


FORM OF ORDER SHEET

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

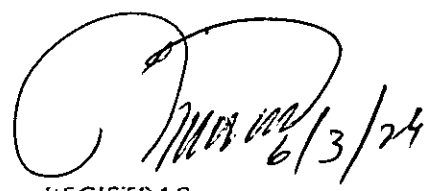
**Appeal No. 421/2024**

Sl. No.	Date of order proceedings	Order or other proceedings with signature of judge
1	20/03/2024	<p>The appeal of Mr. Muhammad Shohaib refiled today by registered post through Mr. Muhammad Ayub Awan Advocate. It is fixed for preliminary hearing before touring Single Bench at A. Abad on <del>23/4/2024</del> counsel for the appellant has been informed telephonically.</p> <p>By the order of Chairman  REGISTRAR</p>

... should be received today i.e on 04-03-2024 is incomplete  
... the counsel for the appellant for corruption and

... of rule-6 of Khyber Pakhtunkhwa Service Tribunal rule  
... 1, 4 & 5 are un-necessary/improper parties, in light of the  
... the written direction of the Worthy Chairman the above  
... be deleted/struck out from the list of

509  
6/3



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR

...

OBJECTIONS REMOVED AS PER  
DIRECTION OF REGISTRAR  
SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR -  
(FILE RECEIVED ON 14-3-2024)

15-3-2024

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

**Service Appeal No. 421 /2024**

Muhammad Shoaib

...APPELLANT


**V E R S U S**

Government of Khyber Pakhtunkhwa and others

...RESPONDENTS

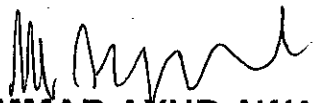
**SERVICE APPEAL  
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...APPELLANT

Through:

**Dated: 1-3 /2024**

  
(MUHAMMAD AYUB AWAN)  
Advocate Supreme Court of Pakistan  
Abbottabad

&  
  
(WAQAR AYUB)  
Advocates High Court, Abbottabad.

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

**Service Appeal No. 421/2024**

Muhammad Shoaib Tehsil Revenue Accountant Deputy Commissioner  
Office Battagram.

**...APPELLANT**

**V E R S U S**

1. Commissioner Hazara Division Abbottabad.
2. Deputy Commissioner Battagram.

**...RESPONDENTS**

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**SERVICE APPEAL UNDER SECTION-4 OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR ACT, 1974 AGAINST THE ORDER  
DATED 02.10.2023 AND 29.11.2023 PASSED BY  
RESPONDENT NO.3 (DEPUTY COMMISSIONER  
BATTAGRAM / COMPETENT AUTHORITY,  
WHEREBY COMPETENT AUTHORITY IMPOSED  
MAJOR PENALTIES (A) REDUCTION OF LOWER  
POST TEHSIL ACCOUNTANT BPS-08 AND (B)  
COMPULSORY RETIREMENT W.E.F 04.03.2014**

AS A TEHSIL REVENUE ACCOUNTANT, WHICH IS ILLEGAL, PERVERSE, UNLAWFUL, ARBITRARY, AGAINST THE LAW, FACTS AND NATURAL JUSTICE AND LIABLE TO BE SET-ASIDE.

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---

**PRAYER:-**

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL OF THE APPELLANT, IMPUGNED ORDER DATED 02.10.2023 & 29.11.2023 ISSUED BY COMPETENT AUTHORITY (DC BATTAGRAM) MAY KINDLY BE DECLARED NULL AND VOID AND APPELLANT BE REINSTATED INTO SERVICE ALONGWITH ALL BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

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***Respectfully Sheweth,***

***Brief facts giving rise to the instant Writ Petition are arrayed as under:-***

1. That the Appellant is a law abiding citizen of Pakistan and was appointed as Patwari in

District Battagram. (Copy of CNIC is annexed as Annexure "A")

2. That after appointment appellant performed his duty with full devotion and liabilities and there had no complaint against appellant.
3. That on 10.10.2022 some persons of locality filed so-called and baseless application against the appellant before Deputy Commissioner Battagram.
4. That thereafter on 19.06.2023 competent authority issued notice and show cause notice and thereafter Assistant Commissioner Battagram was appointed as Inquiry Officer.
5. That thereafter inquiry officer issued notice to the complainant and recorded one sided statement of the complainants and his supporter without cross examination and in absence of the appellant.
6. That on 01.06.2023 inquiry officer submitted inquiry report before the competent authority / Collector Battagram and on 02.10.2023 a

competent authority passed impugned orders without any justification and lawful authority, whereby competent authority imposed two different punishments:-

- a. Reduction to lower post of Tehsil Revenue Accountant BPS-8.
- b. Compulsory Retirement w.e.f 04.03.2024 as Tehsil Revenue Accountant.

7. That letter on 29.11.2023 competent Authority did not deliver the impugned order within time and the said order received on 10.11.2023 and second amended impugned order dated 29.11.2023 received on 05.12.2023. **(Copies of letters are annexed as Annexures "B" & "C" respectively)**

8. That Appellant had already preferred an appeal against impugned orders. **(Copy of Appeal is annexed as Annexure "D")**

Feeling aggrieved from the impugned orders the appellant has come to this Honourable Court on the following inter-alia amongst many other:-

**G R O U N D S :-**

- a) That, the impugned orders are illegal, unlawful, perverse, unilateral, against the norms of natural justice and fair play hence liable to be set-aside.
  
