

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.2455/2023

BEFORE: MRS. RASHIDA BANO MEMBER(J)
MR. MUHAMMAD AKBAR KHAN ... MEMBER(E)

Mr. Farrukh Jadoon S/o Anwar Ahmad Khan, Ex- Section Officer (PMS
BPS-17) Social Welfare Department, Khyber Pakhtunkhwa Peshawar.

.... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.

.... (Respondents)

Mr. Ahmad Sultan Tareen
Advocate

.... For appellant

Mr. Muhammad Jan
District Attorney

.... For respondents

Date of Institution.....23.11.2023
Date of Hearing..... 13.02.2024
Date of Decision..... 13.02.2024

JUDGMENT

RASHIDA BANO, MEMBER (J):The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“On acceptance of this appeal, the impugned notification dated 18.08.2023 regarding imposition of major penalty of removal from service against the appellant may kindly be set aside and the respondents may also be directed to reinstate the appellant in service with all back benefits having accrued or accruable in appellant’s favor since the date of his removal from service.”

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2. Brief facts of the case as given in the memorandum of appeal are that the appellant was appointed as Naib Tehsildar in February, 2009 and was promoted and inducted in Provincial Management Service (PMS) in BPS-17. During service, he was posted against different posts to serve including the ex-cadre posting as Land Acquisition Collector for the china Pakistan Economic Corridor, Havelian Thakot Section at NHA in different time intervals. The appellant while serving as Land Acquisition Collector at CPEC NHA, Abbottabad was imposed major penalty of removal from service. Appellant filed a review petition before the respondent No.1, which was rejected vide order dated 31.10.2023 which was received by the appellant on 02.11.2023, hence the instant service appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for the appellant argued that the impugned disciplinary proceedings as conducted against the appellant and imposition of major penalty against him are arbitrary, baseless, unlawful, malafide, against the facts and law hence liable to be set aside being void ab-initio. He further argued that the appellant was not properly associated with the inquiry proceedings and the appellant was not provided with opportunity of personal hearing and he was condemned unheard which is violation of principle of natural justice and equity. He further argued inquiry officer recommended him minor penalty of withholding promotion for three years while in the impugned notification major penalty of removal from service was imposed upon him, which show malafide on the part of respondents.

5. Conversely, learned Deputy District Attorney contended that appellant has been treated in accordance with law and rules. He further contended that



due process of law has been followed and the appellant has been provided with ample opportunity to defend himself against the charges. Moreover, the appellant has failed to lend any credence to his false assertion to point out any discrepancy in the disciplinary proceedings. He further contended that appellant while entrusted with Additional Charge of LAC CPEC-HT was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 which caused a loss to the tune of Rs. 75,010,564/- to the Government Exchequer. The charges leveled against the appellant stood proved in the inquiry report and consequently major penalty of removal from service was imposed upon him by the Competent Authority.

6. Perusal of record reveals that appellant was appointed as Naib Tehsildar in February 2009 and was promoted and became the part of Provincial Management Service in BPS-17. Appellant was appointed as Land Acquisition Collector for the China Pakistan Economic Corridor (CPEC) Havelian Tahkot Pakistan at NHA for four different times. Appellant was charge sheeted for issuance of second corrigendum to award No.14 in a capacity of Land Acquisition Collector at China Pakistan Economic Corridor (Havelian Tahkot Section) NHA Abbottabad and after fulfillment of all codal formalities appellant was removed from service vide order dated 18.08.2023, impugned before this tribunal. In May, 2019 some land owners approached General Manager of the project and agitated that acquiring department started working on their land without their permission they asked for re-measurement on the site/spot and re-possession of their land, upon which acquiring department on 16.05.2019 requested appellant for acquisition of land coming in the right of way (row) as per third land acquisition folder. Appellant upon request of acquiring department acquired land by issuing 2nd corrigendum to award No.14, when demand for acquired land was put to the acquiring department by the appellant upon it department

constitute committee under the Chairmanship of General Manager, M-1 NHA, committee issue questionnaire to the appellant and all other officers of the project to explain their position. All of them including the appellant submitted reply to the said questionnaire but the committee held responsible the appellant alone for acquiring additional land by issuing 2nd corrigendum to award No. 14 and asked respondent No.3 for initiating official inquiry against the appellant vide letter dated 02.02.2022 upon which chargesheet and statement of allegation dated 14.04.2022 were issued by appointing Mr. Tariq Hassan Secretary, Regional Transport Authority as inquiry officer. Inquiry officer after fulfilling codal formalities submit report to the authority. Showcause notice was sent to the appellant on 03.11.2022 alongwith finding without sending of entire inquiry report form respondent No.1 through office of respondent No.3. Appellant replied to the show case notice and requested for personal hearing, which was accordingly afforded to him. The most important aspect of the case in hand is that inquiry against appellant was initiated upon the request and complaint of the NHA but neither complainant nor anyone else on his behalf appeared before the inquiry officer.


7. It is general principal that one who alleged must prove the allegation but in the instant case, no such thing is available. NHA alleges that appellant at his own acquired land vide second corrigendum to award No. 14 while appellant contended that he acquired additional land as per request and third folder of the NHA acquiring department after bringing in to the notice of all concern in acquiring department.

8. It is also pertinent to mention here that land which was acquired by issuing second corrigendum to award No.14 was in the possession of NHA and request for the de-notification of the corrigendum was not put/made by the NHA which means that said land was required for the completion of the project and was acquired in the public interest.

9. Appellant was awarded major penalty of removal from service without providing opportunity of cross examination upon the complainant, members of inquiry committee who recommended initiation of departmental proceeding against the appellant beside all others, who remain associated with the acquisition of land in the project and land owners upon whose agitation NHA decided to acquire additional land which means appellant was condemned unheard.

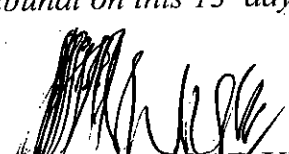
10. It is a well settled legal proposition, that regular inquiry is must before imposition of major penalty of removal from service, whereas in case of the appellant, no such inquiry was conducted. The Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. In absence of proper disciplinary proceedings, the appellant was condemned unheard, whereas the principle of *audi alteram partem* was always deemed to be embedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on 2010 PLD SC 483.


11. For what has been discussed above, we are unison to set-aside impugned order and reinstate the appellant into service for the purpose of de-novo inquiry with direction to provide opportunity of hearing, defense and most importantly cross examination upon committee who held responsible appellant and requested for initiating inquiry against the appellant beside all



officials who are relevant for the purpose of preparing 3rd folder of the project of NHA and to associate land owners with the inquiry proceedings. De-novo proceeding must be concluded within sixty days after receipt order. The issue of back benefits shall be decided subject to the outcome of denovo enquiry. Costs shall follow the event. Consign.

12. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 13th day of February, 2024.*


(MUHAMMAD AKBAR KHAN)
Member (E)


(RASHIDA BANO)
Member (J)

*Kaleemullah

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ORDER

13.02.2024 1. Appellant alongwith his counsel present. Mr. Mohammad Jan

learned District Attorney alongwith Mr. Muhammad Riaz, Superintendent for the respondents present..

2. Vide our detailed judgement of today placed on file, we are unison to set-aside impugned order and reinstate the appellant into service for the purpose of de-novo inquiry with direction to provide opportunity of hearing, defense and most importantly cross examination upon committee who held responsible appellant and requested for initiating inquiry against the appellant beside all officials who are relevant for the purpose of preparing 3rd folder of the project of NHA and to associate land owners with the inquiry proceedings. De-novo proceeding must be concluded within sixty days after receipt order. The issue of back benefits shall be decided subject to the outcome of denovo enquiry. Costs shall follow the event. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 13th day of February, 2024.*

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(MUHAMMAD AKBAR KHAN)
Member (E)




(RASHIDA BANO)
Member (J)

30th Nov. 2023

01. Learned counsel for the appellant present.
Preliminary arguments heard and record perused.

02. Point raised need consideration. The appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to the respondents through TCS, the expenses of which shall be deposited by the appellant within 03 days. To come up for written reply/comments on 04.01.2024 before the S.B. Parcha Peshi given to the learned counsel for the appellant.


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(FAREEHA PAUL)
Member (E)

**Fazle Subhan, P.S **

04.01.2024 1. Junior to counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General alongwith Mr. Riaz, Superintendent for the respondents present.

2. Reply/comments on behalf of respondents submitted which are placed on file. Copy of the same handed over to junior of learned counsel for the appellant. To come up for rejoinder, if any, and arguments on ¹³~~08~~.02.2024 before D.B. P.P given to the parties.



(Muhammad Akbar Khan)
Member (E)

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FORM OF ORDER SHEET

Court of _____

Appeal No. 2455/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/11/2023	<p>The appeal of Mr. Furrakh Jadoon presented today by Mr. Ahmad Sultan Tareen Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>30-11-2023</u>. Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Fazokh Tajoon V Govt of Kpk

S#	CONTENTS	YES	NO
1	This Appeal has been presented by _____	✓	
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent oath commissioner?	✓	
8	Whether Appeal / Annexures are properly paged?	✓	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/ clear?	✓	
13	Whether copy of appeal is delivered to AG/ DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant / Respondents?	✓	
15	Whether number of referred cases given are correct?	✓	
16	Whether appeal contains cutting / overwriting?		✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this Court?	✓	
19	Whether requisite number of spare copies are attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether security and process fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, Notice along with copy of Appeal and annexures has been sent to Respondents? On _____		
26	Whether copies of comments / reply / rejoinder submitted? On _____		
27	Whether copies of comments/ reply/ rejoinder provided to opposite party? On _____		

It is certified that formalities /documentations as required in the above table, have been fulfilled.

Name: A. Sultan Taxeen

Signature: - _____

Dated: - 23/11/23

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

SCANNED
KPST
Peshawar

Service Appeal No. 2455 /2023

Farrukh Jadoon

.....APPELLANT

VERSUS

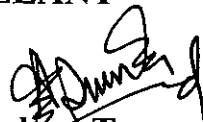
Government of Khyber Pakhtunkhwa and othersRESPONDENTS

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APPELLANT

Through:


Ahmad Sultan Tareen
Advocate High Court


Mazhar Ali
Advocate High Court


Haider Ali
Advocate High Court


Shabaz Khan
Advocate Peshawar

Dated: 23.11.2023

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 2455/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9385

MR. FARRUKH JADOON S/O ANWAR AHMAD KHAN, Dated 23/11/2023
EX-Section Officer (PMS BPS-17), Social Welfare Department,
Khyber Pakhtunkhwa, Peshawar,
Resident of Village and Post Office Langra. Tehsil Havelian, District
Abbottabad. APPELLANT

Versus

1. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH THE
CHIEF SECRETARY,
Civil Secretariat, Peshawar.
2. CHIEF SECRETARY TO GOVERNMENT OF KHYBER
PAKHTUNKHWA,
Civil Secretariat, Peshawar.
3. SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT,
Civil Secretariat, Peshawar.

Filed to-day
Regis 23/11/23

SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT,
1974 AGAINST IMPOSITION OF MAJOR PENALTY
UPON THE APPELLANT VIDE NOTIFICATION No.
SOE-II(ED) 2 (756)/2017 dated 18.08.2023 ISSUED
FROM THE OFFICE OF RESPONDENT NO. 3.

=====

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PRAYER:

On acceptance of this appeal, the impugned notification No. SOE-II(ED)2(756)/2017 dated 18.08.2023 regarding imposition of major penalty of "removal from service" against the appellant may kindly be set aside and the respondents may also be directed to reinstate the appellant in service with all back benefits having accrued or accruable in appellant's favor since the date of his removal from service.

Respectfully Sheweth,

The appellant seeks to prefer this appeal with the submissions as hereinafter follow:-

1. That the Appellant joined Civil Service as Naib Tehsildar in February, 2009 and was promoted and inducted in Provincial Management Service (PMS) in BPS-17 in due course of time. He during his service was posted against different posts to serve including the ex-cadre posting as Land Acquisition Collector (LAC) for the China-Pakistan Economic Corridor, Havelian-Thakot Section (CPEC-HT) **(for short "The Project")** at National Highway Authority (NHA) in different times and tenures as enumerated herein below:-

- a. From July 2016 to February 2018 (**First Tenure**).
- b. From November 2018 to July 2019 (**Second Tenure**).
- c. From August 2019 to December 2019 (As additional charge in parallel with post of Additional Assistant Commissioner (Revenue), Peshawar) (**Third Tenure**)

d. From June 2020 to February 2022 (As additional charge in parallel with the post of Assistant to Commissioner (Political and Development) Hazara Division, Abbottabad) **(Fourth Tenure)**.

2. That the Appellant has been imposed upon Major Penalty of "Removal From Service" under The Khyber Pakhtunkhwa (Efficiency and Discipline Rules), 2011 for issuing Corrigendum for Award No. 14 while the Appellant was serving as Land Acquisition Collector (LAC) at China-Pakistan Economic Corridor (Havelian-Thakot Section), NHA Abbottabad.
3. That the appellant during his **First Tenure** announced Award No. 14 for Mauzas Salhad-II/Kokhar Interchange in September 2017 based on 1st and 2nd Land Acquisition Folders furnished by NHA.
4. That during **Second Tenure** of the Appellant, in the month of May, 2019, some local land owners whose land had been acquired approached the Appellant and concerned quarters in NHA including General Manager of the project and others, agitating working of the acquiring department on their land without their permission; and asked for re-measurements on site and re-possession of their land. Furthermore, the acquiring department on **16th May, 2019** also requested the Appellant for acquisition of land coming in the Right of Way (RoW) as per 3rd Land acquisition Folder. It was in these circumstances that the Appellant wrote to the Deputy Commissioner Abbottabad under intimation to concerned quarters in NHA for measurements on spot for addressing concerns of the locals who were agitating the trespassing

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of their land by the acquiring department and to cater for additional land as per 3rd Land Acquisition Folder.

5. That after the measurements and report from the concerned Revenue Agency, the Appellant announced 2nd Corrigendum of Award No. 14 and the same was taken up with the acquiring department through noting for additional demand of funds accrued under the same. Copy of Original Award No. 14, of the 2nd Corrigendum of Award and of the Noting are annexed respectively "**Annexure-A, A1 & A2**".
6. That during the **Fourth Tenure** of the Appellant, the acquiring department initiated a probe, on the instance of Director (Land), NHA Khyber Pakhtunkhwa, into additional demand of funds as mentioned above; and a committee under General Manager M-1, NHA Complex, Jallo Burhan, Hassanabdal, District Attock was constituted which issued a questionnaire to the Appellant and other officers of the Project to explain their positions. The Appellant as well as other officers of the Project replied to the same but the committee considered only the Appellant as guilty for announcement of the impugned 2nd Corrigendum of Award No. 14 and wrote to **Respondent No. 3** for initiating official inquiry against the Appellant. Copy of letter of NHA to Respondent No. 3 is **Annexure "B"**.
7. That it was in these circumstances that **Respondent No. 2** on behalf of **Respondent No. 1** issued a Notification vide No. SOE-II (ED) 2 (756) 2017 dated 14.04.2022 directing for formal inquiry proceedings against the Appellant under the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 and appointed Mr. Tariq Hassan, Secretary Regional

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Transport Authority as Inquiry Officer. The Appellant was also served with charge sheet and Statement of Allegations to be replied to the said Inquiry Officer, which was duly answered. Relevant Notification, charge sheet with Statement of Allegations, the Appellant's reply and that of the Inquiry Report are "Annexure-C, C1, C2 & C3".

8. That Respondent No.1 through the office of Respondent No. 3 served the Appellant with a Show-Cause Notice vide No. SOE-II/2(756) 2017 dated 03.11.2022 along with findings only and not the whole inquiry report and the Appellant was asked to submit his reply within fifteen days of its delivery. Tentatively, "Removal from Service" was imposed upon the Appellant. In response, the Appellant replied to the show cause notice and requested for according personal hearing facility to him to convey his point of view. Copies of Show-Cause Notice, and Reply of the Appellant are "Annexure D & D1".
9. That following his request, the Appellant was afforded with opportunity of personal hearing before Mr. Asghar Ali, Secretary Population Welfare, Government of Khyber Pakhtunkhawa; and the Appellant replied to all relevant queries during the Personal Hearing apparently to his satisfaction.
10. That after passage of almost 08 months of the personal hearing and 16 months of the initiation of formal inquiry proceedings, the Appellant was served with the notification dated 18.08.2023 from Respondent No. 1 through Respondent No. 3 whereby major penalty of "**Removal from Service**" was imposed against the appellant. Copy of said notification is "Annexure-E".

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11. The Appellant filed a review petition before the **Respondent No. 1**, vide which the Appellant prayed for setting aside the impugned Order but same was refused vide letter No. **SOE-II(ED) 2 (756) 2017/PF, Dated 31.10.2023**, issued from the office of **Respondent No. 3** and received by the Appellant on **2nd of November, 2023**. Copy of review petition and said Letter of rejection are "**Annexure-F**" & F/1.

12. The appellant being reasonably aggrieved from the order of removal from service and of rejection of his review seeks to challenge the same, *inter alia*, on the following grounds:-

GROUND

A. That the allegations enumerated in the Statement of Allegations served with the Charge Sheet upon the appellant prima facie stemmed from a corrigendum in relation to an Award previously announced by him as LAC. Such corrigendum was issued by the appellant in exercise of powers under section 12-A of Land Acquisition Act, 1894. Accordingly, any clerical or arithmetical mistake in the award arising therein from any accidental slip or omission may, at any time, be corrected by the Collector either of his own motion or on the application of any of the parties. Supposedly, the appellant misunderstood the said provision for his power to issue the disputed corrigendum, it was a matter in relation to an error in interpretation of a statutory provision. The issuing of disputed corrigendum notwithstanding its erroneousness due to misinterpretation of the legal provision could have not warranted for initiation of disciplinary action against the appellant until and unless same was to have been proved issued for an extraneous consideration. So, there was no sufficient to provide any ground(s) under the Khyber Pakhtunkhwa Government Servants (E&D) Rules,

2011 for initiation of impugned disciplinary proceedings against the appellant by the respondents. As such, the impugned disciplinary proceedings as conducted against the appellant and imposition of major penalty against him in result thereof are arbitrary, perverse, random, erroneous, baseless, unlawful, malafide, against the facts and against the law necessitating to be annulled being void *ab initio*.

- B. That the inquiry report relied upon in proof of so called charges against the appellant is *ex facie* defective and made out in hit and run manner in disregard to the well settled principles of fair trial and due process. Thus, the said report was wrongly made basis for the impugned action against the appellant in violation of his legal and constitutional right.
- C. That the impugned inquiry report is self-evident that the Appellant was not got properly associated with the inquiry proceedings in light of his defenses advanced through his written reply of the charge sheet, to the Inquiry Officer; and as such, the appellant has been condemned unheard by the Inquiry Officer in violation of the principles of natural justice and equity. If the Appellant had been informed about the inclusion of Mr. Humayun Khan as co-opted member being a revenue record expert, the Appellant would have objected to his inclusion with valid reasons.
- D. That this is an irony of the fate of appellant that failures of the departmental representative in production of requisite record were counted against the appellant by the Inquiry Officer which is an evidence of his inefficiency and lack of the procedural knowledge of administrative inquiries beside his malicious conduct against the appellant.
- E. That the impugned Notification says that the Appellant was imposed upon Major Penalty of "Removal From Service" on the

findings and Recommendations of the Inquiry Officer, however the Inquiry Officer, in spite of the botched up inquiry proceedings, recommended for Minor Penalty of **withholding promotion for three years**. This again shows mala fide and ill will on the part of the **Respondents** for punishing the Appellant unjustly.

