

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO. 1412/2014

Date of institution ... 28.11.2014

Date of judgment ... 25.05.2016

Saced Khan, Ex-Patwari, Patwar Halqa Muhabatabad and
Behram Khan Kallay Mardan.

... (Appellant)

VERSUS

1. Commissioner Mardan Division Mardan.
2. Deputy Commissioner Mardan.
3. Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF E & D RULES 2011 AGAINST THE ORDER
DATED 29.10.2014 PASSED BY RESPONDENT NO. 1 WHEREBY
DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE
ORDER DATED 22.07.2014 OF RESPONDENT NO. 2 WHEREBY THE
APPELLANT WAS REMOVED FROM SERVICE WITH IMMEDIATE
EFFECTS, HAS BEEN DISMISSED.

Mr. Rizwanullah, Advocate.

.. For appellant.

Mr. Usman Ghani, Senior Government Pleader.

.. For respondents.

MR. PIR BAKHSH SHAH

.. MEMBER (JUDICIAL)

MR. ABDUL LATIF

.. MEMBER (EXECUTIVE)

JUDGMENT

PIR BAKHSH SHAH MEMBER:-

At the relevant time appellant was Patwar:

Halqa Muhabatabad and Behram Khan Kallay, Mardan who was proceeded against under
Efficiency and Disciplinary Rules, 2011 on the following charges :-

- (i) Whereas an application of Mirza Khan petitioner/complainant was
pending before the court for partition wherein the court ordered to Saced Khan
Patwari to prepare and submit Naqsha Bey & Jeem on 25.04.2013 fixed in the
case but allegedly the same were not submitted on the date fixed.

(ii) Whereas Mirza Khan visited Patwar Khana Mohabat Abad for preparation of the said Naqsha Jat and you Saeed Khan Patwari allegedly demanded transfer of 25 marlas of land in lieu of preparation of the said Naqsha Jat. When your said option was not accepted you Saeed Khan Patwari Halqa Mohabat Abad/accused official demanded Rs. 5,00,000/- then Rs. 3,00,000/- and at the last Rs. 100000/- and allegedly threatened him that in case of complaint or nonpayment, you will allot the land somewhere else against the land in his possession to involve him in lengthy litigations.

(iii) Whereas you Saeed Khan Patwari Halqa Mohabat Abad/accused official allegedly received illegal gratification of Rs. 60,000/- and the remaining amount of Rs. 40,000/- was promised to be paid when the Naqsha Jat are submitted to the court.

(iv) Despite receipt of said illegal gratification you Saeed Khan Patwari Halqa Mohabat Abad did not submit the requisite documents before the court and case is still pending without any progress.

(v) Whereas you said acts are against the rules and comes within the meaning of corruption, inefficiency & misconduct as laid down in section (g) (i), (i) and k (i) of the Government of Khyber Pakhtunkhwa (E & D) Rules 2011 for which you are liable to be proceeded against under the rules ibid.

2. Regular inquiry in the case was conducted by Assistant Commissioner Mardan who vide his report dated 02.07.2014 found the appellant guilty and recommended him for imposition of major penalty. After a final show-cause notice the appellant was removed from service vide impugned order dated 22.07.2014 and his departmental appeal was also rejected by the appellate authority vide his order dated 29.10.2014 hence this appeal under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

3. Relevant facts of the case can be reproduced from order dated 29.10.2014 of the Commissioner Mardan Division as follow:-

“Brief facts of the case are that the appellant was appointed as Patwari on 11.08.2011. Presently, the appellant was posted as Patwari Halqa Muhabat Abad, Tehsil and District

Mardan. In the meanwhile on 14.05.2014, one Mr. Wali-ur-Rehman son of Noor Rehman R/o Baram Khan Kaley filed a complaint against the present appellant before the Deputy Commissioner/District Collector Mardan stating therein that his application for official partition was pending before the revenue court, after observing all the legal formalities, the trail court directed Patwari Halqa to prepare Naqshajat Bey and Jeem but the same were not submitted on date fixed. As such, he visited patwar khana for so many times for the same purpose but in vain. He has further added in the said application that lastly when he visited the Patwar Khana, the present appellant/patwari halqa demanded Rs. 100000/- for preparation of Naqshajat, Rs. 60,000/- were received by patwari halqa on the spot and for the remaining amount it was promised that the same will be paid as and when the relevant Naqshajat will be submitted before the court but despite of payment he was reluctant to prepare and has delayed submission of Naqshajat on one or other pretext due to which the said partition application is still pending without any progress. Hence, the complainant filed the instant complaint before the Deputy Commissioner/District Collector Mardan.

In this regard, preliminary inquiry was conducted and on the basis of which formal inquiry was conducted by the inquiry officer wherein the present appellant failed in bringing any convincing proof in his defence before the inquiry officer and which established his guilt.

After properly inquiring into the matter, the inquiry officer recommended major penalty to be imposed on the appellant. On receiving the report of inquiry officer, the appellant was awarded major punishment of removal from service by the Deputy Commissioner/District Collector Mardan vide the impugned order dated 22.07.2014. Feeling aggrieved thereby, the appellant has assailed the said impugned order before this court through the departmental appeal in hand".

4. Arguments heard and record perused.

5. A careful perusal of the record would show that disciplinary proceedings against the appellant were set into motion on application of one Wali-ur-Rehman and appellant was also found guilty in the facts finding inquiry conducted by A.A.C (R) Mardan. Appellant was duly issued charge-sheet and statement of allegations to which he has replied. Regular inquiry in the case was conducted through Assistant Commissioner Mardan followed by final show-cause

notice to which again the appellant submitted his reply. It is thus evident that full opportunity of defence has been given to the appellant.

6. We have carefully perused the record and have also considered plea of the appellant in defence. This could not be denied as would reveal from record that receiving a sum of Rs. 50000/- was admitted by appellant from Mira Khan. According to the appellant, this sum of Rs. 50000/- was received from Mira Khan on behalf of one Muhammad Saleem who owed a return of overpayment sum made to him by the government. In view of this plea and defence, it is no more material as to whether Rs. 60000/- or Rs. 57000/- was paid by Mira Khan as bribe to the appellant because the appellant has admitted Rs. 50,000/- and has also taken defence plea to justify it. The burden is now on the appellant to prove his contention on record. The record on perusal would show that appellant has failed to prove this contention even in the facts finding inquiry. We may reproduce relevant para from the same as follows:-

“According to the statement of Patwari Halqa, some land owned by Mohammad Saleem, was acquired for Agriculture University, and at the time of payment an amount of Rs. 437,073/- was paid in excess to him, as such he was served with a notice to refund the excess amount, as such, he refunded Rs. 100,000/- in the month of April, while Rs. 50,000/- was refunded on 09.05.2014 and for the rest of the amount he was directed to refund the same at an early possible date. In support of his contention he placed on file photo copies of Affidavit furnished by Mohammad Saleem, and challan through which Rs. 50,000/- refunded by Mohammad Saleem, was deposited in Government Treasury, under the signature of Tehsildar, Mardan, under head G-11215. A careful perusal of Affidavit allegedly furnished by Mohammad Saleem, revealed a sum of Rs. 437,073/- was determined as compensation for the land acquired by the Government and Mohammad Saleem, received the said amount, as such, the question of excess payment and refund therefore does not arise, however, Mohammad Saleem, furnished the Affidavit to this effect that in case of excess payment he will be liable to refund the said amount. Similarly perusal of photo copy of Treasury Challan, through which the amount refunded by Mohammad Saleem as per contention of Patwari Halqa, was deposited in Treasury, revealed that the amount has not been deposited in Treasury”.

7. It is thus evident that plea of the appellant was not proved in the fact finding inquiry. Perusal of the regular inquiry report, would also show that the stance taken by the appellant was also not proved. Relevant portion is reproduced here as follows:-

“From perusal of the above statement/discussion it transpired that the accused patwari neither produced notice of the Tehsildar for recovering the overpayment as narrated by him in his statement nor he is authorized person to make entry in the acquaintance roll as the said acquaintance roll is entrusted by the District Collector to the Tehsildar for disbursement of compensation. The patwari halqa has also failed to produce convincing evidence to rebut the allegation leveled against him. Therefore I am of the view that the amount paid by petitioner in presence of Wali-ur-Rehman was demanded and received by the patwari for preparation of and submission of Naqsha Jaat “Bey & Jeem.” And the record shows that the said plea of the appellant was neither proved nor believed by the appellate authority in which respect I may reproduce the relevant portion from his order as follows:-

“The contention of the appellant that he received the amount in the wake of Revenue Tax Collection, is baseless as the competent authority/Deputy Commissioner Mardan has not directed him to do so and secondly, nothing was outstanding against the complainant Mr. Wali-ur-Rehman under Revenue Tax Collection”.

8. The record reveals that the Impugned orders are comprehensive, with full reason and full opportunity of defence has been given to the appellant. In the stated situation, this Tribunal does not seem legal or factual infirmity in the impugned order for its indulgence. In the circumstances of the case, the penalty also does not seem to be excessive. Resultantly, it is concluded that the instant appeal having no merits is liable to be dismissed. The same is, therefore, dismissed. Parties are, however, left to bear their own costs. File be consigned to the record room.

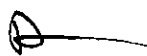
ANNOUNCED
25.05.2016


(ABDUL LATIF)
Member


(PIR BAKHSI SHAH)
Member

21.04.2016

Appellant with counsel (Mr. Rizwanullah, Advocate) and Mr. Usman Ghani, Senior Government Pleader for respondents present. Wakalat Nama on behalf of appellant submitted. Arguments heard. To come up for order on 12-5-16.



MEMBER

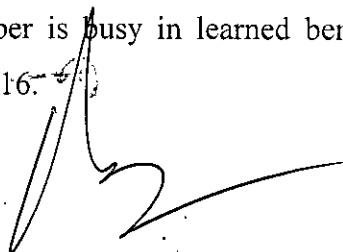


MEMBER

12.05.2016

Appellant in person and Mr. Muhammad Jan, GP for respondents present. Order could not be announced due to learned executive Member is busy in learned bench-1. To come up for order on 25.5.2016.

Member



Member



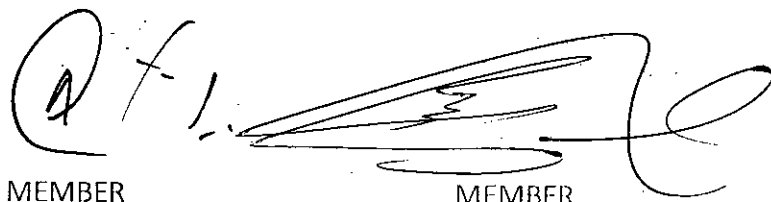
25.05.2016

Appellant with counsel and Mr. Usman Ghani, Senior Government Pleader for respondents present. Arguments heard and record perused. Vide our detailed judgment of today placed on file, this appeal is dismissed. Parties are, however, left to bear their own cost. File be consigned to the record room.



ANNOUNCED
25.05.2016

MEMBER



MEMBER

4

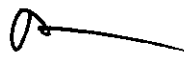
14.05.2015


Appellant in person and Mr. Ali Akbar, AADK alongwith Assistant A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 29.10.2015.


Chairman

29.10.2015

Appellant with counsel and Asst: AG for respondents present. Arguments could not be heard due to shortage of time, therefore the case is adjourned to 19-2-16 for arguments


Member


Member

19.02.2016

Appellant with counsel and Mr.Kabeerullah Khattak, Asstt.A.G for the respondents present. Since the court time is over, therefore, case is adjourned to 21-4-16 for arguments.


