy Commissioner
Peshawar

Endst: No. 6205 /DC(P)/EA.

Copy to the Additional Deputy Commissioner, Peshawar.

ATTESTED



I, S. Zaheer-ul-Islam, Deputy Commissioner Peshawar, as competent authority, under the Khyber Pakhtunkhwa Govt. Servants Efficiency and Discipline Rules 2011, do hereby serve you, Javed Ahmad, Patwari Halqa Chamkani (under suspension), as follows: (27)

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

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

- (a) That during inspection of Patwar Khana by Assistant Commissioner Peshawar, Mr. Shakeel Ahmad your son was caught red handed while holding the register of mutation in his hand and was heading to Tehsil Revenue Office for getting signature of the Tehsildar on the mutations, which is clear violation of the Land Revenue Act as well as instructions issued by the Board of Revenue under the Special Initiatives.
- (b) You were suspended vide this office order No 773-79/DC(P)/DK dated 20/01/2014 and a preliminary inquiry was ordered against you and Mr. Fawad Khan AAC-VII Peshawar was appointed as Inquiry Officer.
- (c) That the Inquiry Officer AAC-VII Peshawar in his report recommended that you were keeping your son as Munshi who works with you in the Patwar Khana which is not only violation of Land Revenue Act but also violation of the instructions issued by the Board of Revenue from time to time and tentamounts towards d sobedience, indifference to the rules and instructions.
- (d) That Inquiry Officer concerned has recommended for imposing major penalty under E&D Rules 2011
- (e) That an inquiry committee comprising of M/s Sardar Asad Haroon AC Peshawar and Mahmood Ahmad AAC-VI Peshawar was constituted to thoroughly investigate the matter.
- (f) The Inquiry Committee in its report also recommended for imposing a major penalty under E & D Rules 2011.


2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you Major Penalty of Dismissal from service under section-4 of the said Rules.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within fifteen days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case an exparte action shall be taken against you.

5. The copy of the findings of the Inquiry Committee is enclosed.

U.O. No. 6203/DC(P)/EA.
Dated 22/05/2014.


Deputy Commissioner
Peshawar
(Competent Authority)

ATTESTED

TO

F-28

The Honorable Deputy Commissioner,
Peshawar.

**Subject: Reply to the show cause notice served on me
by your good self vide dated 2.6.2014**

R/Sir,

It is most humbly stated that the allegation which has been leveled against me in the show cause notice is totally wrong and baseless and I had never done such like acts and omission during my entire service. Sir I have served the Revenue Department as Patwari for more than twenty seven years quite efficiently and up to the entire satisfaction of my superiors.

That so far as the allegation is concerned, that my son Shakeel Ahmad was caught red handed by the Assistant Commissioner Peshawar while holding the register of mutation in my son hand and was heading to Tehsil Revenue Office Peshawar for getting signature of the Tehsildar on the mutations is totally wrong and not based on facts rather the same is clearly showing malafide on the part of Assistant Commissioner Peshawar.

Respected Sir I am a patient of back ache/Sciatica and due to that reason my son who is highly educated person (MBA Degree) has helping me in driving as well as my unofficial work i.e. by helping me in holding the mutation register and other revenue record. That on the mentioned date the Assistant Commissioner Peshawar without any reason and clear justification straight away asked from my son namely Shakeel Ahmad that whether he is helping me as munshi or otherwise.

That in response of that allegation my son have told him (to the Assistant Commissioner) that he is not a munshi but the real son of mine and due to illness he is helping his father i.e. me in the unofficial work i.e. in driving and other unofficial work. That later on I also explained in detail about my illness and the real situation. That in spite of my justification to the said allegation the Assistant Commissioner prepare complaint against me before your good self. That without fact finding inquiry in the matter I was straight away suspended from my service.

That I am the most experienced and efficient patwari of District Peshawar and I had never done such like act and omission during my entire service. That my commitment to my work is crystal clear

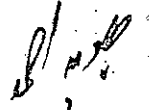
ATTESTED



before your good self. That the allegation which is leveled against me is false and baseless, therefore I may very kindly be exonerated from the said charge/allegation.

It is therefore most humbly prayed that on acceptance of this reply to the show cause notice the inquiry initiated against me very kindly be set aside and I may be exonerated from the charge which is leveled against me. Any other relief which your good self deems fit that may also be awarded in favor of me.