- b) That the dismissal from service order dated 02.10.2023 and 29.11.2023 are illegal, unlawful, without lawful authority, perverse and against the constitutional guaranteed rights of the appellant hence, untenable in the eyes of law and his liable to be set-aside.
  
- c) That when law prescribed something which is to be done in a particular. That must be done in that manner and not otherwise. Hence, the competent authority was bound to follow the law which is not done in the instant case. Hence, impugned order is liable to be set-aside and appellant be reinstated.
  
- d) That neither any show cause was served upon the appellant nor he was associated with any inquiry hence, the dismissal order is based on political influence with malafide, therefore liable to be set-aside.



- e) That, competent authority intentionally not delivered the inquiry report to the appellant for redressing of his grievance which shows the malafide of the competent authority.
- f) That, the appellant was condemned unheard and he did not given opportunity for personal hearing to bring the real facts and truth on the screen.
- g) That even otherwise the impugned orders dated 02.10.2023 and 29.11.2023 are liable to be set-aside on the grounds that no rights of defence or personal right of hearing which was mandatory provision of law was given to the appellant before being proceeded against him.
- h) That, impugned orders was passed against the appellant with malafide, against law and natural justice.
- i) That the whole disciplinary proceedings initiated against the appellant have been done in contravention to the rules, regulation and law and therefore the whole proceedings are liable

to be set-aside and be restored on his original post.

- j) That competent authority violated the basic principle of natural justice and rule and procedure prescribed in E&D rules, hence impugned orders are liable to be set-aside.
- k) That competent authority issued impugned orders against the well-known principles procedures prescribed and guidelines by the superior courts and authorities time by time for the Government Departments but competent authority ignored all these rules and principles.
- l) That the competent authority without any reasons on the part of appellant imposed major penalties reduction and compulsory retirement from service and no opportunity of personal hearing was given to the appellant.
- m) That all proceedings was conducted on hear say story without solid proof and evidence against the appellant and a whole proceedings was carried out one sided, appellant deprived from

his basic natural and fundamental rights guaranteed under the constitution.

- n) That no other efficacious, alternate and speedy remedy is available hence this Appeal.
- o) That other points will be raised during arguments with the permission of this Honorable Court.
- p) That, addresses of the parties have correctly and detailed mentioned in the heading of the appeal.
- q) That, the instant appeal is well within time.

**PRAYER:-**

It is therefore humbly prayed on acceptance of the instant service appeal of the appellant, impugned order dated 02.10.2023 & 29.11.2023 issued by Competent Authority (Dc Battagram) may kindly be declared null and void and appellant be reinstated into service alongwith all back

benefits. Any other relief which this Honourable Tribunal deem appropriate in the circumstances of the case may also be granted to the appellant.

*[Signature]*  
...APPELLANT

Through:

Dated: 1-3 /2024

*[Signature]*  
(MUHAMMAD AYUB AWAN)  
Advocate Supreme Court of Pakistan  
Abbottabad

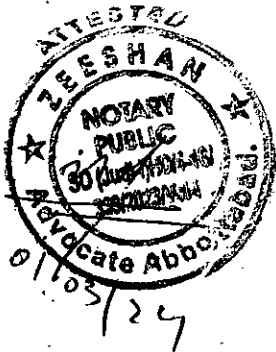
*[Signature]*  
(WAQAR AYUB)  
Advocates High Court, Abbottabad.

VERIFICATION:-

Verified that the contents of the instant **Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

Dated: 1-3 /2024

*[Signature]*  
APPELLANT



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

**Service Appeal No. /2024**

Muhammad Shoaib

**...APPELLANT**

**V E R S U S**

Government of Khyber Pakhtunkhwa and others

**...RESPONDENTS**

**SERVICE APPEAL**

**AFFIDAVIT**

I, **Muhammad Shoaib Tehsil Revenue Accountant Deputy  
Commissioner Office Battagram, Appellant**, do hereby solemnly affirm  
and declare on Oath that the contents of instant **Appeal** are true and  
correct to the best of my knowledge and belief and that nothing has been  
concealed from this Hon'ble Court.

**Dated: / 10/3/2024**

*Muhammad Shoaib*  
**DEPONENT**  
NOTARY PUBLIC  
PESHAWAR  
Advocate Abbottabad  
01/03/24

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

**Service Appeal No. /2024**

Muhammad Shoaib

...APPELLANT

**V E R S U S**

Government of Khyber Pakhtunkhwa and others

...RESPONDENTS

**SERVICE APPEAL**

**CERTIFICATE**

***Certified that no such like Appeal has earlier been filed  
before this Hon'ble Court.***

**Through:**

...APPELLANT

**Dated: 1-3 /2024**

**(MUHAMMAD AYUB AWAN)**

Advocate Supreme Court of Pakistan  
Abbottabad

**&**

**(WAQAR AYUB)**

Advocates High Court, Abbottabad.