MEMBER


MEMBER

2

Reader Note:

21.01.2015

Since 20th January has been declared as public holiday by the provincial government, therefore, case is adjourned to 13.02.2015 for the same.

[Signature]
Reader

13.02.2015

Appellant deposited process fee & security.

Appellant with counsel present. Argued that the appellant was appointed as Patwari in the year 2007. That while serving as Patwari Halqa Muhabat Abad District Mardan, a complaint was lodged by one Mira Khan on 13.5.2014 alleging therein that bribe was accepted by the appellant for preparation of Naqshajat. That on the basis of the said complaint inquiry was conducted and appellant removed from service vide order dated 22.7.2014 against which departmental appeal dated 4.8.2014 was preferred which was rejected on 29.10.2014 and hence the present appeal on 28.11.2014.

That the appellant was punished despite contradictory evidence and that the inquiry was not conducted in accordance with law.



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 for 14.5.2015 before S.B.

[Signature]
Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1412/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17.12.2014	<p>The appeal of Mr. Saeed Khan resubmitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Bench for preliminary hearing to be put up there on</p> <p style="text-align: right;"> CHAIRMAN</p>

The ~~joint~~ appeal of Mr. Saeed Khan Ex-Patwari Halqa Muhabatabad and Behram Khan Kallay Mardan received today i.e. on 28.11.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Law under which appeal is filed is wrong.
- 2- Memorandum of appeal may be got signed by the appellant.
- 3- Copies of enquiry report and final show cause notice mentioned in para-6 of the memo of appeal are not attached with the appeal which may be placed on it.
- 4- Annexure-N is not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal may be attested.
- 6- Affidavit may be got attested by the Oath Commissioner.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1658 /S.T.

Dt. 28/11 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fazal Shah Mohmand Adv. Pesh.

res of
t max

S.H.

Re submitted after necessary
completion


Adv.

16/12/2014.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1419 /2014

Saeed Khan.....Appellant

VERSUS

Commissioner and Others.....Respondents

INDEX

S No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-5
2.	Copy of acquaintance roll & Challan	A & B	6- 8
3.	Copy of Complaint	C	9-
4.	Copy of Preliminary Inquiry Report	D	10-13
5.	Copy of Charge Sheet & Reply	E & F	14-16
6.	Copy of Inquiry report, Show Cause Notice & Reply	G, H & I	17-20
7.	Copy of Order dated 22-07-2014	J	21
8.	Copy of Appeal & Order dated 29-10-2014	K & L	22-28
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11.	Wakalat Nama		41

Dated:-29-11-2014

Through

M Saeed Khan
Appellant

Fazal Shah Mohmand
Fazal Shah Mohmand
Advocate, Peshawar

OFFICE:-

Cantonment Plaza Flat 3/B, Khyber Bazar Peshawar
Cell # 0301 8804841

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1419 /2014

Saeed Khan Ex Patwari, Patwar Halqa Muhabatabad and Behram Khan Kallay, Mardan.....Appellant

VERSUS

1. Commissioner, Mardan Division Mardan.
2. Deputy Commissioner Mardan.
3. Senior Member Board of Revenue KPK Peshawar.

A.W.J. Bhatti
 1397
 28/11/2014

.....Respondents

by Service Tribunal Act/ 2

APPEAL U/S 19 OF E & D RULES 2011 AGAINST THE ORDER DATED 29-10-2014 PASSED BY RESPONDENT NO 1 WHERE BY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE ORDER DATED 22-07-2014 OF RESPONDENT NO 2 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE WITH IMMEDIATE EFFECT, HAS BEEN DISMISSED.

PRAYER:-

On acceptance of this appeal the impugned order dated 29-10-2014 of respondent No 1 and Order dated 22-07-2014 of respondent No 2, may kindly be set aside and the appellant may kindly be ordered to be reinstated in Service with all back benefits

Respectfully Submitted:-

1. That the appellant was appointed as Patwari in the year 2007 and since then he performed his duties as assigned and with honesty and full devotion and to the entire satisfaction of his superior officers.
2. That the appellant was posted as Patwari, of Patwar Halqa Muhabat abad and Behram kallay Mardan on 17-09-2013 an while serving in the same capacity, he was given notice by the

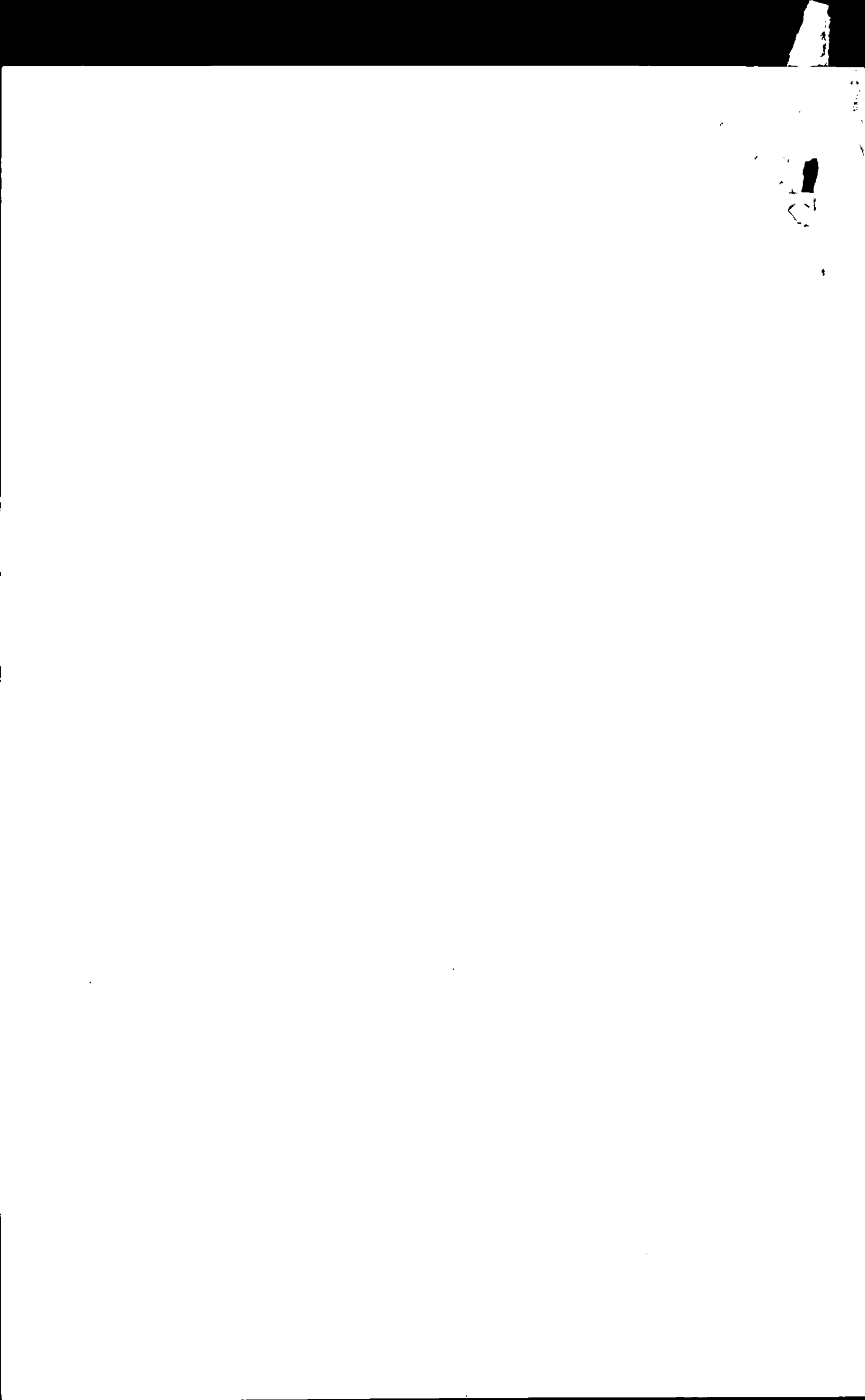
[Signature]
 28/11/14

re-submitted to ~~the~~
 and filed.

[Signature]
 28/11/14

Naib Tehsildar, Mardan, to recover the overpayment from Mr. Saleem Khan S/O Lal Zada R/O Villahe Palatoo, made during the land acquisition process of Agriculture University at Mouza Platoo. One Mr. wali Rehman S/O Noor Rehman taken the responsibility in the office of Naib Tehsildar Mardan that Mr. Saleem is his relative and he will refund the over payment. The said Wli Rehman came to the office of the appellant and paid Rs. 50,000/-, the appellant duly entered the same in acquaintance roll on 09-05-2014 and asked Mr. Wali Rehman to deposit the remaining dues. **(Copies of the acquaintance roll and challan is attached as Annexure A & B).**

3. That instead of refunding the remaining dues, the said Wali Rehman made a false and baseless complaint dated 14-05-2014, before respondent No 2 against the appellant, that the appellant demanded illegal gratification from him for the preparation of naqsha "Bey" and "Jeem" in his case pending in the Court. **(Copy of the complaint is enclosed as Annexure C).**
4. That a preliminary inquiry was conducted departmentally and the inquiry officer submitted his findings wherein he recommended the appellant for disciplinary proceedings. **(Copy of the preliminary inquiry report is enclosed as Annexure D)**
5. That the appellant was suspended on 27-05-2014 and Umar Javed Assistant Commissioner Mardan, was appointed as inquiry officer and the appellant was issued charge sheet and statement of allegations, which was replied refuting the allegations. **(Copy of charge sheet, statement of allegations and reply are enclosed as Annexure E & F).**
6. That an illegal inquiry was conducted, and the inquiry officer recommended the appellant for awarding major penalty of removal from service, thereafter final show cause notice was issued to the appellant which too was replied in detail denying the allegations. **(Copy of inquiry report, final show cause notice and reply ar enclosed as Annexure G, H & I).**



7. That finally the appellant was awarded the punishment of removal from service with immediate effect by respondent No 2 vide Order dated 22-07-2014. **(Copy of the Order is enclosed as Annexure J).**
8. That the appellant submitted Departmental appeal before respondent No 1, on 04-08-2014, which was dismissed vide order dated 29-10-2014. **(Copy of appeal and order are enclosed as Annexure K & L respectively).**
9. That the impugned order dated 29-10-2014 of respondent No 1 and order dated 22-07-2014 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

GROUND:-

- A. That the impugned orders are illegal and void ab-initio.
- B. That no proper inquiry was conducted in order to had found out the true facts and circumstances. No witness was examined in presence of the appellant, nor was the appellant ever allowed to cross examine the witnesses if any.
- C. That the appellant was also not afforded the opportunity of personal hearing.
- D. That the impugned order is without jurisdiction and legal authority.
- E. That the complaint is politically oriented being signed by the President Youth Wing of the Pakistan Tehrik Insaf and as such by the General Secretary, and they pressurized the Officers for taking action against the appellant.
- F. That copy of inquiry report was not provided to the appellant which is mandatory.