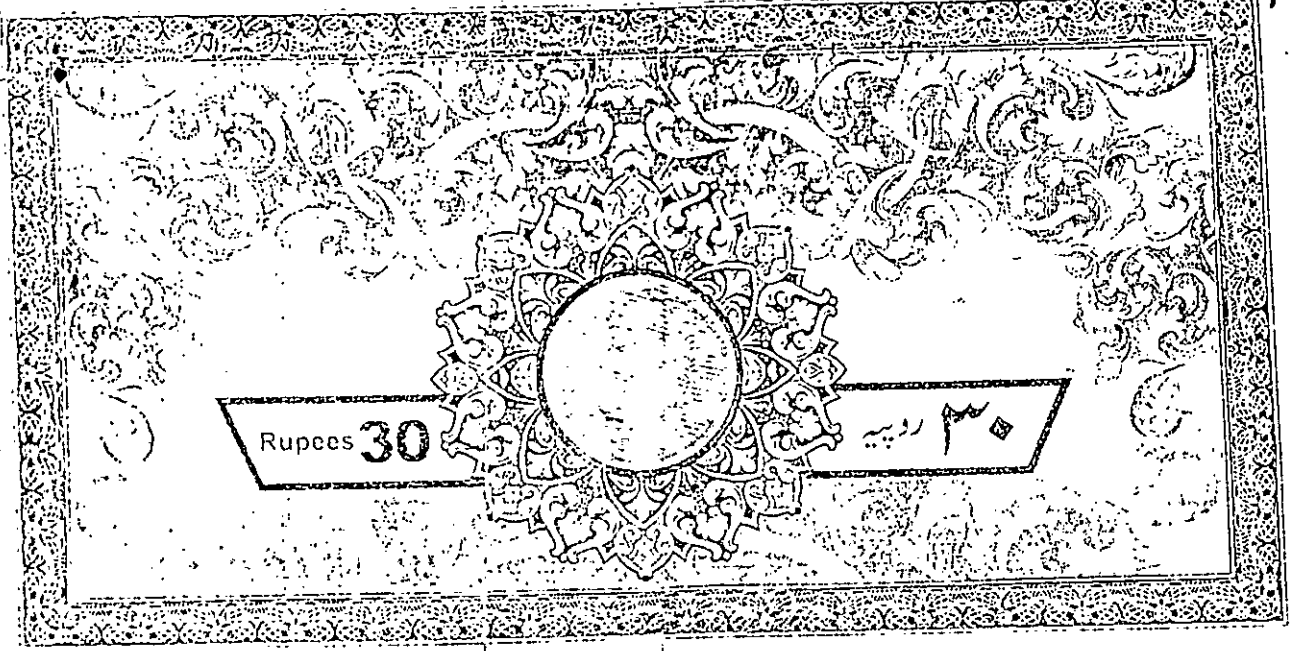
Dated:4.6.2014



Javed Ahmed
Patwari halqa Chamkani

ATTESTED





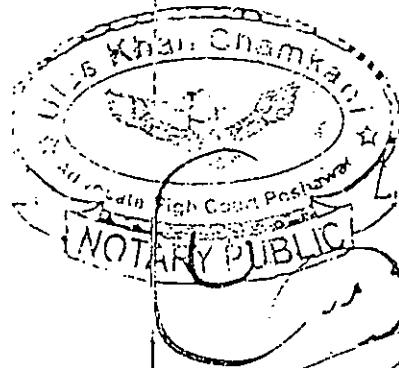
بیان حلفی حلقہ پٹواری چمکنی پشاور

منکہ سہی جاوید احمد دلگل محمد خان سکند نیامی، تحصیل دضلع پشاور کا ہوں۔ میں حلقہ پٹواری چمکنی حلفاً بیان کرتا ہوں کہ میں حلقہ چمکنی کا پٹواری ہوں۔ اور من مقرر تحصیل پشاور کا ایک سینیئر اور تجربہ کار پٹواری ہوں۔ من مقرر بمورخہ 20-01-2014 کو میں دلہ زاک روڈ پر اپنے پٹواری خانے میں بعد اپنے حقیقی بیٹے سہی شکیل خان دلہ جاوید احمد موجود تھا۔ میں نے ایسی ایام میں اپریشن کیا تھا۔ اور اپریشن کی وجہ سے بدنی کمزوری اور بیماری بھی لاحق تھی۔ جسکی وجہ سے من مقرر اپنا تمام ریکارڈ وغیرہ اٹھانا اور ایک جگہ سے دوسرے جگہ لیے جانا مشکل تھا۔ اس مقصد کے لئے من مقرر نے اپنے بیٹے سہی شکیل جو کہ ایک اعلیٰ تعلیم یافتہ (MBA) ہے کو اپنا دیکھ بھال اور بطور مددگار روڈ رانیور رکھا تھا۔ من مقرر مذکورہ بھی حلفاً بیان کرتا ہوں کہ نہ میرے ساتھ کوئی منشی ہے اور نہ ہی میں نے کوئی منشی رکھا ہوا ہے۔ اور نہ ہی میرا بیٹا میرے ساتھ کوئی منشی کا کام کرتا ہے بلکہ میں اپنا کام خود کرتا رہتا ہوں۔

لہذا مذکورہ بالا بیان حقیقت پر مبنی ہے اور کوئی امر منخی نہیں رکھا ہے اور نہ ہی کسی قسم کی غلط بیانی کی ہے یہ بیان حلفی سنداً تحریر ہے۔ تاکہ

عند الحاجت کام آسکے۔ المرقوم 21-05-2014

ATTESTED



21/5/14

ATTESTED

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دستخط جاوید احمد

سہی جاوید احمد دلگل محمد خان سکند نیامی، تحصیل دضلع پشاور

قومی شناختی کارڈ نمبر 5-1490919-17301

BEFORE THE HONORABLE COMMISSIONER, PESHAWAR
DIVISION, PESHAWAR.