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

**Service Appeal No. /2024**

Muhammad. Shoaib

**...APPELLANT**

**V E R S U S**

Government of Khyber Pakhtunkhwa and others

**...RESPONDENTS**

**SERVICE APPEAL**

-----  
**APPLICATION FOR SUSPENSION OF IMPUGNED  
ORDERS DATED 02.10.2023 AND 29.11.2023 TILL  
THE FINAL DISPOSAL OF MAIN SERVICE  
APPEAL.**  
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***Respectfully Sheweth,***

1. That appellant is being filed before this Hon'ble tribunal and the instant application may be treated as integral part of the same.
2. That the appellant had brought a good prima facie case in which he was much confident of his success.
3. That balance of convenience was also lies in his favour. In case impugned orders dated 02.10.2023 and 29.11.2023 were not suspended then appellant would suffer irreparable loss.

It is, therefore, humbly prayed that on acceptance of the foregoing application, the impugned order may graciously be suspended till the final disposal of main appeal.

...APPELLANT

Through Counsels:

Dated: 1-3 /2024

*M. Ayub*

(MUHAMMAD AYUB AWAN)

Advocate Supreme Court of Pakistan  
Abbottabad

&

*W. Ayub*

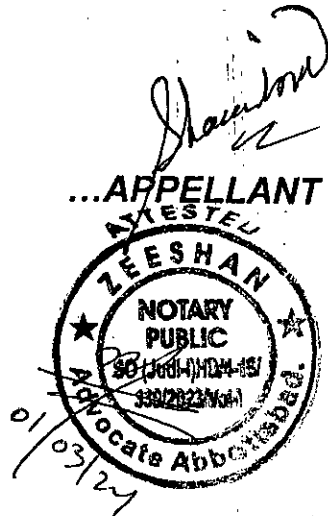
(WAQAR AYUB)

Advocates High Court, Abbottabad.

AFFIDAVIT

I, Muhammad Shoaib Tehsil Revenue Accountant Deputy Commissioner Office Battagram, Appellant, do hereby solemnly affirm and declare on Oath that the contents of instant **Application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Dated: -1- 3 /2024





13

ANNEXURE  
"A"

**PAKISTAN** National Identity Card  
ISLAMIC REPUBLIC OF PAKISTAN

Name: Muhammad Shoab

Father Name: Abdul Ghani

Gender: M Country of Stay: Pakistan

Identity Number: 13202-0778303-5 Date of Birth: 09.03.1981

Date of Issue: 19.02.2020 Date of Expiry: 19.02.2030

Holder's Signature

13202-0778303-5

گمشدہ کارڈ ملنے پر قریبی لیٹر بکس میں ڈال دیں

1012517878693  
124-81-305203

گمشدہ کارڈ ملنے پر قریبی لیٹر بکس میں ڈال دیں



19

OFFICE OF THE  
DEPUTY COMMISSIONER  
BATTAGRAM ANNEXURE  
"B"

Deputy Commissioner Battagram



deputycommissionerbtm@gmail.com



0997-310136



0997310051

No. 6437-44 / 1

Dated 02/10/2023

**NOTIFICATION.**

WHEREAS, Mr. Muhammad Shoaib (Patwari BS-09) was proceeded against under Rules-5 of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 for the charges levelled against him by Mr. Ziarat Gul in his application dated 09-03-2023.

AND WHEREAS, Mr. Abdus Salam, Assistant Commissioner, Battagram was appointed as Inquiry Officer to conduct inquiry against the official.

AND WHEREAS, the inquiry officer, after having examined the charges, evidences on record and explanation of the accused, submitted his report on 01-06-2023.

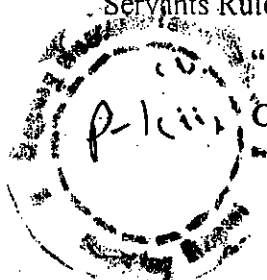
AND WHEREAS, direct show cause notice was served upon the accused under Rule-5 read with Rule-7 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 on 19-06-2023.

AND WHEREAS, the accused was granted opportunity of personal hearing by the competent authority on 20-06-2023.

NOW THEREFORE, I, Deputy Commissioner, Battagram, being competent authority, after having considered the charges, evidence on record, explanation of the accused and findings of the inquiry report under Rule 14 (5) of the Khyber Pakhtunkhwa Government Servant (E&D) Rules, 2011 impose the following major penalties under rule 04 of Khyber Pakhtunkhwa Civil Servants Rules, 2011.

"Reduction to a lower post of Naib Office Kanungo, (BS-07)

Compulsory Retirement with effect from 04.03.2024" as Naib Office Kanungo.



Deputy Commissioner, Battagram. 02/10/2023

No. 6437-44

Copy forwarded to:

1. The Commissioner, Hazara Division Abbottabad.
2. The Additional Deputy Commissioner (G), Battagram.
3. The Assistant Commissioner, Battagram with the direction to further process for the recovery of the alleged amount received by the accused and for attestation of the said mutation strictly under the prescribed laws/rules.
4. The District Accounts Officer, Battagram.
5. The Tehsildar Battagram
6. The District Nazir Battagram.
7. Assistant Establishment for record.

*[Handwritten signature]*

Deputy Commissioner, Battagram. 02/10/2023



To be substituted

OFFICE OF THE  
DEPUTY COMMISSIONER  
BATTAGRAM

ANNEXURE "C"

Deputy Commissioner Battagram

deputycommissionerbtm@gmail.com

0997-310136

0997310051

Dated 29/11/2023.