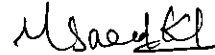
- G. That the appellant was posted as Patwari Halqa of the said Mouza on 17-09-2013, while the Court order regarding the preparation of Naqshajat is of 12-04-2013, furthermore the appellant had duly informed the Court that due to rush of work and computerization process, it will take time.
- H. That inquiry officer did not bother to record the statement of Naib Tehsildar, on whose notice, recovery of Rs. 50,000/- was made from Wali Rehman on account of overpayment.
- I. That there are serious contradictions in the statements of the complainant and Wali Rehman, as according to his complaint he paid Rs. 60,000/- to the appellant while according to his statement before the inquiry officer, he paid Rs. 57,000/-, and that too through Wali Rehman, while according to Wali Rehman, the complainant he paid Rs. 50,000/- and so on others. There are contradictions about as to who made the payment, when it was paid, whether Naqshajat were prepared or not and from where the story of Rs. 500,000/-, Rs. 300,000/- and of 25 Marlas story was drawn and the most important is as what is the need of taking such a heavy bribe for the preparation of Naqshajat when it is prepared on the directions of Court. Similarly the documents and evidence produced by the appellant were not considered. **(Copies of statements of Mira Khan and Wali Rehman are enclosed as Annexure M).**
- J. That the allegations leveled against the appellant are totally false, baseless and unfounded. The appellant never demanded nor ever received any bribe or illegal gratification from the complainant or anyone else. The amount of Rs. 50,000/- received by the appellant from Wali Rehman was on account of over payment made by his relative Saleem Khan during the land acquisition process of Agriculture University at Moza Platoo, as he had taken responsibility for refunding of over payment and on demand he made false complaint through his relative Mira Khan against the appellant. **(Copies of documents including Notice, receipt, statement etc are enclosed as Annexure N)**
- K. That the entry of amount in acquaintance roll was made on 09-05-2014, while complaint was made on 14-05-2014, i.e after 5

days which prove that the complaint is concocted one and filed with malafide intention.

- L. That mandatory provisions of law have been violated by the respondents while taking action against the appellant.
- M. That the appellant has about 7 years of service with Unblemished service record and is jobless since his illegal removal from service.
- N. That the appellant seeks the permission of this honorable Tribunal for further/additional grounds at the time of arguments.


It is therefore prayed that on acceptance of this appeal, the impugned order dated 29-10-2014 of respondent No 1 and Order dated 22 -07 - 2014 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Dated:-28-11-2014



Appellant

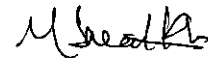
Through



Fazal Shah Mohmand
Advocate, Peshawar

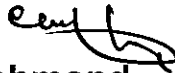
AFFIDAVIT

I, Saeed Khan Ex Patwari, Patwar Halqa Muhabatabad and Behram Khan Kallay, Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.




DEPONENT

Identified by



Fazal Shah Mohmand
Advocate Peshawar

ردیف	نام	تاریخ تولد	تاریخ ورود	تاریخ خروج	میانگین	نوع	ملاحظات	تعداد	کلاس	تعداد
1	محمد علی	79/40	1635/55	15%	1413/53	0-1-2	3/4552	190	33	53
2	علی	423/49	8669/66	1130/82	7538/84	0-2-6	16/4552	338	73	79
3	علی	423/49	8669/66	1130/82	7538/84	0-2-7	16/4552	358	11-15	192
4	علی	423/49	8669/66	1130/82	7538/84	0-2-6	16/4552	12-3	7/6	8-1
5	علی	423/49	8669/66	1130/82	7538/84	0-2-6	16/4552	8-1	7/6	8-1
6	علی	2196/85	8669/66	1130/82	7538/84	0-2-7	16/4552	8-1	7/6	8-1

Attest

 Attest

(See S. R. and 2.20).

CHALLAN No.

Challan of cash paid into the

FORM No. 32-A 489

Master Book Cent
16 - Urdu Bazar Lah

Treasury/Sub-Treasury
National Bank of Pakistan
State Bank of Pakistan

Central
Provincial

By whom tendered	To Be Filled in By The Remitter		Amount	To Be Filled in By The Department Officer Of The Treasury	
	Name of designa- tion and address of the person on whose behalf money is paid	Full particulars of the remittances and the authority (if any)		Head of Account	Order to the Bank
9/5/74		<p>Handwritten Urdu text and signatures</p> <p>Asstl Treasury Officer Office of the D.C.A. Mandan.</p>	50000/-	C-11215	Date
					<p>Correct, Received and grant Receipt.</p> <p>Signature and full designation of the Officer ordering the money to be paid in.</p>

Signature
(in words) Rupees
Received payment

To be used only in the case of
remittances to Bank through

Attested
[Signature]

2/0

مقامی حکومت کے نام پر
No 576 N.T.M

(Sec S. R. and 2.20)

FORM No. 32-A 488

Master Book - Cente
16 - Urdu Bazar Lab

CHALLAN No.

Challan of cash paid into the

Treasury/Sub-Treasury
National Bank of Pakistan
State Bank of Pakistan
Central
Provincial

By whom tendered	To Be Filled in By The Remitter		Amount	To Be Filled in By The Department Officer Or The Treasury	
	Name of designation and address of the person on whose behalf money is paid	Full particulars of the remittances and the authority (if any)		Head of Account	Order to the Bank
9/5/70	50000/-	Asst. Treasury Officer Office of the D.C.A. Mardan	Date
					Correct Received and grant Receipt
					Signature and full designation of the Officer ordering the money to be paid in.

Attested
[Signature]

Signature
(in words) Rupees
Received payment

To be used only in the case of
remittances to Bank through

کمیڈر ضیاء الدین مٹھرا صاحب مردان

9

33 No. D. صفورت برصغیر سعید پٹواری حلقہ
14/5/14

HAC (R) Unit
For enquiry
within 3 days
positively
14/5/14

ضیاء علیہ: - صفورت حسب ذیل عرض ہے

یہ کہ میں نے مرنے سے پہلے 3 ہویا کھینچ دیں گا ہنڈہ ہے۔
ماریہ کہ میں نے مرنے سے پہلے صفورت لکھتے بہت حال زبرد
تو ہے۔

ADe (3) بہت بہت صفورت لکھتے جات مرنے سے پہلے پٹواری
کے نام پر وہاں جاری کیا ہے۔

ADe Enquire and
Report within
a week.
بہت پٹواری حلقہ نے نقشہ جات کی تیاری سے پہلے مرنے سے
رہے تاکہ وہاں طلبہ کرے۔ جس میں بیخ ساٹھ صفورت مرنے سے

محول کرے۔ اور حالیہ صفورت میں تامل کیا ہے۔ اندازہ بھی
تیاری نقشہ جات میں یہ دیکھ رہے تھے۔

بہت اراکین۔ کہ عنطوری صفورت بہت بڑا
شلفہ پٹواری کے صدف قانون کا سہل کرنے کا

OFFICE MARDAN	
No. 738	01/3/5/14
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5/14

میرا خان ولد نور الدین سید بہرام خانکے صفورت پٹواری
میرا خان 0302 - 5713245

ولی رحمن میرا خان پوٹو ونگ محبت آباد

13/5/14
ADAM KHAN AMTAR
UC Mehabbat abad
G.S. P.T.E

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OFFICE OF THE ADDITIONAL ASSISTANT COMMISSIONER (R)/INQUIRY-
OFFICER, (MARDAN).

Subject:- APPLICATION SUBMITTED BY MIRA KHAN AGAINST
SAEED KHAN, PATWARI HALQA MOHBAT ABAD
FOR LEGAL ACTION AGAINST THE PATWARI.

INQUIRY REPORT.

Reference remarks by your goodself dated 14.05.2014,
on the subject matter.

After the application was received, all concerned
were summoned and their statements were recorded.

As per statement of Mira Khan, petitioner, his
application for official partition is pending before the court
and the court after observing all legal formalities directed
Patwari Halqa, Mohbat Abad, to prepare and submit Naqsha 'Bey &
Jeem' on 25.4.2013, fixed in the case, but the same were not
submitted on the date fixed. As such, he visited Patwar Khana,
and requested the Patwari for doing the needful, but with no
result. He further added that he visited Patwar Khana, for so
many times, but the Patwari Halqa, was reluctant to prepare
and submit the requisite documents and lastly when he visited
the Patwar Khana, he was asked by the Patwari Halqa to transfer
land measuring (25) marlas out of the land for which partition
application is pending, in his name and thereafter he will prepare
and submit the requisite documents. As his this option was
not accepted, thereafter, he demanded Rs.100,000/- and threatened
him, that in case of complaint or non payment, he will allot
the land some-where else against the land in his possession to
involve him in lengthy litigations. He further added that while
going to Patwar Khana, he requested Wali Rehman to accompany him
which he did, as such, in his presence Rs.60,000/- was paid
to Patwari Halqa, and for the remaining amount it was promised
that the same will be paid as and when ^{Naqshajat-} were submitted before the
court, but despite of payment he was reluctant to prepare and submit
the requisite documents on one or other pretext, therefore, the

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case is still pending without any progress, hence the application against the Patwari Halqa for legal action.

As per statement of Wali Rehman, he after seeing the petitioner, so many time visiting Patwar Khana, inquired about his visits, who replied that he visiting Patwar Khana, in connection with preparation and submission of Naqshajat in his partition case, but the Patwari is reluctant to submit the same and demanding transfer of (25) marlas land out of the suit land in his name, but on his refusal, he demanded Rs.500,000/- and then Rs.300,000/- but these options were also not accepted and lastly the matter was settled on payment of Rs.100,000/-. He further added that he asked the petitioner not to pay the bribe amount, but due to fear he prepared to pay the said amount and asked him to accompany him to the Patwar Khana for payment of the alleged amount in his presence, accordingly he did so, and in his presence Rs.50,000/- and thereafter Rs.7000/- was paid by the petitioner to the Patwari Halqa, while the amount of Rs.3000/- was not paid in his presence, however, the petitioner told him about the payment. He further added that the petitioner paid the amount, as he was threatened with dire consequences by the Patwari.

As against this Patwari Halqa, submitted his statement in writing embodied by Affidavit furnished by Mohd. Saleem and Treasury Challan, through which Rs.50,000/- was deposited. In his statement, further added that some land of Mohd Saleem, was acquired for Agricultural University, but he received excess amount than that of amount determined as compensation for the land acquired, as such, he refunded Rs.100,000/- in the month of April, while Rs.50,000/- was refunded in the month of May, and for the remaining amount he was directed to refund the same as early as possible. As Mohd. Saleem, is a closed relative of Wali Rehman, as such, he played active role and asked Mira Khas to submit this application against him. He requested action against these persons.

After statements of the parties were recorded, opportunity of personal hearing was also provided to them.

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I have gone through the statements recorded during the inquiry proceedings and perused the documents available on the file.

Perusal of statement of Mira Khan, Petitioner and that of Wali Rehman, revealed that the amount of Rs.60,000/- was paid to the Patwari in presence of Wali Rehman, for preparation and submission of Naqshajat in partition case pending in this court. The said Wali Rehman, in whose presence the amount was paid to Patwari Halqa, categorically support this fact that the amount was paid to the Patwari in his presence.

// According to the statement of Patwari Halqa, some land owned by Mohd Saleem, was acquired for Agricultural University, and at the time of payment an amount of Rs.437,073/0 was paid in excess to him, as such, he was served with a Notice to refund the excess amount, as such, he refunded Rs.100,000/- in the month of April, while Rs.50,000/- was refunded on 09.5.2014 and for the rest of the amount he was directed to refund the same at an early possible date. In support of his contention he placed on file photo copies of Affidavit furnished by Mohd Saleem, and challn through which Rs.50,000/-, refunded by Mohd Saleem, was deposited in Government Treasury, under the signature of Tehsildar, Mardan, under head G-11215. A careful perusal of Affidavit allegedly furnished by Mohd Saleem, ^{revealed} that a sum of Rs.437,073/- was determined as compensation for the land acquired by the Government and Mohd Saleem, received the said amount, as such, the question of excess payment and refund thereof does not arise, however, Mohd Saleem, furnished the affidavit to this effect that in case of excess payment he will be liable to refund the said amount. Similarly perusal of photo copy of Treasury Challan, through which the amount refunded by Mohd Saleem as per contention of Patwari Halqa, was deposited in Treasury, revealed that the amount has not been deposited in Trwasury. // Besides this the stance of Patwari Halqa, regarding excess payment than that of amount determined as compensation, refund and deposite thereof in Government Treasury, is reflected by the documents

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photo copies placed on file by the Patwari alongwith his written statement. The Patwari halqa, failed to prove the above mentioned documents by producing convincing evidence. He also failed to produce convincing evidence to rebut the allegations levelled against him, except the concocted story of Mohd Saleem, which is not related to the allegations levelled against him.