Departmental Appeal No. _____/2014

Mr. Javed Ahmad, Patwari (BPS-09),
Patwar Halqa Chamkani, District Peshawar.

..... Appellant

VERSUS

The Deputy Commissioner, District Peshawar.

..... Respondent

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER
DATED 04-08-2014 WHEREBY THE APPELLANT HAS BEEN
DISMISSED FROM SERVICE WITHOUT CONDUCTING
REGULAR INQUIRY IN THE MATTER AND WITHOUT ANY
JUSTIFICATION

PRAYER:

That on acceptance of this Departmental appeal the impugned order dated 04-08-2014 may very kindly be set aside and the appellant may be re-instated with all back benefits. Any other remedy which your good self deems fit may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1. That appellant is the employee of Revenue Department and has served the respondent Department as Patwari (BPS-09) for more than 25 years quite efficiently and up to the entire satisfaction of his superiors. Copy of the service book is attached as annexure A.
2. That appellant while serving as patwari in the respondent Department at patwar halqa Chamkani, a charge sheet and statement of allegations were served on the appellant in which it was alleged that the son of appellant Mr. Shakeel Ahmad was caught red handed while holding the register of Motation in his hands and was heading to Tehsil Revenue Office Peshawar for getting the signature of Tehsildar on Motation. Copies of charge sheet and statement of allegations is attached as annexure B.

ATTESTED



- 3. That in response to the said charge sheet and statement of allegations the appellant submitted his detailed reply and denied all the allegations which were leveled against the appellant. That appellant further replied that his son Mr. Shakeel Ahmad is highly educated person and having the degree of Master in Business Administration (MBA) and due to illness of appellant (Operated for Sciatica twice) his son helped the appellant in the un official work that is driving and holding of any type of weight. Copy of the reply and Medical Prescriptions are attached as annexure **C & D.**
- 4. That vide dated 02-06-2014 a show cause Notice was served on the appellant which was also replied by appellant in detail. More over the appellant also submitted an affidavit in this regard. Copies of the Show cause Notice Notice, reply and Affidavit are attached as annexure **E, F & G.**
- 5. That inspite of providing documentary proof and justification the respondent issued the impugned order dated 04-08-2014 due to which the appellant has been Dismissed from service. Copy of the impugned order is attached as annexure **H.**
- 6. That feeling aggrieved and having no other remedy the appellant filed this Departmental appeal on the following grounds amongst others.

GROUND:

- A. That the impugned order dated 04-08-2014 issued by the respondent is against the law, facts, norms of natural justice and materials on record , therefore not tenable and liable to be set aside.
- B. That the appellant has not been treated in accordance with law and rules on the subject noted above and as such the revenue Department violated Article 4 and 25 of the constitution of Pakistan 1973.
- C. That no final show cause Notice has been served on the appellant before issuing the impugned order dated 04-08-2014.
- D. That no regular inquiry has been conducted in the matter before issuing the impugned order dated 04-08-2014 which is as per Supreme Court judgment is must in punitive action against the civil servant.

ATTESTED

[Handwritten signature]

- E. That no chance of personal hearing /defense has been given to the appellant which is mandatory under amended E&D Rues 2011.
- F. That the inquiry which is conducted by the respondent was dubious and void ab initio on account of Mr. Sardar Asad Haroon Assistant Commissioner Peshawar who was actually complainant in the instant case.
- G. That inspite of providing documentary proofs and justification, the respondent acted in arbitrary and malafidy manner by issuing the impugned order dated 04-08-2014.
- H. 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 very kindly be accepted as prayed for.

APPELLANT

J.A.H.
JAVED AHMAD

THROUGH:
N.M.K.
NOOR MUHAMMAD KHATTAK
ADVOCATE

ATTESTED

[Signature]

1 (D)

BEFORE THE COMMISSIONER, PESHAWAR.

J-35

Departmental Appeal.

Javed Ahmad, Patwari Halqa Chamkani Peshawar.....(Appellant)

Versus

Deputy Commissioner, Peshawar.....(Respondent)

PARAWISE COMMENTS ON BEHALF OF RESPONDENT.

Preliminary Objections.

1. That the appellant in the instant case has no locus standi or cause of action to institute present appeal.
2. That the appellant has not come to this honorable Court with clean hands.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable.


OBJECTION ON FACTS.

1. It is correct to the extent that the appellant was an employee and served as Patwari (BPS-09).
2. Correct upto the reply of the appellant but his son was caught red handed while he was taking the register of mutations along-with buyers/sellers in a motor car for taking signature of the Revenue Officer which is against the rules/policy as well as special initiatives of the present Govt. The Patwari was sitting in his Patwar Khana and his son who used to work as his front-man was caught red handed in possession of Register Intiqalat.
3. Incorrect as explained in Para-2 above.
4. Correct
5. Incorrect.
6. Incorrect. The action was taken against the appellant who was dismissed from service on the recommendation and findings of both the preliminary as well as detail enquiry reports.
7. Incorrect.
8. No Comments

GROUNDS.

