

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

PROFORMA FOR EARLY HEARING

Judicial Branch

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13780

Dated 25/6/24

Form "A"

To be filled by the counsel

Case No.	S.A 734/2024					
Case Title	Amir Shahzad ,.....Petitioner			VERSUS		
	SMBR & others.....Respondents					
Date of Institution	25.06.2024					
Bench	SB		DB			
Case Status	Fresh		Pending			
Stage	Notice		Motion		PAN	
Urgency to be clearly stated	That the respondent illegally sealed the office of the appellant and not allowing him to perform his duties					
Nature of the relief sought	Matter pertains to urgent nature					
Next date of hearing	28.06.2024.					
Alleged Target Date	Today					
Counsel for	Petitioner		Respondent		In Person	


Signature of Counsel/Party

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

CM No _____/2024

IN

S.Appeal NO. 734/2024

Amir Shahzad

.....Appellant

VERSUS

SMBR & Others.

..... Respondents

INDEX

S. No	Description of documents	Annexure	Page No
1	Application		1-2
2.	Copy of the stay order		3-4
3	Sealed office Pictures		5-9

Appellant

Through



ZARTAJ ANWAR

Advocate Supreme Court
Of Pakistan

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

CM No _____/2024

IN

S.Appeal NO. 734/2024

Amir Shahzad

.....Appellant

VERSUS

SMBR & Others.

..... Respondents

APPLICATION FOR ALLOWING THE APPELLANT
TO PERFORM HIS DUTIES IN THE LIGHT OF
HONORABLE TRIBUNAL ORDERS AND RESTRAIN
THE RESPONDENTS FROM ALL ILLEGAL
ACTIVITIES AS SEALED THE OFFICE OF THE
APPELLANT

Respectfully Submitted,

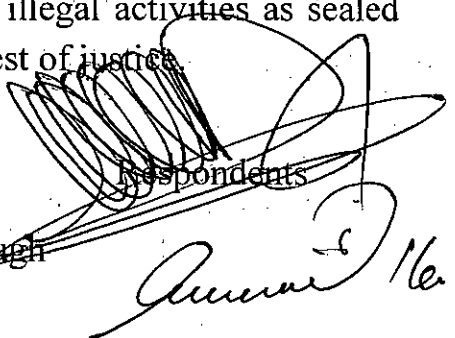
1. That the above noted service appeal is pending before this Honorable Tribunal which is fixed for 28.06.2024.
2. That the applicant/appellant filed service appeal against his pre mature transfer order, in which the honorable tribunal granted interim relief/stay order dated 31.05.2024. *(Copy of the stay order dated 31.05.2024 is attached as annexure A) .*
3. That the respondent i.e. Assistant Commissioner illegally sealed the office of the appellant and not allowing him to perform his duties as the honorable tribunal granted the stay order and allow him to continue his duties on the post of Naib Tehsildar Dalazak till further order of the honorable tribunal. *(Copy of the sealed office picture is attached as annexure B)*
4. That the appellant time and again requested the worthy A.C to allow him to continue his duties but he reluctant and verbally inform that once the order of your transfer has been issued than on all means you are not allowed to work here.

121

Handwritten mark

5. That there is no legal impediment while accepting this application

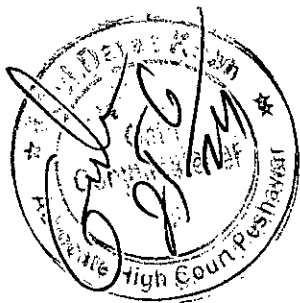
It is therefore, most humbly requested that appellant may kindly be allowed to perform his duties in the light of honorable tribunal orders and restrain the respondents from all illegal activities as sealed the office of the appellant for the larger interest of justice.