No. 8086

**NOTIFICATION.**

In partial modification of this office Notification No. 6437-44 dated 02-10-2023, the major penalties imposed on Mr. Muhammad Shoaib Patwari (BPS-09) shall be read as follows.

- i. "Reduction to a lower post of Tehsil Accountant, (BS-08) (instead of Naib Office Kanungo as the post has been abolished).
- ii. Compulsory Retirement with effect from 04.03.2024" as Tehsil Accountant (BPS-08).

Deputy Commissioner,  
Battagram

No. 8087-93 /

Copy forwarded to:

1. The Commissioner, Hazara Division Abbottabad.
2. The Additional Deputy Commissioner (G), Battagram.
3. The Assistant Commissioner, Battagram with the direction to further process for the recovery of the alleged amount received by the accused and for attestation of the said mutation strictly under the prescribed laws/rules.
4. The District Accounts Officer, Battagram
5. The Tehsildar Battagram
6. The District Nazir Battagram.
7. Assistant Establishment for record.

Deputy Commissioner,  
Battagram.



ATTESCO  
[Signature]

(16)

ANNEXURE  
"D"

(S)

To

The Worthy Commissioner  
Hazara Division,  
Abbottabad.

Subject;

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED  
ORDER DATED 02/10/2023 & 29/11/2023 PASSED BY  
DEPUTY COMMISSIONER BATTAGRAM/COMPETENT  
AUTHORITY, WHEREBY COMPETENT AUTHORITY  
IMPOSED MAJOR PENALTIES

(a). Reduction to Lower Post Tehsil Accountant BS-08 and  
(b). Compulsory Retirement w.e.f 04/03/2014 as a Naib Office  
Kanoon Go. which is Illegal, against the Law, Facts and  
nature Justice and liable to be set-aside.

Respected Sir,

1. That, the appellant was appointed as Patwari in District Battagram.
2. That after appointment appellant performed his duty with full devotion and liabilities and there had no complaint against appellant.
3. That on 10/10/2022 some persons of locality filed so called and base less application against the appellant before Deputy Commissioner Battagram.
4. That thereafter on 19/06/2023 competent authority issued notice and show cause notice and thereafter Assistant Commissioner Battagram was appointed as inquiry officer.
5. That thereafter inquiry officer issued notice to the complainants and recorded one sided statement of the complainants and his supporter without cross examination and in absence of the appellant.
6. That on 01/06/2023 inquiry officer submitted inquiry report before the competent authority/Collector

Secretary

LD Comm

8/12/2023

Reader/Acr

S

Duty

9658  
11/12/2023

89

17

Battagram and on 02/10/2023 a competent authority passed impugned order without any justification and lawful authority, whereby competent authority imposed tow different punishments

- a. Reduction to low post of Naib Office Kanoon Go BS-7.
  - b. Compulsory retirement w.e.f 04/03/2024 as Naib Office Kanoon Go.
7. That letter on 29/11/2023 competent authority modified the same and issued new impugned order attached.
8. That the competent authority did not deliver the impugned order within time and the said order received on 10/11/2023 and second amended impugned order dated 29/11/2023 received on 05/12/2023. Hence, this appeal on the following grounds:-

**GROUND:-**

- a. That, the dismissal from service order dated 02/10/2023 and 29/11/2023 is illegal, unlawful, without lawful authority, perverse, and against the constitutional guaranteed rights of the appellant hence, untenable in the eye of law and his liable to be set-aside.
- b. That when law prescribed something which is to be in a particular. That must be in that manner and not otherwise. Hence the competent authority was bound to follow the law which is not done in the instant case. Hence impugned order is liable to be set-aside and appellant be reinstated.

9/10

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- c. That, neither any show cause was served upon the appellant nor he was associated with any enquiry hence, the dismissal order is based on political influence, therefore liable to be set-aside.
- d. That competent authority intentionally not delivered the inquiry to the appellant for redressing of his grievance which shows the malafide of the competent authority.
- e. That, the appellant was condemned unheard and he did not given opportunity for personal hearing to bring the real and true facts on the screen.
- f. That even otherwise the impugned orders dated 02/10/2023 and 29/11/2023 are liable to be set-aside on the grounds that no rights of defence or personal right of hearing which was mandatory provision of law was given to the appellant before being proceeded against him.
- g. That, impugned order was passed against the appellant with malafide, against law and natural justice.
- h. That the whole disciplinary proceedings initiated against the appellant have been done in contravention to the rules, regulation and law and therefore the whole proceedings are liable to be set-aside and be restored on his original post.
- i. That competent authority violated the basic principle of natural justice and rule and procedure prescribed in E&D rules, hence impugned order is liable to be set-aside.

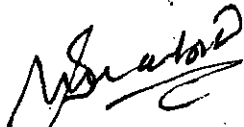
(Signature)

19

- j. That competent authority issued impugned order against the well known principles procedures prescribed and guidelines by the superior courts and authorities time by time for the governments departments but competent authority ignored all these rules and principles.
- k. That the competent authority without any reasons on the part of appellant imposed major penalties reduction and compulsory retirement from service and no opportunity of personal hearing was given to the appellant.
- l. That all proceedings was conducted on hear say story without solid proof and evidence against the appellant and a whole proceedings was carried out one sided; Appellant was deprived from his basic natural and fundamental rights guaranteed under the constitution.