- A. Incorrect. The appellant's son was caught red handed by the enquiry officer while he was taking register of mutation to the Revenue Officer for getting his signature in violation of Land Revenue Act and Initiatives of Board of Revenue Khyber Pakhtankhwa. The Proceedings against the official has been adopted in consonance with E&D Rules 2011.
- B. Incorrect. As explained in Para-A above.
- C. Incorrect. Final Show Cause Notice has been served upon the accused official.
- D. Incorrect. Both enquiries i.e. Preliminary and Detailed has been conducted in the matter under E&D Rules 2011.
- E. Incorrect. Chance of personal hearing has been given to the accused official.
- F. Incorrect.
- G. No comments.

It is prayed that instant appeal of the appellant may please be dismissed and filed.


Deputy Commissioner,
Peshawar
(Respondent)

ATTESTED




K - 36

**COURT OF
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

APPEAL NO: SI /2014

DATE OF INSTITUTION: 06.08.2014

DATE OF DECISION: 10.09.2014

Javed Ahmad, Patwari(BPS-09) Ex-Patwar Halqa Chamkani District Peshawar
.....(Appellant)

VERSUS

Deputy Commissioner Peshawar.....(Respondent)

ORDER

This order will dispose off the instant departmental appeal filed by the above named appellant against the Deputy Commissioner Peshawar order bearing No. 8567-73/DC(P)/EA dated 04.08.2014, whereby he was awarded major penalty of dismissal from service under section-4(b)(iv) read with section-14(5)(ii) of Govt: of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.

Facts of the case are that Mr. Asad Haroon, Assistant Commissioner Peshawar conducted a surprise visit of Patwar Khana Chamkani and found that the appellant has kept his son namely Shakil Khan as Munshi in Patwar Khana and caught him red handed, holding register of mutations in his hand and was leaving to Tehsil office for getting signatures of the Tehsildar on mutations. The Deputy Commissioner Peshawar (Respondent) vide order No.773-79/DC(P)/DK dated 20.01.2014 suspended the appellant from service.

The Deputy Commissioner Peshawar/Competent Authority constituted an enquiry committee under (Efficiency & Disciplinary) Rules-2011 comprising Mr. Sardar Asad Haroon, Assistant Commissioner Peshawar and Mr. Mahmood Ahmad Additional Assistant Commissioner Peshawar to record findings and submit report with recommendation within 30 days. The Enquiry Committee found the appellant guilty of the charges leveled against him and recommended for awarding major penalty of "dismissal from service under section-4(b)(iv) of the Government of Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules-2011.

Based on the recommendations of the Inquiry Officer, the Deputy Commissioner Peshawar/competent authority imposed a major penalty of "dismissal from service" upon him under section-4(b)(iv) read with section-14(5)(ii) of Govt: of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.

Aggrieved of the order of Deputy Commissioner Peshawar the appellant filed the instant appeal.

Appellant and Representative of DC Peshawar present and heard. Comments received from Deputy Commissioner Peshawar also examined. Perusal of the record reveals that charges against the appellant regarding keeping his son as Munshi holding valuable public record and going to Tehsil Office for getting signature of Tehsildar on mutation have been proved.

Keeping in view the above facts, I see no reasons to interfere in the impugned order of the Deputy Commissioner Peshawar dated 04.08.2014 which is thus upheld. The appeal in hand stands rejected. File to GRR.

ATTESTED

COMMISSIONER
PESHAWAR DIVISION PESHAWAR.

ANNOUNCED
10.09.2014

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar
OF 2014

Javed Ahmad (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of KPK (RESPONDENT)
(DEFENDANT)

I/We Javed Ahmad
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. ____/____/2014

Javed Ahmad
CLIENT

Noor Mohammad Khattak
ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

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

Phone: 091-2211391

Mobile No.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1165 /2014

JAVED AHMED

VS

REVENUE DEPTT:

APPLICATION FOR EARLY HEARING OF
THE ABOVE MENTIONED APPEAL

R.SHEWETH:

- 1- That the above mentioned appeal is pending adjudication before this august Tribunal in which 1/12/2014 date is fixed for hearing.
- 2- That in the above mentioned appeal the appellant challenged the impugned order dated 10.9.2014 due to which the respondents dismissed the appellant from service.
- 3- That the interest of justice demands that such like matters should be heard as early as possible to meet the ends of justice and also to meet the principles of access to justice.

It is therefore most humbly prayed that on acceptance of this application the appeal of the appellant may be heard on an early date to meet the ends of justice.

Allowed for
13-11-2014.

14/10



APPELLANT

THROUGH:



NOOR MOHAMMAD KHATTAK
ADEVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1165/2014.

Mr. Javed Ahmad Ex-Patwari halqa Chamkani District Peshawar.

VERSUS

Senior Member, Board of Revenue, Khyber Pakhtunkhwa and others.

COMMENTS ON BEHALF OF RESPONDENTS NO.2.

Respectfully Sheweth,

Preliminary objection.

1. The appeal is not competent in its present form.
2. That appellant has got no cause of action.
3. That appeal is bad due to mis-joinder/ non-joinder of necessary parties.
4. That appellant is estopped by his own conduct.
5. That appellant has not come to the Tribunal with clean hands.

ON FACTS.