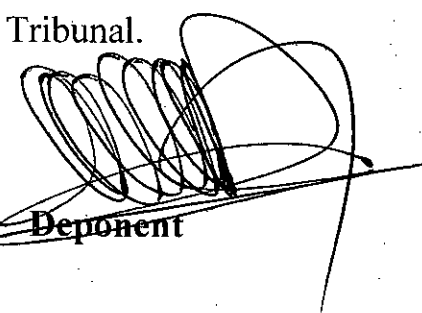
Through  respondents

ZARTAJ ANWAR
Advocate Supreme Court
Of Pakistan

AFFIDAVIT

I, Amir Shahzad Naib Tehsildar Dalazak do hereby certified and confirm that the contents of the application are true and correct to the extent of my knowledge and belief and nothing has been concealed from this honorable Tribunal.




Deponent

Appal No. 934/2024

Amir shahzad. IS Govt

31.05.2024 1.

Learned counsel for the appellant present and argued that

appellant was prematurely transferred vide impugned order 21.05.2024. Earlier he was transferred and posted as Naib Tehsildar Dalazak vide order dated 28.03.2024. He further argued that in accordance with posting/transfer policy of Provincial Government normal tenure to hold a post is two years and there was no urgency of service or public interest involved in the impugned transfer order as appellant was working on the post without any complaint from any corner. He further argued appellant was transferred just after one and half month of his posting due to outside political interference. Appellant filed departmental on 22.05.2024 which was filed on 30.05.2024. Points raised need consideration. Instant appeal is admitted for full hearing subject to all just and legal objections. Appellant is directed to deposit security fee within seven days, thereafter, notice be issued to the respondents for submission of written reply/comments. Respondents be summoned through TCS, the expenses of which be deposited by the appellant within a three days. To come up for written reply/comments on 12.06.2024 before S.B. P.P given to learned counsel for appellant.



SCANNED
REMOVED

2. Alongwith the appeal there is an application for suspension of operation of impugned order dated 21.05.2024. Notice of this application be issued to the respondents. In the meanwhile, the operation of impugned order is suspended, if not acted upon earlier.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Rashida Bano)
Member (J)

4

A. No- 734/2024
Amir Shafiq vs Govt

12.06.2024



01. Counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Abdur Rashid, Superintendent for the official respondents and counsel for private respondent No.3 present.

02. Learned counsel for private respondent No. 3 submitted an application through office for vacation of stay granted vide order dated 31.05.2024. Copy handed over to learned counsel for the appellant as well as learned District Attorney. To come up for reply/arguments on application and reply/comments on main appeal by the respondents on 28.06.2024 before the S.B. PP given to the parties.

