



Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 6171 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/06/2021	<p>The appeal of Mr. Mujahid Ali presented today by Mr. Bashir Khan Wazir Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR -</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>22/06/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 16.07.2021 before the D.B.

The appeal is accompanied by an application for suspension of the impugned order. Notice of the application be also given to the respondents. Needless to say that things surrounding the impugned order make it a befitting case for interim relief. Accordingly, the operation of impugned order shall remain suspended till final decision of this service appeal, if not recalled earlier. It is further directed that the respondents shall not prohibit the appellant from performance of his duty in the meantime.



Chairman

system may be handed over to the undersigned to unify and streamline the new and the ongoing systems. It is again requested that a formal handing/taking of all the assets of the new system may be carried out through a committee while using the purchase order of the equipment and the equipment mentioned in the PC-I of the said project."

The impugned transfer order of the appellant was issued on the next day i.e. 10.06.2021 after the above mentioned statement was given by the appellant to the enquiry committee. According to the opening expressions of the notification of the appellant's transfer, the competent authority was pleased to order posting/transfer of the officers enumerated therein, in the best public interest. In peculiar circumstances as discussed before, there is a big question mark on the impugned order as its being in "Public interest". Let the respondents come up with their reply/comments that how they justify the impugned order in the realm of public interest. Consequently, this appeal is admitted for regular hearing in view of the said question. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated

**Appellant Deposited
Security & Process Fee**

[Handwritten signature]
22/6/21

investigations of the computer operators and catch the real culprits. It is important to catch and punish the main mastermind of this scam--- a person/officer who had been leading this all forgery in the system and was a main financial beneficiary of this forgery. Without catching the real culprit, all sorts of departmental inquiries will end with no tangible outcomes; and this will further encourage the real culprits and they will feel confident that they cannot be caught. They will continue to do this forgery with more confidence and courage. This will defame our system, department, and country at large.

- *A formal committee may be constituted to carry out proper and formal handing/taking of the Driving License Assets with MIS Manager who was earlier incharge of the Driving License operations. All the assets that have been purchased for driving license operations till date may be handed over to me, through a formal stock register. Many equipments (computers, printers, RFID cards, ribbons, Lamination, laminators, etc.) that were purchased for driving license operations are physically missing and have not been provided to me.*
- *One old server is still in the possession of MIS Manager which should be handed over to me as I carry the sole responsibility of overseeing the driving license operations.*
- *A new web-based system has been developed for driving license operations under the project "Establishment of Transport Inspection Stations in Khyber Pakhtunkhwa". Since the undersigned is the incharge officer of the driving license operations, it is therefore requested that the new web-based*

22.06.2021

Counsel for the appellant present. Preliminary arguments heard.

This appeal has been preferred to impugn the transfer order dated 10.06.2021. According to the copies of record annexed with the memorandum of appeal, the appellant was transferred and posted as Assistant Director (I.T) Motor Licensing Authority Khyber Pakhtunkhwa vide order dated 15.01.2021 and took over charge on 18.01.2021. In the capacity of A.D (IT), Driving License Branch Peshawar, the appellant vide his office letter No. DLB/PESHAWAR/21-23 dated 25.05.2021 addressed to the Director Transport and Mass Transit Khyber Pakhtunkhwa, pointed out some irregularities in record of Driving License Database including illegal editing. Statement of the appellant in pursuance to the said letter was obtained by the enquiry committee on 09.06.2021, copy whereof is also available on file. The appellant at the conclusion of his statement before the enquiry committee submitted some

Appellant Deposited
Security Process Fee

proposal in bullet points as copied below:-

- *Since there are solid evidence of forgery in the Driving License System and issuance of DIRECT driving licenses (which are used for acquiring jobs abroad and other such activities) for huge bribes, a high-level committee of technical IT experts hailing from intelligence agencies, crime investigation experts from intelligence agencies, and forensic experts may be formed to explore the complete system of the whole province, conduct formal*

16.07.2021

Appellant with counsel present.