- F. That the allegations as designed in the Statement of Allegations stood in need of evidence to be collected by the Inquiry Officer with affording of reasonable opportunity of cross-examination of the witnesses to the appellant. Worst come worst, the Inquiry Officer must have recorded the statement of departmental representative as witness of the production of record and also have given opportunity of his cross-examination by the appellant. The report as submitted by the Inquiry Officer is not based on any evidence and the same very obviously lacks the compliance with procedural requirements for its admissibility against the appellant under the facts and law.
- G. That it is a matter of fact that the Appellant in defense of the charge sheet, after having given detail account of the facts and figures about contributory role of concerned quarters in NHA regarding necessity of issuing of the corrigendum, pleaded not guilty. So, association of the relevant officers of NHA who were instrumental in sensitizing the respondents for impugned disciplinary action against the appellant, should have been summoned and examined by the Inquiry Officer to rebut the reply of the appellant. However, the inquiry report is silent as to any such exercise on part of the Inquiry Officer. Needless to say that Rule 11 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 provides a self-contained procedure to be followed by the Inquiry Officer which among others things include the power of the Inquiry Officer to examine the witnesses in support of charge or in defense and

afford the parties with opportunity of cross-examination *vice versa*. The Inquiry Officer in the present case has failed to comply with the said legal requirements and denied the right of the appellant to cross-examine the witnesses and also of his right to produce the witnesses in defence. Thus, the inquiry report on this sole ground is not tenable and liable to be annulled. Similarly, all proceedings subsequent to the inquiry report and imposition of major penalty upon the appellant are unfounded making no room for their tenability under the facts and law.

- H. That the stakeholders in case of the disputed corrigendum were the acquiring department (NHA) and the persons whose property was acquired due to the said corrigendum. Lest the corrigendum was erroneous due to misinterpretation of section 12-A of the Land Acquisition Act, 1894, it was prerogative of the said stakeholders to challenge it before legal forums, if they were not interested in it. However, either of the said stakeholder did not proceed to challenge the same in accordance with law and the same corrigendum still holds the field. Rather, NHA has utilized the acquired land under the corrigendum for the relevant purpose; and the persons interested in compensation of the land have either received the compensation amount or the same is withheld by NHA without any fault on their part.
- I. That issuing of the disputed corrigendum was not a unilateral act of the Appellant. Rather it was meant to foster the cause of acquiring department on their initiative and it was a matter of collective responsibility for which the appellant was singled out otherwise than due course of law.
- J. The Appellant, while serving as Land Acquisition Collector for the impugned award, was acting as "Arbitrator" between the affected

people and the acquiring department. If an arbitrator takes a wrong view of law or fact and decides the case/matter on such assumption, the same could be corrected by adopting due process of law. The acquiring department (NHA) having never questioned the award or corrigendum under due process of law could have not proceeded administratively against the appellant in disregard to their own conduct of acquiescence in the very corrigendum by utilization of the acquired land thereunder without objection.


- K. That the appellant clearly pleaded his bonafide and good faith in issuing of the disputed corrigendum taken into account for disciplinary action against him, and the departmental representative could not rebut the said plea of the appellant.
- L. That the appellant filed review petition before the competent authority with solid grounds and expositions; which if considered judiciously, would have warranted its acceptance and setting aside of penalty imposed upon the appellant with his exoneration from the charges. However, the same was dismissed cursorily in hit and run manner. Therefore, the appellant was left with no other remedy but to invoke the jurisdiction of this Hon'ble Tribunal for justiciability of the impugned order/notification and of the disciplinary proceedings in its background.
- M. With the foregoing grounds among others not specifically urged here for the sake of brevity, the appellant is innocent and disciplinary proceedings in toto including the imposition of major penalty against him are sham, illegal, baseless, legally and factually erroneous, malicious, unjust, unfair, otherwise than due process of law, against the facts and law, and not tenable having regard to the principles of natural justice. So, the appellant is entitled for the relief prayed for under the facts and law.

- N. That the grounds urged herein are concise and if the need so arises, other grounds will be advanced during arguments at the bar with permission of this Hon'ble Tribunal.
- O. That this appeal is within time and this Hon'ble Tribunal has got jurisdiction to adjudicate upon the same.

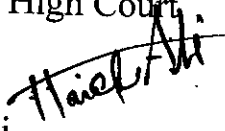
It is respectfully prayed that this service appeal may graciously be accepted as per prayer in the heading herein-above.

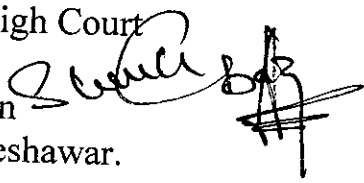
APPELLANT

Through:


Ahmad Sultan Fareen
Advocate High Court


Mudassir Ali
Advocate High Court


Haider Ali,
Advocate High Court


Shabaz Khan
Advocate Peshawar.

Dated: 23.11.2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Farrukh Jadoon

.....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa and othersRESPONDENTS

AFFIDAVIT

I, Farrukh Jadoon, the appellant do hereby state on solemn affirmation that contents of the accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed.

~~ATTESTED~~
Zahoor Khan Advocate
NOTARY PUBLIC
District Courts Peshawar

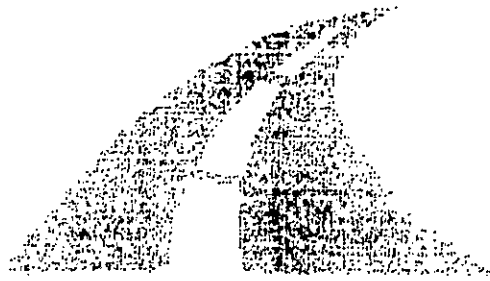
23.11.23

~~DEPONENT~~

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Annex - "A"

NHA



FRIENDLY HIGHWAYS

Award No. 14 for village

Salhad-II/Khokhar

Interchange

Tehsil & District Abbottabad

China - Pak Economic Corridor Thakot - Havelian
Section

**NATIONAL HIGHWAY AUTHORITY
ABBOTTABAD**

ATTACHED

14

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NATIONAL HIGHWAY AUTHORITY

**CHINA-PAK ECONOMIC CORRIDOR PROJECT (CPEC)
HAVELLIAN-THAKOT SECTION**

Award No. 14/843/2017/LAC/CPEC-HT/NHA/ATD. Abbottabad the, 13th Sep, 2017

AWARD UNDER SECTION-11 OF LAND ACQUISITION ACT-1894

1. National Highway Authority (NHA) has decided to acquire a piece of land measuring 200-Kanals & 14 Marlas permanently in the mauzas Salhad-II (159 Kanals and 13 Marlas) and Kokhar (41 Kanals and 01 Marlas), Tehsil & District Abbottabad for the construction of Havelian-Thakot Road Section of China-Pak Economic Corridor (CPEC) in public interest.

NOTIFICATION UNDER SECTION-4 OF LAA-1894

2. The Deputy Commissioner/ District Collector, Abbottabad issued Notification U/S-4 of the Land Acquisition Act (LAA)-1894 vide No.903/Acq dated 11-05-2017; and Corrigendum Notification U/S-4 of the LAA-1894 vide No. 1004/Acq dated: 19-05-2016 pertaining to the land measuring 203-Kanals & 07 Marlas which was published in the Official Gazette on 22-05-2017. As the request for acquisition for interchanges was made vide PD letter No. 856, Dated: 22 February, 2017 so that why its acquisition couldn't be started earlier.

NOTIFICATION UNDER SECTION-17(4) & 6 OF LAA-1894

3. The Commissioner, Hazara Division, Abbottabad issued Notification U/S-17(4) & 6 of LAA-1894 vide No. 1/50 (A) Rev/5409-16/ACR/GA, dated: 21-08-2017 which was published in the Official Gazette on 22-08-2017.

4. The undersigned was directed to take order of the land duly notified. Accordingly, measurement of the land was made through revenue staff of Tehsil & District Abbottabad under the provision of Section-8 of LAA-1894. The land, which is sought to be acquired, is as under:

Tehsil & District	Mauza	Area with Khasra Nos.		
		Khasra No.	Kanals	Marla
Abbottabad	Salhad-II	4243/1	00	07
		4244/1	00	04
		4249	00	18
		4248/1	00	11
		4247/1	02	13
		4250	11	18

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LAND ACQUISITION COLLECTION OFFICE
National Highway Authority
Abbottabad

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4251/2	03	03
4253/2	02	16
4255/2/2	01	10
4254/2/2	04	04
4262/1	01	00
4263/2/1	01	10
4040/2	01	12
4038	02	01
4037/2	02	09
5430/5342/4035/1	02	19
5341/4035	01	00
4036/1	01	08
4012/1	00	11
4013/1	00	04
5516/4027/1	00	17
5040/4028/2	06	17.5
5101/4028/2	06	3.5
5100/4028	01	13
4029	04	06
4030	04	06
4031	21	09
4034/2	08	06
4033/2	05	03
4032	03	01
4009/1	01	05
5281/4995/4008/1	02	15
4007/1	01	09
4001/2	03	19
4003	02	00
4002	02	15
4000	02	11
3999	01	10
3995/3/2	07	18
3986/2/2	01	19
3988/2	00	10
3983/1	00	01
3981/1	03	00
5619/3980/1	00	06
3978/1	00	04
3975/2/1	00	02
3987/2/1	00	11
5295/4010	00	05
5294/4010/1	00	17
3974/2	02	07

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LAND ACQUISITION COLLECTOR (SPECS)
 National Highway Authority
 Abbottabad

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Abbottabad	Salhad-II	3945/1	02	00
		3944/2	01	15
		3943/2	01	16
		3942/2	02	15
		5191/3947/1	00	07
		3941/1	00	19
		3936/1	04	06
		3925/1	00	05
		3924/1	00	12
		3926	01	10
		3927	00	06
		3928	00	04
		3905/2/1	00	05
		3902/2/1	00	02
		3827/1	00	05
		5174/4011/1	01	04
		4763/4004/1	00	03
		4762/4004/1	00	05
		5616/3973	00	03
		5617/3973/3	00	11
4890/3921/1	00	12		
Total Area	159	13		
Abbottabad	Kokhar	716/453/2/2	02	09
		452/2/2	04	13
		448/2	04	02
		445/1	06	19
		444/2	05	12
		443/1	02	08
		451/2	06	14
		450	04	06
		449	03	13
Total:-	41	1		

VALUATIONS

a) LAND

5. The Deputy Commissioner/District Collector, Abbottabad was requested for the provision of average Yaksala for the said mauza. In response thereof, he provided the same through Tehsildar Abbottabad based on the sale mutations attested during one year prior to the date of issuance of Notification U/S-4 of LAA-1894. According to the said average yaksala, the prices of the different kinds of land are as under:

SALHAD II (INTERCHANGE) (LAND COST ESTIMATES)						
S.No	Measurement of Land		Kind of Land	Cost per Marla (PKR)	Cost per Kanal (PKR)	Total Amount (Rs)
	Kanals	Marlas				

[Signature]
 District Collector (CP&P)
 National Highway Authority
 Abbottabad

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1	0	15	Bagh	630,802.00	12,616,040.00	9,462,030.00
2	19	8	Hoter/Bahir De Aabi	311,690.40	6,233,808.00	120,935,875.20
3	6	4	Bari	378,481.20	7,569,624.00	46,431,668.80
4	106	16	Maira/Kund	126,160.40	2,523,208.00	269,478,614.40
5	0	3	Rakkar/Kalsi	44,527.20	890,544.00	133,581.60
6	26	7	Ghair Mazruha	7,421.20	148,424.00	3,910,972.40
Total Area	139	13				450,852,742.40
			15% Compulsory acquisition charges			67,627,911.36
			2% District Council Fee			9,017,055.85
			Total			527,497,708.61

Khokhar (INTERCHANGE) (LAND COST ESTIMATES)

S.No	Measurement of Land		Kind of Land	Cost per Marla (PKR)	Cost per Kanal (PKR)	Total Amount (Rs)
	Kanals	Marlas				
1	38	12	Maira/Kund	197,821.05	3,956,421.00	152,717,850.60
2	2	9	Ghair Mazruha	16,485.08	329,701.60	807,768.92
Total Area	41	01				153,525,619.52
			15% Compulsory Acq. Charges			23,028,842.93
			2% District Council Tax			3,070,512.52
			Total			179,624,974.97

6. The initial estimated costs were sent to the Board of Revenue-KPK Peshawar through the Commissioner Hazara Division, Abbottabad for approval and sanction was accorded vide letter No. REV; V/4/228/II/Hazara/15324-25 dated: 28-07-2017.

b) STRUCTURES/BUPs

7. The assessment of the Built-Up Properties (BUP) and structures coming in the alignment of the Havelian-Thakot Road Section of CPEC was made through the C&W Department. The Executive Engineer C&W provided this office with the assessment which was further verified and assessed by the acquiring department and after deduction of 15% salvage value as practice in NHA, the compensation amount becomes as follows:

Total Cost of Structures/BUPs	Rs. 80,379,033.00
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The compensation for Structures/BuPs has been made through payment order as per Section 17 of the Land Acquisition Act, 1894, which was revised as per the revised assessment mentioned above. This was offered and payment made just to save time after the announcement of award.

c) FRUIT BEARING TREES

8. The assessment of the fruit bearing trees (FBT) coming in the alignment of the road was made through the Agriculture department, Abbottabad. The said department provided the assessment of the fruit-bearing trees which was further verified by the acquiring department and after deducting 15% salvage value as per acquiring department policy, the compensation amount for fruit bearing trees is as follows:

Total cost in PKR	Rs. 794,657.00
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d) NON-FRUIT BEARING TREES

9. The assessment of the non-fruit bearing trees is prepared by the Forest Department, Abbottabad which was further verified by the acquiring department and after deducting 15% salvage value as per acquiring department policy, the compensation amount for non-fruit bearing trees is as follows:

Total cost in PKR	Rs. 1,155,065.00
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e) Crops:

10. This office requested the District Director (Agriculture), Abbottabad for provision of per acre yield in respect of crops etc. In response to this, the referred office vide letter No. 1554/DDA ATD, Dated: 02-08-2016 provided this office the per-acre yield in respect of crops in District Abbottabad. Currently, the maize crop is planted in cultivated area, and total cultivated area in this mauza is 172 Kanals and 14 Marlas. So as per the rates provided vide the reference letter, and the market rate of maize per maund, the total compensation amount in respect of crops is as follows:

Total Cultivated Area	174 Kanals and 11 Marlas (21.5875Acres)
Total Cost in PKR for crops (Maize) (@15.544 maunds/acre) (Rs. 1000/maund)	Rs. 535,761.1

PROCEEDINGS UNDER SECTION 9 & 10 OF LAA-1894

11. Notices under Section-9 & 10 of LAA-1894 were issued on 2nd Sep, 2017 to the interested persons of the said mauza whose land was coming in the alignment of the road. Different landowners filed their applications before the undersigned regarding their individual issues. A landowner namely Mr. Gohar Rehman S/o Ameer through his representative Mr. Abceel Khan submitted the application that they are owners as well as possession holders in different khasra nos in Mauza Salhad-II. That there land is commercial and is very valuable and its rates are Rs. 13 to 15 Lac per Marla. Moreover, he stated that there is a tube well installed in their land, which is used primarily for the irrigation of their land. So he requested for paying them the compensation as per the market rate. In this regard, DC Abbottabad also sent a letter to the undersigned vide No. 1177/Acq, Dated: 14-07-2017 along with the Revenue field staff report. Another application of the same landowner was submitted to DC Abbottabad, in which this party referred to some court degree regarding the partition

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LAND ACQUISITION COLLECTOR (CP&ES)
National Highway Authority
Abbottabad

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of their land and requested for payment as per that and their possession. Three other applicant Mr. Zia Mayyuddin, was of the view that rates are less & that may be enhanced. Mr. Muhammad Saleem Khan and Mr. Yasir Iqbal stated in their application that their land is coming in the RoW of the Mauza Salhad-II interchange area and that land is commercial as a workshop, a quarry factory and a carpenter factory are running there and they be paid accordingly. In this regard, they also submitted a commission report, appointed by the undersigned which endorsed their point of view.


12. Deputy Director, CPEC (H-T), NHA Abbottabad vide his letter No.356/A, Dated: 6th Sep, 2017 being the representative of the acquiring department stated that the rates of the land may be fixed as per the one year average (Ausat Yaksala) received from the office of the District Collector Abbottabad for the interchange and to ensure that no excess land is acquired.

AWARD THUS WORKED OUT

13. Regarding the application of Mr. Gohar Rehman relating to cost of land, the rates of the land has been obtained from District Collector Abbottabad as per Aust Yaksala Valuation method. This valuation method is applied when the land under acquisition has some agriculture potential. As per their application and subsequent report from the Revenue Department, their land has tube wells installed in it and is used mainly for agriculture purposes. So when a land is used for agriculture purposes, no other valuation method other than Ausat Yaksala can be used for valuation. As far as their application to the District Collector for payment of compensation as per the partition decision is concerned, the field Revenue staff of the mauza has reported accordingly and the affected persons will be paid as per that report keeping in view of the Revenue Record of the mauza. As regards the application of Mr. Saleem Khan and Mr. Yasir Iqbal, though the report of the commission endorses their point of view, but as the majority of the area in this acquisition has the agriculture potential, so no other method of valuation other than the Ausat Yaksala, can be applied to that. Moreover, the rates of the land as per the Ausat Yaksala for this acquisition, being provided by the District Collector are very reasonable and one of the highest so far been awarded in District Abbottabad for CPEC-HT Project.

14. The cost of the land as provided by the office of the Deputy Commissioner/District Collector Abbottabad on the basis of average Yaksala is found reasonable. The assessments regarding the damages received from different department, as mentioned above, have also been found reasonable. Therefore, the Award thus worked out as under:

a)	Cost of Land (PKR) including:	707,122,683.45
	15% Compulsory Acquisition Charges (PKR)	
	2% District Council Fee (PKR)	
b)	Total Cost of the Structures/BUPs (PKR)	30,879,038.00
c)	Total Cost of Fruit bearing Trees (PKR)	794,657.00
d)	Total Cost of Non-Fruit bearing Trees (PKR)	1,155,065.00
e)	Total cost of Crops (PKR)	535,761.10
Total Awarded Amount (PKR) (Rounded)		790,487,204.55


 DISTRICT ACQUISITION COLLECTOR (CPEC)
 National Highway Authority
 Abbottabad

APPORTIONMENT

16. The land owners shall be entitled for their shares on the basis of register "HAQDARAN ZAMIN" of mauzas Salhad-II and Kokhar Maira, Tehsil & District Abbottabad and/or any other further notification/direction regarding rights of the owners issued by Board of Revenue, Khyber Pakhtukhwa, Peshawar. Acquaintance Roll shall be prepared on the basis of Naqsha Tajweezi to be provided by the revenue staff of Tehsil Abbottabad.

ABATEMENT OF LAND REVENUE

17. The land revenue levied on the lands involved if any would stand abated with effect from the date of delivery of possession to the acquiring department.

18. The Award for the acquisition of an area of 200-Kanals & 14-Marlas of land situated in mauza Salhad-II Tehsil & District Abbottabad for the construction of Havelian-Thakot Road Section of China-Pak Economic Corridor (CPEC) is announced under Section-11 of the LAA-1894. The land hereby vests in the name of National Highway Authority free from all encumbrances. The Award is filed under Section-12(1) of the LAA-1894 in the office of Land Acquisition Collector (CPEC-HT) Abbottabad.