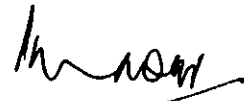
1. Pertains to record of the office of Deputy Commissioner, Peshawar.
2. Pertains to respondent No.4.
3. Incorrect. That during the inspection of Patwarkhana by Assistant Commissioner Peshawar, Mr. Shakeel Ahmad son of the appellant was caught red handed holding the register of mutation in his hand and was heading to Tehsil Revenue Office for getting signatures of the Tehsildar on the mutations, which is clear violation of the Land Revenue Act as well as instructions issued by the Board of Revenue under the initiatives that no patwari shall keep private Clerk/Munshi, in case of failure, action under Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 shall be initiated against the concerned patwari.
4. Incorrect. The appellant was served with show cause notice on the basis of strong founded allegations.

5. Incorrect. The allegations were proved against the appellant.
6. Incorrect. The appeal of the appellant is not maintainable.

GROUNDS.

- A. Incorrect. The appellant has been treated in accordance with law.
- B. Incorrect. The appellant has been treated in accordance with law.
- C. Incorrect. All the proceedings has been carried out under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011. The appellant was served with show cause notice after conducting proper enquiry
- D. Incorrect. The punishment awarded to the appellant was based on the recommendations of Enquiry Officer.
- E. Incorrect. The appellant has been given proper opportunity of hearing.
- F. Incorrect. Enquiry has been conducted under the relevant law.
- G. Incorrect. The charges leveled against the appellant were proved.
- H. That the respondent also seek permission to raise additional grounds and proof at the time of arguments.

The appeal having no legal footings may be dismissed with costs.



Respondent No.2

reported in PLD 1990 SC 692, where delay was not condoned. We find that no case is made out to condone the delay on the basis of pending of criminal case or decision when the allegation against the appellant is of very serious nature and he was found in the possession of two transformers for which the learned counsel has not given plausible reason. The criminal proceedings being independent nature and this cannot be a ground for condoning delay, we see that no case for condonation of delay is made out and there is no permission for second appeal.

5. Without considering the merits, we reject the condonation application. Consequently, the appeal is dismissed as being time-barred.

H.B.T./957/Sr.F

Appeal dismissed.

1994 P L C (C.S.) 1524

[Service Tribunal Punjab]

Present: Akhtar Hassan, Chairman, Abdul Hamid Khan and
Safdar Hussain Shah Jafri, Members

KHALID SIDDIQUE

versus

THE SECRETARY TO GOVERNMENT OF THE PUNJAB,
EXCISE AND TAXATION DEPARTMENT, LAHORE and 2 others

Appeal No. 510 of 1992, decided on 19th February, 1994.

Civil service---

---Imposition of penalty---Validity---Civil servant who was Excise and Taxation Officer, was proceeded against departmentally on allegation that he afforded opportunity to a party of evading Government revenue---On conclusion of proceedings, minor penalty of stoppage of two annual increments was imposed on civil servant by order of Director-General and departmental appeal against such order of Director-General was also rejected by Secretary to Government---Complaint against civil servant was lodged with Secretary by Director-General after himself conducting enquiry against civil servant---
✓ Director-General who himself was complainant in case of civil servant, could not be appointed as Authorised Officer to conduct enquiry against civil servant, even if he had been notified as such under Delegation of Powers Rules of Department---Proper course for Authority in such case was to appoint some other officer senior in rank to civil servant to conduct proceedings so as to avoid prejudice to him---Order imposing minor penalty, incompetently passed, was set aside and case remanded to Authority to conduct proceedings de novo according to law. [p. 1527] A

Khalid Siddique v. Secretary to Govt. of the Pb. 1525
Excise and Taxation Deptt. (Abdul Hamid Khan, Member)

1992 PLC (C.S.) 1000; 1993 CLC 81 and PLD 1960 SC 1964 ref.

Appellant in person.

Malik Abdul Haq, District Attorney for Respondents.

Date of hearing: 20th December, 1993.

JUDGMENT

ABDUL HAMID KHAN (MEMBER).---The appellant, Khalid Siddique, Excise and Taxation Officer was proceeded against departmentally on the following charges:--

- (1) You connived with the management of New Alam Lohar Lucky Drama Party and allowed them to operate without realisation of Entertainment Duty at Mela Khichiwala, District Bahawalnagar on 17-9-1989. Due to your culpable indolence, the management of the Drama Party had admitted 6,500 spectators at the rate of Rs.10 each without issuance of duty paid admission tickets. Thus, management because of your active connivance had evaded entertainment duty to the tune of Rs.32,500 which was detected by the Headquarter staff and subsequently recovered from the management concerned.
 - (2) That you also had failed to get the prescribed registers in Form ED-3 and 4 duly maintained by the management of New Alam Lohar Lucky Drama Party and also did not care to inform the Directorate of Excise and Taxation, Bahawalpur about functioning of the concerned entertainment in the annual Mela. In addition you did not make any reference to the Director, Excise and Taxation, Bahawalpur for fixing of entertainment duty in respect of the aforesaid item of entertainment if it was to be allowed to pay entertainment duty in cash otherwise then by sale of stamps.
 - (3) You also unauthorisedly recovered from the management concerned an amount of Rs.4,500 as entertainment duty in cash alongwith an amount of Rs.500 as penalty for the Show held by them on 16-9-1989. Thus by receiving the consolidated amount of entertainment duty, you flayed all norms of official discipline and also took upon yourself to exercise the powers which never were invested with you. Even otherwise, the meagre amounts of entertainment duty viz. Rs.4,500 and Rs.3,000 as recovered by you for the respective days of 16-9-1989 and 18-9-1989 were disproportionately low on comparative grounds and leads to irresistible conclusion that much larger amounts of entertainment duty were recovered by you but lesser amounts were deposited into the Government Treasury.
2. On the conclusion of the proceedings the minor penalty of stoppage of two annual increments was imposed on him vide order dated 26-12-1991 of

