

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Service appeal No. 421/2024

Muhammad Shoaib

(Appellant)

VS

Government of Khyber Pakhtunkhwa and others

(Respondents)

Service Appeal

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(Asif Ali)

**Deputy Commissioner, Battagram
(Respondent No. 03)**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Service appeal No. 421/2024

Muhammad Shoaib

(Appellant)

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 18124

Date 20/11/24

VS

Government of Khyber Pakhtunkhwa and others

(Respondents)

Service Appeal

Para-wise comments on behalf of Respondents, No. 01, 2, 3 & 4.

PRELIMINARY OBJECTIONS.

- (1) The instant Service appeal is liable to be dismissed as the Petitioner is found to be involved in malpractices, misconduct and malafide intention and has no cause of action.
- (2) The appellant has got no cause of action.
- (3) That the appeal is not maintainable.

ON FACTS:

1. Correct.
2. Incorrect and subject to proof.
3. Incorrect, the complainant filed complete case along with solid proof before the Deputy Commissioner, Battagram. (Annexure-I)
4. Correct.
5. Incorrect, The Inquiry Officer has issued notices to all concerned i.e (complainants and appellant). The appellant also participated in the whole inquiry proceedings as his written statement is reflected in inquiry report of Inquiry Officer. (Annexure-II & III)
6. Incorrect, that the Competent Authority (Deputy Commissioner Battagram) has passed order with Justification and in accordance with the Law / Rules.
7. Incorrect, the Competent Authority (Deputy Commissioner Battagram) has delivered all the orders to appellant well in time.
8. Correct, to the extent that the appellant preferred an appeal before the Commissioner Hazara Division, Abbottabad against the order of Deputy Commissioner, Battagram dated 02.10.2023 & 29.11.2023, whereby the Commissioner Hazara Division Abbottabad has dismissed the appeal of the appellant.

GROUND.

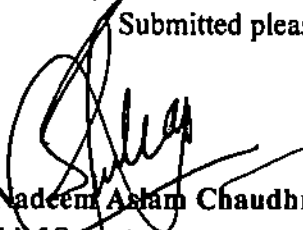
- a. Incorrect, the order passed by the Deputy Commissioner, Battagram is lawful, according to the norms of natural justice and fair play.
- b. Incorrect, the Compulsory Retirement from Service order was passed, with full authority by following all legal and codal formalities.


- c. Incorrect, all the acts were done in accordance with the Law / Rules in the best public interest.
- d. Incorrect, all the codal formalities were fulfilled and the dismissal order was passed in the light of the recommendation of the Inquiry Officer as the appellant has done an illegal act, given huge loss to the public exchequer by not depositing fee and taxes into the govt. exchequer by not entering / attesting the mutation. (Annexure-IV)
- e. Incorrect, the Inquiry report was delivered to the appellant.
- f. Incorrect, many chances were given to the appellant to appear before the Competent Authority and explain his position. (Annexure-V)
- g. Incorrect, many chances were given to the appellant.
- h. Incorrect, the dismissal order was passed in the light of the recommendation of the report of Inquiry Officer and in best interest of public. (Annexure-IV, above)
- i. Incorrect, all the proceedings were carried out in accordance with Law / Rules.
- j. Incorrect, all the basic principles of natural justice were adopted, and all the proceedings were according to the prescribed E&D rules.
- k. Incorrect, all the orders have been issued in accordance with well known principles / procedures and guidelines.
- l. Incorrect, as the appellant made embezzlement, took money from the party in lieu of mutation and has not attested / Registered the mutation nor deposited any fee / Tax in the Government exchequer and created an embarrassing situation for District Administration.
- m. Incorrect, all the proceedings were initiated upon the solid proofs and full chance of personal hearing was provided to the appellant.
- n. No Comments
- o. No Comments
- p. No Comments
- q. Incorrect, the appeal is time bared.


Prayer :

That the appellant is involved in Fraud, misconduct and embezzlement, therefore, it is humbly prayed that the above Service Appeal may graciously be dismissed / filed, please.

Submitted please.