In view of the above discussion I am of considered opinion that the amount paid by the petitioner in presence of Wali Rehman, was demanded and received by Patwari Halqa, for preparation and submission of Naqsha 'Bey & Jeem', therefore, he is guilty of the charge levelled against him and as such is liable for action under Efficiency & Disciplinary Rules, 1973.

Submitted please.

A.D/C(Sb).

~~_____~~
A.A.C.(R)/Inquiry Officer,
Mardan.

As recommended by inquiry officer, departmental proceedings may be initiated against the defaulting official. Proper charge sheet may be issued for digging out facts.

D.C.

26-5-14

No. 968/AACR/14
26/5/2014
12187 D.C.M,
26/5/14

P.S.
Pu. Charge sheet

~~_____~~
26/5/14

Attested

Adv.

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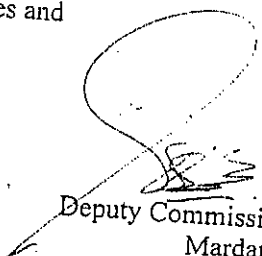
STATEMENT OF ALLEGATIONS

An application of Mirza Khan petitioner /complainant was pending before the court for partition wherein the court ordered to Saeed Khan Patwari to prepare and submit Naqsha Bey & Jeem on 25.4.2013 fixed in the case but the same were not submitted on the date fixed. Therefore Mirza Khan visited Patwar Khana Mohabat Abad for preparation of the said Naqsha Jat. Saeed Khan Patwari allegedly demanded transfer of 25 marlas of land in lieu of preparation of the said Naqsha Jat. When his said option was not accepted he demanded Rs.5,00,000/- then Rs.3,00,000/- and at the last Rs.100,000/- and threatened him that in case of complaint or nonpayment, he will allot the land somewhere else against the land in his possession to involve him in lengthy litigations.

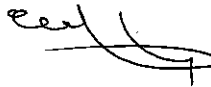
Saeed Khan Patwari Halqa Mohabat Abad allegedly received illegal gratification of Rs.60,000/- and the remaining amount of Rs.40,000/- was promised to be paid when the Naqsha Jat are submitted to the court.

Despite receipt of said illegal gratification Saeed Khan Patwari Halqa Mohabat Abad did not submit the requisite documents before the court and the case is still pending without any progress.

The said act of Saeed Khan Patwari is against the rules and


Deputy Commissioner
Mardan

Attested


Adw,

CHARGE SHEET

I, Shahidullah Khan Deputy Commissioner Mardan hereby charge sheet you Saeed Khan Patwari Halqa Mohabat Abad / accused official as under:

/Whereas an application of Mirza Khan petitioner /complainant was pending before the court for partition wherein the court ordered to Saeed Khan Patwari to prepare and submit Naqsha Bey & Jeem on 25.4.2013 fixed in the case but allegedly the same were not submitted on the date fixed.

Whereas Mirza Khan visited Patwar Khana Mohabat Abad for preparation of the said Naqsha Jat and you Saeed Khan Patwari allegedly demanded transfer of 25 marlas of land in lieu of preparation of the said Naqsha Jat. When your said option was not accepted you Saeed Khan Patwari Halqa Mohabat Abad / accused official demanded Rs.5,00,000/- then Rs.3,00,000/- and at the last Rs.100,000/- and allegedly threatened him that in case of complaint or nonpayment, you will allot the land somewhere else against the land in his possession to involve him in lengthy litigations.

Whereas you Saeed Khan Patwari Halqa Mohabat Abad / accused official allegedly received illegal gratification of Rs.60,000/- and the remaining amount of Rs.40,000/- was promised to be paid when the Naqsha Jat are submitted to the court.

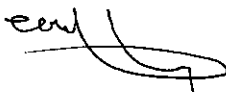
Despite receipt of said illegal gratification you Saeed Khan Patwari Halqa Mohabat Abad did not submit the requisite documents before the court and the case is still pending without any progress.

Whereas your said acts are against the rules and comes within the meanings of corruption, inefficiency & misconduct as laid down in section (g) (i) , (i) and (i) of the Government of Khyber Pakhtunkhwa (E&D) Rules 2011 for which you are liable to be proceeded against under the rules ibid. /

Therefore you Saeed Khan Patwari Halqa Mohabat Abad / accused official are hereby required to appear before the enquiry officer and put in your written defence within 07 days of the receipt of this charge sheet, failing which it shall be presumed that you have nothing to offer in your defence and ex parte action will be taken against you under the rules ibid. You may also state as to whether you wish to be heard in person.


Deputy Commissioner
Mardan

Attested


Adl

بیانِ محمد سعید خان پوری مدظلہ

(15)

خدا عالی

بھولہ چارٹ سٹیٹ بزنس ٹرسٹ کی کھتر مہنگ مردن بیان کرتا ہوں۔ کہ مدظلہ 9/17
 کہ جلدت حبت آباد امر لہرام خان کے کا چارج سنبھال لیا۔ سلسلہ انکو آگے بڑھتے
 استغنی کھتر مہنگ مردن ولی الرحمٰن ولد نور الرحمٰن کو پہلے بلوایا تھا۔ کہ وہ
 شہر تیارہ طور پر باقیانہ رقم واپس کر دیں۔ جنی کا مجھے نایک عقیدہ ہے کہ ہر
 نور کی حکم دیا تھا۔ مہمی سلیم ولد سلطان زادہ سائن بلوگو انکو آگے شدہ زمین میں لاکھ رقم
 وصول کی تھی۔ جن کی زدوری ولی الرحمٰن ولد نور الرحمٰن نے وصول کی تھی۔ جو ہر رقم
 کا کارکنی میں تیار یا جاتا ہے۔ انہوں نے بد فتنہ عقیدہ رکھتے بات کا اقرار کیا ہے۔
 کہ سلیم ولد سلطان زادہ بہتر فریبی رشتہ دار ہیں۔ ان کے زور واجب الادا رقم
 کا زور سراسر قمار میں ہے۔ اسی سلسلے میں نے ولی الرحمٰن کو (مدظلہ) دی تھی۔
 کہ مذکورہ رقم جلد زور داخل فرزند کرے بیباقی کرے۔ بصورت دیگر تمہارا
 خلاف افسرانہ باہر لوگوں کا روک کر کے کا سفارش کروں گا۔

میں نے ولی الرحمٰن مذکورہ باہر پھر آئی اگر مجھے پہلے 50000 روپے
 دیکر فریب میں نے ان کے ذمے جن کا مقولہ اصل میں علی دلدان ہے۔ جب
 میں نے مذکورہ مقولہ علی الرحمٰن باقیانہ رقم داخل کرنے سے کھار کر انہوں نے
 میرے میرخانہ مقولہ کے زور پر کیا جو کما اور میں کھتر مہنگ مدظلہ آئیے سنبھال
 درخواست رہی ہے۔ یہ مقولہ ولی الرحمٰن کا رشتہ دار ہیں۔
 یہ کہ میرخانہ مقولہ میں خانہ کلپی میں ملنے والا کو ہوا ہے۔ جسے نکتہ چینی تیار
 کا حکم ہے کہ کو ہوا ہے۔ اس کا مطلب یہ ہوا۔ کہ میرخانہ سے نکتہ چینی تیار
 یا فریب کے ان بات ہے۔ جب میرخانہ زور ہوا۔ تو میں مذکورہ کہیں میں عداوت پیدا
 ہوئی ہوا۔ اور کیا کہ کام کی زیادتی اور بلوگوں میں کوئی کی زمین میں مساک کی بوج
 سے کچھ وقت درکار ہو گا۔ اور بعد کچھ کراؤ زمین کے سلسلے میں افسرانہ ہاتھ نہ سنبھال
 سے عداوت کا تھا۔ کہ میں کراؤ زمین کو دیں۔ اس کے کچھ ٹائم تھا۔ اور میں ہر
 مار بوج عداوت پیدا میں میری ہر کراؤ زمین جیوروں سے لگا ہوا تھا۔

لہذا بوج عداوت باہر میں رس تمام الزامات سے ہٹا اور میں کھتر مہنگ میں رہی۔
 سزا میں کوئی کو خوشی و ایک اور دینداری سے سرخام و سفاک اور لوگ
 کوٹا میں نہیں کرے گا۔

محمد سعید خان

Attested

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یہ کہ پیام اور ولی الرحمن سرکاری رقم کو ہر سہ سونے کے درجے پر

اس کے کیا نتیجہ۔ کہ سائل کو تمام انعامات سے جبری الزام فرار دیکر
شکوہ قیام۔ اور یہ کہ قذف پر درشت شخصیات کو جلاست
و باقی جازے۔ کہ وہ مایمانندہ رفاہی زائدہ رقم کو ایک بیعت
کے اندر اندر داخل خیر نہ کر سکی۔ اور سائل کو انہی سب کو
میں حال کرتے مذکورہ من گھڑت لہائی کو داخل وقت پر نہ کا حکم
ما رخصت ہو۔
سے تو ذرا شہ پر

محمد سعید خان پورہ پورہ پورہ پورہ

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Place on file
Amended



OFFICE OF THE ASSISTANT COMMISSIONER MARDAN

No. 772 /AC(M)¹² Dated Mardan the 2 /07/2014

To:-

The Deputy Commissioner,

Mardan

Subject: ENQUIRY REPORT

DC OFFICE MARDAN	
Dairy No.	<u>1042</u> Dt. <u>2/7</u>
A.D.C	
A. G	
A. A. G	
D. U. F & P	
A. O	
Supdt.	
PS/Steno	

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With reference to your kind office order No. 2270/DC(M)/PS/DK dated 27-5-2014 wherein Mr. Saeed Khan Patwari Halga Mohabbat Abad was placed under suspension on the basis of inquiry report conducted by Additional Assistant Commissioner (Revenue) Mardan on the complaint of Mira Khan complainant resident of Behram Khan Kili Tehsil & District Mardan. The above named patwari was charge sheeted upon the said enquiry report and the undersigned was appointed as enquiry officer to conduct an enquiry into the allegations levelled against the accused patwari.

In order to conduct enquiry and to dig out the facts, the accused Patwari (Saeed Khan), Mira Khan (complainant) and Wali Rehman (witness) were summoned to record their statement. One copy of the charge sheet was handed over to the accused patwari. The accused patwari appeared before the undersigned and submitted his written statement stating therein that he was given a notice by the Naib Tehsildar Mardan to recover the over payment from Mr. Saleem Khan S/O Lal Zada resident of village Palatoo made during the land acquisition process of Universities at Moza Palatoo. Mr. Wali Rehman S/O Noor Rehman taken the responsibility in the office of Naib Tehsildar Mardan that Mr. Saleem Khan is his relative and he will refund the over payment. The said Wali Rehman came to my office (Patwar Khana) and paid Rs. 50,000/- (Fifty thousand). I entered the same in the acquaintance roll and ask Mr. Wali Rehman to deposit the remaining dues. <Mr. Wali Rehman made a baseless and fake complaint to the worthy Deputy Commissioner Mardan through one Mira Khan against me and he is the relative of Wali Rehman.