It is, therefore, humbly prayed that on acceptance of the instant departmental appeal, impugned order dated 02/10/2023 and 29/11/2023 issued by competent authority (DC Battagram) may kindly be declared null and void and appellant be reinstated into service alongwith all back benefits.

Dated: 7/11 /2023

  
(Muhammad Shoaib)  
Naib Office Kanqon Go  
Deputy Commissioner Office,  
Battagram  
0316-8508877  
0300-9142720

Resd

20



OFFICE OF THE  
COMMISSIONER HAZARA DIVISION  
ABBOTTABAD

No. CHD/Reader/10/2 (B) 2371

Dated: 22 /02/2024

**ORDER**

**21/02/2024**

**Whereas**, the appellant Mr. Muhammad Shoaib Naib Office Qanungo, Deputy Commissioner Office Battagram has filed the instant appeal on 07/11/2023 against the impugned order No.6437-44 dated 02/10/2023 & order No. 8086 dated 29/11/2023 passed by the Deputy Commissioner, Battagram whereby Major Penalties had been imposed upon the appellant under the provisions of Rule 4(b)(i)(ii), E&D Rules, 2011.

The brief history of the case in hand is that Mr. Muhammad Shoaib was serving as Patwari Halqa Shamlai Tehsil & District Battagram. A complainant, Mr. Ziarat Gul R/O Shamali District Battagram had submitted an application before the Deputy Commissioner, Battagram wherein he alleged that a chunk of land measuring 10 Kanal & 16 Marlas was purchased in the year 2020 and for the transfer of said land, the accused Patwari (Appellant) received an amount of Rs.250,000/- on account of Govt Taxes in respect of Mutation No.1339 but after few days, it came into the notice of the complainant that no record of aforementioned mutation existed in mutation register.

A fact finding inquiry was conducted by the Assistant Commissioner, Battagram against the accused and submitted the same to the Deputy Commissioner, Battagram vide his letter No.772/AC(B) dated 01/06/2023. It transpired from the inquiry report that the appellant failed to rebut the allegations & charges leveled against him.

**And whereas**, in light of the recommendations of the inquiry Officer, the Deputy Commissioner Battagram under the provisions of Rule 4(b)(i)(ii) & Rule 7(f) of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 imposed the following Major Penalties upon the appellant vide order No.6437-44 dated 02/10/2023 & order No.8086 dated 29/11/2023.

- i. "Reduction to a lower post of Tehsil Accountant, (BS-08) (instead of Naib Office Kanungo as the post has been abolished).
- ii. Compulsory Retirement with effect from 04.03.2024 as Tehsil Accountant (BPS-08).



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**Whereas**, the comments on the instant appeal were requisitioned from Deputy Commissioner, Battagram vide this office letter CHD/10/2/Reader(B)/16764-65 dated 11/12/2023. The same were received from Deputy Commissioner, Battagram vide his letter No.1120/AE/DC(E) dated 25/01/2024.

**And whereas**, the appellant appeared in person for personal hearing on 21/02/2024 in the presence of the representative of the Deputy Commissioner, Battagram i.e Ammar Mushtaq, Tehsildar Battagram.

**Now therefore**, after going through the contents of the appeal, careful perusal of available record, comments offered by the Deputy Commissioner, Battagram vide letter No.1120/AE/DC(B) dated 25/01/2024 and providing the opportunity of personal hearing to the appellant, it appears that Deputy Commissioner, Battagram properly conducted the inquiry proceedings under the E&D Rules, 2011 and rightly imposed the Major Penalties upon the appellant.

Therefore, I see no solid grounds to set-aside the order of Deputy Commissioner Battagram which is upheld along with realization of recovery from the accused as recommended by inquiry Officer. The instant appeal is hereby rejected.

**ANNOUNCED**  
**21/02/2024**



**Commissioner**  
**Hazara Division Abbottabad**

OFFICE ORDER

57 22

In pursuance of the order of the District Officer, Peshawar dated 12/11/1964 regarding the appointment of the members of the Board of Revenue, Peshawar, the following gentlemen have been appointed to the Board of Revenue, Peshawar, to deal with the matters relating to the revenue and health of the district.

- 1. Mr. Muhammad Aslam Khan, District Officer, Peshawar.
- 2. Mr. Muhammad Aslam Khan, District Officer, Peshawar.
- 3. Mr. Muhammad Aslam Khan, District Officer, Peshawar.
- 4. Mr. Muhammad Aslam Khan, District Officer, Peshawar.
- 5. Mr. Muhammad Aslam Khan, District Officer, Peshawar.
- 6. Mr. Muhammad Aslam Khan, District Officer, Peshawar.
- 7. Mr. Muhammad Aslam Khan, District Officer, Peshawar.
- 8. Mr. Muhammad Aslam Khan, District Officer, Peshawar.
- 9. Mr. Muhammad Aslam Khan, District Officer, Peshawar.
- 10. Mr. Muhammad Aslam Khan, District Officer, Peshawar.