 (Nadeem Aslam Chaudhry)
 Chief Secretary
 ✓ Khyber Pakhtunkhwa (Respondent No. 01)


 (Asif Ali)
 Deputy Commissioner, Battagram
 (Respondent No. 03)


 (Syed Zaheer-Ul-Islam Shah)
 Commissioner
 Hazara Division Abbottabad
 (Respondent No. 02)


 (Muhammad Saizem)
 Assistant Commissioner Battagram
 (Respondent No. 04)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Service appeal No. 421/2024

Muhammad Shoaib

(Appellant)

VS

Government of Khyber Pakhtunkhwa and others


(Respondents)

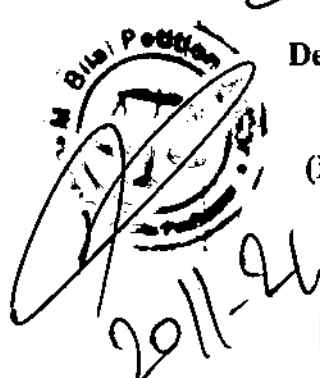
Service Appeal

AFFIDAVIT.

I, Asif Ali Khan, Deputy Commissioner, Battagram, respondent, do hereby solemnly affirm and declare on oath that the contents of instant reply are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court. It is further affirmed that the respondent have neither been proceeded ex-parte nor their defense is struck off.

Dated. _____/2024.


Deputy Commissioner,
Battagram
(Respondent No. 03)





DEPUTY COMMISSIONER/COLLECTOR
BATAGRAM
(Khyber Pakhtunkhwa)

Phone # (0997) 310136
No: 9247 /JR

Fax # (0997) 310051
Date: 10/10/2024

AUTHORITY LETTER

The Additional Assistant Commissioner-II, Battagram, is hereby authorized to attend the Honorable Service Tribunal, Khyber Pakhtunkhwa, Peshawar, in the Case Titled "Muhammad Shoaib vs Govt. of Khyber Pakhtunkhwa and others" on behalf of the Deputy Commissioner, Battagram, got vetted the Joint parawise comments from the concerned Advocate General and submit the same in the Honorable court after its signing from all concerned before the date fixed by the court i.e. 29.10.2024.


Deputy Commissioner
Battagram

No. 92481

Copy to, the Assistant Litigation Management Cell (Local), for necessary action


Deputy Commissioner
Battagram

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Ahsan

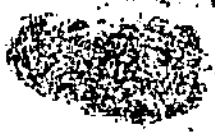
10/10/2022
09.03.2025

Registered
College of the
Evidence
Peshawar

0349-584414

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<p>18 19</p>	<p>1339 1338</p>	<p>AT Head 202 AC 216</p>	<p>157 11 2020</p>	<p>8-18 11-5 8-8</p>
<p>18 19</p>	<p>1339 1338</p>	<p>AT Head 202 AC 216</p>	<p>157 11 2020</p>	<p>8-18 11-5 8-8</p>
<p>18 19</p>	<p>1339 1338</p>	<p>AT Head 202 AC 216</p>	<p>157 11 2020</p>	<p>8-18 11-5 8-8</p>
<p>18 19</p>	<p>1339 1338</p>	<p>AT Head 202 AC 216</p>	<p>157 11 2020</p>	<p>8-18 11-5 8-8</p>

6

M3

Annex-V

مستند رقم 1339/ع
تاریخ 13/04/2023

(BO-1418)

BANK OF PAKISTAN
 Branch: Faisal Branch (0926)
 13 APR 2023
 CASH RECEIVED

محمد علی

1300

1339/ع

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آپ کا

عنوان: Handwritten address line

پتہ: Handwritten address line

تاریخ: Handwritten date

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Handwritten numbers and symbols at the bottom, including '976', '7', and '4-12'.

Handwritten signature and date: 22/03/23

Handwritten initials: Q.A.

Handwritten signature: Asst. Commr. P. M. M. M.

Main body of handwritten text, likely a report or letter, containing several lines of text.

آراء:

ملاحظات: درخواست برائے نوکری اور نوکری کے خلاف شکایت

تقریباً: م. م. م. م.

تاریخ: م. م. م. م.

Handwritten signature: Asst. Commr. P. M. M. M.

Footer area containing a date stamp: 2023-05-25, a circled number 8, and the number 672.

Attested
R. K. Singh
25/05/2023

Dr. R. K. Singh
Principal
S. P. J. S. College
B. A. S. P. J. S. College

1. The student has been admitted to the B.A. S. P. J. S. College.
2. The student has been admitted to the B.A. S. P. J. S. College.
3. The student has been admitted to the B.A. S. P. J. S. College.

Signature:

Signature: _____

Signature: _____

Signature: _____

Signature: _____

679

(b)

Signature: _____

05

05

Handwritten signature and date: 19/05/2023

Main body of handwritten text, likely a letter or official communication, written in Urdu.