Attested

==Page/2== (Enquiry against Saeed Khan Patwar)

Since my partition case was abnormally delayed due to non perpetration of the said Naqsha Jaat by the accused patwari, hence I personally contacted Mr. Saeed Khan patwari Mohabat Abad for completion of the same. The said patwari demanded Rs.1,00,000/- (one lac) from me as illegal gratification for the purpose narrated above. Since I was in dire need to complete my case file, therefore, I paid Rs.57,000/- in advance to the said patwari Saeed Khan through my relative Wali Rehman S/O Noor Rehman and promised that the remaining amount will be paid after submission of Naqsha Be and Jeem to the court of AAC, Mardan. During cross examination by the court the complainant said that Rs.50,000/- was given to the patwari Saeed Khan through Wali Rehman in his presence. He further stated that the said Naqsha Be & Jeem have not been submitted in the court by the Patwar till date in spite receiving illegal gratification by him.

Statement of Wali Rehman S/O Noor Rehman was also recorded . He stated that Rs.50,000/- was given to Mr. Saeed Khan patwari for preparation of Naqsha Be & Jeem by him.

// From perusal of the above statement/discussion it transpires that the accused patwari neither produce notice of the Tehsildar for recovering the overpayment, as narrated by him in his statement not he is authorized person to make entry in the acquaintance roll as the said acquaintance roll is entrusted by the District Collector to the Tehsildar for disbursement of compensation. The Patwari halqa has also failed to produce convincing evidence to rebut the allegation leveled against him. Therefore I am of the view that the amount paid by petitioner in presence of Wali Rehman was demanded and received by the patwari for preparation of and submission of Naqsha Jaat " Bey & Jeem: //

Keeping in view the above, the accused patwari has been found guilty of the charges leveled against him. Therefore, the undersigned is of the firm opinion that major penalty may be imposed upon the said patwari, (Removal from Service), as provided under the E&D Rules 2011.

Report is submitted please.

Attested

Adv

Saeed Khan
Assistant Commissioner,

SHOW CAUSE NOTICE

Whereas a complaint was received against you (Saeed Khan Patwari Halqa Mohabat under suspension) in this office that an application of Mirza Khan petitioner / comp pending before the court for partition wherein the court ordered you to prepare and show Bey & Jeem on 25-4-2013 fixed in the case but the same were not schemed on their part. Therefore Mirza Khan Complainant visited Patwar Khana Mohabat Ahmed prepared Naqsha Jat.

Whereas you Saeed Khan Patwari now under (suspension) allegedly demanded marlas of land in lieu of preparation of the said Naqsha Jat.

Whereas your said demand was not accepted, you demanded Rs.5,00,000/- & Rs.3,00,000/- and at the last Rs.1,00,000/- and threatened to complaint or nonpayment, you will allot the land somewhere else and thus he without litigations.

Whereas you Saeed Khan Patwari (under suspension) allegedly received illegally Rs.60,000/- and the remaining amount of Rs.40,000/- was promised to be paid when they are submitted to the court.

Whereas you despite of the said illegal gratification did not submit the documents (Naqsha Jat) before the court and the case is still pending without any progress.

Whereas a preliminary enquiry was conducted through Additional Assistant Gen. (Revenue) Mardan who vide No. 568/AACP dated 26-5-2014 submitted his further undersigned wherein the reported that you are guilty of the charges leveled against you.

Whereas a formal enquiry was ordered against you and Assistant Commissioner appointed an enquiry officer vide No. 227/AC(M)/12 dated 03-07-2014 (copy enclosed) reported for the corruption, inefficiency & misconduct as laid down in section (g)(1)(i) and Order of Pakhtunkhwa E & D Rules, 2011 for which you are liable to proceed against and managed be imposed upon you as laid down under section 4(b)(ii) of the rules ibid.

You are therefore required to put in your written defence before the undersigned 7 days of the receipt of this show cause notice as to why a penalty of removal of service in section 4(b)(iii) of Govt: of Khyber Pakhtun Khwa E&D Rules 2011 may not be imposed otherwise it shall be presented that you have nothing to offer in your defence and ex party be action.

You may also state as to whether you wish to be heard in person.

sd/-xxxxxxxx



OFFICE OF THE DEPUTY COMMISSIONER

MARDAN

No. 2710 DC(M)/PS/DK

Dated Mardan the 07/07/2014

H/19

SHOW CAUSE NOTICE

Whereas a complaint was received against you Saeed Khan Patwari (Haqqa Mohabat (under suspension) in this office that an application of Mirza Khan petitioner / complainant pending before the court for partition wherein the court ordered you to prepare and submit Bey & Icem on 25-4-2013 fixed in the case but the same were not submitted on the date. Therefore Mirza Khan Complainant visited Patwar Khana Mohabat Abad for preparation of Naqsha Jat.

Whereas you Saeed Khan Patwari (now under suspension) allegedly demanded non-marlas of land in lieu of preparation of the said Naqsha Jat.

Whereas your said demand was not accepted, you demanded Rs.5,00,000/- Rs.3,00,000/- and at the last Rs.1,00,000/- and threatened Mirza Khan complainant that if complaint or nonpayment, you will allot the land somewhere else and thus he will face litigations.

Whereas you Saeed Khan Patwari (under suspension) allegedly received illegal gratification Rs.60,000/- and the remaining amount of Rs.40,000/- was promised to be paid when the Rs. are submitted to the court.

Whereas you despite receipt of the said illegal gratification did not submit the documents (Naqsha Jat) before the court and the case is still pending without any progress.

Whereas a preliminary enquiry was conducted through Additional Assistant Commissioner (Revenue) Mardan who vide No.968/AACD dated 26-5-2014 submitted his findings undersigned wherein he reported that you are guilty of the charges leveled against you.

Whereas a formal enquiry was ordered against you and Assistant Commissioner Mardan appointed an enquiry officer vide No.2270/DC(M)/PS/DK dated 27-05-2014 who too in his report vide No.772/AC(M)/12 dated 02-07-2014 (copy enclosed) reported that you are guilty of corruption, inefficiency & misconduct as laid down in section (g)(i),(i) and (j) (i) of Govt. of Pakhtunkhwa E&D Rules-2011 for which you are liable to be proceeded against and a major penalty be imposed upon you as laid down under section 4 (b) (iii) of the rules ibid.

You are therefore required to put in your written defence before the undersigned within 7 days of the receipt of this show cause notice as to why a penalty of removal of service as laid down in section 4 (b) (iii) of Govt. of Khyber Pakhtunkhwa E&D Rules 2011 may not be imposed and otherwise it shall be presumed that you have nothing to offer in your defence and ex parte action may be taken.

You may also state as to whether you wish to be heard in person.

Deputy Commissioner
Mardan

No. & date given:

Copy to:

1. Assistant Commissioner Mardan for information.
2. Saeed Khan Patwari (now under suspension) through Tehsildar Mardan.

Deputy Commissioner
Mardan

Attested
by
[Signature]

بخدمت جناب ڈپٹی کمشنر صاحب مردان۔

عنوان:- شوکار نوٹس۔

جناب عالی:-

بخوالہ نوٹس اظہار وجوہ جاری شدہ نمبری 2710/DC(M)/PS/DK مورخہ 07-07-2014 ذیل عرض ہے۔ یہ کہ میرا خان درخواست کنندہ نے اپنے درخواست مورخہ 03-05-2014 (نقل لف ہے) مبلغ ساٹھ ہزار روپے دینے کا ذکر کیا ہے۔ جبکہ جناب اسٹنٹ کمشنر (انکوائری ایفسر صاحب) مردان کو اپنے بیان قلمبند کراتے ہوئے مبلغ ستاون ہزار روپیہ دینے کا بیان دیا ہے۔ (نقل بیان سائل میرا خان لف ہے)۔ اسی طرح درخواست کنندہ میرا خان نے اپنے انکوائری میں ایک گواہ سمسولی رحمان کو پیش کیا تھا۔ گواہ ولی رحمان نے جناب اسٹنٹ کمشنر صاحب مردان کو اپنا بیان قلمبند کراتے ہوئے مبلغ پچاس ہزار روپیہ دینے کا بیان دیا ہے (نقل بیان ولی رحمان گواہ لف ہے)۔ یہ کہ میں نے حسب الحکم صرف اور صرف مبلغ پچاس ہزار روپیہ اراضی ایکواڑ شدہ زرعی یونیورسٹی مردان کے عوضانہ میں بوقت ادائیگی زائد ادا شدہ عوضانہ بذریعہ ولی رحمان وصول کر کے نزد دفتر تحصیلدار مردان داخل کیا ہے۔ (نقل وصولی تحصیلدار و داخلہ چالان لف ہیں)۔ مگر اسٹنٹ کمشنر صاحب (انکوائری ایفسر) مردان نے اپنے انکوائری رپورٹ میں کہیں بھی رقم مبلغ پچاس ہزار وصول شدہ داخل نثرانہ کا ذکر نہیں کیا ہے اور نہ ہی تحصیلدار مردان سے اس متعلق وضاحت طلب کی ہے۔

لہذا التماس کی جاتی ہے کہ درخواست گزار نے من سائل کے خلاف الزامات من گھڑت اور بے بنیاد عائد کی ہے جس کا حقیقت کیساتھ کوئی واسطہ یا تعلق نہیں ہے۔ کیونکہ مطابق بیان سائل و گواہ پیش کردہ بدفتر انکوائری ایفسر کہیں پچاس ہزار کہیں ساٹھ ہزار اور کہیں ستاون ہزار دینے کا ذکر کیا ہے۔ بوجوہات بالا انکوائری برخلاف من سائل بلا مزید کارروائی کے داخل کی جانے کا حکم صادر فرمائی جائے۔

سعید خان پٹواری۔

(معطل شدہ)

سعید خان

سعید خان



OFFICE OF THE DEPUTY COMMISSIONER
MARDAN

No. 2770 DC(M)/DK/HVC
Dated Mardan the 22 /07/2014

3
21

OFFICE ORDER

Pursuant to enquiry conducted by Assistant Commissioner Mardan received vide his No.772/AC(M)/12 dated 02-07-2014, Saeed Khan Patwari Halqa Mohabat Abad (now under suspension) was asked to show cause vide this office No.2710/DC(M)/PS/DK dated 07-07-2014, as to why a major penalty of removal from service as laid down under Section 4(b)(iii) of Govt. of Khyber Pakhtunkhwa E&D Rules 2011, may not be imposed upon him and state as to whether he wish to be heard in person. The said Patwari submitted his written explanation but did not mention as to whether he wish to be heard in person. Therefore his personal hearing was dispensed with.

After perusal of enquiry it is crystal clear that Saeed Khan Patwari Halqa Mohabat Abad (now under suspension) is guilty of corruption, inefficiency & misconduct as laid down in Section 2 (g), (i), (l) (i) of the Govt. of Khyber Pakhtunkhwa (E&D) Rules 2011 and therefore I, Shahid Ullah Khan Deputy Commissioner / Competent Authority Mardan hereby impose a major penalty upon Saeed Khan Patwari Halqa Mohabat Abad (now under suspension) as enshrined in Section 4(b)(iii) of Govt. of Khyber Pakhtunkhwa E&D Rules 2011 and remove him from service with immediate effect.


Deputy Commissioner
Mardan

No. & date even.
Copy to the:

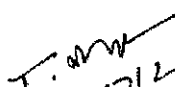
1. Commissioner Mardan Division Mardan.
2. Additional Deputy Commissioner Mardan.
3. Assistant Commissioner Mardan.
4. District Accounts Officer Mardan.
5. Accounts Officer Deputy Commissioner's Office Mardan.
6. Tehsildar Mardan.
7. Official concerned.