ANNOUNCED ON

Dated: 13-09-2017

(Farrukh Jadoon)
Land Acquisition Collector-(CPEC-HT)
NHA, Abbottabad

Note: (This Award consist of 07 pages and each page is signed by the under-signed)

No. LAC/CPEC-HT/NHA/ATD/2017/843

Dated: 13-09-2017

Copy to:

- Commissioner, Hazara Division, Abbottabad.
- Secretary, Board of Revenue-KPK Peshawar.
- Deputy Commissioner, Abbottabad.
- GM (B&A) NHA HQ, Islamabad.
- GM (EALS) NHA HQ, Islamabad.
- GM (CPEC-HT), NHA Abbottabad.
- Project Director (CPEC-HT), NHA Abbottabad.
- Deputy Director (Land) (CPEC-HT), NHA Abbottabad.
- Tehsildar Abbottabad- For necessary action and with the request to prepare Qabzul Wasool (Acquaintance Roll) and submit to this office on priority for payment to the landowners. He is also requested to attest mutation of the acquired land in the name of NHA.

(Farrukh Jadoon)
Land Acquisition Collector-(CPEC-HT)
NHA, Abbottabad
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NATIONAL HIGHWAY AUTHORITY

GOVERNMENT OF PAKISTAN

MINISTRY OF COMMUNICATION

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Annex-A/1

NHA

FRIENDLY HIGHWAYS

2nd CORRIGENDUM AWARD NO 14:

SALHAD-II/KHOKHAR (INTERCHANGE)

Tehsil & District Abbottabad

China-Pak Economic Corridor Thakot -
Havelian Section

Q

Abbottabad

Salhad-II

4253/2	02	16
4255/2/2	01	10
4254/2/2	04	04
4262/1	01	00
4263/2/1	01	10
4040/2	01	12
4038	02	01
4037/2	02	09
5430/5342/4035/1	02	19
5341/4035	01	00
4036/1	01	08
4012/1	00	11
4013/1	00	04
5516/4027/1	00	17
5040/4028/2	06	17.5
5101/4028/2	06	3.5
5100/4028	01	13
4029	04	06
4030	04	06
4031	21	09
4034/2	08	06
4033/2	05	03
4032	03	01
4009/1	01	05
5281/4995/4008/1	02	15
4007/1	01	09
4001/2	03	19
4003	02	00
4002	02	15
4000	02	11
3999	01	10
3995/3/2	07	18
3986/2/2	01	19
3988/2	00	10
3983/1	00	01
3981/1	03	00
5619/3980/1	00	06
3978/1	00	04
3975/2/1	00	02
3987/2/1	00	11
5295/4010	00	05
5294/4010/1	00	17
3974/2	02	07
3945/1	00	03
3944/2	01	16
3943/2	01	16
3942/2	02	15
5191/3947/1	00	07
3946/1	00	19
3936/1	04	06

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Land Acquisition Collector (OPEC-HT)
National Highway Authority
Abbottabad

Abbottabad

Salhad-II

3925/1	00	05
3924/1	00	12
3926	01	10
3927	00	06
3928	00	04
3905/2/1	00	05
3902/2/1	00	02
3827/1	00	05
5174/4011/1	01	04
4763/4004/1	00	03
4762/4004/1	00	05
5616/3973	00	03
5617/3973/3	00	11
4347/1	0	5
5580/4350/1	0	2
5579/4350/1	0	3
4351/1	0	10
4353/1	0	9
4353/1/1	0	3
4354/1	0	1
4355/1	0	3
4356/1	0	2
4357/1	0	2
4360/1	0	13
4361/1	0	8
4362/1	0	3
4364/1	0	3
5441/4368/1	0	3
5442/4368/1	0	5
3996/1	0	4
3985/1	0	1
3984/1	0	6
3983/2/1	0	1
3982/1	0	9
5618/3980/1	0	3
3978/2/1	0	4
3975/2/1	0	1
3976/1	0	4
3974/2/1	0	8
3943/1	0	10
3944/1	0	8
3942/1/1	0	18
3941/1	1	04
3940/1	0	7
3937/1	0	3
3936/2/1	0	9
3925/2/1	0	1
3921/2/1	0	2
3922/1	0	3

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Land Acquisition Collector (CPEC-HT)

National Highway Authority

Abbottabad

Abbottabad	Khokhar	3923/1	0	3
		3986/2/1	0	11
		3995/3/1	0	7
		3996/1	2	1
		4890/3921/1	00	12
		Total Area	172	16
		716/453/2/2	02	09
		452/2/2	04	18
		448/2	04	02
		445/1	06	19
		444/2	05	12
		443/1	02	08
		451/1	01	15
		450	04	06
449	03	13		
Total:-	36	02		

4. The leftover land for which the corrigendum award has been made is primarily of commercial nature. The undersigned has analysed different valuations on the assessment of the said remaining land and reached to the conclusion that all this remaining land is of same nature, i.e., being used for commercial purpose so compensating the affected people as per the agricultural types of land (by taking their agriculture potential) is a void technique in this case. So the undersigned took the total value of mutations attested during the specified time and divided that value with the total area involved in these mutations. The relevant Ausat has been received vide no 1/151-GB/ 6281-82 Dated 27 June, 2019. So the relevant changes have been reflected at S. No. "g" under the Mauza Salhad-II in the table below. The detail of amended land award is follows:

NO	Mouza	Kind of Land	Measurement of Land		Cost per Marla in (Rs)	Cost per Kanal in (Rs)	Total Amount (Rs)
a.	Khokhar (Interchange)	Kund / Maria	33	13	197,821.05	3,956,421.00	133,133,566.65
b.		Ghair Mazruha	2	9			
Total Area			36	02			133,941,335.57
15% Compulsory Acquisition Charges							20,091,200.34
2% District Council Fees							2,678,826.71
Grand Total							156,711,362.62

Land Acquisition Collector (CPEC-HT)
National Highway Authority
Abbottabad

Mauza	Kind of Land	Measurement of Land		Cost per Marla (PKR)	Cost per Kanal (PKR)	Total Amount (PKR)
		Kanals	Marlas			
	Bhag	0	15	630,802.00	12,616,040.00	9,462,030.00
	Hotar/ Bahir Di Aabi	19	8	311,690.40	6,233,808.00	120,935,875.20
c.	Baari	6	4	378,481.20	7,569,624.00	46,931,668.80
d.	Kund/Maria	106	16	126,160.40	2,523,208.00	269,478,614.40
e.	Salhad-II (Interchange) Rakkar /Kalsi	0	3	44,527.20	890,544.00	133,581.60
f.	GhairMazruha	26	7	7,421.20	890,544.00	23,206,092.40
g.	Commerical Area (Corrigendum Land)	13	3	285,211.27	5,704,225.40	75,010,564.01
Total Area		172	16			545,158,426.41
15% Compulsory Acquisition Charges (PKR)						81,773,763.96
2% District Council Fee (PKR)						10,903,168.53
Grand Total(PKR)						637,835,358.90

STRUCTURES/BUPs

5. The corrigendum Khasra Nos being commercial in nature had running business/Shops /Markets/Petrol Pump over than, so in order to compensate the affected peoples, C&W Department Abbottabad was requested to provide the estimate cost of structures/BuPs in accordance with the prevailing market rate. Accordingly the C&W Department Abbottabad has submitted details assessment report vide No: 843/352 dated 17th April 2019; No.1235/352M dated 13th June 2019;and No. 1466/352M dated 12th July 2019 and based on these assessments on these amount which was further verified by the acquiring department and after deduction of 15% salvage value as practice in NHA, the compensation amount becomes as follows:

Total Cost of Structures/BUPs	Rs. 29,573,008.00
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NON-FRUIT BEARING TREES

6. In the corrigendum Khasra Nos. assessment of the non-fruit bearing trees coming in the RoW of the leftover land is prepared by the Forest Department, Abbottabad and the same has been received vide letter No. 547/GL dated: 07-08-2019; which was further verified by the acquiring department and after deducting 15% salvage value as per acquiring

Land Acquisition Collector (CPEC-HTI)
National Highway Authority
Abbottabad

department policy, the compensation amount for non-fruit bearing trees is as follows: 22

Total cost in PKR Rs. 34,935.00 27

The rest of the award is same.

AWARD THUS WORKED OUT

a.	Total cost of the land (PKR)	794,546,722.00
	15% Compulsory acquisition charges (PKR)	
	2% District Council Fee (PKR)	
b.	Total cost of the BUP/structures (PKR)	110,452,047.00
c.	Total Cost of Fruit bearing Trees (PKR)	794,657.00
d.	Total Cost of Non-Fruit bearing Trees (PKR)	1,190,000.00
e.	Total Cost of Crops (PKR)	535,761.00
Total Awarded Amount (PKR)		907,519,187.00

ANNOUNCED ON

Dated: 24th June, 2019

Land Acquisition

(Farrukh Gadoon)
Collector (CPEC-HT)
NHA Abbottabad

Note: (This Award consist of 07 pages and each page is signed by the under-
signed)

No.14 LAC/CPEC-HT/NHA/ATD/2019/687

Dated: 24th June, 2019

Copy to:

- Commissioner, Hazara Division, Abbottabad.
- Secretary, Board of Revenue-KPK Peshawar.
- Deputy Commissioner, Abbottabad.
- GM (B&A) NHA HQ, Islamabad.
- GM (EALS) NHA HQ, Islamabad.
- GM(CPEC-HT), NHA Abbottabad.
- Project Director (CPEC-HT), NHA Abbottabad.
- Deputy Director (Land) (CPEC-HT) NHA Abbottabad.
- Tehsildar Abbottabad- with the request to prepare Qabzul Wasool (Acquaintance Roll) and submit to this office on priority for payment to the landowners. You are also requested to attest mutation of the acquired land in the name of NHA.

Land Acquisition

(Farrukh Gadoon)
Collector (CPEC-HT)
NHA Abbottabad

No: LAC/CPEC-HT/NHA/Atd/2019/694

28/06/2019



Subject: CHINA-PAK ECONOMIC CORRIDOR (CPFC) HAVELLIAN-THAKOT SECTION LAND ACQUISITION IN VILLAGE SALHAD-II / KHOKHAR (INTERCHANGE) TEHSIL & DISTRICT ABBOTTABAD- DEMAND OF ADDITIONAL FUNDS.

This office announced award No. 14 for Mouzas Salhad-II:Kokhar (Interchange) at (Annex-"A") based on Land Folder-II, being forwarded by the acquiring department. After the award, the revenue Patwari of Mauza Khokhar pointed out that Khasra no 451/2 has already been awarded in award No. 06 of Mauza Khokhar measuring 6 Kannal 14 Marlas. This was confirmed and it transpired that some clerical mistake has been committed that needs to be rectified as per section 12(A) of Land Acquisition Act, 1894, and issued its corrigendum award (Attached at Annex- "B").

2. After the award, the acquiring department through the local surveyors as well as the local affected people namely Mr. Sajid Aziz, Mr. Saleem Khan, Dr. Mushtaq etc. approached this office and the offices of General Manager and Project Director (CPEC-HT), Abbottabad pointing therein some mistakes regarding measurements and missing out of the some Khasra Nos. in the award and requested for the rectification. The re-measurements were made through the Revenue Department and further confirmed by this office staff and staff of the acquiring department (Relevant Paper(s) attached at Annex-"C")

3. Furthermore, the acquiring Department has also forwarded Land Folder-III, vide letter No 484 dated 16 May, 2019 with the direction to acquire the outstanding land in all Mauzas at the earliest possible. So, based on measurements of (Annex- "C") as well as Folder-III, the undersigned to issued 2nd Corrigendum Award for Salhad-II/Kokhar Interchange, based on the following observations:

a. The Revenue Department was requested to provide the Chak-Wise Yaksala for the valuation of this land, although the Ausat Yaksala was available with office vide which initial land acquisition proceedings were made for the interchange. Chak-Wise Ausat was asked because of the fact that this leftover land primarily consisted of commercial land as defined under the Valuation Table. The fact has been confirmed from the site as well as the report of the Revenue Department that all this leftover area falls within 200 feet of the main Karakoram Highway, making it of commercial nature. Thus this land must not have valuation/assessment of an agricultural nature. The Revenue Department provided the said Valuation vide Additional Deputy Commissioner Letter No.1/151-GB/6281-82 dated 27th June 2019, (Annex-"D"). Based on this valuation, following prospective valuations have been prepared:

No: LAC/CPEC-HT/NHA/Atd/2019/

/.../2019

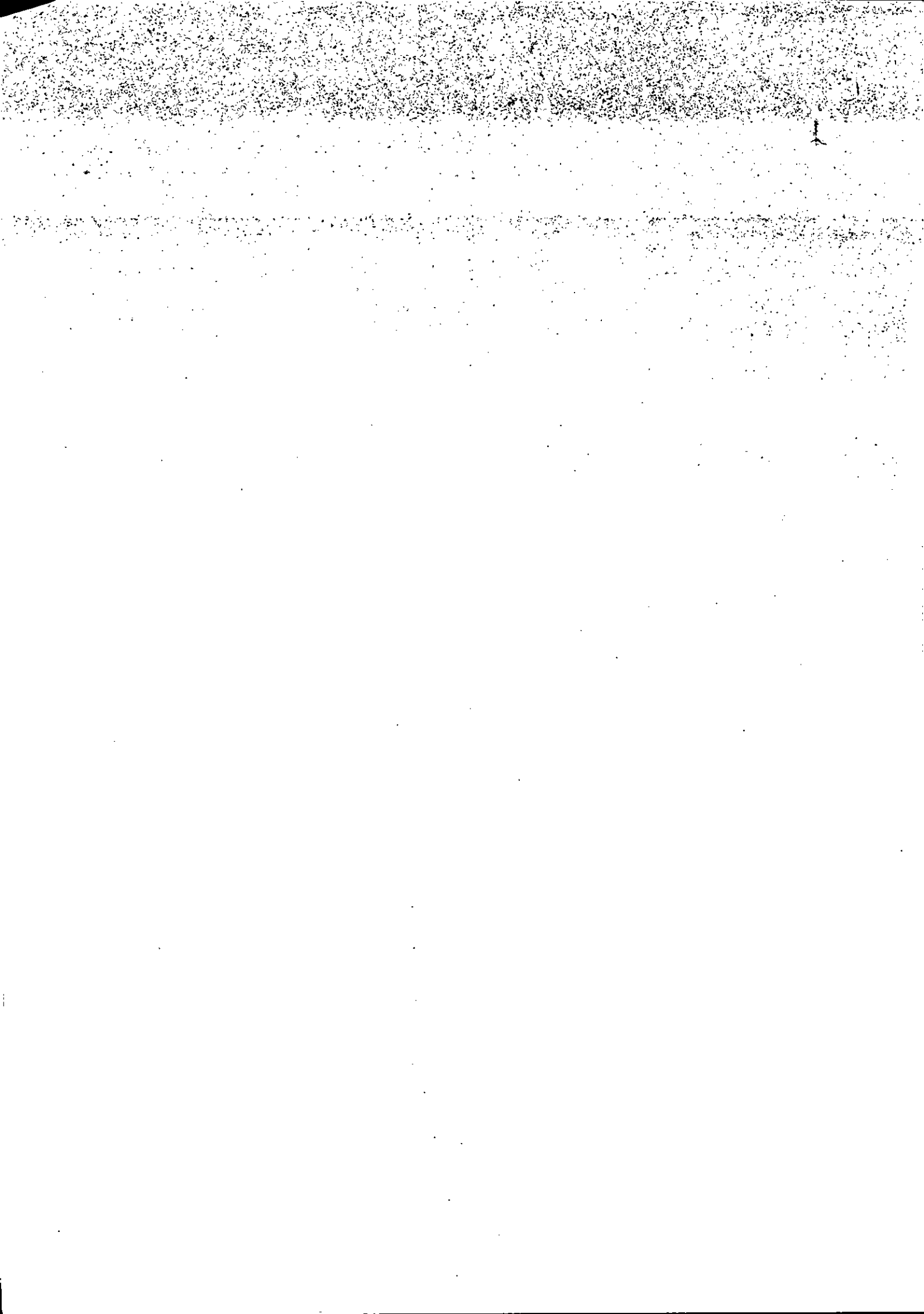
Subject: **CHINA-PAK ECONOMIC CORRIDOR (CPEC) HAVELLIAN-THAKOT SECTION LAND ACQUISITION IN VILLAGE SALHAD II / KHOKHAR (INTERCHANGE) TEHSIL & DISTRICT ABBOTTABAD- DEMAND OF ADDITIONAL FUNDS.**

TABLE-A

SALHAD II (INTERCHANGE) (LAND COST ESTIMATES) (LEFTOVER LAND) (AS PER AZ QISM)(CHAKWISE)						
S.No	Measurement of Land		Kind of Land	Cost per Marla (PKR)	Cost per Kanal (PKR)	Total Amount (PKR)
	K	M				
a.	0	11	Bagh	2 212.450.55	44,249.011.00	24,336,956.05
b.	3	12	Hoter/Bahir De Aabi	1,093.210.86	21,864.217.20	78,711,181.92
c.	2	9	Baari	1,327.470.33	26,549.406.60	65,046,046.17
d.	1	9	BaariAabi	1,535.700.97	30 714 019 40	44,535,328.13
e.	4	1	Maira/Kund	442.490.00	8,849.800.00	35,841,690.00
f.	1	1	GhairMazruha	26.028.83	520.576 60	546,605.43
Total Area	13	3				249,017,807.70
15% Compulsory Acquisition Charges (PKR)						37,352,671.16
2% District Council (PKR)						4 980,356.15
Total (PKR)						291,350 835.01
Total Cost Per Marla						1,107,797.85

TABLE-B

SALHAD II (INTERCHANGE) (LAND COST ESTIMATES) (LEFTOVER LAND) (AS PER SPOT) (CHAKWISE)						
S.No	Measurement of Land		Kind of Land	Cost per Marla (PKR)	Cost per Kanal (PKR)	Total Amount (PKR)
	Kanals	Marlas				
1	0	9	Bagn	2,212,450.55	44,249.011.00	19,912,054.95
2	3	3	Hoter/Bahir De Aabi	1,093,210.86	21,864.217.20	101,668,610.00
3	1	11	Baari	1,327,470.33	26,549.406.60	41,151,580.23
4	0	9	BaariAabi	1,535,700.97	30,714.019.40	13,821,308.73
5	1	13	Maira/Kund	442.490.00	8,849.800.00	14,602,170.00
6	5	18	Ghair Mazruha	26,028.83	520,576.60	3,071,401.94
Total Area	13	3				194,227,125.85
15% Compulsory Acquisition Charges (PKR)						29134,068.88
2% District Council (PKR)						3,884,542.51
Total (PKR)						227,245,737.24
Total Cost Per Marla (PKR)						864,052.23



No: LAC/CPEC-HT/NHA/Aid/2019/

/.../2019

Subject: **CHINA-PAK ECONOMIC CORRIDOR (CPEC) HAVELIAN-NUAROT SECTION LAND ACQUISITION IN VILLAGE SALHAD-II / KHOKHAR (INTERCHANGE) TEHSIL & DISTRICT ABBOTTABAD- DEMAND OF ADDITIONAL FUNDS.**

TABLE-C

SALHAD II/KHOKHAR (INTERCHANGE) (LAND COST ESTIMATES) (LEFTOVER LAND) (AS PER TOTAL VALUE OF MUTATIONS/TOTAL AREA) (CHAKWISE) (COMMERCIAL)						
S.No	Measurement of Land		TOTAL LAND MUTATED (KANALS)	TOTAL VALUE OF MUTATIONS	Cost per Marla (PKR)	Total Amount (PKR)
	Kanals	Marlas				
1	13	3	3.55	20,250,000 00	285,211.27	75,010,564.01
Total Area	13	3				75,010,564.01
15% Compulsory Acquisition Charges (PKR)						11,251,584.60
2% District Council (PKR)						1,500,211.28
Total (PKR)						87,762,359.89
Total Cost Per Marla (PKR)						333,697.18

- b. In the Tables above, three analyses have been made in order to draw the comparisons. In Table "A" above, the land cost estimates has been made as per Qism from the Revenue Record. The total cost estimates as per Table "A" stands at PKR 291.350 Million and Average Rate per Marla cost is PKR 1.1077 Million.
- c. Table "B" explains the position of the land estimates as per the Spcl. As we are paying for structures as well which have been there on the land, so the type of land, where structures existed have been taken as "Ghair Mazroha" instead of their type as per the Revenue Record. The rates in this analysis are the same as given in Table "A" except the difference in areas of different types of land. The Total Cost Estimates as per Table "B" stands at PKR 227.245 Million and Average Rate per Marla cost is PKR 0.8640 Million.
- d. Table "C" has been calculated as per the ground reality as well as the independent judgment of the undersigned. The undersigned in this analysis has considered all land as of same nature, i.e., being used for commercial purpose and considers that compensating people as per the agricultural types of land (by taking their agriculture potential) is a void technique in this case. So the undersigned took the total value of mutations attested during the specified time and divided that value with the total area involved in these mutations. Thus the cost estimates as per Table "C" stands at PKR 87.762 Million and Average per Marla cost is PKR 0.333697 Million.