Complainant
For Appellant
Javed Akhtar

**OFFICE OF THE ADDITIONAL ASSISTANT COMMISSIONER-VII,
PESHAWAR.**

No. 2817 IAAC-VII/DC

Dated 24/03-2014

INQUIRY AGAINST MR. JAVED AHMAD, PH CHAMKANI FOR KEEPING HIS SON AS MUNSHI.

Mr. Javed Ahmed, patwari halqa Chamkani was suspended from service vide office order bearing No.773-79/DC(P)/DK dated 20-01-2014 and directed to report to DK's office for keeping his son as munshi in the patwar khana which is clear violation of standing instructions on the subject. The undersigned has been appointed as inquiry officer for conducting inquiry and submission of report.

The Assistant Commissioner, Peshawar conducted a surprise raid on patwar khana Chamkani and found that Mr. Javed Ahmed has kept his son as munshi in the patwari khana. His son working as munshi was caught red handed while holding the Register of Mutation in his hand. It was further noted that his son was heading to Tehsil Revenue Office for getting signatures of Tehsildar on mutations. This act of the accused patwari Mr. Javed Ahmed is clear violation of Land Revenue Act and instructions issued by the Board of Revenue, Khyber Pakhtunkhwa under the Special Initiatives.

In order to give the opportunity of defence, the accused official was summoned. He was heard in person and his written statement recorded to this effect.

The accused patwari has contended in his written statement that he has undergone surgery and is extremely ill. He has further contended that his son namely Shakeel Khan is not working in the patwar khana as munshi. His son shakeel khan is a master degree holder and due to his illness his son provides him with pick and drop facility.

The explanation offered by Mr. Javed Ahmed, patwari halqa Chamkani is correct only to the extent that he suffers from some illness and Mr. Shakeel Khan is his son. Furthermore, no one can object if his son provides him with pick and drop facility to the patwar khana. However, no law allows him or his son to provide assistance in the disposal of official/revenue business. His son, Shakeel Khan was caught red handed while holding Register Intiqalat in his hand and was heading to Tehsil Office to get signatures of Tehsildar on mutations. The accused patwari has failed to offer any explanation for this fact. Thus it is proved, that the accused patwari Mr. Javed Ahmed, has kept his son as munshi who works with him in the patwar khana which is not only violation of Land Revenue Act and instructions of Board of Revenue but also speaks volume of his disobedience, indifference to the rules and instructions and to be guilty of misconduct and liable him for disciplinary action.

In light of the above facts, it is recommended that he may be awarded major punishment/penalty under Govt Servant (Efficiency & Discipline) Rules, 2011.

(MUHAMMAD FAWAD)
ADDL:ASSTT COMMISSIONER-VIII
INQUIRY OFFICE.

INQUIRY COMMITTEE REPORT AGAINST PATWARI JAVED AHMAD.

During a surprise visit/raid conducted by the Assistant Commissioner Peshawar of Patwar Khana Chamkani, Mr. Javed Ahmad Patwari of the said Halqa was found keeping his son as Munshi who was caught red handed while having register Intiqalat in his possession who was heading to get signed/thumb impression, upon mutation in Tehsil from Tehsildar. This act was clear violation of the land revenue act and instructions passed by the Board of Revenue. Hence the said Patwari namely Javed Ahmed was suspended from Service vide Office Order No.773-79/DC(P)/DK dated 20-1-2014.

Mr. Muhammad Fawad Additional Assistant Commissioner-vii was appointed as Inquiry Officer, who conducted enquiry and submitted his report No. 2817/AAC (VII)/DC, dated 24-3-2014 wherein it has been recommended that the Patwari Javed Ahmad be awarded major punishment/penalty under the Government Servants (E&D) rules 2011.

The Deputy Commissioner, Peshawar vide letter No.4640/DC(P)/EA, dated 30-4-2014 appointed an Inquiry Committee consisting of Mr. Sardar Asad Haroon the Assistant Commissioner Peshawar and Mr. Mehmood Ahmad Additional Assistant Commissioner-vi Peshawar to scrutinize the conduct of the aforesaid accused official viz-a-viz the statement of allegations.

The accused patwari was summoned, who appeared before the Inquiry Committee and submitted his written reply and in response to the Charge Sheet and statement of allegations leveled against him. He was also heard in person. In his said reply the accused Patwari ^{has} contended that he ^{is} has a patient of backache etc and due to this reason his son being well educated is helping him in driving and other unofficial work i.e. like helping him in holding mutation register and other revenue record. However the accused patwari has not been given any other rational explanation to this effect to be relied upon.