Deputy Commissioner
Mardan

Attested


Adi



T. 
27/7/2014

نور محمد زینت خان صاحب
کمرات فیض کٹر صاحب
ڈویژن ماردان

موضوع
چال

29/10/14

20/08/14



Reader
24/05/14

To
The Honorable Commissioner,
Mardan Division, Mardan.

Subject: **DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 22.07.2014, WHEREBY THE APPELLANT HAS BEEN AWARDED THE MAJOR PUNISHMENT OF REMOVAL FROM SERVICE.**

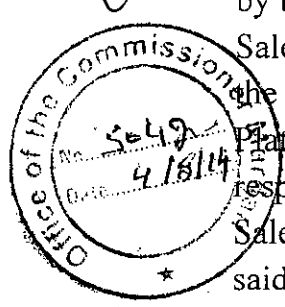
Prayer in appeal.

ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL THE ORDER DATED 22.07.2014, MAY PLEASE BE SET ASIDE AND THE UNDERSIGNED MAY BE REINSTATED INTO SERVICE WITH ALL BACK BENEFITS.

Respectfully Submitted,

The undersigned very humbly submit the following few lines for your kind and sympathetic consideration:

1. That I was initially appointed as Patwari in the year 2007. Ever since my appointment, I had performed my duties as assigned with zeal and devotion and there was no complaint whatsoever regarding my performance.
2. That while serving in the said capacity, the undersigned while posted at Patwar halqa Muhabat Abad and Behram Kalay, was given notice by the Naib Tehsildar, Mardan to recover the over payment from Mr. Saleem Khan S/O Lal Zada resident of village Palatoo made during the land acquisition process of Agricultural University at Moza Palatoo. One Mr. Wali Rehman S/O Noor Rehman taken the responsibility in the office of Naib Tehsildar Mardan that Mr. Saleem Khan is his relative and he will refund the over payment. The said Wali Rehman came to my office (Patwar Khana) and paid Rs. 50,000/- (fifty thousand). I duly entered the same in the acquaintance roll on 09.05.2014 and asked Mr. Wali Rehman to deposit the remaining dues. (Copies of the acquaintance roll and Challan is attached)



See Pa

14/11/14

3. That instead of refunding the remaining dues, the said Wali Rehman made a false and baseless complaint dated 14.05.2014, to the Worthy Deputy Commissioner, Mardan through one of his relatives, Mira Khan, against me that I demanded illegal gratification from him for the preparation of Naqsha "Bey" & "Jeem" required in his partition case pending in the court. *(Copy of the complaint is attached)*
4. That a Preliminary inquiry was conducted departmentally and the inquiry officer submitted his findings wherein he recommended the undersigned for disciplinary proceedings. *(Copy of the preliminary Inquiry report is attached)*
5. That consequently the undersigned was suspended from service vide order dated 27.05.2014, and Mr. Umer Javeed Assistant Commissioner, Mardan was appointed as Inquiry officer to conduct inquiry against me. *(Copy of the Suspension Order is attached)*
6. That I was also served with Charge Sheet and Statement of allegation containing certain unfounded and baseless allegations. I duly replied the Charge Sheet and refuted the allegations leveled against me as false and baseless and also explained the actual situation. *(Copies of the Charge Sheet, statement of allegations and Reply to the Charge Sheet is attached)*
7. That a partial inquiry was conducted and the inquiry officer gave his findings vide inquiry report dated 2.07.2014, wherein he recommended the undersigned for major Punishment of Removal from Service. *(Copy of the inquiry report and statement of the complainant is attached)*
8. That thereafter the undersigned was served with final show cause notice dated 07.07.2014, which I duly replied and again denied the allegations leveled against me. *(Copy of the reply to the show cause notice is attached)*
9. That the Competent Authority without considering my defence reply, awarded me the major penalty of "Removal from Service" vide order dated 22.07.2014. *(Copy of the order dated 22.07.2014, is attached)*

ATTESTED

Examiner/Reader to
Commissioner Court
Mardan Division Mardan

14/11/015

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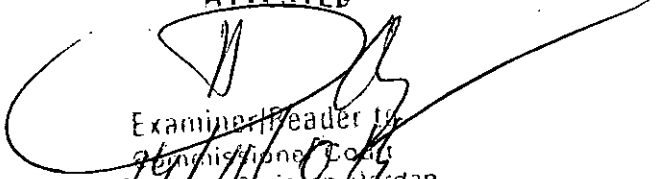
14/11/015

10. 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 :

GROUND 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.
- B. That no proper procedure has been followed before awarding me the major penalty of *Removal from service*, no proper inquiry has been conducted, statement of witnesses were never taken in my presence nor I have been allowed opportunity of cross examination, thus the whole proceedings are conducted in violation of the Govt. Servants (E & D) Rules, 2011 hence not tenable in the eye of law.
- C. That I have not been given opportunity of personal hearing before awarding me penalty of Removal from service hence I have been condemned unheard.
- D. That the charges leveled against me were never proved during the inquiry albeit the inquiry officer gave his finding and recommended me for punishment.
- E. That during the inquiry the statements of witnesses were never taken in my presence nor I have been allowed opportunity to cross examine those who may have deposed against me.
- F. That the charges leveled against me were never proved during the inquiry, the inquiry officer gave his recommendations on mere surmises and conjunctures.
- G. That I have not been provided the copy of the inquiry report along with the show cause notice which is mandatory in case of awarding major penalty.
- H. That I took over the charge of patwar halqa Mohabat abad and Behram Kally on 17.09.2013, while the court order regarding the preparation of Naqshajaat was 12.04.2013, i.e almost 5 months before the undersigned taking over charge of the Halqa concerned. Moreover regarding the preparation of the Naqshajaat

ATTESTED


Examiner/Reader to
Muzaffargarh District Court
Muzaffargarh Division Muzaffargarh

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14/11/015

I duly informed the court that due to rush of work and computerization process, it will take some time.

- I. That there was serious contradictions in the statement of the complainant as in his complaint he stated that he has paid 60,000/- to the undersigned while during his statement before the inquiry officer he stated that he has paid 57,000/-, similarly Wali Rehman who appeared as witness in favour of the complainant, had in his statement stated that the complainant paid Rs.50,000/- to the undersigned, however the inquiry officer completely ignored these contradictions, relied on their statements and recommended the undersigned for major punishment. On the other hand the documents produced by the undersigned during the inquiry, strongly supported his statement but the inquiry officer had not taken the same into consideration before proving the appellant guilty of the charges.
- J. That even the inquiry officer never examined/ recorded the statement of the Naib Tehsildar, Mardan on whom notice the recovery of 50,000/- was made from the said Wali Rehman on account of over payment.
- K. That the appellant never received any amount as bribe nor had he ever made any such demand. The amount of 50,000/- received by me from Wali Rehman was on account over payment made by his relative Saleem Khan during the land acquisition process of Agricultural University at Moza Plato . Wali Rehman being his relative had taken responsibility for refunding the excess amount, however when I asked him to refund the remaining amount, he roped me in the instant false and baseless case by filling a false and baseless complaint against me through his relative Mira Khan.
- L. 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.
- M. 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 never demanded any amount from the

ATTESTED

Examiner/Reader to
Commissioner
Mardan Division

See Page No
5
14/11/015

- N. That the entry of the amount in the acquaintance roll was made on 09.05.2014, while the complaint was filed against me on 14.05.2014, after 5 days, which proofs that the complaint was a concocted story and was baseless, filed with malafide and ulterior motives. The inquiry offer also not taken into consideration the dates of the entry made and the complaint filed before recommending me for punishment thus seriously caused injustice to the undersigned.
- O. That witnesses if any were never examined in my presence nor I have been given opportunity of cross examination.
- P. That the facts and grounds mentioned in my reply to the charge sheet and Show Cause Notice may also be read as integral part of the instant departmental appeal.
- Q. That I am jobless since the illegal penalty imposed upon me.
- R. That I have at about 7 years service career at my credit, the penalty imposed upon me is harsh and liable to be set aside.

It is, therefore, humbly prayed that on acceptance of this departmental appeal the order dated 22.07.2014, may please be set aside and the undersigned may be reinstated into service with all back benefits.

Yours Obediently.

MS Khan

SAEED KHAN

Ex-Patwari

Patwar halqa Muhabat Abad and
Behram Kalay, Mardan.

Dated: 4/8/2014

No. 462
Date of Application 7/11/2014
Name of Applicant SAEED KHAN
Wards 2000 Fee 200
Urgent Fee
Sign of Applicant [Signature]
Date of Preparation 14/11/2014

ATTESTED

[Signature]
**Examiner/Reader to
Commissioner Court
Mardan Division Mardan**

14/11/2014

فوق مذکورہ چیزیں مندرجہ ذیل کے لئے پیش کی گئی ہیں اور ان کو منظور کیا گیا ہے۔
29/10/14
20/08/14
COMMISSIONER Mardan Division Mardan

IN THE COURT OF COMMISSIONER MARDAN DIVISION, MARDAN.

Saeed Khan Ex-Patwari Appellant

Versus

Deputy Commissioner/District Collector Mardan Respondent

Case No.....
Dated of institution: 20/08/2014
Dated of Decision: 29/10/2014

DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 22/07/2014 OF THE DEPUTY COMMISSIONER/DISTRICT COLLECTOR MARDAN.

ORDER:-

Through this appeal the appellant has challenged the impugned order cited above through which the appellant has been awarded Major punishment of removal from service. Aggrieved with the said order of the Deputy Commissioner/District Collector, Mardan the appellant has lodged the appeal in hand.

17/11/14

Brief facts of the case are that the appellant was appointed as patwari on 11/08/2011. Presently, the appellant was posted as patwari halqa Muhabat Abad, Tehsil and District Mardan. In the meanwhile on 14/05/2014, one Mr. Wali-Ur- Rehman Son of Noor Rehman r/o Baram Khan Kaley filed a complaint against the present appellant before the Deputy Commissioner/District Collector Mardan stating therein that his application for official partition was pending before the revenue court, after observing all the legal formalities, the trial court directed patwari halqa to prepare Naqshajat Bey and Jeem but the same were not submitted on date fixed. As such, he visited patwar khana for so many times for the same purpose but in vain. He has further added in the said application that lastly when he visited the patwar khana, the present appellant/patwari halqa demanded Rs.100000/- for preparation of Naqshajat, Rs.60,000/- were received by patwari halqa on the spot and for the remaining amount it was promised that the same will be paid as and when the relevant Naqshajat will be submitted before the court but despite of payment he was reluctant to prepare and has delayed submission of Naqshajat on one or other pretext due to which the said partition application is still pending without any progress. Hence, the complainant filed the instant compliant before the Deputy Commissioner/District Collector Mardan.

Contd.....P/2

See Page no 2

14/4/14

2

In this regard, preliminary inquiry was conducted and on the bases of which formal inquiry was conducted by the inquiry officer wherein the present appellant failed in bringing any convincing proof in his defence before the inquiry officer and which established his guilt. After properly inquiring into the matter, the inquiry officer recommended major penalty to be imposed on the appellant. On receiving the report of inquiry officer, the appellant was awarded Major punishment of removal from service by the Deputy Commissioner/District Collector Mardan vide the impugned order dated 22/07/2014. Feeling aggrieved thereby, the appellant has assailed the said impugned order before this court through the departmental appeal in hand. /

Appellant alongwith his counsel present. Representative of Deputy Commissioner/District Collector Mardan also present and submitted parawise comments. Arguments of the learned counsel for the appellant heard and case file as well as parawise comments of Deputy Commissioner /District Collector, Mardan thoroughly perused.