ATTESTED

[Signature]
13/6/24

Fazle Subhan, P.S

EXAMINER,
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

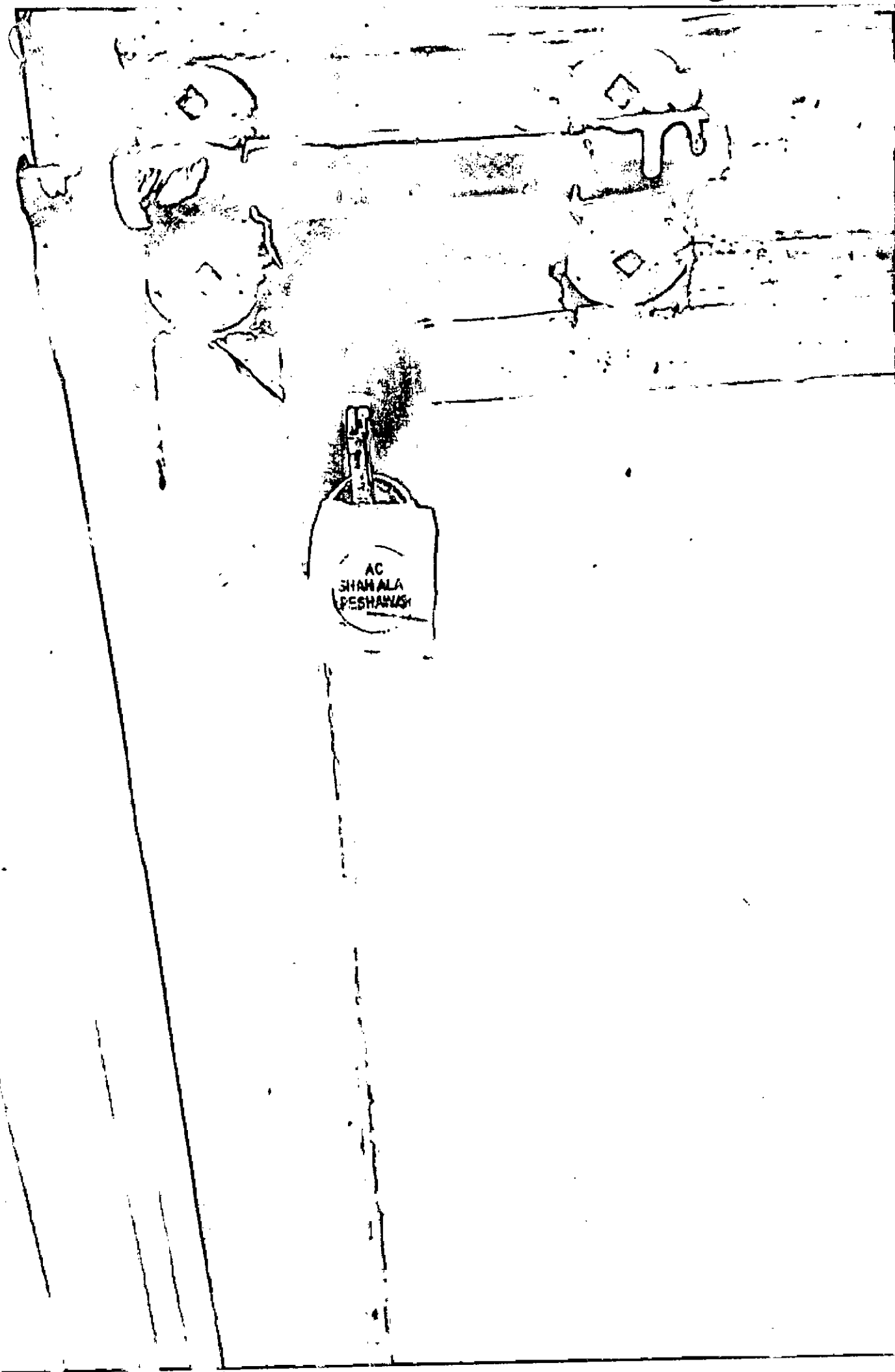
[Signature]
(Rashida Bano)
Member(J)

Date of Presentation of Application 14-6-24
Number of Words 2P
Copying Fee 10/-
Urgent 3/5
Total 15/-
Name of Copyist _____
Date of Completion 14-6-24
Date of Delivery of Copy 14-6-24

NAIB TEHSILDAR
DILAZAK

5

Allesam



AC Shamala



ACR.
Pl. put up on file

7
**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

Subject: **FACT FINDING INQUIRY AGAINST MR. AMIR SHAHZAD (TEHSILDAR OPS) SHAH ALAM.**

Reference letter No.832/DC(P)/DK dated 17.05.2024 wherein it has been reported that Mr. Amir Shahzad (Naib Tehsildar BPS-14) while posted as Tehsildar Shah Alam (in OPS) has attested mutations beyond his jurisdiction as well as where mutations were banned.

BRIEF FACTS

The letter reveals that the accused Revenue Officer while posted as Tehsildar Shah Alam (OPS) has attested mutations in Muza Panam Dheri (37 Nos) and Sufais Sang (14 Nos) in Circle Mathra during imposition of ban by Board of Revenue and beyond his jurisdiction / AOR. He has also attested mutations in banned mauzas Daag (66 Nos), Darmangi (45 Nos) and Hudi Pura (05 Nos) of circle Shah Alam.