10

NHA

(31)

NATIONAL HIGHWAY AUTHORITY
Land Acquisition Collector-(CPEC-HT)
H. No-84 St. No-11, Jinnahabad, Abbottabad
Phone No: 0992-383561

66


No: LAC/CPEC-HT/NHA/Aid/2019/

/.../2019

(4)

Subject: CHINA-PAK ECONOMIC CORRIDOR (CPEC) HAVELIAN-THAKOT SECTION LAND ACQUISITION IN VILLAGE SALHAD-II / KHOKHAR (INTERCHANGE) TEHSIL & DISTRICT ABBOTTABAD- DEMAND OF ADDITIONAL FUNDS.

- e. So if we draw a comparison among Tables "A", "B" and "C", by adopting the rates at Table "C", we are going to have a cost saving of PKR 203.588 Million
- 4. Based on the assessments as enunciated in Table "C", the 2nd Corrigendum Award was issued (Attached at Annex- "E"). The extraordinary land for which the additional demand of PKR 87.762 Million may be released in the name of LAC (CPEC-HT) NHA-Abbottabad for the completion of acquisition proceedings for the Mauzas the subject area
- 5. The matter is most urgent.


(Farukh Jadoon)
Land Acquisition Collector-(CPEC-HT)
NHA, Abbottabad

Project Director (CPEC-HT) NHA, Abbottabad

6

Please check and Pick up

11/10/19

29


11/10/19

7 - DD (panel)

Please check and report

Mr. Yagob Patwari

P.T-01


22/10/19

Diry No. 10377 PDICPEC
D. No. 7-10-19

Diary No. 2666
Date: 15/10/2019

NHA

(32)

(57)
(5)

No: LAC/CPEC-HT/NHA/Atd/2019/

___/___/2019

Subject: CHINA-PAK ECONOMIC CORRIDOR (CPEC) HAVELLIAN-THAKOT SECTION LAND ACQUISITION IN VILLAGE SALHAD III / KHOKHAR (INTERCHANGE) TEHSIL & DISTRICT ABBOTTABAD- DEMAND OF ADDITIONAL FUNDS

حکومت پاکستان کے لیے زمینوں کی خریداری کے لیے درخواست
13-3
13-3

اپنے نام سے زمینوں کی خریداری کے لیے درخواست

[Signature]
NHA 29/10/19

DD (Land sb) CPEC-HT

9. LAC CPEC has considered 13K-3M land as commercial as against kind of land mentioned in Table-A & B (para 3) Moreover he has explained vide para-3(d) regarding the cost of land fixed by him by applying his independent mind.
10. LAC is responsible for adopting correct/ Justified procedure as per LAA-1894.
11. In view of above additional funds amounting to Rs. 87,762,359/-, as demanded by LAC

Next

(34) (17) 69

(Land. Sb)

15. Para-9-11/N are reinterced PL

PO (PREC)-1

Diry No. 10756 PC/CPFA

Dated 30-12-19

16. PL discuss

LAC (Abbottabad) (PREC-HT)

31/12/19

17. compile report & discuss

S. M. Khan

18. mudassas kamrygo NHA

Detailed Report attached.

S. M. Khan
16-06-2020

6.7-220 again
Deputy Director (Land) CP&HT
National Highway Authority
Abbottabad / 2616

1454
01/01/2020

3/2
16/12/19

35


8
70

Subject: CHINA-PAK ECONOMIC CORRIDOR (CPEC) HAVELLIAN-THAKOT SECTION LAND ACQUISITION IN VILLAGE SALHAD-II/KHOKHAR (INTERCHANGE) TEHSIL & DISTRICT ABBOTTABAD- ADDITIONAL DEMAND OF FUNDS

18. It is submitted that Land Acquisition Collector has calculated the cost of land as per revenue record in three different aspects i.e. as per AZ Qism, as per Spot and as per Chakwise/Commercial along with his own independent judgment. Which is in the best interest of acquiring agency NHA.

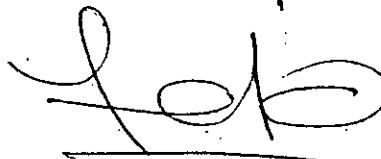
19. As compared to Table-A and Table-B cost per marla of Table-C is much lesser, i.e. Rs.333, 697.00 including 15% compulsory charges and 2% District Council Fee.

20. It is therefore requested that this demand of fund file may be submitted to competent authorities for approval, please.


(Mudassar Shafiq)
Qanoongo-NHA Abbottabad

LAC (CPEC-HT) NHA

21. Request to process file asap so that acquiring department may not be held responsible for any financial implication.


21/07/2020

City No. 11387 PD(CPEC)
Dated, 21-7-2020

22. PD-I

(Hand) Pl check over you recommendations
Next Page 3/07

DD (Land) CPEC H-T

(36)

97

Dis (Land) please

24. LAC (ALT)

13/7/2020

Discussed:

~~YOP~~
26/8/2020

25. DD (LM):

It is recommended that the file maybe forwarded for approval of cost as per table "C" by the competent Authority through Dis (Land) CPEC H-T as proposed vide para 4/N please

2/9/2020

26. TD CPEC H-T

The cost is per table C vide para 3/M as proposed vide para 4/M submitted for perusal and approval of

Diry No. 11615 PAF/PEL/11
Date 3-9-2020

(37)

Subject: CHINA-PAK ECONOMIC CORRIDOR (CPEC) HAVELLIAN-THAKOT SECTION LAND ACQUISITION IN VILLAGE SALHAD-III/KHOKHAR (INTERCHANGE) TEHSIL & DISTRICT ABBOTTABAD- ADDITIONAL DEMAND OF FUNDS

of competent authority brought Dir (Acq)
CPEC-HT PL

22/9/2020

GM CPEC-HT

27. P-26/N is recommended for

Member (Plns-N)

[Signature]

30.09.20

26. Approved. The case file is hereby submitted for further scrutiny and seeking concurrence of the Member (Plns) please

CM (EALS) — post vacant

Dir (LM&IS)

[Signature]
108/2/20

27 Please assess & PU *[Signature]*
13/10

DD (LM-II)

28. As per SOP recommendation of D & (Land) CPEC is also

13731

File No. Date 23/9/2020

General Manager (CPEC TH) NHA AN

1943

6-X-2020

Director (Land)

1555

Date 12/10/2020

13731-20

(H 38)

...ence may be forwarded to
... (Land) KP/CPCC, Peshawar for ...
... case.

24
13/2/20

Dis (Land) KP/CPCC HQ

29

P 14/10

Dis (Land) KP/CPCC Peshawar

U.S. No. 40
Dated 13.10.2020

Dir (Land) KP/CPCC Peshawar
Dated 25/7/2020
Huzairat Peshawar

30. The case has been thoroughly examined and undersigned submits as under:-

a. That, first award of manza Salhad-I and Khokar was announced on 13-9-20 for an area of 200 kanals & 14 marlas

b. That, LAE has made first corrigendum in the award vide even number dated 02-05-2019, after a lapse of almost two years by mentioning some clerical mistake.

c. That, it is very surprising and

P.T.O

Director (Land) KP/CPCC
Daisy No. 155
Dated 19/11/2020

Subject: CHINA-PAK ECONOMIC CORRIDOR (CPEC) HAVELLIAN-THAKOT SECTION LAND ACQUISITION IN VILLAGE SALHAD-III/KHOKHAR (INTERCHANGE) TEHSIL & DISTRICT ABBOTTABAD. ADDITIONAL DEMAND OF FUNDS

totally in violation of LAA, 1894, when LAC announces 2nd corrigendum of the same award and included totally new khasra numbers and increased the area of mauza Salhad-II from 159 kanals & 13 markas to 172 kanals & 16 markas on 24-06-2019.

d. That, it is correct that under Section 12-A of LAA, 1894 the LAC can make a corrections in the award but only to the extent of clerical or arithmetical mistake. In this case the LAC, totally in violation of the LAA, 1894 has included the new khasra numbers and increased the area, which have never been published in the previous published notifications.

e. That, in addition to the above the LAC is demanding the funds after P.T.O

the issuance of 2nd corrigendum and without appointing the estimated cost from any authority.

(40)

f. That, the record of this office ^{also} reveals that, LAC has done the same kind of violation in manza Sulhad-I and the funds demand file was referred back to the DD (LMS) CPEC-HT on 18-11-2019 but this office has received no response.

31. In view of the above observations/submissions, it is recommended that a high level fact finding ^{Inquiry} Committee may be constituted immediately, as the violations of the LAA, 1894 will put NHA in an embarrassing/alarming situation later on.

Dir (LMS) NHA, H.Q.

D
29/10/20

32. (P 4/11)

DD (LMS-II)

33. Dis (Land) CPEC (HT) has made

U.No. 59
Date: 25.11.2020
1023
29/10/20
Havabadi, Peshawar.

(41)

Annex - "B"

Confidential

NATIONAL HIGHWAY AUTHORITY
(Administration Wing Personnel Bureau)

No.30(3)-Highways/NHA/20/113

Islamabad, the 02nd Feb, 2022

Section Officer (E-II)
Government of Khyber Pakhtunkhwa
Government of KPK
Peshawar

Sub: - ADDITIONAL DEMAND OF FUNDS AMOUNTING TO RS.87,762,359/- FOR MOUZA SALHAD-II/KHOKHAR INTERCHANGE, TEHSIL & DISTRICT ABBOTTABAD, CPEC (HAVELIAN-THAKOT) SECTION.

Reference Notification No.SOE-II(ED)2(256)2019: dated June 17, 2020 and inquiry report dated 08-12-2021.

Consequent upon the recommendations by the inquiry committee, the charge of LAC CPEC (HT) assigned to Mr Farrukh Jadoon, (Tehsildar) CPEC (Havelian-Thakot-Section) NHA Abbottabad, is hereby withdrawn with immediate effect and the said officer may not be posted in NHA in future.

2. Corrigendums issued on the project of CPEC (HT) by the said LAC may also be looked into, if found guilty the recovery shall be made from the officer, under intimation to this office.
3. Inquiry report is hereby forwarded to Establishment Department, KPK with the request to initiate a regular inquiry against him under the Khyber Pakhtunkhwa (E & D) Rules, 2011 on account of violation of LAA, 1894.

Azra Bibi
(AZRA BIBI)

Deputy Director (Personnel-I)

Copy to:-

- Member Motorway (North) NHA Burhan
- Sr. Member Board Govt. of KPK Peshawar
- Secretary Establishment Govt. of KPK Peshawar
- GM (EALS) NHA HQ
- GM (NAs) NHA Abbottabad
- GM (CPEC-HT) NHA Abbottabad
- Director (Land) NHA Peshawar
- DD (Confidential) NHA HQ----- with request to your office letter dated 21.01.2022
- DD (Accts) NHA Abbottabad

Ran
07/01/22
DD (Accts) II
7/2/22
07/2/22

LDC

l



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

42

AMX-AC

Dated Peshawar the April 14, 2022

NOTIFICATION

NO.SO.E-II(ED)2(756)2017: The competent Authority (Chief Secretary, Khyber Pakhtunkhwa) has been pleased to order formal inquiry as per provision contained in Rule-5 of Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 for the acts of omission & commission defined in terms of Rule-3 of the Rules ibid against Mr. Farukh Jadoon (PMS BS-17) Assistant to Commissioner (Pol/Dev) Hazara, then holding Additional Charge of LAC CPEC-HT.

Consequent upon the above and for the purpose of inquiry against the aforementioned accused with reference to enclosed allegations, in terms of Rule-10(1)(a) of the Rules ibid; the competent authority (Chief Secretary, Khyber Pakhtunkhwa) has been pleased to appoint Mr. Tariq Hussain (PMS BS-18), Secretary, RTA, Peshawar as inquiry officer to conduct the inquiry and submit its report within thirty (30) days.

CHIEF SECRETARY, KHYBER PAKHTUNKHWA

ENDST: NO. & DATE EVEN.

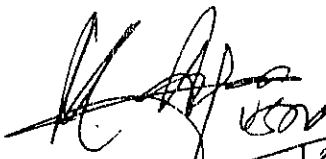
NO.SO.E-II(ED)2(756)2017:

Dated Peshawar the April 14, 2022

A copy is forwarded to the:-

1. Member (Admn) National Highway Authority, NHA, HQ, Islamabad.
2. Muhammad Ikram, DD(L&S), M-1/E-35, NHA Burhan, Departmental Representative of NHA with the request to Coordinate with enquiry officer.
3. Mr. Tariq Hussain (PMS BS-18), Secretary, RTA, Peshawar. Charge Sheet / Statement of Allegations alongwith preliminary inquiry report conducted by National High Authority, Islamabad are enclosed with the request to conclude inquiry report within thirty (30) days. Muhammad Ikram, DD(L&S), M-1/E-35, NHA Cell.No 03009344259 is nominated as Departmental representative.
4. Mr. Farukh Jadoon (PMS BS-17) Assistant to Commissioner (Pol/Dev) Hazara, copies of Charge Sheet/ Statement of Allegations enclosed.
5. Section Officer (E-I), Establishment Department, for information.
6. Section Officer (Admn), Establishment & Administration Department.
7. Section Officer (Secret), Establishment Department.
8. Manager Government Printing Press for publication in Official Gazette. Pakistan
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Secretary Establishment.
11. Personal file.

Q


14/04/2022
(MUHAMMAD IRFAN USMAN)
SECTION OFFICER (E-II)

I, Dr. Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Farukh Jadoon (PMS BS-17) Assistant to Commissioner (Pol/Dev), Abbottabad then holding Additional Charge of Land Acquisition Collector, CPEC-HT, National Highway Authority, Abbottabad, as follows:

That you while holding additional charge of Land Acquisition Collector, CPEC-HT, National Highway Authority, Abbottabad, committed the following irregularities:

- i. That, you included 13 Kanal and 03 Marla of land vide 2nd Corrigendum to Award No.14 totally in violation of Section 12-A of LAA, 1894. Whereas Section 12-A of LAA, 1894 only empowers the collector to rectify the typographical or arithmetical mistakes in the award.
- ii. That, in violation of Section 12-A of LAA, 1894, you not only included new khasra numbers which were not included in the original award but also awarded new rates on the basis of your own formulation.
- iii. That, if you had to award land on the lower rates then why you asked District Revenue Authorities, Abbottabad for provision of Chakwise Ausat for mouza Saihad-II/ Khokahar Interchange Tehsil & District Abbottabad alongwith valuation table of the year 2016-2017. The Chakwise yaksala for the time period from 11.05.2016 to 11.05.2017 is higher than the already available yaksala of the same mouza Saihad-II for the same period.
- iv. That, when you made corrigendum to the original Award No.14, then why you have asked District Revenue Authorities for a chakwise ausat yaksala for the time period from 2016 to 2017 despite the fact that average yaksala of the same time period is available on record of the same mouza on the basis of which you have already announced the original award after seeking approval from the Board of Revenue, Khyber Pakhtunkhwa.
- v. That, you did not bother to seek approval from Competent Authority for applying new rates in the 2nd Corrigendum, in violation of Rule-6 of the Guidelines issued by Board of Revenue, Khyber Pakhtunkhwa and applicable at the time.
- vi. That, two number of tatima field books are available on record dated 15.03.2019, not signed by the Tehsildar, showing an area of 05 Kanal and 12 Marla out of which 02 Kanal and 11 Marla have been included in the 2nd Corrigendum to the award and tatima field book duly signed by Tehsildar, Abbottabad dated 21.06.2019 showing an area of 10 Kanal and 04 Marla which have been included in the 2nd Corrigendum. Why two tatima field books of two different dates and why an area of 03 Kanal and 01 Marla has not been included in the award.
- vii. That, you announced the 2nd Corrigendum and later on after almost four months, demanded the funds, which is not justifiable. You made payments from other heads without the approval of competent authority.
- viii. That, you are in habit of issuing such corrigendums without adopting legal procedure. Only in District Abbottabad, 21x corrigendums have been issued. In Award No.14, you also issued 3rd Corrigendum on 24.12.2019.
- ix. That; you retained file for four months which shows malafide intent because the acquiring i.e agency NHA was deprived from the basic right of filing reference before the referee court against 2nd Corrigendum award of LAC but intentionally, the file was delayed by you. You initiated the file on 28.06.2019, however, after four months referred it to the office of Project Director on 07.10.2019.




2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules *ibid*. 44

3. You are, therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the inquiry officer/ committee, as the case may be.


4. Your written defence, if any, should reach the inquiry officer/ inquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and ex-parte action shall be taken against you.

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

6. The Statement of allegations is enclosed.


CHIEF SECRETARY
KHYBER PAKHTUNKHWA
(COMPETENT AUTHORITY)

Mr. Farukh Jadoon (PMS BS-17)
Assistant to Commissioner (Pol/Dev), Abbottabad
then holding Additional Charge of LAC, CPEC-HT,
National Highway Authority, Abbottabad.