Handwritten signature and date: 11/11/2023

بیان محمد شعیب پٹواری حلقہ شمالی حال TRA مکران

- 1۔ انتقال نمبر 1339 مجھے آرہے۔
- 2۔ انتقال نمبر 1339 سے انتقال ہے۔
- 3۔ انتقال شمسی وزارت گل اور سید طاہر خان کا ہے اور اس میں عادلہ اور خان اور جان محمد گواہ ہیں۔
- 4۔ آرائش کی رقم ہاڑی ٹی جی 10 کنال 18 مرلے ہے۔
- 5۔ شمالی موضع تقریباً ایک مہینے پہلے کھپوا کر دیا گیا ہے۔
- 6۔ انتقال نمبر 1339 میں لے درج کیا ہے۔
- 7۔ اس وقت انتقال پر جی ٹی سہا تھا وہ میں نے لیا ہے۔
- 8۔ میں نے درخواست گزار سے کوئی پیسے یا انسانی ٹکس نہیں لیا ہے۔
- 9۔ انتقال مورخہ 2020-10-27 کو دورہ پروگرام میں درج تصدیق ہوا ہے۔
- 10۔ میں نے انتقال جمع کیا ہے اور آفس ٹائون کو نے انتقال کا نقل بھی دیا ہے۔

محمد شعیب پٹواری حلقہ شمالی حال TRA مکران

شناختی کارڈ نمبر 5-0778303-13202

سوال نمبر 0300-9142720

Attested
J. M. S.

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13202-0762328-5

0 3335411213

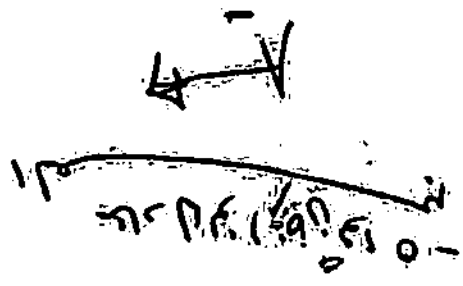
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(15)

ENQUIRY REPORT

COMPLAINT AGAINST MR. SHOAB THE THEN PATWARI SHUMLAI

Background:

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

Proceedings:

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

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

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

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

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

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

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

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

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

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

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

IX.

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Inquiry Officer/Assistant Commissioner,
Battagram

(ABDUS SALAM)

01-06-2023

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earliest and send the part-e-sarkar to Muzaffiz Khana as soon as possible.

- c. Strict instructions may be issued to all field revenue staff to register the mutations at the present rate may be recovered from the culprit.
- b. The mutation No. 1339 (Khata No. 19/21) may be registered and the taxes amount at Shoab, the then Patwar Shumail, now in TRA Battagram.
- a. Major penalty of "Removal from Service" may be imposed upon Mr. Muhammad

Aforementioned in view, the following recommendations are submitted.

RECOMMENDATIONS

have been proved beyond the shadow of doubt.

Thus charges of fake mutation, fraudulent practices, forgery and embezzlement

fraudulently which is also a grave charge.

complainant, the accused produced fake mutation deed, and attested/authenticated himself

which shows that tax amount was submitted in treasury. Moreover, upon insistence of

taxes (though at that time tax rate was only 6%) but no receipt has been produced by the accused

witness and the complainant, depict that the accused took an exorbitant amount in the name of

illegal register of Muzaffiz Khana. Moreover, the statement of accused himself,

containing mutation number 1339, which is not traceable in Roznamcha, Waqia, Partal or in

register, the mutation deliberately but misguidedly, the complainant and gave him a fake land

evident that the accused Mr. Muhammad Shoab, the then Patwar Shumail, not only failed to

From the statements of all concerned and minute perusal of the record, it is

FINDINGS/CONCLUSION

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Printed text block containing the following information:
Reference inquiry report submitted by the ADC (R&P) vide his office No. dated 27.06.2023.
Upon the report of Tehsildar Bahram and DRA of his office regarding submission of incomplete taxes in the Govt. treasury by the TRA namely Muhammad Shoub Farwan (F/A&B).
ADC (G) Bahram conducted an inquiry and submit his findings vide No. 815/16 dated 19.05.2023. (F/G)
Worthy DC Bahram has issued charge sheet to the accused TRA namely Mr. Shoub and ADC (R&P) has been nominated to re-inquire the matter. (R/D&E)
The ADC (R&P) has inquired the matter & submit his inquiry report along with all relevant documents.
Submitted for your kind perusal and further order please.

NOTE SHEET / OFFICE NOTE / AE / DC (B)

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1/17/20

1/17/20

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1/17/20

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Received
19/6/2023
Atty Genl
of A (S)

Deputy Commissioner
for Battagram
19-6-2023

Copy of Show Cause
Notice is enclosed

10:00am positively.