FINDINGS

Perusal of Mutation of the office Kanungo Tehsil Shah Alam. reveals that all the above reported mutations (167) and Fard Badar (03) have been attested by the then Tehsildar Shah Alam as per details in the report / letter of Deputy Commissioner Peshawar.

It was also found that the mutations attested in Mauza Panam Dheri and Sufais Sang were in the AOR of Naib Tehsildar Mathra Circle during the imposition of ban by the competent authority i.e Senior Member Board of Revenue Khyber Pakhtunkhwa vide Notification No.LR-IV/DMU/Pesh/Vol-III/21842 dated 18.10.2022 (Copy attached).

The above acts on part of the incumbent officer fall in gross violation of rules, and Government policies and also causing delay in the project of digitization of land record by the provincial Government.

RECOMMENDATIONS

Above in view it is recommended that the Competent Authority i.e. Senior Member Board of Revenue Khyber Pakhtunkhwa may be requested for initiating proper inquiry under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 against the delinquent official for violation of the rules and policy by attesting mutations in the banned patwar Circle / Revenue Estates and delaying of the digitization of land record.


Assistant to Commissioner (Rev/GA)
Peshawar Division Peshawar

06/6/2024



Peshawar dated the Oct: 18, 2022

NOTIFICATION

No.LR-IV/DMU/Pesh/Vol-III/ 21842.

In exercise of powers conferred by Sub-Section-41-A of the Khyber Pakhtunkhwa Land Revenue Act, 1967, the competent authority is pleased to specify the 1st November, 2022 as the date from which the preparation of Digitized Edition of Record-of-Right shall become operative for the Revenue Estate of Tehsils Saddar, Shah Alam & Mattani of District Peshawar mentioned in the table below. In pursuance thereof, manual work including the entry and attestation of mutation for the said Revenue Estates shall be prohibited/ banned from the aforesaid date:-

The subject task should be completed within Three (03) Months.

S.No	Tehsil	Qanungoi	Patwar Circle	Mouzajat
1	Saddar	Badaber	Khuli Zai	Khuli Zai
2		Urmar	Ghari Chandan	Ghari Chandan
3		Urmar	Ghari Baghbanan	Ghari baghbanan
4		Koh-e-Daman	Maryam Zai	Maryam Zai
5	Shah Alam	Daudzai	Kaniza	Shinda
6		Mathra	Garhi Chandan	Garhi Chandan
7		Daudzai	Tukhat Abad	Tukhat Abad Awal
8		Mathra	Sufaid Sang	Sufaid Sang
9		Daudzai	Qadir Abad	Qadir Abad
10		Mathra	Ghalji Kander Khel	Ghalji Kander Khel
11		Mathra	Shahi Bala	Shahi Bala
12		Daudzai	Mamon	Mamon
13		Daudzai	Choli	Choli
14		Daudzai	Mandra khel	Mandra Khel
15		Pajagi	Dag	Dag
16		Babo Zai	Babo Zai	Zor Mandi
17		Pajaggi	Deh Faqir Garhi Fazil	Eisa Khel Topachian
18		Qilla Shah Baig	Panam Dheri	Panam Dheri
19		Pajagi	Darmangi	Darmangi
20		Chaghar Mati	Patwar Payan	Patwar Payan
21		Mattani	Mohmand	Sheikhan
22	Mohmand		Shahab Khel	Shahab Khel
23	Mohmand		Kaga Wala Alizai	Kaga Wala Alizai
24	Pishtakhara		Sango	Sango
25	Pishtakhara		Ahmad Khel	Ahmad Khel
26	Masho		Mattani	Mattani
27	Pishtakhara		Landi akhun Ahmad	Tukra No.5

Approved By,
Secretary to Govt: of Khyber Pakhtunkhwa
Revenue & Estate Department



THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, DCPeshawar

No. 832/DC(P)/DK

Dated: 17-05-2024

To: The Assistant to Commissioner (Rev/GA),
Peshawar Division, Peshawar.