Sd/-  
District Coordination Officer  
Batagram

OFFICE OF THE DISTRICT OFFICER REVENUE & DISTRICT BATAGRAM

2295 AE Dated Batagram the 2-2-1965

Copy forwarded to the:-

- 1. District Coordination Officer, Batagram.
- 2. Secretary Board of Revenue, WFP Peshawar with reference to order cited above.
- 3. District Accounts Officer, Batagram.
- 4. Tehsildar, Batagram/Allah.
- 5. Head clerk (local).
- 6. Officers concerned.

(Mohammad Farooq)  
District Officer,  
Revenue & State, Batagram



TESTED BY  
*[Signature]*

# بخدمت جناب ڈپٹی کمشنر صاحب ضلع بنگرام

عنوان :- درخواست بمراد قانونی کارروائی برخلاف پٹواری صاحب

جناب عالی

درخواست ذیل عرض ہے۔

یہ کہ پٹواری حلقہ محمد شعیب جو کہ ہمارے حلقہ کا پٹواری تھا۔

جو کہ اُس نے اس وقت پر میرا انتقال بحوالہ نمبر 1339 نمونہ 27/10/2020 کو مالکان زمین سے کرا کر بیان وغیرہ بھی کر کے میرے

بیٹے اور میرے پوتے اسرار ولد فیاض ابرار ولد نیاز عائشہ دختر مستجابہ لانیہ دختر شیر محمد کے نام پر کر کے ہم سے بابت ٹیکس کی قیمت مبلغ

4,75,000 ہزار روپے سرکاری ٹیکس بھی لئے قسم زمین باڑی 10 کنال 16 مرلے اور گواہان انتقال کے لئے آکر انگوٹھے بھی لگا کر

بیان کرا کے مالک زمین سب کچھ مکمل کر کے ہمیں اُس وقت 5 دن بعد زمین کا فرد بھی دے دیا کہ آپ کا انتقال ہو گیا ہے جو کہ ہم محافظ خانہ

میں اپنا فرد لیکر انتقال کی نقولات کے لئے آئے اور موجودہ پٹواری حلقہ گل بہادر کے پاس بھی اپنا انتقال کے لئے کئی دفعہ آئے لیکن محافظ

خانہ میں پرت سرکار موجود نہ ہے اور ہمیں پتہ چلا کہ آپ کا انتقال نہیں ہے چونکہ پٹواری مذکورہ دفعہ پہلے بھی برخاست ہو چکا ہے اس کے

خلاف انکوائریاں بھی سے لہذا مسائل غریب بندہ ہے اور مسائل کے ساتھ خرد برد کیا ہے اور مسائل کے انتقال میں 3 بچے جو یتیم بھی ہے مسائل

کی اپنی ساری عمر کی جمع پونجی اکٹھی کر کے اپنے لئے زمین خریدی تھی۔ اب پٹواری کے خلاف کارروائی کر کے اس کو ڈس مس کیا جائے اور

مسائل کو اس کا انتقال بھی کر لیا جائے مسائل سے ٹیکس کے علاوہ اور 55 ہزار روپے رقم پٹواری نے اپنا خرچ لیا ہوا ہے مسائل کو انصاف فراہم کیا

جائے ورنہ مسائل غربت کی اور اس ظلم کی وجہ سے مسائل کو ٹینشن کی وجہ سے بھی ہارٹ اٹیک ہو سکتا ہے لہذا مہربانی کر کے انصاف دلایا

جائے۔

مسائل تاحیات دعا گورہیگا۔

سائلان :- زویات گل ولد محمد علی، شیر محمد، نیاز محمد پسران زویات گل

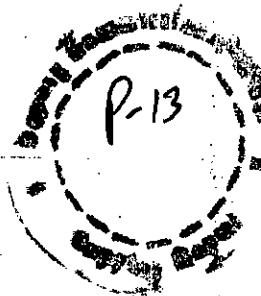
ساکنہ سو سمبوڑہ شمالی تحصیل ضلع بنگرام۔

Reader  
Tehsildar and  
concerned parties be  
called at the  
earliest alongwith  
evidences.

الرقوم :- 10/10/2022

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Sabul  
09.03.2023

0348-5844814



TESTED  
[Signature]

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**ENQUIRY REPORT**

**COMPLAINT AGAINST MR. SHOAB, THE THEN PATWARI SHUMLAI.**

**Background:**

Mr. Ziarat Gul, resident of Shumlai submitted an application (**Annex-I**) to the Deputy Commissioner, Battagram wherein he stated that he purchased a piece of land at Mouza Shumlai measuring 10 kanals and 16 marlas in the year 2020. According to applicant, the then halqa Patwari Mr. Muhammad Shoab took an amount of Rs. 250,000/- on the pretext of taxes and gave him a Fard depicting his transaction under khata No. 19/21 and mutation No. 1339 (**Annex-II**) and informed him that his mutation has been registered on 27.10.2020. However, the applicant later came to know that no record of mutation number 1339 existed in the mutation register. Upon the complaint, the Worthy Deputy Commissioner, Battagram deputed the undersigned to conduct an inquiry and submit report.

**Proceedings:**

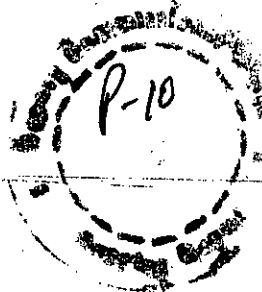
Notices were served upon the parties directing therein to appear before the undersigned on 14.04.2023 (**Annex-III**). However, the accused did not appear on the pretext of illness of his wife. Subsequent notices were served again and all the concerned were directed to appear before the undersigned on 25.05.2023 (**Annex-IV**). All concerned appeared on the given date and recorded their statements, the crux of which is as under.