You are directed to appear in person before the undersigned on 20-06-2023 at

with the imposition of the supra penalty.

Please explain as to why legal proceedings, be not initiated against you along
you and thereby recommended the imposition of penalty "Removal from Service" upon you.

Upon which Assistant Commissioner, Battagram conducted an inquiry against

District Battagram submitted an application against you

All, Sher Muhammad, Niaz Muhammad s/o Zayat Gul R/o Sosambora Shamlat Tehsil and

You are hereby informed through a notice that Mr. Zayat Gul S/o Muhammad

Subject: NOTICE

Through: Tehsildar, Battagram

To: Mr. Shoaib, Patwar/TRA, Battagram

To

OFFICE OF THE
DEPUTY COMMISSIONER
DISTRICT COLLECTOR
DISTRICT BATTAGRAM
No. 93 dated 19/06/2023



(21)

SHOW CAUSE NOTICE

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

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

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

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

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

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

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

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

Mr. Muhammad Shoalb, Patwari (TRA)

Attended
Patwari (TRA)

04/1/83

20/1/83

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EX-101

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**Deputy Commissioner
Battagram**

Kindly refer to the subject cited above.
An inquiry is under process in the office of undersigned on application submitted by Mr. Ziaar Gul s/o Muhammad Ali r/o Shamlat Susan Borna against Shoaib Patwari / TRA the then Patwari Halga Shamlat Tehsil & District Battagram regarding disputed mutation No. 1339 dated 27.10.2020 during the period of Mr. Sher Dill AAC Revenue Kohistan Upper, Ex-Tehsildar Battagram.
Therefore, it is requested that the officer concerned may kindly be directed to appear before the undersigned with all relevant record on 10:08:2023 at 11:00 AM, please.

Memo:

Subject:

NOTICE FOR PERSONAL HEARING

The Deputy Commissioner
Kohistan Upper

To:

No. 1879/AB

Dated 07/08/2023

097310031

097310136

**OFFICE OF THE
DEPUTY COMMISSIONER
BATTAGRAM**

Handwritten initials and stamps



(24)

(29)

**OFFICE OF THE
DEPUTY COMMISSIONER
BATTAGRAM**

Deputy Commissioner Battagram

deputycommissionerbattagram@gmail.com

0997-310136

0997310051

No. 5296-

21-10-08/23

To:

The Deputy Commissioner,
Kohistan Upper.

Subject:
Memo:

NOTICE FOR PERSONAL HEARING.

Kindly refer to this office letter No.-4879/AE dated 7-8-2023 on the subject cited above.

The Officer concerned did not appear before the undersigned on the date fixed and conveyed his inability to appear due to his very busy office schedule.

Therefore, it is requested that officer may be directed either to ensure his appearance on 22-8-2023 at 10:00 am or submit his written statement to this office on the inquiry matter so that inquiry proceedings are completed. The copy of the complaint is also enclosed for ready reference, please.

**Deputy Commissioner /
Inquiry Officer Battagram**

Att. Adil
21-10-23

28089023

24

1033

آرڈر ایگزیکٹو اسٹینڈنگ (روٹی) ضلع کوہستان ہالا

جناب ایگزیکٹو صاحب ضلع کراچی


مقام

27-10-2020 مورخہ 1339

بھالا گزٹی میں لیس آئی 4679/AE مورخہ 07-08-2023

جناب ہالا

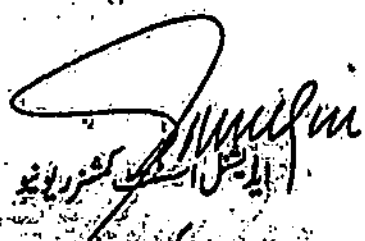
میراث میں کہ جس علاقہ میں زمینیں ہیں ان کا انتقال صرف نام سے نہیں کیا جائے اور وہ اس لیے ہی کرنا ہوا ہے کہ اس
 ضروری نہیں ہوتا ہے اور وہ زمین ہالہ میں نہ ہو بلکہ ہالہ میں ہی ہونی چاہئے اور زمین کا کئی دور کا تھا۔
 ہر ایک میں ہالہ کی زمینیں ملنے لگی ہیں اور وہ زمینیں ہالہ سے لے کر گورنمنٹ کالونیاں تک ہیں۔
 زمین کو کہہ کر زمین کے طور پر زمین میں کسی زمین کی زمینوں کا ہے جس کے نام سے زمین ہالہ انتقال سے میراث میں زمین کا کئی ہیں۔
 ہے اور وہ زمین سے زمین میں ہالہ سے اور وہ زمین سے زمین ہالہ سے۔