DISCIPLINARY ACTION

45

I, Dr. Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Farukh Jadoon, PMS BS17, Assistant to Commissioner (Pol/Dev), Abbottabad, then holding Additional Charge of Land Acquisition Collector, CPEC-HT, National Highway Authority, Abbottabad rendered himself liable to be proceeded against, as he committed the following acts /omissions within the meaning of rule 3 (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. That, he included 13 Kanal and 03 Marla of land vide 2nd Corrigendum to Award No.14 totally in violation of Section 12-A of LAA, 1894. Whereas Section 12-A of LAA, 1894 only empowers the collector to rectify the typographical or arithmetical mistakes in the award.
- ii. That, in violation of Section 12-A of LAA, 1894, he not only included new khasra numbers which were not included in the original award but also awarded new rates on the basis of his own formulation.
- iii. That, if he had to award land on the lower rates then why he asked District Revenue Authorities, Abbottabad for provision of Chakwise Ausat for mouza Salhad-II/ Khokahar Interchange Tehsil & District Abbottabad alongwith valuation table of the year 2016-2017. The Chakwise yaksala for the time period from 11.05.2016 to 11.05.2017 is higher than the already available yaksala of the same mouza Salhad-II for the same period.
- iv. That, when he made corrigendum to the original Award No.14, then why he has asked District Revenue Authorities for a chakwise ausat yaksala for the time period from 2016 to 2017 despite the fact that average yaksala of the same time period is available on record of the same mouza on the basis of which he has already announced the original award after seeking approval from the Board of Revenue, Khyber Pakhtunkhwa.
- v. That, he did not bother to seek approval from Competent Authority for applying new rates in the 2nd Corrigendum, in violation of Rule-6 of the Guidelines issued by Board of Revenue, Khyber Pakhtunkhwa and applicable at the time.
- vi. That, two number of tatima field books are available on record dated 15.03.2019, not signed by the Tehsildar, showing an area of 05 Kanal and 12 Marla out of which 02 Kanal and 11 Marla have been included in the 2nd Corrigendum to the award and tatima field book duly signed by Tehsildar, Abbottabad dated 21.06.2019 showing an area of 10 Kanal and 04 Marla which have been included in the 2nd Corrigendum. Why two tatima field books of two different dates and why an area of 03 Kanal and 01 Marla has not been included in the award.
- vii. That, he announced the 2nd Corrigendum and later on after almost four months, demanded the funds, which is not justifiable. He made payments from other heads without the approval of competent authority.
- viii. That, he is in habit of issuing such corrigendums without adopting legal procedure. Only in District Abbottabad, 21x corrigendums have been issued. In Award No.14, he also issued 3rd Corrigendum on 24.12.2019.
- ix. That, he retained file for four months which shows malafide intent because the acquiring i.e agency NHA was deprived from the basic right of filing reference before the referee court against 2nd Corrigendum award of LAC but intentionally, the file was delayed by him. You initiated the file on 28.06.2019, however, after four months referred it to the office of Project Director on 07.10.2019.



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

Mr. Tariq Hussain (PMS-18) Secy, RTA, Peshawar

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

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

CHIEF SECRETARY
KHYBER PAKHTUNKHWA
(COMPETENT AUTHORITY)

Mr. Farukh Jadoon (PMS BS-17)
Assistant to Commissioner (Pol/Dev), Abbottabad
then holding Additional Charge of LAC, CPEC-HT,
National Highway Authority, Abbottabad

To

Mr. Tariq Hassan, Secretary RTA Peshawar
(Inquiry Officer)

(47)

FAD
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Amx- "C/2"

Subject: NOTIFICATION

Reference: Please refer to Notification No. SOE-II (ED)2(756)2017, dated: 14th of April, 2022 issued from the office of Section Officer E-II, Establishment Department, Khyber, Pakhtunkhwa.

Dear Sir,

Parawise-reply to the statement of allegations against the undersigned is submitted as below:

- i. Usually Land Acquisition on any micro or mega projects is done based on the Land Acquisition design/drawings folders & Right of Way (RoW) markers installed on site. Provision/Commission of both these actions is the responsibility of the acquiring department. Once the design is final, the Acquiring Department places row markers on ground and requests the Revenue Department/Land Acquisition Collector (LAC) concerned for the measurement & revenue papers. If design & RoW markers are changed frequently, then it becomes very difficult, at times impossible, for the LAC & land staff to make changes/amendments in the proceedings of land acquisition as per the Land Acquisition Act, 1894. (LAA, 1894)

[Signature]
26/04/2022

In this case, the acquiring department changed the design & ROW markers at least three times (copies of letters correspondence attached at Annex-A).

First Land Acquisition Folder/Design was sent in 2014, second was sent in 2017 and third one in 2019. Initial Section 4 for almost all mauzas were issued based on first folder and some awards were also announced on that basis. Each subsequent folder asked for additional land in the same mauzas in which acquisition was either completed or in process so the LAC have to had the consideration of saving government exchequer of the additional amount and double acquisition in case he goes for new acquisition with each land acquisition folder.

Same happened here. The undersigned, in order to avoid double acquisition in the same mauza, to avoid enhanced rates and interest as per Section 34 of the LAA, 1894 and to complete acquisition proceedings in time so as to save state from any commitment charges resorted to Section 12-A of the LAA, 1894 and termed these additions/subtractions as clerical/arithmetical mistakes issued 2nd corrigendum of award No. 14 & handed over possession of the additional land to the Acquiring Department for completion of ground work so that project may be inaugurated in time.

(The facts can be confirmed from then Commissioner Hazara Syed Zaheer-ul-Islam, the then GM NHA Tanveer Ishaq & Member NHA Fazal Nawab)

All these proceedings were done in a bonafide way with utmost regard to the needs/requirements of the acquiring agency & state interest. If the acquiring department still considers this thing not serving their interests, then they may proceed as per Section 54 of the LAA, 1894.

ii. Yes there were some new khasra nos. in the corrigendum award but there is no provision in LAA, 1894 which bars such inclusion. Secondly it was done in good faith as already discussed under para (i) above.

Secondly, most of the land (About 10 Kanals and 04 Marls out of 13 Kanals and 03 Marls) was of commercial nature, situated at main Karakoram Highway (One can inspect the site) (Copies of Field book attached at Annex-B mentioning the area within 200 feet of the main road). In the original Ausat, there was no mention of commercial category of land (Copy of Ausat attached at Annex-C). So the undersigned asked for chackwise ausat so that justice be meted out to the affected people whose very expensive land we were going to acquire. After perusing the new Ausat (Copy attached at Annex-D), the undersigned found that rates were still very high and total estimated cost as per Qism came out to be PKR. 291.350 Million (Per Marla PKR. 946,835/-) and as per spot PKR. 227.245 Million (Per Marls PKR. 738,506/-). So the undersigned being considerate of the Government Exchequer as well as the affected people went for his own valuation which was nothing but Average of total mutations which pulled the total cost to PKR. 87.762 Million with average Per Marla cost at PKR. 285,211/-. Thus a cost saving of PKR. 203.588 Million.

Feb 26/04/2022

The undersigned saved millions of rupees while resorting to Chackwise Ausat otherwise on ground, in those very months, Rate Per Marla was more than PKR. 600,000/- .

iii. The rates of Chackwise Ausat were higher being considerate of the relevant market transactions. And the undersigned did so to do some justice to the local people who were reluctant to extend their expensive commercial land on the routine rates. Still the undersigned couldn't do them full justice as rates on ground were more than PKR. 600,000/- per marla and the undersigned gave them PKR. 285,211/- Per Marla. (The fact can be counterchecked on ground). Rest is same as above.

iv. Same as above.

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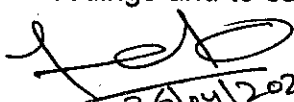
Approval had already been sought initially (Copy of awards attached at Annex-E) & due to urgency, it was avoided. Now, the land has been entered for mutation so no issues in not taking the approval.

vi. Both Field books have been signed by the Tehsildar concerned (Copies attached at Annex-B).

First filed book showing area of 5 Kanals and 12 Marlas was meant for Weigh station (2 Kanals and 19 Marls) and its way out from the interchange to KKH of the vehicles who do not comply by the weigh rules of the road (2 Kanals and 13 Marls). After sometime, it was decided by the acquiring authorities not to acquire the way out (2 Kanals and 13 Marlas) as it contained many built up structures and might entail huge financial cost the acquiring department.

Second field book was of all the commercial area which was included in third folder. So its measurement was later on asked for based on the urgency of the inauguration proceedings. It had an area of 10 Kanals and 04 Marlas.

All was done in good faith so as to skip double acquisition proceedings and to save cost of the acquiring department and state.


26/04/2022

vii. Funds were demanded immediately. As the undersigned had additional charge of CPEC-HT after his posting to Peshawar in July 2019, so some delays might have occurred due to commitments at Peshawar.

Payments were made promptly in order to avoid delays in possession of land from the affected people and to avoid Interest at the rate of 6 % as per Section 34 of the LAA, 1894. Again all was done in good faith and to avoid financial loss to the exchequer. (GM and Member CPEC-HT may be asked to confirm this point as well). A ex-post-facto approval has been sought from the concerned so as to cover all these issues.

viii. The undersigned is not in the habit of issuing corrigendum awards. Why should he do so if all the things are running smoothly? It was acquiring department who asked for acquisition proceedings in three steps. When for the same project, design is changed three times, then changes have to incorporated in all the areas affected from this. District Abbottabad has 23 Mauzas under acquisition in CPEC-HT and if changes in all are there as per different and subsequent folders then corrigendums are must for all in order to avoid double acquisition and enhanced rates in the form of new section-4 and new possession dates (As per Section-23 of the LAA, 1894). A tentative cost saving of PKR. 500 Million.

Secondly, corrigendums are part of acquisition proceedings. In E-35 Project, more than 14 corrigendums were issued. In Dhamtour Bypass Project Abbottabad, many corrigendums were issued.



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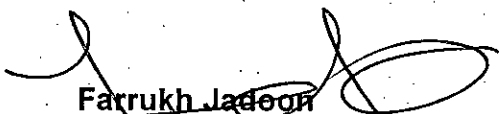
False. The undersigned didn't retain the file. Why should he? The undersigned was holding the additional charge of CPEC-HT from August, 2019 to December, 2019 so he had to manage both assignments. Some slackness on the part of the clerical staff of the acquiring department must not be attributed to the undersigned.

Secondly, the acquiring department very well knew about the corrigendum (Director Land, DD Land, GM, PD, Member all), then why the land people posted there didn't ask the undersigned for accepting their reference? The undersigned again served with additional charge of the post of LAC CPEC-HT from July, 2020 to February, 2022 and during that time, no one from the acquiring department approached him for accepting their reference by condoning the limitation.

That the undersigned performed his duties with utmost diligence, honesty, integrity & hard work. This fact is apparent from the correspondence made by NHA authorities to BOR, KPK & Establishment Department KPK for posting the undersigned as LAC, CPEC-HT (copies attached at Annex-F)

That based on the facts above, the undersigned plead not guilty of any of the irregularities referenced mentioned in the charge sheet

Prayer: Based on the above facts, the undersigned prays for dropping all the charges against him and exonerate him with all the honors, please.


Farrukh Jadoon
Assistant to Commissioner (Poll/Dev)
Hazara Division, Abbottabad
The then LAC CPEC-HT
26/04/2022

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Annex - C/3 126

SUBJECT:

DISCIPLINARY PROCEEDING AGAINST MR. FARRUKH JADOON
(PMS BS-17) ASSISTANT TO COMMISSIONER (POL/DEV)
ABBOTTABAD THEN HOLDING ADDITIONAL CHARGE OF LAC,
CPEC-HT, NHA, ABBOTTABAD

INDRODUCTION

Reference to Government of Khyber Pakhtunkhwa, Establishment Department Notification No. SOE-II(ED)2(756)2017 dated 14th April 2022 on the subject captioned above (F/A). The Worthy Chief Secretary, Khyber Pakhtunkhwa (Competent Authority) has directed for inquiry against the officer Mr. Farrukh Jadoon Assistant to Commissioner (POL/DEV) Abbottabad then holding additional charge of LAC, CPEC-HT, NHA Abbottabad by the undersigned to probe the matter and submit recommendation for allegation leveled against him. After receiving the case file, the undersigned intimated Departmental representative for provision of record and detailed discussion of the case vide letter no. 599-606 dated: 20/4/2022 (F/B) on the same day the officer under inquiry was also intimated to visit the office. On 25th April 2022 the officer under inquiry was heard at length. The officer under inquiry was informed regarding the allegations leveled against him, which he already knew. The Officer under inquiry (Farrukh Jadoon) during the meeting was informed to submit his written reply. He was also intimated vide letter No. 613/RTA/Pesh dated: 25/04/2022 (F/C) to submit written reply. In compliance the officer has submitted his written reply (F/D) on 26/04/2022.

REQUEST FOR CO-OPTED MEMBER

Looking into revenue record relating to land accusation in area of Jurisdiction of the officer under inquiry; The undersigned intended to acquire services of a revenue officer as co-opted member in inquiry. A request was made to Competent Authority (Chief Secretary-KP) through Section Officer E-II vide letter No. 622-28/RTA/Pesh dated 28-04-2022 (F/E). The Competent Authority was kind enough to depute Mr. Hamayun Khan the then Naib Tehsildar, Land Acquisition, Peshawar to assist the undersigned to jointly probe the allegation/charges for administration of justice and to conclude the same with recommendation.

PROCEDURE ADOPTED

The Inquiry committee held a meeting to discuss at length all the allegations leveled against Farrukh Jadoon, (the officer under inquiry) and gone through the case file and available record provided by the departmental representative. During time to time meetings/discussion upon the case, the inquiry committee found out that some of the record which was not available on record was required for further probe. Thus the departmental representative was directed vide letter No. 759-60 dated 01/06/2022 (F/F) to provide the same for conclusion of inquiry proceeding. In compliance to our request vide (F/F) some of the record was provided by the departmental representative. After further probe the departmental representative was again directed vide letter no. 915-17/RTA/Pesh dated 27/06/2022 (F/G) to provide the missing record. After considerable loss of time the Departmental representative vide letter No. 9(17)-DD(LM & IS)/M-1/NHA/22/1901 dated: 26th July 2022 (F/H) informed the undersigned that the record so demanded is in custody with the officer under inquiry and not available in the concerned office. He suggested that the officer under inquiry may be asked to provide the same. It is worth mentioning that the same copy was forwarded to Mr. Farrukh Jadoon (officer under inquiry) for necessary action at his end (F/I) but he telephonically informed the inquiry committee that the record was returned to the office and he does not have such record. Thus the inquiry team concluded the inquiry on the available record provided and received.

List of Khasra no's included in Section-04

S. No	Khasra No	Area	
		Kanal	Marla
1	3983/2/1	0	1
2	5618/3980/1	0	3
3	3978/2/1	0	4
4	3975/2/1	0	1
5	3974/2/1	0	8
6	3943/1	0	10
7	3944/1	0	8
8	3942/1/1	0	18
9	3936/2/1	0	9
10	3925/2/1	0	1
11	3921/2/1	0	2
12	3986/2/1	0	11
13	3995/3/1	0	7
Total		04	03

List of Khasra no's not included in Section-04

S. No	Khasra No	Area	
		Kanal	Marla
1	4347/1	0	5
2	5580/4350/1	0	2
3	5579/4350/1	0	3
4	4351/1	0	10
5	4353/1	0	9
6	4353/1/1	0	3
7	4354/1	0	1
8	4355/1	0	3
9	4356/1	0	2
10	4357/1	0	2
11	4360/1	0	13
12	4361/1	0	8
13	4362/1	0	3
14	4364/1	0	3
15	5441/4368/1	0	3
16	5442/4368/1	0	5
17	3996/1	0	4
18	3985/1	0	1
19	3984/1	0	6
20	3982/1	0	9
21	3976/1	0	4
22	3941/1	1	4
23	3940/1	0	7
24	3937/1	0	3
25	3922/1	0	3
26	3923/1	0	3
27	3996/1	2	1
Total		09	00

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List of new Khasra no's Mouza

Salhad-II later on included in the corrigendum Award but not included in the original Award#14 dated 24/6/2019 (provided by NHA)

S. No	Khasra No	Area	
		Kanal	Marla
1	4347/1	0	5
2	5580/4350/1	0	2
3	5579/4350/1	0	3
4	4351/1	0	10
5	4353/1	0	9
6	4353/1/1	0	3
7	4354/1	0	1
8	4355/1	0	3
9	4356/1	0	2
10	4357/1	0	2
11	4360/1	0	13
12	4361/1	0	8
13	4362/1	0	3
14	4364/1	0	3
15	5441/4368/1	0	3
16	5442/4368/1	0	5
17	3996/1	0	4
18	3985/1	0	1
19	3984/1	0	6
20	3983/2/1	0	1
21	3982/1	0	9
22	5618/3980/1	0	3
23	3978/2/1	0	4
24	3975/2/1	0	1
25	3976/1	0	4
26	3974/2/1	0	8
27	3943/1	0	10
28	3944/1	0	8
29	3942/1/1	0	18
30	3941/1	1	4
31	3940/1	0	7
32	3937/1	0	3
33	3936/2/1	0	9
34	3925/2/1	0	1
35	3921/2/1	0	2
36	3922/1	0	3
37	3923/1	0	3
38	3986/2/1	0	11
39	3995/3/1	0	7
40	3996/1	2	1
Total		13	03

Statement of Allegations, Reply and Comments

S. No	Allegation	Reply	Comments
1	Included 13 kanal & 03 marla vide 2 nd corrigendum to Award no. 14 totally in	All proceedings done in a bonafide way with utmost regard to the needs of the	The reply is not satisfactory & the act of the Officer under inquiry is totally against the

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	Not only included new khasra's but also awarded new rates on basis of his own formulation.	Yes included new khasra's because LAA, 1894 does not bars such inclusion and it was done in good faith saving PKR. 203.588 Million of Govt Exchequer.	The Officer under inquiry has done all without adopting proper procedure. No land should be acquired without issuing notification u/s-4 of LAA, 1894. As per reply of accused that saving of PKR: 203.588M of Govt Exchequer but no documentary proof has been provided. Instead he has announced 2 nd Corrigendum Award for commercial area of 13K-03M @ 285211 per Marla which caused loss of PKR 75,010,564/- (75.01M) to Govt: Exchequer.
3	Why asked for provision of Chakwise Ausat for Mouza Salhad-II, available Yaksala was higher than asked one.	Yes did so to do some justice to the local people because rates on ground were PKR. 600,000/- per marla and he gave them PKR. 285,211/- per marla.	Un-Satisfactory and Baseless reply without any Justification. The accused did not submit any documentary proof that on the ground rate was PKR 600000/-
4	When he made corrigendum to original award no. 14 then why he asked revenue authorities for a chakwise Yaksala despite fact that average Yaksala of same period is available.	Same as Above.	Un-Satisfactory and Baseless reply without any Justification.
5	Why did he apply new rates in 2 nd corrigendum without approval from competent authority?	Approval already been sought initially and due to urgency, it was avoided and now mutation entered so no issues in not taking the approval.	Un-Satisfactory and Un-Justifiable reply. The previous approval was sought only for Award no. 14 dated 13/09/2017. As per Para 06 of Guidelines issued by BOR dated 2/2/1970. The application of new rates in second corrigendum without approval of the Competent Authority is violation of law and negligent approach of the officer under inquiry.
6	Why two tatima field books of two different dates on file and why an area of 3 kanal & 1 marla has not been included in the award.	Both field book have been signed by Tehsildar concerned. It was decided by acquiring authority not to acquire due to huge financial cost. Commercial area was included & measurement was later on asked for based on urgency of the inauguration proceedings.	It is against the section-08 of Land Acquisition Act 1894. After announcement of 1 st Award measurement is carried out, this is a violation of the LAA.
7	Why he made payments from other heads without the approval of competent authority.	Funds demanded immediately. Some delays might have occurred due to posting at Peshawar in July 2019.	Reply is unsatisfactory, violation of law and negligent approach by the officer concerned.

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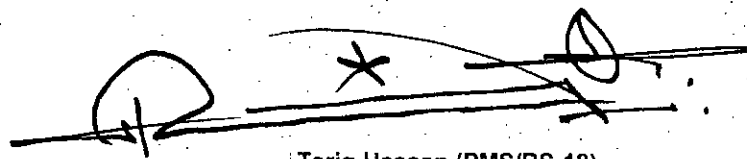
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8	Why he issued 21 corrigendums without adopting legal procedure.	All were done because acquiring dept changed design for three times and to avoid double acquisition.	Corrigendums issued on the request of the Acquiring Department when they made changes in the design but no design is available on the inquiry file.
9	Why he retained file for four months which deprived NHA from basic right of filing reference before court.	He did not retain the file. Due to holding of additional charge of CPEC-HT, he had to manage both assignments. Some slackness on the part of clerical staff of acquiring Dept must not be attributed to him.	Allegation is baseless. NHA can file reference before Court on the basis of Award.