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*Shoab*  
01.06.2023

i. **Statement of Mr. Ziarat Gul (Complainant).**

He stated that in the year 2020, he purchased a piece of land at Shumlai measuring 10 kanals and 16 marlas for his grandsons/granddaughters from Mr. Tahir s/o Ajun Khan at the rate of Rs. 100,000/- per kanal (Khasra No. 240). He handed over Rs. 1,100,000/- to the owner of land in the presence of the accused Patwari as well as other witnesses and desired to register the mutation deed in the names of his grandsons/granddaughters. The Patwari concerned also took an amount of Rs. 250,000/- on account of taxes, which was only 6% at that time for the non filer (i.e Rs. 66000/- only). Despite timely payment of cost of land as well as taxes, the accused failed to register his mutation and instead gave him a bogus Fard. Upon persistent demand of the complainant, the accused handed him over a mutation deed, duly attested by Muhafiz Khana recently on 17.04.2023 (**Annex-V**), which was also bogus.

(Page 01 of 03)



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ii. **Statement of Mr. Muhammad Shoaib, Patwari (Accused).**

The accused negated all the charges and insisted that he only took the legal amount of taxes and registered the mutation without delay. He further insisted that the complainant/applicant himself received an attested copy of mutation deed from Muhafiz Khana, which shows that the mutation was duly registered (Annex-VI).

iii. **Statement of Mr. Adil Nawaz Khan (Witness).**

The witness stated that the deal of land between Mr. Ziarat Gul and Mr. Tahir was made in his presence and the accused Patwari took an amount of Rs. 250,000/- as taxes. The patwari handed over a copy of Fard after 05 days to the buyer and informed that mutation has been duly registered, under number 1339 on 27.10.2020. However, upon inquiring from Muhafiz Khana, it transpired that no record of such mutation has been found (Annex-VII).

iv. **Statement of Incharge, Muhafiz Khana.**

In order to dig out the facts, the Incharge of Muhafiz Khana was called alongwith the mutation register of the year 2020. Upon minute perusal of the register, it transpired that mutation number 1339 has not been registered. Further, no mutation of Mouza Shumlai involving the instant buyer and seller could be found. When the Incharge Muhafiz Khana was asked about the attested copy of mutation deed, reportedly issued by Muhafiz Khana on 17.04.2023, he declined to have issued any such mutation deed and informed that the stamp and sign on the mutation are bogus. He categorically stated that no mutation bearing number 1339, involving Khasra No. 240 and Khata No. 19/21 was registered in the year 2020 (Annex-VIII).

v. **Statement of Mr. Naeem Khan, Halqa Patwari Shumlai.**

As per practice, patwaris write the details of any mutation including the statements of buyer and seller in Roznamcha Waqiyati (Daily register) initially and later, record it in the mutation register. Accordingly, the incumbent patwari of Shumlai Mr. Naeem Khan was directed to appear alongwith Daily register (Roznamcha waqiyati). The concerned patwari appeared on 26.05.2023 and after thorough checking of the daily register, no mention of mutation No. 1339 was available and the statement of instant buyer and seller were also not found. The statement of Mr. Naeem Khan is at Annex-IX.

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FINDINGS/CONCLUSION.

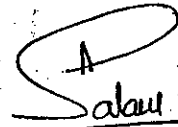
From the statements of all concerned and minute perusal of the record, it is evident that the accused Mr. Muhammad Shoaib, the then Patwari Shumali not only failed to register the mutation deliberately but misguided the complainant and gave him a fake fard containing mutation number 1339, which is not traceable in Roznamcha-i-Waqiati, Partali or in indraj-e-inteqalat register of Muhafiz Khana. Moreover, the statement of accused himself, witness and the complainant, depict that the accused took an exorbitant amount in the name of taxes (though at that time tax rate was only 6%) but no receipt has been produced by the accused which shows that tax amount was submitted in treasury. Moreover, upon insistence of complainant, the accused produced fake mutation deed, and attested/authenticated it himself fraudulently which is also a grave charge.

Thus charges of fake mutation, fraudulent practices, forgery and embezzlement have been proved beyond the shadow of doubt.

RECOMMENDATIONS.

Aforementioned in view, the following recommendations are submitted.

- a. Major penalty of "Removal from Service" may be imposed upon Mr. Muhammad Shoaib, the then Patwari Shumlai, now in TRA Battagram.
- b. The mutation No. 1339 (Khata No. 19/21) may be registered and the taxes amount at present rate may be recovered from the culprit.
- c. Strict instructions may be issued to all field revenue staff to register the mutations at the earliest and send the part-e-sarkar to Muhafiz Khana as soon as possible.

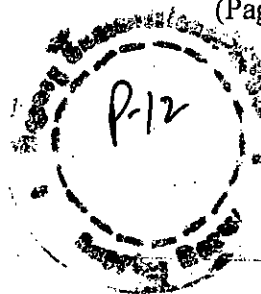
  
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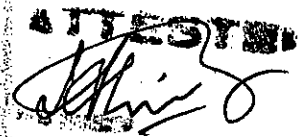
01-06-2023

(ABDUS SALAM)

Inquiry Officer/Assistant Commissioner,  
Battagram

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SHOW CAUSE NOTICE.