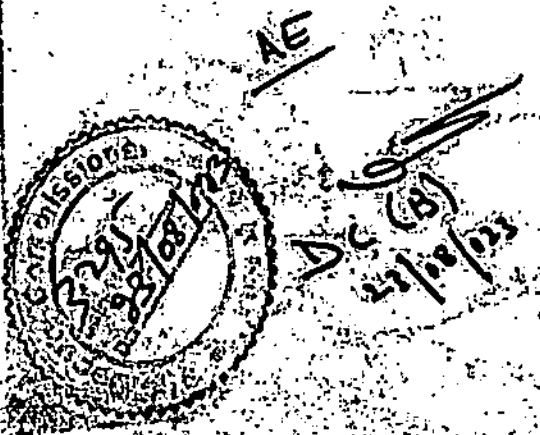
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 کراچی

فائل نمبر 1033

1- جناب ایگزیکٹو صاحب ضلع کوہستان ہالا



ایگزیکٹو اسٹینڈنگ کراچی
 کوہستان ہالا



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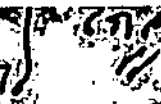
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 ಕಾರ್ಯದರ್ಶಿ
 ಹಾಗೂ
 ಸಚಿವರು

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 ಸಚಿವರು

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OFFICE OF THE DEPUTY COMMISSIONER BATTAGRAM

Deputy Commissioner Battagram deputycommissionerbt@gmail.com 0997-310138 0997310031

No. 6437-44 Dated 02/10/2023

NOTIFICATION

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

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

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

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

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

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

- (i) "Reduction to a lower post of Nalb Office Kanungo (BS-07)
- (ii) "Compulsory Retirement with effect from 04.03.2024" as Nalb Office Kanungo.

Handwritten signature/initials

Deputy Commissioner,
Battagram. 08/10/2023

No. 6437-44

Copy forwarded to:

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

Deputy Commissioner, 08/10/2023
Battagram.

169

کرمیت، صابو، ڈی، پینسٹر، کلا، کلا

عنوان: ... عظیم ایئر لائنز کی ...
... مطالبہ ...
2024

صبا علی ...
گزارش صریت عظیم ایئر لائنز آرڈر نمبر 6437-44 مورخہ 2/10/23
سائل کی آرڈر رجسٹرڈ نائب ایئر لائنز (NOK) عظیم ایئر لائنز
صدا لوالہ آرڈر نمبر 15478 مورخہ 2/07/2020 نائب ایئر لائنز کی برقی
فہم کر کے پوری کی پوسٹ BPS9 پر تیز کر کے جا چکا ہے۔

ارڈر کی کاپی لف نڈا ہے۔
2۔ یہ کہ لوالہ رجسٹرڈ بک نیٹال 2/23/2024 میں نائب ایئر لائنز کی کوئی

اسامی موجود ہیں
یہا خبا ہے گزارش عظیم سائل کی رجسٹرڈ TRA پوسٹ پر پیشگی
شہادوں پر تیز کر کے / تعیناتی کا حکم صادر فرمایا جاوے
عین گزارش پر

القارم
28/10/2023



محمد شعیب تعین ایئر سٹریم

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Deputy Commissioner
BATAGRAM

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

Copy forwarded to:
No. 8087-93

Deputy Commissioner
BATAGRAM

II. Compulsory Retirement will effect from 04.03.2024 as Tehsil Accountant (BPS-08) Kaungho as the post has been abolished.

I. "Reduction to a lower post of Tehsil Accountant, (BS-08) (instead of Naib Office penalties imposed on Mr. Muhammad Shoaib Patwar (BPS-09) shall be read as follows in partial modification of this office Notification No. 6437/44 dated 02-10-2023, the major

NOTIFICATION

No. 8086

Dated 29/11/2023

0997-310136 099731003

OFFICE OF THE
DEPUTY COMMISSIONER
BATAGRAM



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

Service Appeal No. 421/2024

Muhammad Shoaib

...APPELLANT

V E R S U S

Government of Khyber Pakhtunkhwa and others

...RESPONDENTS

**SERVICE APPEAL
INDEX**

S.No.	Description of Document	Annexures	Page No.
1.	Service Appeal alongwith Verification and Affidavit	--	1-10
2.	Certificate	--	11
3.	Application for suspension	--	12-13
4.	Copy of CNIC	"A"	13
5.	Copies of letters	"B" & "C"	14-15
6.	Copy of Appeal	"D"	16-19
7.	Vakalat Nama	--	28

Muhammad Shoaib
...APPELLANT

Through:

Dated: 1-3/2024

Muhammad Ayub Awan
(MUHAMMAD AYUB AWAN)
Advocate Supreme Court of Pakistan
Abbottabad

AE
Part of

Muhammad

DCIB

518164

&

Waqar Ayub
(WAQAR AYUB)
Advocates High Court, Abbottabad.