Since the respondent, being competent authority has charge sheeted the appellant; whereafter recorded the statements of all the concerned, including the appellant and later on, the appellant was also heard in person; after properly probing into the allegation and establishing of the allegation against the appellant the penalty has been imposed. The whole procedure has been carried out strictly in accordance with the Govt Servant Revised (E&D) Rules, 2011.

// The contention of the appellant that he received the amount in the wake of Revenue Tax Collection, is baseless as the competent authority/Deputy Commissioner Mardan has not directed him to do so and secondly, nothing was outstanding against the complainant Mr. Wali-Ur- Rehman under Revenue Tax Collection. //

The present appeal carries no ground, hence, dismissed and the impugned order dated 22/07/2014 of the respondent is hereby upheld. No order as to cost.

File be consigned to record room after necessary completion.

Announced.
29/10/2014

[Signature]
Commissioner
Mardan Division, Mardan



No. 462
Date of Application 07/11/014
Name of Applicant J. G. [unclear]
Wards 800 Fee 82
Urgent Fee.
Sign of Copyist [unclear]
Date of Preparation 14/11/014

ATTESTED
[Signature]
Examiner/Reader to
Commissioner Court
Mardan Division mardan
14/11/014

نہ سکن بہرام خان

نہ میر اورانی کی تقسیم کا مقدمہ



حکومت پاکستان
16101-9374396-9

یہ AAE صلب مدلل

۱۔ بہرام خان جس میں فاروادی مکمل سرفہ لکھے نقشے
جاتے ہیں اور اس حلقہ سے سید خان سے عدالت نے
طلب کیے تھے یہ سید خان سے لکھے جاتے تھے یہاں
میں مثال مشمول سے کام لیتا رہا اور آفر محمد سے مبلغ
ایک لاکھ سو بیس روپے درشتوں سے مذکورہ کام کے حقوق
طلب کیے ہیں یہ سید خان سے مبلغ 57000 روپے اور
سید خان سے مبلغ 5000 روپے اور سید خان سے مبلغ 5000 روپے
ولہذا سید خان سے بل لکھا گیا اور سید خان سے رقم کا حکم
لکھنے کے لئے مقدمہ لکھا گیا اور سید خان سے رقم کا حکم
حقیقت یہ سید خان سے بل لکھا گیا اور سید خان سے رقم کا حکم
۲۔ سید خان سے بل لکھا گیا اور سید خان سے رقم کا حکم

۳۔ سید خان سے بل لکھا گیا اور سید خان سے رقم کا حکم

۴۔ سید خان سے بل لکھا گیا اور سید خان سے رقم کا حکم

۵۔ سید خان سے بل لکھا گیا اور سید خان سے رقم کا حکم

۶۔ سید خان سے بل لکھا گیا اور سید خان سے رقم کا حکم

۷۔ سید خان سے بل لکھا گیا اور سید خان سے رقم کا حکم

۸۔ سید خان سے بل لکھا گیا اور سید خان سے رقم کا حکم

Attest
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Ado,

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جاری بیان

۱۵ آپ کے رویہ و رویہ عدالت نے میٹرو اور حلقہ کد کوئی فی بی بی
یا ٹیلیفون پر کاغذ کدراہ کمرے کی اطلاع دی تھی یا نہیں

A جی نہیں

۱۶ کد تھیں جات بے جی ایچ میٹرو اور حلقہ کد عدالت کے کدراہ سے
دافل کیا ہے یا نہیں

A نکتہ جات بے جی تا حال داخل عدالت نہیں کی ہے

مگر درست ہے

Signature
Ac/Mandam
04/6/14

16101-9374396-6

میرزاخان ولد نورالحق خان

Attested

Signature

Ado

بانیوں کے لئے اور ان کے لئے یہ لکھا گیا ہے کہ

میں نے یہ سب سچا اور سچا کہا ہے اور میں نے

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RO of Ae
Place au file
Chapman

16101-5298635-9
دکھائی دینے کے لئے
6.6.19

Attested
cal
Rdx

TIRA ~~_____~~ ~~_____~~

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در خصوص زوجه با نام ... و ولد ...
 شماره پرونده ... / 437073
 مبلغ ... / 3 و ... / 014
 مبلغ ... / 9 و ... / 50000
 رقم پرونده ... / 287073

محمد ...
 5/6/14

Pacific
 Sheppard

Attest

[Signature]
 Ad.



مقرر لاؤنسٹ تقسیم زمین کوٹلیہ سیکشن 10
20/10/2014
DDOR 5 اودان

From report

DDOR
11/9/11

مقرر جان ولد حاجن خان بیہم خان کے تفصیل وضع کردن
شعبہ کھدوہ کھدوہ
بنام

- 1 حاجی محمد بخش ولد فقیر 2 سماء بی بی انورہ زوجہ حاجی امیر نواب 3 سیم اللہ صاحب صاحب اللہ
- 4 سیران خیر اللہ 5 اکرام الدین ولد حاجی طہاش 6 لطف اللہ ولد نورستان 7 جبر فرخان
- 8 دلا علیہ خان 9 زلف شادہ ولد امیر علی 9 حاجی محمد 10 ثواب علی سیران حبیب علی
- 11 اسرار الدین ولد اشرف الدین 12 نور محمد رسول شاہ 13 شفیع محمد ولد امیر
- 14 ذوقان الدین ولد ولیم الدین 15 عبدالواحد محمد رفیق 16 اکرام الدین ولد طہاش
- 17 عبدالرؤف ولد سکندر شاہ 18 نصر الدین ولد ظاہر شاہ 19 حواج علی محمد بیگ
- 20 رفیع الدین ولد حاجی 21 محمد عبدالعاشق حسین 22 لطف اللہ محمد خیر ولد
- 23 نورستان 23 علی اکبر 24 علی احمد 25 سید فرخان سیران لطف اللہ -
- 26 محمد آواز 27 فیاض خان 28 محمد رفیق 29 عمران اللہ 30 عرفان اللہ سیران
- 31 محمد طایر 32 محمد جان 33 عبدالقادر سیران بیگ علی خان
- 34 اسکرم الدین ولد حاجی طہاش 35 سائمن سرخ ڈھول درون - بیگ علی
- 35 حویلی حقوت بنوہ کھدوہ کھدوہ درون ---

مقرر لاؤنسٹ تقسیم زمین کوٹلیہ سیکشن 10
شعبہ کھدوہ کھدوہ

Attested

AcB

درخواست بھرنے سے قبل ایسے ہیڈنگ تقسیم سرکاری اراضی متحدہ تعداد 09-10
مذکورہ حصہ پلاٹ 231، 232، 233 کے تحت واقع موضع سرخ ڈھول

تفصیل وضع کردن درون علی بن محمدی سال 2009-10
بابت بزنس ٹورنٹیا 157 روپے افسانہ سماج 157 روپے
علاوہ ایک سینٹریل ایڈوائزنگ پیڈارٹ
ضابطہ حال 1 درخواست سبب زمین عرصہ 10

1۔ سیر سبب اراضی متحدہ 09-10 میں نو پلاٹ 02-5 باجو درست راجہ پردہ عمارت
فلور برآمد ہو گا تاکہ وہی بنیے

2۔ سیر سبب کو مشترکہ گھنٹہ میں نقصان ہے اور سبب ایسے ہی



بزرگم تقسیم سرکاروں اگے کرنے کا قوالوں ہے۔

3- بزرگم سرکاروں تقسیم میں کوئی اور نافع کار نہیں ہے۔ بلکہ تقسیم سرکاروں سے یہ گھناؤں شہرت کو اپنا اپنا ہم دوسری سرکاروں طور پر علیحدہ ہو کر اس کا مفاد خود برداشت کریں گے۔

4- بزرگم سرکاروں ایسے کو بار بار ایک ایک گم کردہ اپنا ہم دوسری بزرگم تقسیم علیحدہ کر کے تقسیم سرکاروں میں۔

نیز اس سلسلے میں ڈگری تقسیم سرکاروں، دفتروں، حسب المناظرہ بحق سائن برصغیر سرکاروں ایسے میں فریج عدالت کے مفاد و فرائض ہوتے۔

تحریر: 11/12/19

ساجد نور رحمان بزرگم تقسیم خاص

بیان صلی

بزرگم دیکھیں اور

[Signature]
Advocate

صفا بیان کرنا ہوں کہ ہم
برائے دولت نڈان صومع
سورہ دست اور ہمیں ہیں

ساجد نور رحمان دوسرا محض تائن بزرگم فنان کے ورد

میرزاخان

مشتاق دوسرا محض تائن بزرگم فنان کے ورد

Applicant: 7333
Date of Entry: 30/9/2019
Words: 800
Fee: 87/-
Agent: 21/-
Total: 107/-
Sign of Copy: 107/-



ADMITTED TO BE TRUE COPY

[Signature]
Copying Agent
Maidan 30/9/19

Attested

[Signature]
Advocate

[Signature]
30/9/2019

مکتبہ ادریشیہ کے دفتر میں موجود دستاویزوں کی فہرست
C.A.A.C.R. (Computerized Accounting and Reporting System)
تاریخ: 10/01/2014
20/12/13



ORDER SHEET

29/7/18

مکتبہ ادریشیہ کے دفتر میں موجود دستاویزوں کی فہرست
C.A.A.C.R. (Computerized Accounting and Reporting System)
تاریخ: 10/01/2014
20/12/13

27/8/13

مکتبہ ادریشیہ کے دفتر میں موجود دستاویزوں کی فہرست
C.A.A.C.R. (Computerized Accounting and Reporting System)
تاریخ: 10/01/2014
20/12/13

07/4/18

مکتبہ ادریشیہ کے دفتر میں موجود دستاویزوں کی فہرست
C.A.A.C.R. (Computerized Accounting and Reporting System)
تاریخ: 10/01/2014
20/12/13

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12/4/13

مکتبہ ادریشیہ کے دفتر میں موجود دستاویزوں کی فہرست
C.A.A.C.R. (Computerized Accounting and Reporting System)
تاریخ: 10/01/2014
20/12/13

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نتاے ویدیا لکھنؤ

Name of Applicant
Appl. No. 7333
Date of Entry 30/19/2014
Words 400
Fee 41
Urgent 21
Total
Sign of Cop. est. 30/19/2014

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Copying Agent
Mardan
30-1-14

Attested
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2010 - حصہ برداری - رجسٹر انشالات بحیرہ زینر کالہ - بحیرہ زینر کالہ
یک جلد 4 جلد 23 جلد یک جلد

اوزنا بحیرہ اقصیٰ - روزنامہ بحیرہ زینر کالہ - بحیرہ زینر کالہ - لعل شہاب
یک جلد 6 جلد 6 جلد 6 جلد
نمبر 1991 قبضہ الوصول و سیرت خورد سرویس خورد دیگر معاوضات
92 یک جلد

انشادات زیر تجزیہ ندارد

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حصہ برداری
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نمبر 1991 - مثل 92
دو جلد
انشارات بحیرہ زینر کالہ - روزنامہ اقصیٰ
6 جلد 3 جلد
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لعل شہاب - انشارات زیر تجزیہ ندارد

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2010 - حصہ برداری - رجسٹر انشالات - بحیرہ زینر کالہ
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یک جلد