Subject: **INQUIRY AGAINST MR. AMIR SHAHZAD TEHSILDAR (OPS) SHAH ALAM**

It is intimated that during inspection of revenue record, it has been revealed the Mr. Amir Shahzad, Naib Tehsildar during his posting as Tehsildar (OPS) Shah Alam Peshawar has carried out a number of irregularities by attesting mutations beyond his jurisdiction as well as where manual mutations were banned. The details are as under:

S.No.	Moza	Date of attestation	Mutation Nos.	Irregularity
1	Panam Dheri (Circle NT Mathra)	01-12-2023	5063 upto 5083	Beyond the jurisdiction of Tehsildar Shah Alam and already ban imposed on manual mutations in the wake of Land Record Computerization. (ban imposed on 01-11-2022)
		22-09-2023	5059, 5060, 5061/1, 5061, 5062	
		29-12-2023	5085 upto 5092	
		12-01-2024	5093, 5095, 5096	
2	Daag	03-11-2023	3581 upto 3590	Ban imposed on manual mutations in the wake of Land Record Computerization. (ban imposed on 01-11-2022)
		24-11-2023	3591, 3592, 3593, 3595	
		03-03-2023	3532, 3533	
		14-04-2023	3534 upto 3546 (Fard Bader 182)	
		27-06-2023	3565 upto 3571	
		02-06-2023	3547 upto 3564 (Fard Bader 183)	
		14-12-2023	3596 upto 3600 (Fard Bader 184, 185)	
		16-02-2024	3604 upto 3607	
3	Darmangi	09-02-2024	3601, 3602, 3603	Ban imposed on manual mutations in the wake of of Land Record Computerization. (ban imposed on 01-11-2022)
		29-12-2023	3259, 3260	
		27-06-2023	3215 upto 3223	
		06-10-2023	3224 upto 3227 & 3229 upto 3238	
		03-11-2023	3239 upto 3247, 2348, 3249, 3250	
		15-03-2024	3267 upto 3274	
4	Ahadi Pura	02-06-2023	3204, 3205, 3206, 3207, 3209, 2310, 3211, 3212, 3213, 3214 (Fard Bader 55)	Ban imposed on manual mutations in the wake of Land Record Computerization. (ban imposed on 15-02-2023)
		24-11-2024	3251 upto 3257	

It is, therefore, requested that keeping in view the seriousness of the irregularity, proper Inquiry may be ordered in the matter and disciplinary action may be initiated against the said Revenue Officer under Khyber Pakhtunkhwa Govt. Servant (Efficiency & Discipline) Rules 2011.

Endst: No. and Date Even:

Copy forwarded to the PS to Deputy Commissioner Peshawar.

Sd/-
DEPUTY COMMISSIONER
PESHAWAR

ADDITIONAL DEPUTY COMMISSIONER (G)
PESHAWAR

ACR
Pl. told a fact
inquiry
and report
20/5/24

1. Inspiration کی تاریخ سے Date اسے ملے گی
2. اس سے پتہ چلے گا کہ کبھی اسے کبھی نہ ہو گا وہ وقت سے
بہتر چیزیں یہ تفتیش ہے یا نہیں waiting for

حاصل ہونے کا جو اندازہ ہے اس کو چیلج کرنا ہے
اس میں سے کچھ اس کو لینا اور وہیں پڑھنا

انگلینڈ کی کھیتی باڑیوں میں کی گئی ہے
میں اس کا سب سے سب سے حال ہے انگلینڈ
کو 13^{ویں} صدی سے لے کر 18^{ویں} صدی تک
کے درمیان سے 18^{ویں} صدی کے لائن