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

Service Appeal No. 421/2024

Muhammad Shoaib

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa and others

...RESPONDENTS

**SERVICE APPEAL
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7.	Vakalat Nama	--	28

Shoaib
...APPELLANT

Through:

Dated: 1-3/2024

Muhammad Ayub Awan
(MUHAMMAD AYUB AWAN)
Advocate Supreme Court of Pakistan
Abbottabad

&
Waqar Ayub
(WAQAR AYUB)
Advocates High Court, Abbottabad.

AE
Part of

Muhammad Shoaib
DCIB
5/8/24

- 1 -

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. /2024

Muhammad Shoaib Tehsil Revenue Accountant Deputy Commissioner
Office Battagram.

...APPELLANT

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary Govt. Khyber Pakhtunkhwa, Peshawar.
2. Commissioner Hazara Division Abbottabad.
3. Deputy Commissioner Battagram.
4. Assistant Commissioner Battagram.
5. Zayarat Gul Son of Muhammad Ali R/o Shamlai Tehsil and District Battagram.

...RESPONDENTS

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

R-1,445 deleted.

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

PRAYER:-

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

Respectfully Sheweth,

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

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

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

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

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

a. Reduction to lower post of Tehsil Revenue Accountant BPS-8.

b. Compulsory Retirement w.e.f 04.03.2024 as Tehsil Revenue Accountant.

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

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

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

GR O U N D S :-

- a) That, the impugned orders are illegal, unlawful, perverse, unilateral, against the norms of natural justice and fair play hence liable to be set-aside.

- b) That the dismissal from service order dated 02.10.2023 and 29.11.2023 are illegal, unlawful, without lawful authority, perverse and against the constitutional guaranteed rights of the appellant hence, untenable in the eyes of law and his liable to be set-aside.

- c) That when law prescribed something which is to be done in a particular. That must be done in that manner and not otherwise. Hence, the competent authority was bound to follow the law which is not done in the instant case. Hence, impugned order is liable to be set-aside and appellant be reinstated.

- d) That neither any show cause was served upon the appellant nor he was associated with any inquiry hence, the dismissal order is based on political influence with malafide, therefore liable to be set-aside.

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

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

j) That competent authority violated the basic principle of natural justice and rule and procedure prescribed in E&D rules, hence impugned orders are liable to be set-aside.

k) That competent authority issued impugned orders against the well-known principles procedures prescribed and guidelines by the superior courts and authorities time by time for the Government Departments but competent authority ignored all these rules and principles.

l) That the competent authority without any reasons on the part of appellant imposed major penalties reduction and compulsory retirement from service and no opportunity of personal hearing was given to the appellant.

m) That all proceedings was conducted on hear say story without solid proof and evidence against the appellant and a whole proceedings was carried out one sided, appellant deprived from

his basic natural and fundamental rights guaranteed under the constitution.

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

PRAYER:-

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

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

[Signature]
...APPELLANT

Through:

Dated: 1-3 /2024

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

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

VERIFICATION:-

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

Dated: 1- 3 /2024

[Signature]
APPELLANT



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

Service Appeal No. /2024

Muhammad Shoaib

...APPELLANT

V E R S U S

Government of Khyber Pakhtunkhwa and others

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Muhammad Shoaib Tehsil Revenue Accountant Deputy Commissioner Office Battagram, Appellant, do hereby solemnly affirm and declare on Oath that the contents of instant ^{508/24} Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Dated: / 10/3/2024

Muhammad Shoaib
DEPONENT
ATTESTED
ZEESHAN
NOTARY
PUBLIC
PESHAWAR
Associate Advocate
01/03/24

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

Service Appeal No. /2024

Muhammad Shoaib

...APPELLANT

V E R S U S

Government of Khyber Pakhtunkhwa and others

...RESPONDENTS

SERVICE APPEAL


CERTIFICATE


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

Through:


...APPELLANT

Dated: 1-3 /2024


(MUHAMMAD AYUB AWAN)
Advocate Supreme Court of Pakistan
Abbottabad

&

(WAQAR AYUB)
Advocates High Court, Abbottabad.