RECOMMENDATION

In light of the above detail/discussion it has been concluded by the inquiry committee that the replies submitted by the officer under inquiry are un-satisfactory and baseless. In many allegations so alleged, the LAC (officer under inquiry) has gone against the relevant laws. Some of his actions are violating the laws and have caused millions of rupees loss to National / Government exchequer. He did not follow the available laws, guidelines and proved to be negligent while performing his duties. Looking to the violations of laws and negligence of the officer under inquiry; the inquiry committee recommends that the officer may not be posted on any DDO post in future. He may not be posted on the post of Land Acquisition Collector anywhere in the province. He may repair the pecuniary loss so alleged by the acquiring department and he may be declared unfit for promotion for at least three years.

Note: The inquiry report is consisted of 05 pages and every page is duly signed by the inquiry team.



Tariq Hassan (PMS/BS-18)
Secretary RTA Bannu,
The then Secretary RTA, Peshawar



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Amx-D



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

NO.SOE-II/2(756)2017

Dated Peshawar the November 03, 2022

To

Mr. Farukh Jadoon (PMS BS-17),
the then LAC CPEC-HT, Section Battagram, National High Authority,
now Section Officer, Social Welfare Department, Peshawar.

Subject: SHOW CAUSE NOTICE

I am directed to refer to the captioned subject and to forward herewith Show Cause Notice (in original) duly signed by the competent authority with the direction to submit written reply within 15 days of its receipt.

Enclosed in original.

(ZAHID PERVEZ)
SECTION OFFICER
(ESTABLISHMENT-II)

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

SHOW CAUSE NOTICE

I, **Mahmood Khan**, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Farrukh Jadoon, PMS (BS-17) the then Assistant to Commissioner (Pol/Dev) Hazara Division, holding Additional Charge of LAC CPEC-HT, now OSD as follows:-

1. (i) That consequent upon completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide communication letter No.599-606/RTA/Pesh dated 20.04.2022; and
- (ii) On going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defence before the inquiry officer.

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said Rules:

- a) Inefficiency;
- b) Misconduct;

2. 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 Act.

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

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry committee is enclosed.

(Mahmood Khan)

**Chief Minister, Khyber Pakhtunkhwa
(COMPETENT AUTHORITY)**

Mr. Farrukh Jadoon, PMS (BS-17),
The then Assistant to Commissioner (Pol/Dev) Hazara Division,
holding Additional Charge of LAC CPEC-HT, now OSD.

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Annex - D/1

PS/Secy E&AD KP
Diary No. 9186
FTS No. _____
Date. 17-11-22

S
17-11-22
Th...

To: Secretary, Establishment Department, Khyber Pakhtunkhawa Peshawar

From: Farrukh Jadoon, SO Social Welfare Department, Khyber Pakhtunkhawa Peshawar

Subject: SHOW CAUSE NOTICE

Reference: Please refer to your office letter No. SOE-II/2(756)2017, Dated: Peshawar the November 03, 2022 on the subject cited above.

Dear Sir,

Para-wise reply to the findings/comments made by the inquiry committee along with rebuttal to the show-cause issued, are attached below along with Annexures (A-I). The Undersigned also requests for according opportunity of Personal Hearing Please.

Dated: 17th November 2022

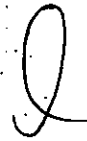
Regards



Farrukh Jadoon (PMS BS-17)
the then LAC CPEC-HT, NHA
now SO, Social Welfare Department Peshawar

17/xi/2022

ENCLOSURES: Para-wise Reply- 19 Pages
Annexures (A-I)- 64 Pages



A → 2014 Design

B → 2015

C - 2019

D → PD Station

E → Valuation Table

F → Field book

G → comparison of valuation

H → Account

I → WHF Com...

PARAWISE REPLY TO FINDINGS OF INQUIRY COMMITTEE AND REBUTTAL TO SHOW CAUSE

S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
1.	<p>Included 13 Kanals and 03 Marlas:vide 2nd Corrigendum to Award No. 14 totally in violation of Section 12-A of the Land Acquisition Act, 1894 (LAA, 1894)</p>	<p>The reply is not satisfactory & the act of the Officer under inquiry is totally against the Section 12-A of the LAA, 1894</p>	<p>-Incorrect</p> <p>Background:</p> <ul style="list-style-type: none"> - Usually Land Acquisition of any micro or mega project is performed based on the Land Acquisition Drawings/Design Folders and Right of Way (RoW) markers installed on site. Provision/commission of both these actions is responsibility of the acquiring department. Once the design is final, the acquiring department places RoW markers on ground and requests the Revenue Department/Land Acquisition Collector (LAC) concerned for the measurement and preparation of revenue papers. If design and RoW markers are changed frequently, then it becomes very difficult, at times impossible, for the LAC and land staff to make changes /amendments in the land acquisition proceedings. <p>This Project in General:</p> <ul style="list-style-type: none"> - In this case, the acquiring department changed the design and RoW

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S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
			<p>markers at least three times and proof of such changes and request to incorporate such changes and acquiring land as per new designs is attached at Annex-A, Annex-B and Annex-C, where the concerned officer of NHA is asking the LAC (the undersigned) for acquiring land as per new design. This change of design and RoW markers has also been highlighted by the Project Director of the Project (Annex-D)</p> <ul style="list-style-type: none"> - The point to note here is that in single project, which has been approved in the same PC-1, three different designs at different points in time are forwarded for acquisition of land. - First Land Acquisition Design/Folder was sent in 2014 (Annex-A) - Second Land Acquisition Design/Folder was sent in 2017 (Annex-B) - Third Land Acquisition Design/Folder was sent in 2019 (Annex-C) - Notifications under Section-4 of the LAA, 1894 for almost the mauzas coming under the acquisition were based on First Land Acquisition Design/Folder forwarded in 2014. Many awards were announced on this Folder. - In the 2nd Design Folder, forwarded in 2017, changes were proposed in

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S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
			<p>the already submitted design of 2014. So where awards were not announced yet, corrigenda in different notifications were issued there; and where awards were already announced, corrigenda to already announced awards were made therein. The same fact has also been confirmed and endorsed by the inquiry committee in their finding at Point # 8 below.</p> <p>- In the 3rd Design Folder, forwarded in 2019, changes were proposed in the already submitted design of 2017. So where awards were not announced yet, corrigenda in different notifications were issued there; and where awards were already announced, corrigendum to already announced awards were made therein. The same fact has also been confirmed and endorsed by the inquiry committee in their finding at Point # 8 below.</p> <p>- All such changes were considered as omissions because basic design was same, only some changes were made to be incorporated and those too for the reason to make slope and stability adjustments on outer edges.</p>

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S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
			<p>- This Case in Particular:</p> <ul style="list-style-type: none">- The undersigned went for Corrigendum Award in this Mauza for the following reasons:<ul style="list-style-type: none">a. To avoid double acquisition in the same Mauza. As total difference of land between the initial design and new design (of 2019) was of 13 Kanals only, so going to new acquisition would have entailed new enhanced rates of 2019-20 (Copy of DC Valuation Table for 2019-20 is attached at Annex-E where rates of most of this additional s land is PKR. 600,000/- per marlas being commercial in nature).b. To avoid 6% Interest as per Section 34 of the LAA, 1894. When the land would have been acquired again, the acquiring department would be needing possession before the award and the interest at the rate of 6% as per Section 34 of the LAA, 1894 would also have been accrued in addition of the compensation for land.

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S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
			<p>c. To avoid any commitment charges. Had the project's land acquisition not been completed in time (being responsibility of the State of Pakistan), the contractor working in EPC mode would have sued State of Pakistan for commitment charges</p> <p>d. To adhere to Our State's Policy of completing all CPEC projects in shortest possible time. In 2015-2019, State's policy vis-à-vis international scenario on CPEC is quite evident from the events of that time. In that scenario, delay in Project delivery was not at all in Pakistan's interests. New acquisition would have taken additional 06 months and if that happened, inauguration of the project, which was due in July, 2019 wouldn't have been possible then.</p> <p>So the undersigned considered all the corresponding changes in subsequent folders as Omissions and included the extraordinary area</p>

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S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
			<p>by announcing corrigendum award as per Section 12-A, which asks for correcting any mistake arising from any accidental slip or Omission by the Collector.</p> <ul style="list-style-type: none">- All these facts and reasons can be verified through following officers:<ul style="list-style-type: none">o a. Sir. Zaheer-ul-Islam, the then Commissioner Hazara Division, currently serving as Secretary Local Government, KPo b. Mr. Fazal Nawab Khattak, the then Member Motorways NHA. (0345-9333322)o Mr. Tanveer Ishaq, the then GM CPEC-Havelian Thakot Section NHA (0300-4656532) <p>Remedy for the Acquiring Department:</p> <ul style="list-style-type: none">- All the proceedings have been done in a bona fide manner, with utmost priority to the needs of the Project, to the Government exchequer and to the rights of the affected people.- But still if the acquiring department, i.e. NHA feels that this corrigendum award hasn't served any of its purposes, they can approach High Court as per Section 54 of the LAA, 1894. Section 54 says that ".... An appeal

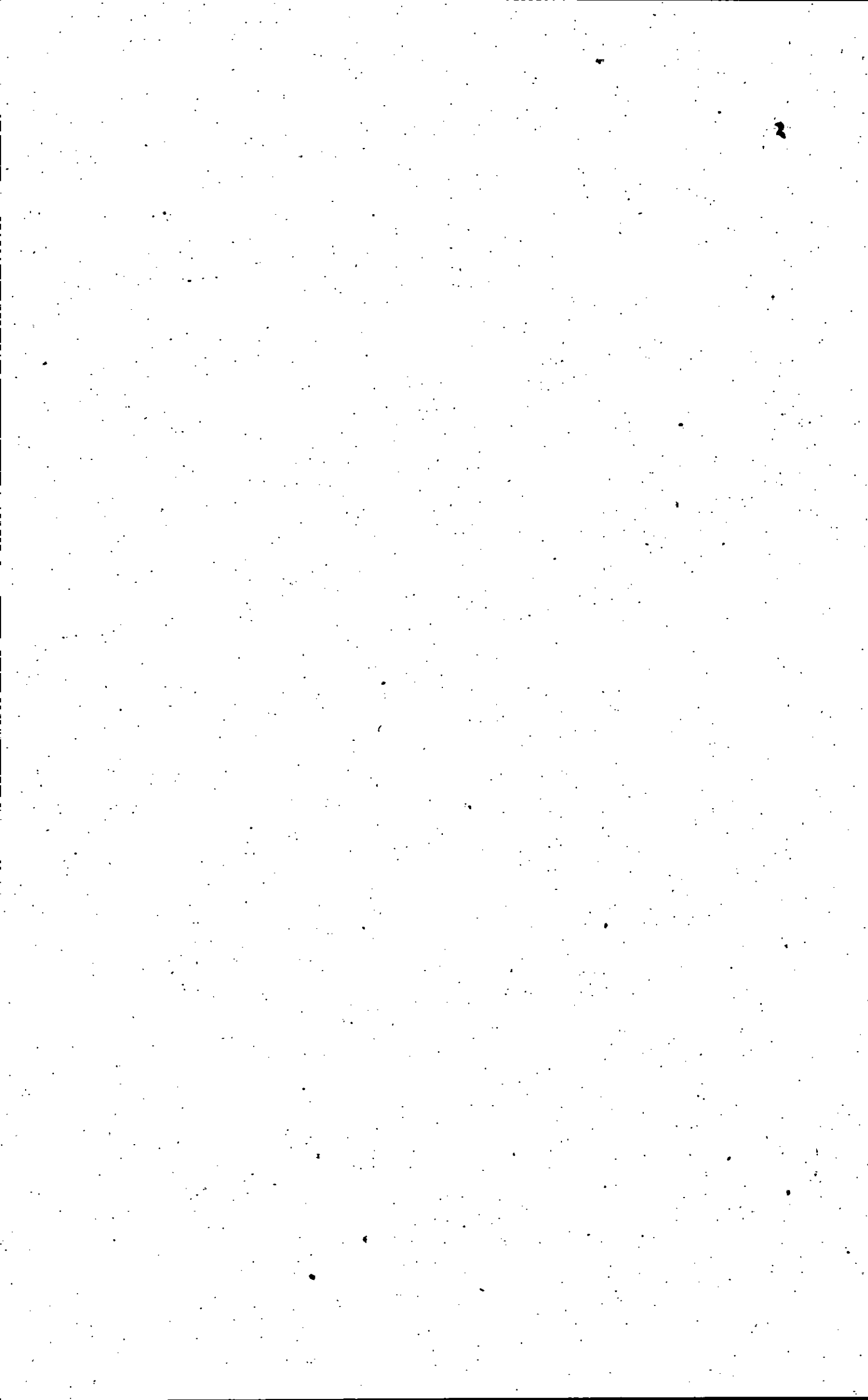
S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
			<p>shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid, an appeal shall lie to the Supreme Court....”</p> <p>Current Situation:</p> <ul style="list-style-type: none"> - NHA , the acquiring department in this case, in spite of the fact that initiated inquiry against the undersigned for including 13 kanals of land in the corrigendum award, but they used and still using this land for the road purposes. - NHA has removed encroachments on this very land at least for two times during last two years. The same fact can be verified from the Project office CPEC-Havelian Thakot NHA Office Abbottabad. - This Corrigendum was announced in May, 2019 and till April, 2020, none of NHA's officers including GM, PD, DD (Land/Legal) or Director Land (who moved this inquiry) pointed out anything in these proceedings. Almost one year after announcing this corrigendum award, the inquiry was initiated. This speaks volumes of the ill

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S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
			intention behind this act of the initiating officer.
2.	Not only included new Khasras but also awarded new rates on the basis of his own formulation	The Officer under inquiry has done all without adopting proper procedure. No land should be acquired without issuing notification u/s-4 of LAA, 1894. As per reply of accused that saving of PKR. 203.588 Million of Govt. Exchequer but no documentary proof has been provided. Instead he has	<p>- Incorrect</p> <ul style="list-style-type: none">- New Khasra nos. was added and reasons have already been discussed above. <p>Regarding Own Formulation:</p> <ul style="list-style-type: none">- Background:<ul style="list-style-type: none">o 10 Kanals and 04 Marlas of Land out of 13 Kanals and 03 Marlas, which was included in the corrigendum award, was of Commercial Nature situated at main Karakoram Highway (KKH) (Copies of Field book attached at Annex-F). The inquiry committee has also confirmed the same.o While taking possession of the land, the owners of the land started resisting. They were not willing to handover their commercial land in the first place and if it were to be acquired compulsorily, then they wanted rates commensurate with the market rate.o For the purpose, we will compare all the valuation available for



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S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned									
		announced 2 nd corrigendum award for commercial area of 13 K-03 M @ PKR. 285211 per Marla, which caused loss of PKR. 75.01 Million to Govt: Exchequer.	<p>coming to the decision. Detail assessment of all the options is attached at Annex-G.</p> <p>Summary of Comparison of all the Options:</p> <ul style="list-style-type: none">○ If we go through all options, we come up with following Per Marla Cost and Total Costs: <table border="1" data-bbox="1423 624 2320 1298"><thead><tr><th data-bbox="1423 624 1693 1016">Option/Average Type</th><th data-bbox="1693 624 1915 1016">Cost Per Marla (PKR) (Without Compulsory acquisition charges and taxation)</th><th data-bbox="1915 624 2320 1016">Total Cost (PKR) (Without Compulsory acquisition charges and taxation)</th></tr></thead><tbody><tr><td data-bbox="1423 1016 1693 1243">Initial Awarded Rates (Based on 2015-16 transactions)</td><td data-bbox="1693 1016 1915 1243">271,442.00</td><td data-bbox="1915 1016 2320 1243">71,389,387.00</td></tr><tr><td data-bbox="1423 1243 1693 1298">Chak wise Rates</td><td data-bbox="1693 1243 1915 1298">1,144,872.00</td><td data-bbox="1915 1243 2320 1298">301,101,495.00</td></tr></tbody></table>	Option/Average Type	Cost Per Marla (PKR) (Without Compulsory acquisition charges and taxation)	Total Cost (PKR) (Without Compulsory acquisition charges and taxation)	Initial Awarded Rates (Based on 2015-16 transactions)	271,442.00	71,389,387.00	Chak wise Rates	1,144,872.00	301,101,495.00
Option/Average Type	Cost Per Marla (PKR) (Without Compulsory acquisition charges and taxation)	Total Cost (PKR) (Without Compulsory acquisition charges and taxation)										
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Chak wise Rates	1,144,872.00	301,101,495.00										



S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned											
			<table border="1"> <tr> <td data-bbox="1406 357 1673 523">(Based on 2015-16 transactions)</td> <td data-bbox="1673 357 1895 523"></td> <td data-bbox="1895 357 2308 523"></td> </tr> <tr> <td data-bbox="1406 523 1673 802">Rates Awarded in Corrigendum (Based on 2015-16 transactions)</td> <td data-bbox="1673 523 1895 802">285,211.00</td> <td data-bbox="1895 523 2308 802">75,010,564.00</td> </tr> <tr> <td data-bbox="1406 802 1673 1031">Valuation Table Rates in case new acquisition be initiated</td> <td data-bbox="1673 802 1895 1031">600,000.00</td> <td data-bbox="1895 802 2308 1031">157,800,000.00</td> </tr> </table>	(Based on 2015-16 transactions)			Rates Awarded in Corrigendum (Based on 2015-16 transactions)	285,211.00	75,010,564.00	Valuation Table Rates in case new acquisition be initiated	600,000.00	157,800,000.00		
(Based on 2015-16 transactions)														
Rates Awarded in Corrigendum (Based on 2015-16 transactions)	285,211.00	75,010,564.00												
Valuation Table Rates in case new acquisition be initiated	600,000.00	157,800,000.00												
			<p>○ Here if we go through this summary, one can easily construe that a lot of saving has been made by adopting third option (PKR. 285,211)</p> <p>Loss of PKR. 75.01 Million-Totally Wrong Finding of the Inquiry</p>											

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S. No.	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
			<p>Committee:</p> <ul style="list-style-type: none">○ Total Awarded amount for 13 Kanals and 03 Marlas of land in 2nd Corrigendum is PKR. 75.01 as depicted above in the summary as well as Annex-G. Against this amount, NHA got 13 Kanals and 03 Marlas land which they are using for last three years and for which mutation has also been entered by the Revenue staff and reasons for inclusion for which have already been detailed in Point 1 above. So how can inquiry committee say that the entire awarded amount is loss to the Government exchequer?○ Had there been new acquisition or had the undersigned adopted Chakwise Ausat, the cost would have been PKR. 157.80 Million or PKR. 301.10 Million respectively but the undersigned announced the corrigendum at PKR. 75.01 thus saved Government exchequer of PKR. 75 Million or PKR. 226 Million respectively.○ Being LAC, the undersigned has the power to announce the rate of the land as per Section 23 of the LAA, 1894. The acquiring



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S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
			department has the option to file reference under Section 18 of the LAA, 1894.
3.	Why asked for provision of Chakwise Ausat for Mauza Salhad-II?	Un-satisfactory and Baseless reply without any justification. The accused didn't submit any documentary proof that on the ground rate was PKR. 600,000/-	-Incorrect <ul style="list-style-type: none">- 10 Kanals and 04 Marlas out of 13 Kanals and 03 Marlas was commercial land as already mentioned and detailed in Point # 2 above.- The landowners were not willing to handover land for any sort of construction without paying them markets rates and that too immediately. The undersigned being arbitrator had to acquire land as early as possible while being mindful of doing justice with the affected people.- That's why the undersigned asked for Chakwise Ausat of the year 2016 but as detailed in Point # 2 above, the undersigned didn't apply those rates and instead went for simple average formulation and announced the rates at the rate of PKR. 285, 211/- Per Marla.- As per original awarded rates, the cost would have been PKR: 271,442/- Per Marla (Annex-G).- The documentary proof the Valuation table of 2019 issued by Deputy



S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
			Commissioner Abbottabad is attached at Annex-E.
4.	When he made corrigendum to original award No. 14, then why he asked revenue authorities for a chakwise yaksala despite of the fact that average yaksala of the same period is available.	Un-satisfactory and baseless reply without any justification.	-Incorrect - Justification has already been provided above in Points # 1, 2 and 3.
5.	Why did he apply new rates	Un-satisfactory and Un-justifiable reply.	-Incorrect - Approval had already been sought initially (Copy of Awards attached at

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S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
	in 2 nd Corrigendum without approval from competent authority?	The previous approval was sought only for Award No. 14 dated: 13/09/2017. As per Para 06 of the Guidelines, issued by BoR, dated: 02/02/1970. The application of new rates in second corrigendum without approval of the competent authority is violation of law and negligent approach.	Annex-H) and as explained above in Points# 1, 2 & 3, due to urgency, it was avoided. - The land acquired in corrigendum has been entered for mutation by the Revenue Department and if that is not sufficient for the acquiring department then NHA may ask the current LAC to go for ex-post facto approval from BoR. However, one cannot find any mention of this approval in LAA, 1894 and its only in Guidelines and those too issued in 1970. Guidelines have no legal value.