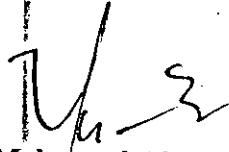
(Cont. p(2))

The Inquiry Officer Mr. Muhammad Fawad has thoroughly conducted the initial inquiry which is self explanatory and lucid. In the circumstances the allegations leveled against the said Patwari has been proved to be correct.

It is therefore, recommended that the said Patwari should be proceeded against the disciplinary action under the Government Servant (Efficiency and Disciplinary) rules 2011 as already been recommended by the Inquiry Officer Mr. Muhammad Fawad.



(Sardar Asad Haroon)
Assistant Commissioner Peshawar.



(Mehmood Ahmad)
Additional Assistant Commissioner-vi

SHOW CAUSE NOTICE


I, S. Zaheer-ul-Islam, Deputy Commissioner Peshawar, as competent authority, under the Khyber Pakhtunkhwa Govt. Servants Efficiency and Discipline Rules 2011, do hereby serve you, Javed Ahmad, Patwari Halqa Chamkani (under suspension), as follows:

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

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

- (a) That during inspection of Patwar Khana by Assistant Commissioner Peshawar, Mr. Shakeel Ahmad your son was caught red handed while holding the register of mutation in his hand and was heading to Tehsil Revenue Office for getting signature of the Tehsildar on the mutations, which is clear violation of the Land Revenue Act as well as instructions issued by the Board of Revenue under the Special Initiatives.
 - (b) You were suspended vide this office order No.773-79/DC(P)/DK dated 20/01/2014 and a preliminary inquiry was ordered against you and Mr.Fawad Khan AAC-VII Peshawar was appointed as Inquiry Officer.
 - (c) That the Inquiry Officer AAC-VII Peshawar in his report recommended that you were keeping your son as Munshi who works with you in the Patwar Khana which is not only violation of Land Revenue Act but also violation of the instructions issued by the Board of Revenue from time to time and tentamounts towards disobedience, indifference to the rules and instructions.
 - (d) That Inquiry Officer concerned has recommended for imposing major penalty under E&D Rules 2011.
 - (e) That an inquiry committee comprising of M/s Sardar Asad Haroon AC Peshawar and Mahmood Ahmad AAC-VI Peshawar was constituted to thoroughly investigate the matter.
 - (f) The Inquiry Committee in its report also recommended for imposing a major penalty under E & D Rules 2011.
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you Major Penalty of Dismissal from service under section-4 of the said Rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within fifteen days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case an exparte action shall be taken against you.
5. The copy of the findings of the Inquiry Committee is enclosed.

U.O.No. 6203/DC (P)/EA.
Dated 02/06/2014.


Deputy Commissioner
Peshawar
(Competent Authority)

TO

**The Honorable Deputy Commissioner,
Peshawar.**

**Subject: Reply to the show cause notice served on me
by your good self vide dated 2.6.2014**

R/Sir,

It is most humbly stated that the allegation which has been leveled against me in the show cause notice is totally wrong and baseless and I had never done such like acts and omission during my entire service. Sir I have served the Revenue Department as Patwari for more than twenty seven years quite efficiently and up to the entire satisfaction of my superiors.

That so far as the allegation is concerned, that my son Shakeel Ahmad was caught red handed by the Assistant Commissioner Peshawar while holding the register of mutation in my son hand and was heading to Tehsil Revenue Office Peshawar for getting signature of the Tehsildar on the motations is totally wrong and not based on facts rather the same is clearly showing malafide on the part of Assistant Commissioner Peshawar.

Respected Sir I am a patient of back ache/Sciatica and due to that reason my son who is highly educated person (MBA Degree) has helping me in driving as well as my unofficial work i.e. by helping me in holding the mutation register and other revenue record. That on the mentioned date the Assistant Commissioner Peshawar without any reason and clear justification straight away asked from my son namely Shakeel Ahmad that whether he is helping me as munshi or otherwise.


That in response of that allegation my son have told him (to the Assistant Commissioner) that he is not a munshi but the real son of mine and due to illness he is helping his father i.e. me in the unofficial work i.e. in driving and other unofficial work. That later on I also explained in detail about my illness and the real situation. That in spite of my justification to the said allegation the Assistant Commissioner prepare complaint against me before your good self. That without fact finding inquiry in the matter I was straight away suspended from my service.

That I am the most experienced and efficient patwari of District Peshawar and I had never done such like act and omission during my entire service. That my commitment to my work is crystal clear

before your good self. That the allegation which is leveled against me is false and baseless, therefore I may very kindly be exonerated from the said charge/allegation.

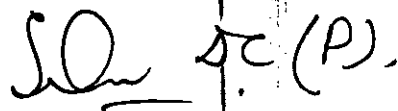
It is therefore most humbly prayed that on acceptance of this reply to the show cause notice the inquiry initiated against me very kindly be set aside and I may be exonerated from the charge which is leveled against me. Any other relief which your good self deems fit that may also be awarded in favor of me.