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I, Tanveer Ur Rehman, Deputy Commissioner, Battagram, as Competent Authority, under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you Mr. Muhammad Shoaib, the then Patwari Shamlai, now in TRA as follows:

- i. That you were charged for presenting a fake mutation, bearing number 1339, dated 27.10.2020 to Mr. Ziarat Gul, resident of Shamlai which was never registered.
- ii. That you took an amount of Rs. 250,000/- on account of taxes, while the applicable tax amount at that time was Rs. 66,000/- only.
- iii. That upon insistence of Mr. Ziarat Gul, the complainant, you produced a fabricated mutation deed, containing fake sign & stamp of Muhafiz Khana on 13.04.2023.

I am satisfied that you have committed the above acts / omissions as grave misconduct and the charges have been established as reported by the Assistant Commissioner, Battagram.

2. In terms of Rule-5, read with Rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, I, as Competent Authority, dispose with the inquiry and serve you with a show cause notice

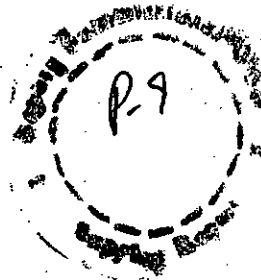
3. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of 'Removal from service' under rule 4 of the said rules.

4. You are, thereof, 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.

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

19/6/2023  
(Tanveer Ur Rehman)  
Competent Authority

Mr. Muhammad Shoaib, Patwari (TRA)



ATTESTED  
*Jahid*

S.No. 219218 Mob: 28

Name of Advocate \_\_\_\_\_

DBA NO. \_\_\_\_\_ TBA NO. \_\_\_\_\_

BC No. \_\_\_\_\_

R.s.200/=

وکالت نامہ



Muhammad Nadeem  
Finance Secretary  
District Bar Association  
Abbottabad

سرورس ٹریبونل میٹاورد

بعدالت

عنوان: محمد شعیب بنام گورنمنٹ آف ضیور ڈیپارٹمنٹ ٹوانہ

منجانب: سائل / مدعیہ نوعیت مقدمہ سرورس اپیل

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطہ پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایڈووکیٹ انبار کے لیے  
**صدر ایوب ایڈووکیٹ سپریم کورٹ آف پاکستان** منضیل رحیم  
 کو حسب ذیل شرائط پروکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خالص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے  
 جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ  
 سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے  
 علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ  
 ساعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے  
 کسی معاوضہ کے ادا کرنے یا عتقائے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف  
 مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم  
 درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے  
 اور ہر قسم کے بیان دینے اور اس پر تاشی و تراشی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے پیر و نجات  
 از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کطرفہ درخواست حکم انتہائی یا قرقاری یا گرفتاری و اجراء ڈگری بھی صاحب  
 موصوف کو بشرط ادا ایگی علیحدہ مختار پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے  
 کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں  
 وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف  
 کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ  
 کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔ مورخہ: ---/---/---  
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ دن ماہ سال

نوٹ: وکالت نامہ کی فوٹو کاپی قابل قبول نہ ہوگی

محمد شعیب

محمد شعیب

محمد شعیب  
 صدر ایوب ایڈووکیٹ  
 سپریم کورٹ آف پاکستان



S.No. 219218

Mob: \_\_\_\_\_

28



وکالت نامہ

Name of Advocate \_\_\_\_\_

DBA NO. \_\_\_\_\_

TBA NO. \_\_\_\_\_

BC No. \_\_\_\_\_

R.s.200/=

Ch Muhammad Naeem  
Finance Secretary  
District Bar Association  
Abbottabad

سرورس ٹریبونل شیماور

بعدالت

عنوان: محمد شعیب بنام گورنمنٹ آف ضیور بخون نوان

منجانب: سائل / دستبردار نوعیت مقدمہ و سرورس اپیل

باعث تحریر آنکہ

محمد شعیب

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطہ پوری و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایڈووکیٹ آف ان چارج کے لیے محمد ایڈووکیٹ کو سب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گا تو صاحب موصوف اس کے کسی طور پر مزید مدد لائے ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروقت تعطیل پوری کر کے نہ لائے گا۔ اگر مقدمہ پکھری کے علاوہ کسی جگہ سماعت ہونے پر یا بروقت تعطیل یا پکھری کے اوقات سے پہلے یا پیچھے پیشی ہو تو پھر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا محتاج نہ لے کر واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو مل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء لے کر کسی دفتر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ناشی و رائی نامہ و فیصلہ بر حلف کر کے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری کی طرف درخواست حکم ایشاعی یا فوری یا گرفتاری قبل از گرفتاری واجرا لے ڈگری بھی صاحب موصوف کو بشرط ادا ایلی علیحدہ مختانہ پوری کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے چاہنے والے کے ذریعہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

محمد شعیب دستبردار

مورخہ: / / دن ماہ سال  
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

نوٹ: وکالت نامہ کی فوٹو کاپی قابل قبول نہ ہوگی

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