S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
		of the officer under inquiry.	
6.	Why to tatima filed books of two different dates on file and why an area of 03 kanals and 01 Marla hasn't been included in the award.	It is against the Section-08 of the LAA, 1894. After announcement of 1 st Award measurement is carried out, this violation of LAA.	<p>-Incorrect</p> <ul style="list-style-type: none"> - Both field books have been signed by the Tehsildar concerned (Annex-F) - First field book (05 Kanals and 12 Marlas) was for Weigh station and its link road with main GT Road/KKH. Initially it was to be acquired wholly but later on, due to huge structure costs, the acquiring department decided to drop the link road component (03 Kanals and 01 Malras). That's why it wasn't included in the award. - Second field book is of commercial area (10 Kanals and 04 Marlas) coming in 2nd Corrigendum award. Due to its different type of land and acquisition as per Folder No. 3, a new field book was prepared for this component. - Section 8 asks for measurements and the same were done. As elaborated above, this was a case of omission, so no violation of Section 8 of the LAA, 1894 has been made.

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S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
7.	Why he made payments from other heads without the approval of the competent authority?	Reply is unsatisfactory. Violation of law and negligent approach by the officer concerned.	<p>-Incorrect</p> <ul style="list-style-type: none">- All payments were made from one single account that is G-11215. All funds have been deposited in this head of account although on different dates and Account office being custodian of the Government treasury never made any objections to such practice because the head was same. Purpose was same and submitting agency that is NHA as well as LAC is same.- Although funds were demanded in time but NHA and the officer who moved this inquiry kept file with him for initiating this inquiry.- Meanwhile, the urgency of the project (as already mentioned in Point # 1 above), demanded immediate delivery of possession of land which was not possible without paying the affected people their due right.- Accounts Re-Conciliation statements were shared with the acquiring department on regular basis and had there been any issue of payment from other heads, the acquiring department should have written to the undersigned but nothing of the sort happened till initiation of this inquiry by Director Land, who concocted all this story just to make



S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
	reference before Court?		

Concluding Remarks:

- The undersigned has performed his duties with utmost diligence, honesty, integrity and hard work. During my 13 years plus service, the undersigned has served in different capacities under different officers and each time, the undersigned has won appreciation and laurels from his seniors for efficient and extraordinary work. The fact can be confirmed from his ACRs/PERs and officers under whom he served. Some of them are Mr. Humayun Khan (Secretary Mines and Minerals, KP), Mr. Zaheer Ul Islam (Secretary LG, KP), Mr. Riaz Khan Mahsud (Commissioner Peshawar), Mr. Mutahir Zeb (Commissioner Hazara) and many more who are serving in different capacities in KP, Federal and other provinces. Even NHA officers, with whom the undersigned served, placed the undersigned at highest pedestal of Government Service. The correspondence made by them for his posting on additional charge and for full time charge basis (**Annex-I**) speaks volumes of this fact.
- This inquiry has been concocted against the undersigned just to embarrass him for certain reasons as well as to make him cautious of any sort of decision-making on any important assignment. During my 13 years plus service, I had been an excellent decision maker otherwise I would have not been able to achieve targets set by the Government. In this



case, the undersigned made decisions and those too with good faith. No illegality has been made in any of the decisions made and all has been done in a bona fide way.

Prayer:

- **Based on this para-wise reply and concluding remarks, the undersigned plead not guilty of any of the acts/omissions and hence request for dropping of all the charges against him and exonerate him with full honors, please.**
- **The Undersigned will request for according opportunity of Personal Hearing to him please.**

Farrukh Jadoon (PMS BS-17)
the then LAC CPEC-HT, NHA
now SO, Social Welfare Department Peshawar



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S. No	Allegation	Comments by the Inquiry Committee	Reply by the Undersigned
			mountain out of molehill for his ulterior motives.
8.	Why he issued 21 corrigenda without adopting legal procedure?	Corrigendum issued on the request of the Acquiring Department when they made changes in the design but no design is available on the inquiry file.	-Very Much Correct <ul style="list-style-type: none">- The inquiry committee accepted the fact here that all the corrigenda were issued on the request of the acquiring department due to changes in design.- Same analogy goes for Allegation No. 1 above and thus all charges may stand false.- Designs, being voluminous documents, can be asked from the acquiring department but as they have concocted this entire story just to embarrass the undersigned, so they wouldn't be sharing any such like document.
9.	Why he retained file for four months, which deprived NHA from basic right of filing	Allegation is baseless. NHA can file reference before Court on the basis of Award	-No Comments





GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Serial No. Z&U, SE & WE Deptt:

3223

Dated: 22.8.23

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Dated Peshawar the August 18, 2023

Annex - "E"

NOTIFICATION

NO.SOE-II(ED)2(756)/2017:

WHEREAS, Mr. Farukh Jadoon, (PMS BS-17), the then Assistant to Commissioner (Pol/Dev) Hazara, holding Additional Charge of LAC CPEC-HT (now Section Officer, Social Welfare Department) was proceeded against under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, for the charges mentioned in the Charge Sheet and Statement of Allegations;

2. AND WHEREAS, Mr. Tariq Hassan (PMS BS-18), Secretary Regional Transport Authority Peshawar was appointed as Inquiry Officer to probe into the charges levelled against the accused and submit findings recommendations;

3. AND WHEREAS, the Inquiry Officer, after perusal and examination of the case, evidence produced before him and explanation of the accused, submitted his report whereby the charges levelled against the accused were proved;

4. AND WHEREAS, Show Cause Notice was issued to the accused under Rule-14(4) of the Rules ibid wherein major penalty of "Removal from Service" was tentatively imposed upon the accused;

5. AND WHEREAS, Mr. Asghar Ali (PCS SG BS-21), Secretary to Government of Khyber Pakhtunkhwa Population Welfare Department was appointed as Hearing Officer by the competent authority to afford personal hearing to the accused on behalf of the competent authority;

6. NOW THEREFORE, I, Muhammad Azam Khan, Chief Minister, Khyber Pakhtunkhwa being Competent Authority under Rule-4(1)(a) of the Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989, after having considered the charges, facts of the case, evidence on record and recommendations of the Inquiry Officer, do hereby confirm the imposition of the major penalty of "Removal from Service" upon the accused.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

ENDST: NO. & DATE EVEN.

Copy of the above is forwarded to:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Administration Department.
4. Secretary to Govt. of Khyber Pakhtunkhwa, Social Welfare Department.
5. Member (Admn) National Highways Authority, NHA Headquarter G-9/1, Islamabad.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Secretary Establishment Department.
8. PS to SS(E)/SS(R), Establishment Department.
9. DD (IT)/SO (Admn)/SO (E-I)/SO (Secret)/SO (R-IV)/Estate Officer, E&A Department.
10. The officer concerned.
11. Personal file.

(ZAHID PERVEZ)
SECTION OFFICER
(ESTABLISHMENT-II)

18/08/2023

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Annex "F"

S.O. Admn CMS KPK

Diary No. 1282

Date. 1-9-2023

To

The Hon'ble Chief Minister/Competent Authority

Khyber Pakhtunkhwa, Peshawar

Subject: Review Petition Under Rule 17 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 Against Removal from Service of the Petitioner

Reference: Your kind attention is requested to the Notification issued by the office of Chief Secretary, Khyber Pakhtunkhwa vide No. SOE-II(ED)2(756)/2017, Dated 18th August, 2023, communicated to the Petitioner on 22nd August, 2023 (Annex-A)

Respected Sir,

The referenced notification, passed by the Chief Secretary Khyber Pakhtunkhwa on behalf of the Competent Authority/Chief Minister, the Petitioner has been removed from service vide Rule 4(1)(a) of the **Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989**.

It is submitted with due reverence that according to the order referred above, on outcome of the disciplinary proceedings initiated against the Petitioner, on recommendations of the Inquiry Officer, the Petitioner was awarded the impugned penalty.

1. At the very outset, it is submitted that the Petitioner having no fault on his part and has been punished for nothing.
2. The findings, observations and ascertainment are totally incorrect, misconceived and based on malafide.
3. That the inquiry report and proceedings were totally one-sided, arbitrary, unlawful and based on malafide.
4. That the Petitioner has submitted self-explanatory replies to Inquiry Officer and to the Personal Hearing Officer with equal force and justification and made it clear that allegations were baseless.

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31/08/2023

5. The Charges against the Petitioner, observations by the Inquiry Officer/Committee and summary of what the Petitioner submitted to the Personal Hearing Officer are attached herewith at **Annex-B**
6. It is pertinent to note that copy of inquiry report was not provided to the Petitioner and even till now. Provision of inquiry report to the accused is his basic right under Rule 111(c) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Therefore, non-supply/delivery of the inquiry report tantamount to usurping the lawful right of the Petitioner and it is also against the Natural Justice.
7. That, after personal hearing, the instant case was to be decided within 15 days, but it wasn't done so. Personal Hearing in the instant case took place in January 2023 and the case was decided in August 2023. This again speaks of arbitrariness and injustice in the inquiry proceedings.
8. That, the Petitioner mentioned in the reply to the Inquiry Officer, some persons/officers who were to be called as witnesses to whole acquisition proceedings. But that never happened; hence the Petitioner was denied the opportunity to cross-examine them.
9. Inquiry Officer didn't record statement of the Petitioner and the Petitioner was also not provided opportunity of defense and cross-examination of the witnesses produced in support of allegations. This all was nothing but clear practice of fraud, mischief, carelessness and contributory negligence.
10. That all the facts reflect that the inquiry officer didn't apply his independent judicial mind.
11. The Petitioner, while serving as Land Acquisition Collector for the impugned award, was acting as "Arbitrator" between the affected people and the acquiring department. If an arbitrator takes a wrong view of law or fact and decides the case/matter on such assumption, that can be corrected only through process of appeal/review/revision. In this case, no such appeal/review/revision was filed from any quarter, hence impugned award have got finality.

Honorable Sir, now the question here does arise that author of this award, that is the Petitioner, is accused and liable to be Removed from Service? This is sheer injustice.

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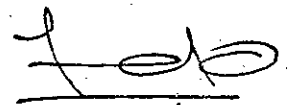
12. That it is not justified to award major penalty to the Petitioner while the case of the Petitioner is of absolute innocence.
13. That the Petitioner has discharged his duties totally in accordance with law and he was absolutely innocent having no nexus with the alleged charges.
14. There is no hint in respect of any loss caused to Government exchequer or the Petitioner deriving any gain in issuance of this Corrigendum Award in question.
15. Respected Sir;

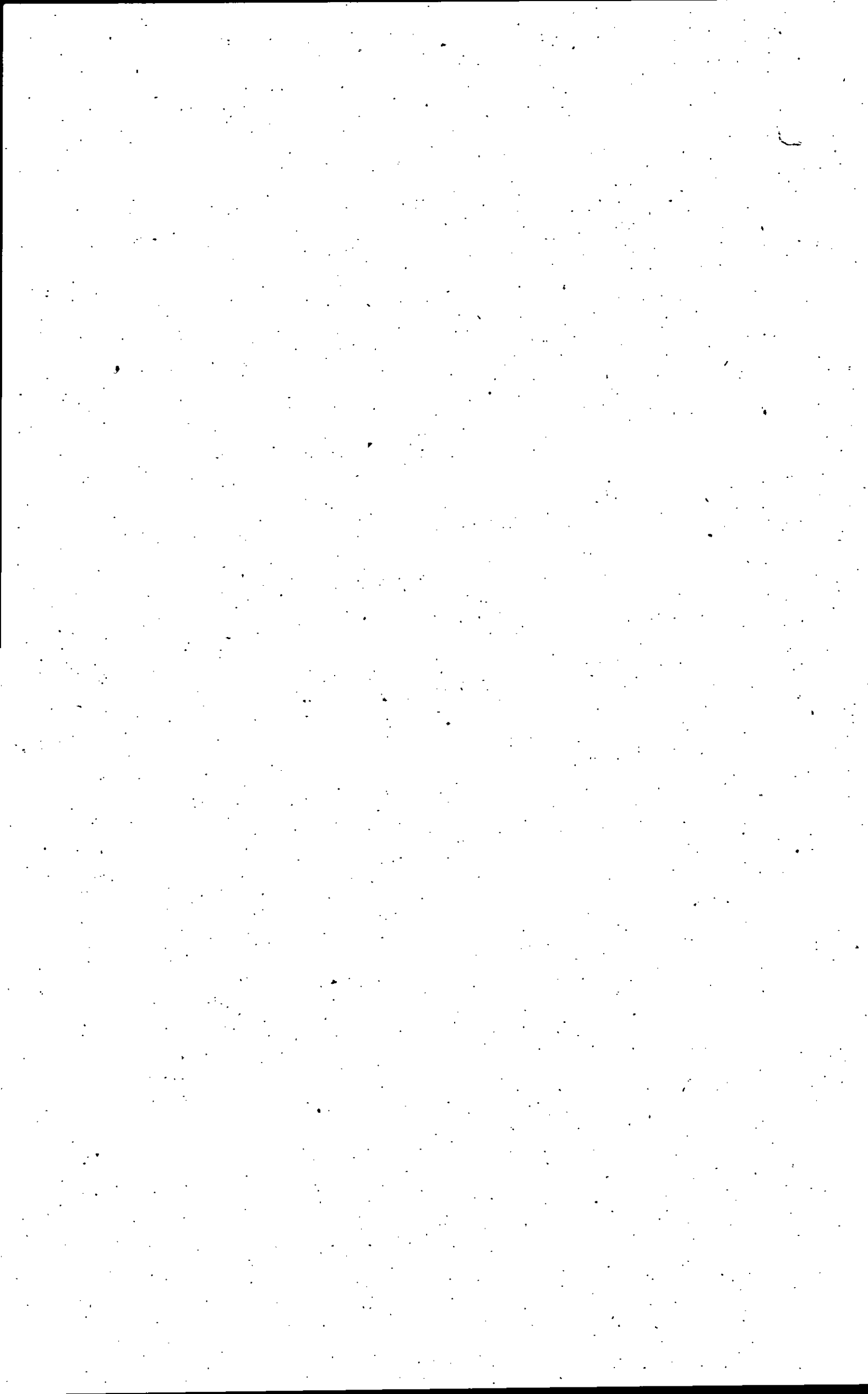
During his fourteen years of service, the Petitioner has performed to his fullest. He has awarded/arbitrated in more than 90 cases of Land Acquisition (More than anyone else from this batch/contemporaries) and contributed as a major player in land acquisition proceedings of almost all national-level mega projects like: Dass Hydro Power Project, Diamer-Basha Hydro Power Project, Sukki-Kinari Hydro Power Project, Dubair-Khawar Hydro Power Project, CPEC and Hazara Motorway. He has earned the title of "Game-Changer" from one of his officers, who has served as Commissioner for three times. Apart from getting commendations from his own department, he has won accolades from borrowing departments as well. As far as his academic credentials are concerned, the Petitioner has done his **BS (Hons) in Computer Science (with specialisation in Decision Support Systems) from FAST-NU**, **Isamat**, **LLB from Peshawar University** and **LLM in Commercial Law from UMT Lahore with Honours**, in addition to serving as **Visiting Faculty at Pakistan Provincial Services Academy and Pakistan Academy for Rural Development (PARD), Peshawar**. All this speaks volumes of the Petitioner's orientation and dedication to Public Service and punishing him for something so trivial is sheer injustice and deeply discouraging for the whole Provincial Civil Servants lot.

Furthermore, it is most respectfully submitted that Your Honour, being at the apex authority and forum has a Legal, Moral, Social and Constitutional duty to do complete justice. Thus it cannot be inhibited by any restraint and has an abiding duty to attend to all aspects and to take an overall view of the case in dispensing justice. Moreover Sir, if such

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Cases of termination of service are meted out to innocent officers, this will further demoralize the civil servants working in different capacities and hardly anybody will dare to take right and pro-people decisions.

Therefore, it is most humbly prayed that the impugned order No. SOE-II(ED)2(756)/2017, Dated 18th August, 2023 may please be set aside and the Petitioner may graciously be re-instated into the Service with all back benefits.

Total pages: 7 (Review Petition: 04

Annex-A: 01

Annex-B: 12)

Regards,



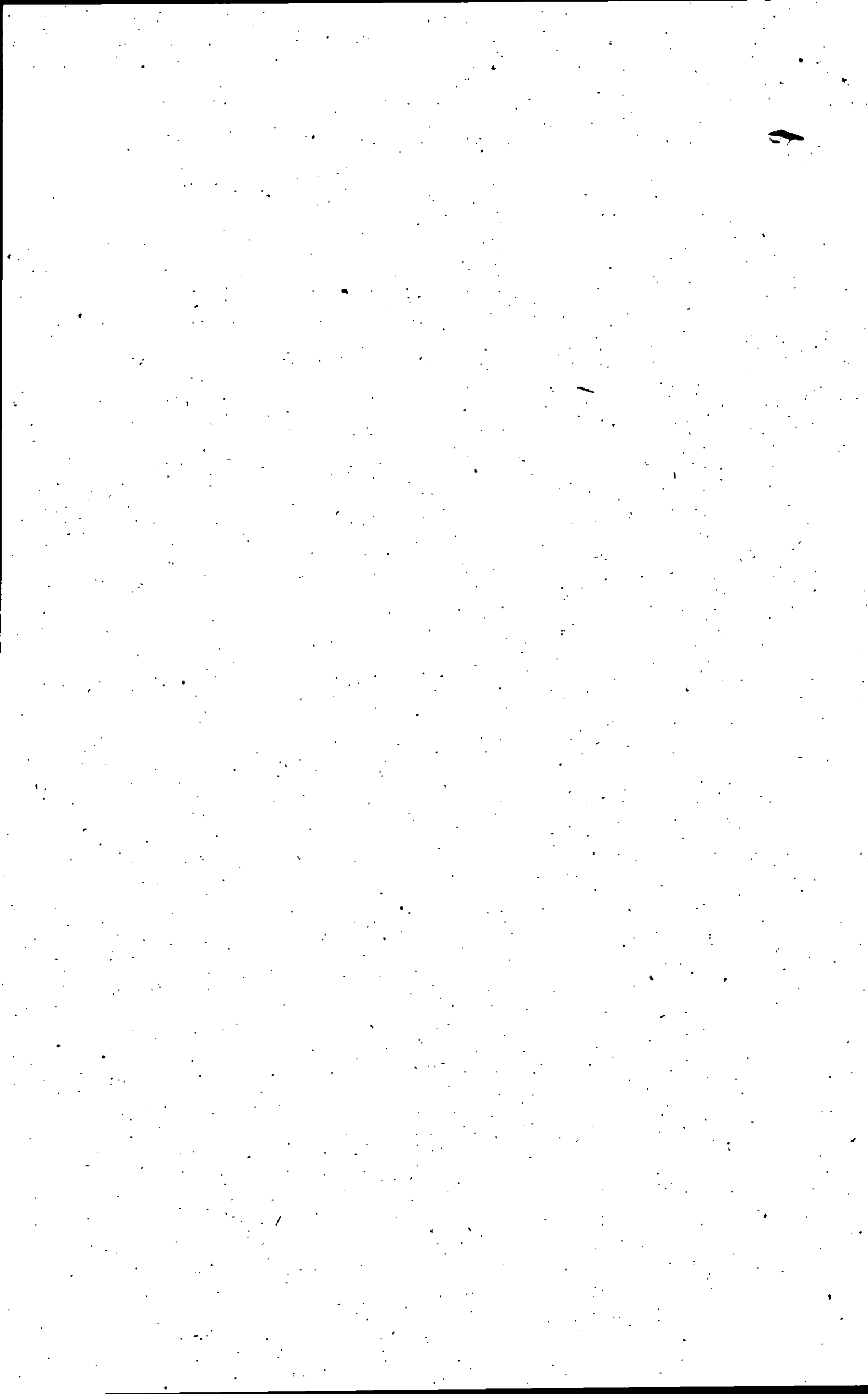
Dated: 31st August, 2023

Farrukh Jadoon (The Petitioner)

Village and Post Office Langra. Tehsil
Havelian District Abbottabad.