Muhammad Adeel Butt learned Additional Advocate General alongwith Ijaz Muhammad Superintendent and Fayyaz Zaheem Inspector for respondents present.

Request for adjournment was made on behalf of respondents for extension of time to submit written reply/comments. Request is accorded with directed to respondents to furnish written reply/comments within extended time of 10 days. In case the respondents failed to submit comments within further extended stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of written reply/comments shall stand ceased. To come up for arguments on 20.08.2021 before D.B. The operation of impugned order shall remain suspended till final decision of this service appeal, if not acted upon earlier.



(Rozina Rehman)
Member (J)



Chairman

20.08.2021

Due to summer vacations, case is adjourned to 27.09.2021 for the same as before.



READER

27.9.21

DB is on Tour case do come up
for the same on. Dated 25-10-21



Reader

25.10.2021

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan, Assistant Advocate General for respondents present.

Arguments could not be heard due to learned judicial member (Salah-ud-Din) is on leave. Adjourned. To come up for arguments before the D.B on 26.11.2021.



(MIAN MUHAMMAD)
MEMBER (E)

26.11.2021

Junior to counsel for the appellant present.

Mr. Riaz Khan Paindakheil, Assistant Advocate General for respondents present.

Learned Member Executive (Mr. Atiq-ur-Rehman Wazir), is on leave, therefore, case is adjourned. To come up for arguments on 20.01.2022 before D.B.


(Rozina Rehman)
Member (J)

20.01.2022

Clerk of counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Asstt. AG for the respondents present.

Due to general strike of the Bar, counsel for the appellant is not in attendance. Case to come up for arguments on 25.02.2022 before the D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

25.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 31.03.2022 for the same as before.



Reader

31.03.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 09.05.2022 before the D.B.



(Rozina Rehman)
Member (J)

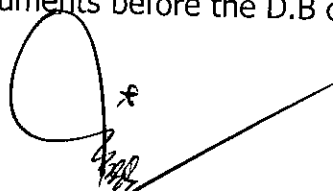


(Salah-ud-Din)
Member (J)

09.05.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for alongwith Mr. Hamdullah, AD(Legal) for official respondents No. 1 to 3 present.

Written reply/comments on behalf of official respondents No. 1 to 3 submitted, copy of which is handed over to the clerk of learned counsel for the appellant. To come up for rejoinder if any as well as arguments before the D.B on 15 .07.2022.



(Mian Muhammad)
Member(E)




(Salah Ud Din)
Member(J)

15.07.2022

Clerk of learned counsel for the appellant present. Mr. Hamdullah, Assistant Director (Legal) alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for rejoinder, if any, as well as arguments on 10.10.2022 before the D.B.

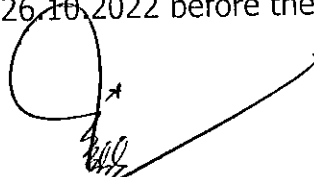

(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

10.10.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 26.10.2022 before the D.B.


(Mian Muhammad)
Member (E)

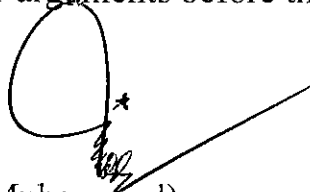

(Salah-Ud-Din)
Member (J)

26.10.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 07.11.2022.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

07.11.2022

Appellant alongwith counsel present.

Muhammad Adeel Butt learned Additional Advocate General for the respondents present.

Learned Additional AG requested for adjournment in order to contact the respondents and further prepare the brief. Adjourned. To come up for arguments on 08.11.2022 before D.B.



(Fareeha Paul)
Member (E)




(Rozina Rehman)
Member (J)

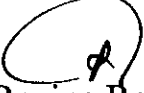
08.11.2022

Counsel for the appellant present.

Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Learned counsel for appellant requested for adjournment in view of his miscellaneous application as well as COC application. Adjourned by way of last chance. To come up for further proceedings and arguments on 23.11.2022 before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)