Attested
Adv

1991 ✓
92 - اورنگ آباد، سندھ - لعل صاحب
میاں صاحب 3 جلد

زیر تجویز اشعار کے لئے 1882، 1883، 1885 میں لکھی

5 (موضوع پر اشعار کے) شرح و تبصرت
1991 ✓ 92 جلد
1999 ✓ 2000 جلد
2003 ✓ 2004 جلد

2007 ✓ 2008 جلد
2010 ✓ 2011 جلد
2010 اورنگ آباد، سندھ - لعل صاحب
2011 جلد

لعل صاحب - شجرہ نسب - 19 جلد
خیرہ لعل داوری - زیر تجویز اشعار
3 جلد

کارنیز لعل صاحبہ نے لکھی
2 جلد

6 (موضوع پر اشعار کے) شرح و تبصرت
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1996 ✓ 97 جلد
2000 ✓ 2001 جلد

2004 ✓ 2005 جلد
2008 ✓ 2009 جلد
2013 ✓ 2013 جلد
2013 ✓ 2013 جلد

71 اشعار کے بعد زیر تبصرت - شجرہ نسب اور - لعل صاحب
1991 ✓ 92 جلد
10 جلد

زیر تجویز اشعار کے لئے لکھی اور لکھی
لکھی اور لکھی

Attested
call

زیر جو نیز انصار کے نداد اور بقدر از دوپہر خارج حوالہ شد

الہ خارج دیندہ	الہ خارج گریس
شہنشاہ سواری	شہنشاہ سواری
25/9/03	25/9/03

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16101-5926419-5
 16101-1627697-1
 155/4
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Attested

3251

POWER OF ATTORNEY

IN THE COURT OF..... Service Tribunal CPK Peshawar

Saeed Khan Ex Pathwar For Plaintiff
Appellant
Petitioner
Complainant

VERSUS

Commissioner and others Defendant
Respondent
Accused

Appeal/Revision/Suit/Application/Petition/Case No-----of-----2014
Fixed for-----

I/We the undersigned do hereby nominate and appoint

FAZAL SHAH MOHMAND, ADVOCATE HIGH COURT, PESHAWAR

My/our true and lawful attorney, for me/our in my/our name and on my/our behalf to appear at..... Peshawar... to appear, plead, act and answer in the above Court or any appellate Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, an appeal statements, accounts, exhibits, compromise or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other execution, warrants or order and to conduct any proceedings that may arise there out, and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other legal practitioner authorizing him to exercise the powers and authorities here by conferred on the Advocate whenever he may think fit to do so, any other lawyer may be appointed by my said Counsel to conduct the case who shall have the same powers.

AND to do al acts legally necessary to manage and conduct the said case in all respects whether herein specified or not, as may be proper and expedient.
AND I/we here by agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we under take at time of calling of the case by the Court my/our authorized agent shall inform the Advocate and make him appear in Court; if the case may be dismissed in default, if it be proceeded ex-parte, the said Counsel shall not be held responsible for the same. All costs awarded in favor shall be the right of the Counsel or his nominee, and if awarded against shall be payable by me/us.

IN WITNESS, where of I/We have signed at..... Peshawar
This.... 28th... day of.... November... in the year.. 2014
Executant/Executants..... M. Saeed Khan (Owner)
Accepted subject to the terms regarding fee.....

Attested and Accepted by:

Fazal Shah Mohmand
Fazal Shah Mohmand
Advocate High Court

OFFICE:- Cantonment Plaza, Flat, 3/B Khyber Bazar Peshawar. Cell # 0301 8804841

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Service Appeal No 1412/2014

Saeed Khan.....Appellant.

J. W. K. Peshawar
Service Tribunal
Diary No. 459
Dated 8/6/15

V E R S U S

Commissioner & Others.....Respondents

REPLICATION ON BEHALF OF THE APPELLANT.

REPLY TO PRELIMINARY OBJECTIONS.

All the preliminary objections raised by the respondents are incorrect and as such denied. Instant appeal is well within time, appellant has come to this honorable Tribunal with clean hands and he has got a valid cause of action to bring the present appeal.

RELY TO FACTS/GROUNDS.

Comments of the respondents are full of contradictions and are based on malafide. Respondents have failed to show that the appellant did anything that would amount to misconduct. The comments amount to admissions on part of the respondents, as they have failed to deny the plea of the appellant. Respondents have failed to prove their contention as the mentioned Tehsildar was never examined during inquiry to show that he had not directed the appellant for he mentioned recovery, and strangle enough that how the respondents declare the receipts etc as bogus and that too without any proof and evidence. The appellant had produced all the evidence including acquaintance roll and challan etc during the inquiry proceedings and as such he had proved his contention. Respondents have failed to prove that proper inquiry has been conducted and that the appellant was allowed to cross examine the complainant.

Respondents have also not denied the fact that the complaint was signed by the leaders of the ruling party which was aimed at pressurizing the respondents. Even respondents have failed to show that any omission or commission is there in connection with the partition case and the allegations leveled have not been proved. Respondents have also admitted the contradictions in the statements of the complainant and the Wali-U-Rehman about the alleged amount. The appellant never demanded nor received any illegal gratifications from any one.

In the circumstances the appellant has been punished without any omission or commission on his part and he has not committed any misconduct. The respondents have failed to substantiate their version and bring anything on record in support of their version; as such the impugned orders are not maintainable in the eyes of law.

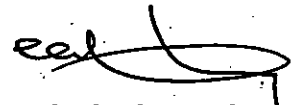
It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Dated:-26-05-2015



Appellant

Through



Fazal Shah Mohmand

Advocate Peshawar

AFFIDAVIT

I, Saeed Khan Ex Patwari, Patwar Halqa Mohabatabad and Begram Khan Kallay Mardan, (The Appellant), do hereby solemnly affirm and declare on oath that the contents of this Replication are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

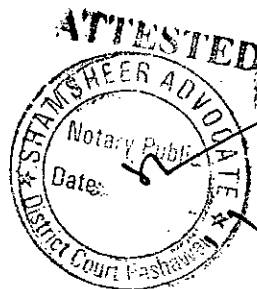
Identified by



Fazal Shah Mohmand
Advocate Peshawar.



DEPONENT



BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUBKHWA,
PESHAWAR.

Service Appeal No. 1412 of 2014.

Saeed Khan Ex Patwari. Patwar Halqa Mohabat Abad and Behram Khan Kallay,
Mardan.....Appellant

VS

1. Commissioner Mardan Division Mardan.
2. Deputy Commissioner, Mardan.
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa
..... Respondents

**APPEAL U/S 19 OF E&D RULES 2011 AGAINST THE ORDER DATED 29.10.2014
PASSED BY RESPONDENT NO.01, WHEREBY DEPARTMENTAL APPEAL OF THE
APPELLANT FILED AGAINST THE ORDER DATED 22.07.2014 OF RESPONDENT
NO. 02 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE WITH
IMMEDIATE EFFECT, HAS BEEN DISMISSED.**

**Joint Para wise comments on behalf of Respondent No. 01, Respondent
No. 02 and Respondent No. 03.**

Respectfully Sheweth:

Preliminary Objections:

1. That the appeal is hopelessly time-barred.
2. That the appellant has not come to court with clean hands.
3. That the appellant has got no cause of action.

Reply on facts:

1. Pertains to record, hence needs no comments.
2. Incorrect. Neither had he been issued with any such notice by the NT Mardan, nor had he recovered and deposited any such amount as overpayment in the land acquisition matter. He was not authorized to make entry in the acquaintance as the District Collector entrust acquaintance roll to Tehsildar for disbursement of compensation. Moreover, he has utterly failed in producing any tangible proof in support of his contention before the Inquiry Officer during the Inquiry Proceeding. Photo copy of the Challan he produced and saying that through that challan he deposited the amount in Government Treasury is also fake as no such amount has really been deposited.
3. Incorrect hence denied. The allegations leveled against the appellant proved authentic after the matter has been properly probed into.
4. In order to ascertain the factual position, preliminary inquiry has been conducted, on the basis of which formal inquiry has been carried out by the Inquiry Officer.
5. The appellant failed in bringing any convincing proof in his defense before the preliminary inquiry officer. At the result of the preliminary inquiry, a formal departmental inquiry into the matter was ordered against the appellant.
6. The reply he made could not prove him innocent; rather it established his guilt.
7. After properly inquiring into the matter, the Inquiry Officer recommended major penalty to be imposed on the appellant.

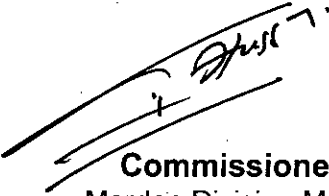
14.05.15

8. Pertains to record.
9. Incorrect. The ordered appealed against has been passed in accordance with law.

REPLY ON GROUNDS:


- A. Incorrect, hence denied.
- B. Incorrect. The probe has been carried out strictly complying with the law and the relevant rules. Pointing fingers at the Inquiry is unreasonable.
- C. Incorrect. He has been provided full opportunity to prove himself guiltless.
- D. Incorrect. The impugned order is made by the competent authority as per law.
- E. Incorrect. The proceedings carried out were purely official and disciplinary in nature.
- F. Incorrect. The appellant has annexed copy of the inquiry report with the instant appeal. Where from he got it ?
- G. The Para is self-contradictory: first it is stated that the appellant was transferred into the Patwar Halqa after the date of issuing the orders by the court; on the other hand he stated that the appellant had duly informed the court that due to rush of work and computerization process, it would take time.
- H. The burden of proving the existence of the fact he set up shifts on the appellant.
- I. Incorrect. There is no contradiction in the statement in the total figure. The appellant has stated the total sum of amount he paid to the appellant whereas Wali Rehman, the witness, has explained it further but the sum of amount is alike. So far the documents he produced in his support are concerned, that have been found as fake.
- J. As explained in Para No. 02 of reply to Grounds.
- K. It make no sense, the complainant made the complaint after he had paid the bribe-money.
- L. Incorrect.
- M. No comments.
- N. Incorrect, the appellant files just repeated material.

In view of the above, the appeals seems meaningless and weightless, therefore it is requested to be dismissed in limine.


Commissioner
Mardan Division Mardan
(Rspndnt No. 01)

COMMISSIONER,
MARDAN DIVISION


Deputy Commissioner
Mardan (Rspndnt No. 02)


Senior Member
Board of Revenue & Estate
Khyber Pakhtunkhwa (Rspndnt No.03)

SENIOR MEMBER
Board of Revenue
Khyber Pakhtunkhwa

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 1412 of 2014

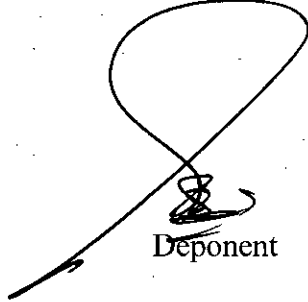
Saeed Khan Ex Patwari, Patwari Halqa Mohabat Abad and Behram Khan Killi,
Mardan.....Appellant

Versus

Commissioner, Mardan Division, Mardan etcRespondents

AFFIDAVIT

I, Shahid Ullah Khan, Deputy Commissioner, Mardan, (respondent No.2) do hereby solemnly affirm and verify that the contents of reply is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.


Deponent

VAKALATNAMA

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 141d /2016

Saeed Khan

APPELLANT / PETITIONER

VERSUS

Commissioner and others.

RESPONDENTS

I Saeed Khan, do hereby appoint Rizwanullah, Advocate, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me as my 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 costs.

I authorize the said Advocate to deposit, withdraw and receive on my behalf all sums and amounts payable or deposited on my account in the above noted matter. The Advocate/Counsel is also at liberty to leave my case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me.

Dated: 20/4 /2016

(Saeed)

CLIENT

Approved & Accepted

(Rizwanullah)

MR. RIZWANULLAH
Advocate High Court