Whatsapp No: 0092 345 956 9296

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Annex = F/1
F-1



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

No. SOE-II(ED) 2(756)2017/PF
Dated Peshawar, the **October 31, 2023**

To

Mr. Farrukh Jadoon,
(Ex-PMS BS-17/ The Petitioner)
R/o Village and Post Office Langra,
Tehsil Havelian District Abbottabad

Subject: - **REVIEW PETITION UNDER RULE 17 OF KHYBER PAKHTUNKHWA
GOVERNMENT SERVANT (EFFICIENCY AND DISCIPLINE) RULES, 2011
AGAINST REMOVAL FROM SERVICE OF THE PETITIONER.**

I am directed to refer to the subject noted above and to state that your Review Petition/ Review Appeal dated 31.08.2023, has been processed and rejected by the appellant authority i.e Chief Minister Khyber Pakhtunkhwa.

(SYED BASHARAT HUSSAIN)
SECTION OFFICER (E-II)
Ph. 091-9210551

ENDST: NO. & DATE EVEN.

Copy forwarded to the:-

- i. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
- ii. PSO to Chief Secretary, Khyber Pakhtunkhwa.
- iii. Section Officer (Lit/Estt), Chief Minister Secretariat Khyber Pakhtunkhwa w.r to his letter No. SO(Lit/Estt) CMS/KP/4-1/Appeal/2023/1882 dated 05.09.2023.
- iv. PS to Secretary Establishment Department.
- v. PS to Special Secretary (Estt), Establishment Department.
- vi. PA to Additional Secretary (Estt), Establishment Department.
- vii. PA to Deputy Secretary (Estt), Establishment Department.

SECTION OFFICER (E-II)



WAKALATNAMA

(Power of Attorney)

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

SCANNED
KPST
Peshawar

.....Farrukh Jadoon.....

(Petitioner)
(Plaintiff)
(Applicant)
(Appellant)
(Complainant)
(Decree Holder)

VERSUS

.....Govt of KPK & others.....

(Respondent)
(Defendants)
(Accused)
(Judgment Debtor)

I/ We the undersigned (Appellant) in the above noted
(Service Appeal), do hereby appoint and constitute **Ahmad Sultan**

Tareen, Mudassir Ali, Haider Ali, Shabaz Khan

Advocates Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Accepted and Attested

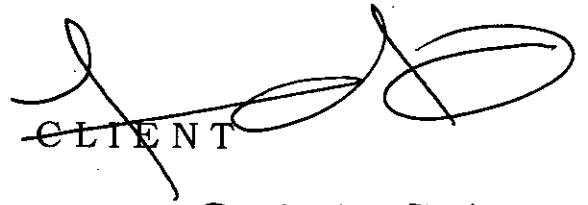

Ahmad Sultan Tareen


Mudassir Ali,


Haider Ali,

Shabaz Khan

Advocate,
17-G/7-B, Haroon Mansion, Khyber Bazar,
P E S H A W A R.-Office: 091-2572888
BC No. 10-1583
CNIC: 13302-0450955-5
Cell # 0333-9434837


CLIENT

FARRUKH JADOON
S/o
ANWAR AHMAD
KHAN.

3418

GS2PD—NWFP—959 F.S. 1,000P OF CS—14 06.0000—(9)

PNev-

Treasury / Sub-Treasury
Chalan of Cash paid into the Peshawar
State Bank of Pakistan

CHALAN NO. Peshawar

To be filled in by the remitter				To be filled in by the Departmental officer or the Treasury	
By whom tendered	Name or Designation and address of the person on whose behalf money is paid	Full particulars of the remittances and of authority (if any)	Amount	Head of Account	Order to the Bank *
				<u>65-11215</u>	
				<u>2501001</u>	

Name Security fee (Refundable) Date _____
Rs-100/- Done Correct
in appeal No. 2455/23 Received and grant
Faztullah Jadoon receipts.
KPK, Peshawar Signature and full
Signature designation of the
Total (A) 100/- officer ordering the
100/- money to be paid in

(a) (in words) Rupees

* To be used only in the case of remittances to Bank through an officer of the Government.

Received _____ Date _____

Treasurer _____ Accountant _____

Particulars _____ Amount _____
 _____ Rs. _____
 _____ Paisa _____

Coin _____
 Notes (with details) _____
 Cheques (with details) _____
 Total: _____

PROVINCIAL
Receipt Account-1
12 DEC 2023
Head of Account Verified
at Treasury Office Peshawar

CHAIRMAN
Service Tribunal
KPK, Peshawar

1

1944

1944

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

Service Appeal No. 2455/2023

SCANNED
KPST
Peshawar

4/1/24

Mr. Farukh Jadoon.....

Appellant

VERSUS

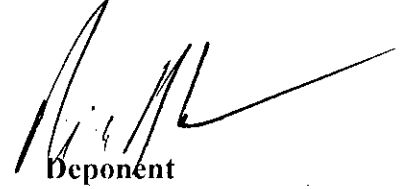
Chief Secretary, Khyber Pakhtunkhwa & Others

Respondents

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2.	Affidavit		7
3.	Authority Letter		8
6.	Special Secretary Establishment Authorization Letter Dated 24.12.2020		9

Dated: 29.12.2023



Deponent

CNIC No: 17301-6272682-3

Contact No: 0315-5737137

4-1-2024

Peshawar

2

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No.2455/2023

Farrukh Jadoon, Resident of Village and P/O Langra, Tehsil Havelian, district Abbottabad
.....(Appellant)

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar
& others.....(Respondents)

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

**SCANNED
KPST
Peshawar**

Respectfully Sheweth, the Respondents submit as under:-

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10372

Dated 3-1-2024

4/1/24

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action/locus standi to file the instant appeal against the respondents.
2. That the appeal is not maintainable.
3. That the appellant has presented the facts in manipulated form which disentitles him for any relief whatsoever.
4. That the appeal is barred by law and limitation.
6. That the appellant has suppressed material facts from the Tribunal.
7. That the appellant has not come to the Tribunal with clean hands.
8. That the appellant is estopped to file the instant appeal due to his own conduct.
9. That the material facts of the appeal are related to National Highway Authority, Islamabad which the appellant has not arrayed as necessary party.

REPLY TO FACTS:

1. **Correct as laid.**
2. As admitted by the appellant, he while entrusted with Additional Charge of LAC CPEC-HT (Havelian-Thakot) was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 on account of the charges mentioned in the charge sheet, primarily on the charge that he, in violation of Section 12-A of Land Acquisition Act, 1894, included 13 Kanal and 03 Marla of commercial land vide 2nd Corrigendum to Award No.14 for Mouza Khokhar Interchange and awarded new rates on the basis of his formulation instead of adopting Chakwise Ausat under the rules which caused a loss to the tune of **Rs.75,010,564/- (75.01M)** to the Government Exchequer. The charges levelled against the appellant stood proved in the Inquiry Report and consequently major penalty of "Removal from Service" was imposed upon him by the Competent Authority under the Rules *ibid*.
3. **No Comment** as the fact of the matter relates to National Highway Authority, Islamabad, which the appellant has not arrayed the Authority as necessary party.

4. **Subject to proof**, as it relates to NHA and the appellant has failed to substantiate his assertion/claim with documentary proof. **Moreover, instead of referring to facts of the case, the appellant is required to rely on relevant law/act which invested in him powers to include additional commercial land (13 Kanal 3 marla) in an already announced Award No.14 by issuing Corrigendum. The section 12A of Land Acquisition Act, 1894 invests powers in the LAC only to the extent of correction/rectification of the typographical or arithmetical mistakes in the award.** If there was any discrepancy in measurement or acquisition of additional land was required, the appellant had better announced a separate Award instead of including the same in an already announced Award in violation of the section 12A of the Act *ibid*.
5. **As admitted by the appellant**, in violation of the Act *ibid*, the appellant included additional land by announcing the 2nd Corrigendum of Award No.14.
6. **No Comment as it relates to NHA.**
7. **Correct** that Mr. Tariq Hassan, Secretary Regional Transport Authority was appointed as Inquiry Officer and the appellant was served with Charge Sheet & Statement of Allegations vide notification dated 14.04.2022 by the competent authority.
8. Correct to the extent that in view of findings of the Inquiry Report, the competent authority i.e., the Chief Minister, Khyber Pakhtunkhwa, show caused the appellant with tentative penalty of "Removal from Service". Findings of the inquiry report as per Para-5 of the Show Cause Notice were provided to the appellant, however, as far as non-provision of the whole inquiry report is concerned, no request as such for provision of the whole inquiry report was made by the appellant, and later on, upon his request Inquiry Report was provided to the appellant vide letter dated 17.11.2023. Besides this, the appellant was facilitated throughout the inquiry proceedings which were carried out in a fair and transparent manner.
9. As admitted by the appellant, ample opportunities of defence were provided to the appellant including affording Personal Hearing by the Hearing Officer on behalf of the competent authority but the appellant could not satisfy the Hearing Officer, *inter alia*, on the followings:-
 - i. Inclusion of 13 Kanal & 3 Marla commercial land vide 2nd Corrigendum to Award No.14 in violation of Section-12A of Land Acquisition Act, 1894;
 - ii. Awarding new rates on the basis of his formulation instead relevant procedure/guidelines and without prior approval from the competent authority;
 - iii. Making payments from other heads of accounts without the approval of the competent authority.

- 10. The appellant under sub-rule (8) of the Rule 14 of the Efficiency & Discipline Rules, 2011 *ibid* had remedy to file an application before the appellate authority for early disposal of the case;
- 11. Correct that the appellant filed a Review Petition before the appellate authority which was duly processed and the Hon'ble Chief Minister, Khyber Pakhtunkhwa in terms of Rule 17(2) of the (Efficiency & Discipline) Rules, 2011 *ibid* upheld the order of penalty and rejected the appeal/review petition.
- 12. The appellant is not aggrieved person in true sense as he has been treated in accordance with law and the penalty imposed upon him is commensurate with quantum of his misconduct, corruption and misuse of official position. Therefore, he has got no valid locus standi and thus is not entitled for any relief whatsoever and, the appeal is liable to be dismissed in limine.

REPLY TO GROUNDS:

- A. **Incorrect. As admitted by the appellant,** disciplinary proceedings were initiated against him, apart from other charges, on account of inclusion of additional commercial land in an already announced Award in violation of law, however, it was not limited to that only, as it was coupled with another illegality of applying new rates on the basis of his own formulation and making payments from other heads of accounts without the approval of the competent authority. The rest of para has already been responded vide Para-4 of the "FACTS".
- B. **Incorrect and misleading.** Due process of law has been followed and the appellant has been provided ample opportunity to defend himself against the charges, right form initiation of inquiry proceedings till its culmination. Moreover, the appellant has failed to lend any credence to his false assertion by pointed out any discrepancy in the disciplinary proceedings, as to how due process of law has not been followed and how he has been deprived of the right to fair trial.
- C. **Incorrect and misleading.** The appellant has not been condemned unheard as is evident from the inquiry report, he was heard on 25.04.2022 and ample time for written defence to allegation in terms Rules-10(1)(d) of the E&D Rules, 2011 *ibid* was provided to the appellant and accordingly, he submitted his written defence on 26.04.2022. Likewise, on his request, opportunity of personal hearing was also afforded to him, but he failed to defend his illegal actions and malpractices. As regards objection to inclusion of co-opted member in the Inquiry, on the request of the Inquiry Officer to appoint a revenue expert to assist him in the inquiry proceedings, Mr. Humayun Khan, Naib Tehsildar, Peshawar was appointed by the competent authority under Rule-10(3) of the E&D Rules, 2011 *ibid*

to assist the inquiry officer in understanding the technicalities and procedure of land acquisition.

D. **Incorrect and misleading.** As replied in the preceding paras, the inquiry against the appellant was conducted as per law and in a free and impartial manner. Moreover, the instant para relates to NHA which the appellant has not made party in his appeal.

E. **Incorrect and misleading.** The order/notification whereby major penalty of Removal from Service was imposed upon the appellant, was passed in light of Rule-14(5) of the E&D Rules, 2011 *ibid*, which stipulates the following:

"after affording personal hearing to the accused the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defence offered by the accused during personal hearing, by an order in writing-

- (i) *exonerate the accused if charges have not been proved; or*
- (ii) *impose any one or more of the penalties specified in rule 4 if charges have been proved".*

F. **Incorrect and misleading.** As per Rule-11(4) of the E& Rules, 2011 *ibid*, statement of witness is required to be recorded in the presence of accused, however, in the case/inquiry of appellant, there was not any witness, produced by any party, and as such the contention of the appellant of not affording opportunity of examination/cross-examination is unfounded and baseless. Moreover, statement of the departmental representative as a witness cannot be recorded as it does not include in his duties, defined under Rule-13 of the E&D Rules, 2011 *ibid*. Hence, the contention of the appellant does not hold grounds.

G. **Incorrect and misleading.** As already replied vide Para-A,B,C,D & F.

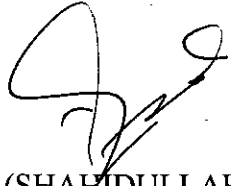
H. **Incorrect and misleading.** The appellant has admitted that regardless of the fact the Corrigendum in question to Awarad No.14 was announced illegally and in violation of Section-12A of the Act *ibid*, the acquired land has been utilized the acquiring authority i.e., NHA. However, the appellant is oblivious of the fact that in official business it is not the end that justifies the means rather the means that lead to the end. The appellant was required to have followed the Act/law/guidelines instead of applying his own mind, wish and whim as the only guiding principle for a government official while performing official business is strictly adhering to relevant laws/rules/policy.


I. **Incorrect as laid.** Any land declared to be needed for public purpose, is required to be acquired under the Land Acquisition Act, 1894 and as per Section-11 & 12 of the act it the competency of the LAC to announce the final award. Thus, the appellant cannot implicate others in his own wrongdoings.

- J. **Incorrect as laid.** As replied vide Para-H, it was his illegal action/inefficiency that the appellant rendered himself liable to be proceeded against under the rules which ultimately led to his removal from service.
- K. **Incorrect.** The rest as already explained in the preceding Para-2, 4 & 9 of the "Facts" and Para-H of the "Grounds".
- L. **Incorrect and misleading.** The rest as already explained in the preceding Para-2, 4 9 & 11 of the "Facts".
- M. **Incorrect and misleading.** As explained in the preceding paras.
- N. The Respondents also seek permission to adduce additional grounds/documents at the time of the hearing of the appeal.
- O. The Hon'ble Tribunal is requested to first decide the question of limitation and jurisdiction before going into the merits of the appeal.

Prayer:

In view of the above, It is most humbly prayed that the instant appeal being bereft of any legal merit may very graciously be dismissed with cost.


for (SHAHIDULLAH)
Secretary, Establishment Department
Khyber Pakhtunkhwa
(Respondent No.3)


for (NADEEM ASLAM CHAUDHRY)
Chief Secretary Khyber Pakhtunkhwa
(Respondent No.1&2)

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

Service Appeal: 2455/2023

Mr. Farukh jadoon.....Appellant

VERSUS

Chief Secretary Khyber Pakhtunkhwa & OthersRespondents

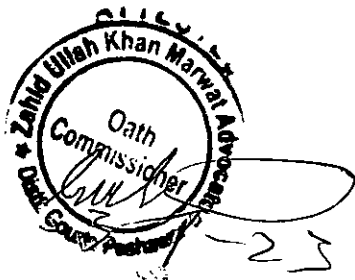
AFFIDAVIT

I, Kaleem Ullah Baloch, Special Secretary Establishment Department do hereby solemnly affirm and declare on that oath contents of the accompanying parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is further stated an oath that in this appeal the answering respondents have neither been place ex-party nor their defense has been struck off.

DEPONENT



Kaleem Ullah Baloch
Special Secretary Establishment
Contact: 0346-8853313





GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Judicial Wing)

81

AUTHORITY LETTER

Mr. Riaz Khan, Superintendent (Litigation-III Section) Establishment Department is hereby authorized to submit Affidavit to The Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No. 2455/2023 titled as "**FARUKH JADOON VS GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS**" on behalf of The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa and others being respondents.

Kaleem Ullah Baloch
Special Secretary
Establishment



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(Policy)/E&AD/Misc/2020

Dated Peshawar, the December 24, 2020

9

To

1. The Director STI, E&A Department.
2. All Additional Secretaries in E&AD.
3. All Deputy Secretaries in E&AD.
4. All Section Officers in E&AD.
5. The Estate Officer/Programme Officer (Computer Cell) in E&AD.

Subject: SIGNING OF PARAWISE COMMENTS ETC IN SERVICE APPEALS.

Dear Sir,

I am directed to refer to this Department letter No. SOR-VI/E&AD/1-23/2005 dated 12-01-2008 (copy enclosed) on the subject, the Competent Authority has been pleased to authorize the Special Secretary (Establishment) Establishment Department to sign the para-wise comments in cases of service appeals filed by the Civil Servants before the Khyber Pakhtunkhwa Service Tribunal on behalf of Chief Secretary, Khyber Pakhtunkhwa and Secretary, Establishment Khyber Pakhtunkhwa.

Yours faithfully,

SECTION OFFICER (POLICY)

ENDST: NO. & DATE EVEN

Copy forwarded to:

1. Secretary to Govt. of Khyber Pakhtunkhwa, Law Department
2. Registrar Peshawar High Court Peshawar.
3. Advocate General Khyber Pakhtunkhwa, Peshawar.
4. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa
6. PS to Secretary Establishment, Khyber Pakhtunkhwa
7. PS to Special Secretary (Establishment) Establishment Department
8. PS to Special Secretary (Reg). Establishment Department.

SECTION OFFICER (POLICY)