Dated:4.6.2014


Javed Ahmed
Patwari halqa Chamkani

Heard in person
On 6.6.2014.
Place on file.

EA


6/6/14

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1165/2014

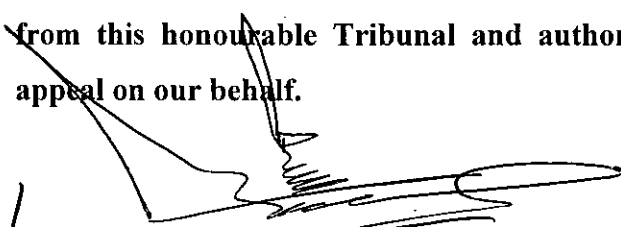
Javed Ahmad, Ex-Patwari (BPS-09) Halqa Chamkani, Peshawar(Appellant)

VERSUS

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa
3. The Commissioner Peshawar Division Peshawar
4. The Deputy Commissioner, Peshawar(Respondents)

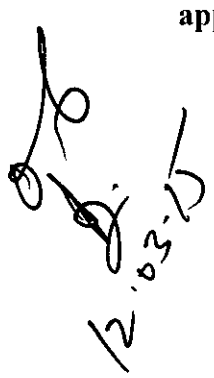
AFFIDAVIT

We, Respondents No. 1 to 4 do hereby solemnly affirm and declare on oath that the contents accompanying Para-wise comments submitted are true and correct to the best of our knowledge and belief and that nothing has been concealed from this honourable Tribunal and authorize Govt. Pleader to defend the instant appeal on our behalf.


Deputy Commissioner
Peshawar
(Respondent No.4)


Commissioner
Peshawar Division, Peshawar
(Respondent No.3)

Senior Member Board of Revenue,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.2)


12.03.15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No.1165/2014

Javed Ahmad, Ex-Patwari (BPS-09) Halqa Chamkani, Peshawar(Appellant)

VERSUS

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa
3. The Commissioner Peshawar Division Peshawar
4. The Deputy Commissioner, Peshawar(Respondents)

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.3 TO 4

Respectfully Sheweth,

Preliminary Objections.

1. That the appellant in the instant case has no locus standi or cause of action to institute present appeal.
2. That the appellant has not come to this honourable Tribunal with clean hands.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in the present form.
5. That the instant appeal is barred by law.

OBJECTION ON FACTS.

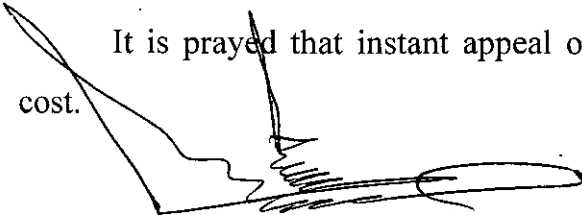
1. Correct to the extent that the appellant was an employee of Revenue Department.
2. Correct. Assistant Commissioner Peshawar on a surprise visit to the Patwar Khana of the appellant, son of the appellant Mr. Shakeel Ahmad was caught red handed while holding the register of mutations in his hand and was leading to Tehsil Revenue Office, Peshawar, which is clear cut violation of the Rules/Policy. Upon enquiry, he was found guilty hence charge sheeted.
3. Correct to the extent that reply to the Charge Sheet was submitted to the Enquiry Committee, which after thorough enquiry recommended that appellant should be proceeded against under the disciplinary action under Govt. Servant E&D Rules 2011 as already recommended by the enquiry officer in the preliminary enquiry (Copy of the enquiry reports are Annexed A & B).
4. Correct to the extent that the show cause notice was served upon the appellant who submitted the reply (C).
5. The dismissal order dated 04/08/2014 was issued after conducting proper enquiry under E&D Rules 2011 which recommended major penalty.
6. The appeal of the appellant was rejected by Respondent No.3 on the ground that charges against the appellant were proved.




GROUNDS

- A. Incorrect. Both the orders dated 29/08/2014 and 04/08/2014 are according to the Law/Rules and not violated any Law/Rules.
- B. Incorrect. The appellant was treated in accordance with Law/Rules and did not violate the Constitution of Pakistan.
- C. Incorrect. Before issuing the order dated 04/08/2014 all the procedures were adopted under E&D Rules 2011.
- D. Incorrect. Upon a preliminary enquiry, a proper enquiry committee was constituted under E&D Rules 2011 which has recommended major penalty for the appellant.
- E. Incorrect. A chance for personal hearing/defence has been given to the appellant.
- F. After preliminary enquiry conducted by AAC-VII Peshawar, a regular enquiry committee was constituted which also endorsed the recommendation of preliminary enquiry officer i.e. imposition of major penalty.
- G. Incorrect. The competent authority was not satisfied of the reply submitted by the appellant and honoured the Rules. The penalty was imposed under E&D Rules 2011.
- H. The appellant has got no cause of action to file the instant appeal.

It is prayed that instant appeal of the appellant may please be dismissed with cost.


Deputy Commissioner
Peshawar
(Respondent No.4)


Commissioner
Peshawar Division, Peshawar
(Respondent No.3)

Senior Member Board of Revenue,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.2)