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

Service Appeal No. /2024

Muhammad Shoaib

...APPELLANT

V E R S U S

Government of Khyber Pakhtunkhwa and others

...RESPONDENTS

SERVICE APPEAL

APPLICATION FOR SUSPENSION OF IMPUGNED
ORDERS DATED 02.10.2023 AND 29.11.2023 TILL
THE FINAL DISPOSAL OF MAIN SERVICE
APPEAL.

Respectfully Sheweth,

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

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

...APPELLANT

Through Counsels:

Dated: 1-3 /2024

M. Ayub

(MUHAMMAD AYUB AWAN)
Advocate Supreme Court of Pakistan
Abbottabad

&

Waqar Ayub

(WAQAR AYUB)
Advocates High Court, Abbottabad.

AFFIDAVIT

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

Dated: -1- 3 /2024

...APPELLANT



13

ANNEXURE
"A"

PAKISTAN National Identity Card
ISLAMIC REPUBLIC OF PAKISTAN

Name: Muhammad Shoab

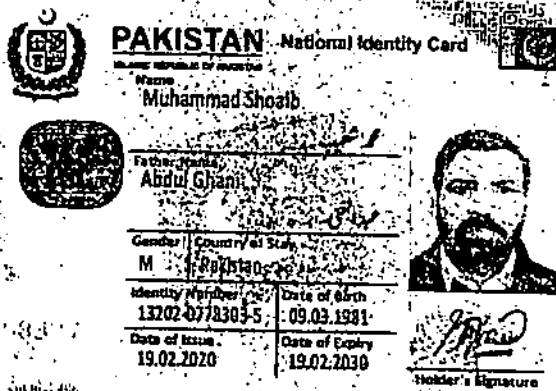
Father's Name: Abdul Ghani

Gender: M Country of Origin: Pakistan

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

Date of Issue: 19.02.2020 Date of Expiry: 19.02.2030

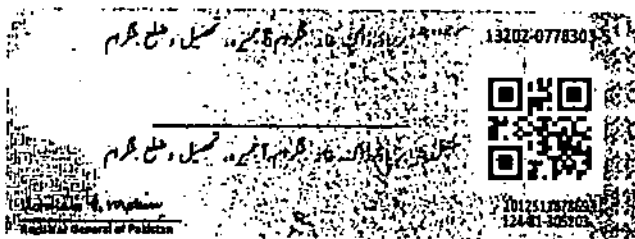
Holder's Signature



13202-0778303-5

محمد شوب

1012512876631
124-81-305203



گشده کارڈ ملنے پر قریبی ایئر بس میں ڈال دیں



(19)

**OFFICE OF THE
DEPUTY COMMISSIONER
BATTAGRAM ANNEXURE
"B"**

Deputy Commissioner Battagram



deputycommissionerbtm@gmail.com



0997-310136



0997310051

No. 6437-44

Dated 02/10/2023

NOTIFICATION.

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

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

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

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

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

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

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

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



No. 6437-44

Copy forwarded to:

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

Deputy Commissioner, Battagram. 02/10/2023

Deputy Commissioner, Battagram. 02/10/2023

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To be substituted ...

OFFICE OF THE
DEPUTY COMMISSIONER
BATTAGRAM ANNEXURE "C"

Deputy Commissioner Battagram



deputycommissionerbtm@gmail.com



0997-310136



0997310051

Dated 29/11/2023.

No. 8026

NOTIFICATION.

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

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

Deputy Commissioner,
Battagram

No. 8087-93

Copy forwarded to:

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

Deputy Commissioner,
Battagram



ATTESTED
[Signature]

(16)

ANNEXURE
"D"

(Signature)

To

The Worthy Commissioner
Hazara Division,
Abbottabad.

Subject;

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

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

Respected Sir,

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

Secretary

LD Comm

8/12/2023

Reader/ACR

(Signature)

(Signature)

9658
11/10/2023

(17)

(89)

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

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

GROUNDS:-

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

9/0

18

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

(Signature)

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

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

Dated: 7/11 /2023

(Signature)
(Muhammad Shoaib)
Naib Office Kanqon Go
Deputy Commissioner Office,
Battagram
0316-8508879
0300-9142720



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No. CHD/Reader/10/2 (B) 2077
Dated: 22 /02/2024

ORDER
21/02/2024

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

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

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

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

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

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

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

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

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

ANNOUNCED
21/02/2024


Commissioner
Hazara Division Abbottabad

[Handwritten signature]



(Mubammad Farooq)
District Officer
Revenue & State Harqam

Officers concerned
Head Clerk (Local)
District Accounts (Muzungam)

District & Muzungam (Muzungam) Revenue & State Harqam
District & Muzungam (Muzungam) Revenue & State Harqam

2-2-2000

OFFICE OF THE DISTRICT OFFICER REVENUE & STATE HARQAM

1. The Coordination Officer

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بخدمت جناب ڈپٹی کمشنر صاحب ضلع بنگرام

عنوان:- درخواست بمراد قانونی کارروائی برخلاف پٹواری

جناب عالی

درخواست ذیل عرض ہے۔

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

جو کہ اُس نے اس وقت پر میرا انتقال بحوالہ نمبر 1339 نمورٹہ 27/10/2020 کو مالکان زمین سے کرا کر بیان وغیرہ بھی کر کے میرے بیٹے اور میرے پوتے اسرار ولد فیاض ابرار ولد نیاز عاتشہ دختر مستجابہ لانیہ دختر شیر محمد کے نام پر کر کے ہم سے بابت ٹیکس کی قیمت مبلغ 4,75,000 ہزار روپے سرکاری ٹیکس بھی لئے قسم زمین باڑی 10 کنال 16 مرلے اور گواہان انتقال کے لئے آکر انگوٹھے بھی لگا کر بیان کرا کے مالک زمین سب کچھ مکمل کر کے ہمیں اُس وقت 5 دن بعد زمین کا فرد بھی دے دیا کہ آپ کا انتقال ہو گیا ہے جو کہ ہم محافظ خانہ میں اپنا فرد لیکر انتقال کی نقولات کے لئے آئے اور موجودہ پٹواری حلقہ گل بہادر کے پاس بھی اپنا انتقال کے لئے کئی دفعہ آئے لیکن محافظ خانہ میں پرت سرکار موجود نہ ہے اور ہمیں پتہ چلا کہ آپ کا انتقال نہیں ہے چونکہ پٹواری مذکورہ دفعہ پہلے بھی برخاست ہو چکا ہے اس کے خلاف انکو اٹریاں بھی ہے لہذا اسائل غریب بندہ ہے اور اسائل کے ساتھ خرد برد کیا ہے اور اسائل کے انتقال میں 3 بچے جو تہیم بھی ہے اسائل کی اپنی ساری عمر کی جمع پونجی اکٹھی کر کے اپنے لئے زمین خریدی تھی۔ اب پٹواری کے خلاف کارروائی کر کے اس کو ڈس مس کیا جائے اور اسائل کو اس کا انتقال بھی کرایا جائے اسائل سے ٹیکس کے علاوہ اور 55 ہزار روپے رقم پٹواری نے اپنا خرچ لیا ہوا ہے اسائل کو انصاف فراہم کیا جائے ورنہ اسائل غربت کی اور اس ظلم کی وجہ سے اسائل کو ٹینشن کی وجہ کسی بھی ہارٹ اٹیک ہو سکتا ہے لہذا مہربانی کر کے انصاف دلایا جائے۔

سائل تاحیات دُعا گورہیگا۔

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

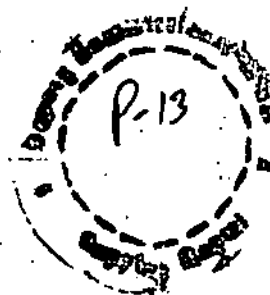
ساکنہ سو سمبوڑہ شمالی تحصیل و ضلع بنگرام۔

التقوم:- 10/10/2022

0348-5844814

Read
Tehsildar and
concerned parties be
called at the
earliest opportunity
evidences.

A
Sabul
09-03-2023



TESTED
[Signature]



**DEPUTY COMMISSIONER/COLLECTOR
BATTAGRAM
(Khyber Pakhtunkhwa)**

Phone # (0997) 310136

Fax# (0997) 310051

No. 9247 /JR

Date 10/10/2024

AUTHORITY LETTER

The Additional Assistant Commissioner-II, Battagram, is hereby authorized to attend the Honorable Service Tribunal, Khyber Pakhtunkhwa Peshawar, in the Case titled "Muhammad Shoaib vs Govt of Khyber Pakhtunkhwa and others" on behalf of the Deputy Commissioner, Battagram, got vetted the Joint parawise comments from the concerned Advocate General and submit the same in the Honorable court after its signing from all concerned before the date fixed by the court i.e. 29.10.2024.


Deputy Commissioner
Battagram

No. 9248 /

Copy to, the Assistant Litigation Management Cell (Local), for necessary action.


Deputy Commissioner
Battagram