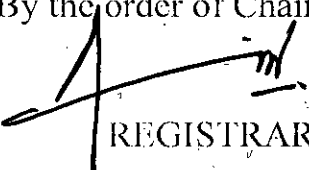


# FORM OF ORDER SHEET

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

**Appeal No.** 17/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01/01/2024	<p>The appeal of Mr. Hamid Ali resubmitted today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Habib Ali received today i.e on 20.12.2023 is incomplete on the following score which is returned to the counsel for the appellent for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/arked with annexures marks.
- 2- Check list is not attached with the appeal.
- 3- Memorandum of appeal is not signed by the appellent.
- 4- Annexures of the appeal are unattested.
- 5- Affidavit is not attested by the Oath Commissioner.
- 6- Annexure-A of the appeal is illegible.
- 7- Five more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

No. 3917 /S.T.

Dt. 22/12 /2023.



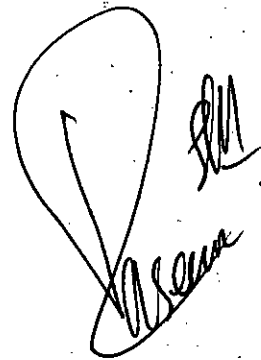
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Fazal Shah Mohmand Adv.  
High Court Peshawar.

Respected Sir,

Re-submitted after removal of  
all the objections.

11/1/2024



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

Service Appeal No 17 /2023/

Hamid Ali. ....Appellant

**V E R S U S**

Commissioner, Peshawar Division & others. .... Respondents

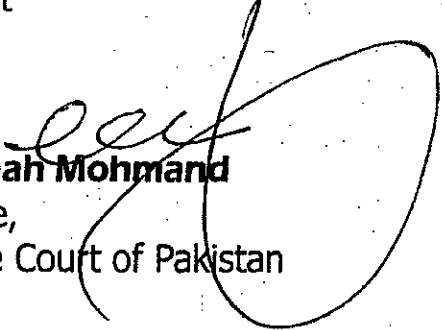
**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Service Appeal with Affidavit		1-4
2.	Copy of Order dated 25.02.2022 & Order dated 22.03.2023	A & B	5-6
3.	Copy of Inquiry Report & Statement	C & D	7-10
4.	Copy of Final Show Cause Notice & Reply	E & F	11-12
5.	Copy of Order dated 19.07.2023	G	13
6.	Copy of Departmental Appeal, Comments & Order dated 21.12.2023	H, I & J	14-19
7.	Vakalat Nama		20

Dated:- 20-12-2023

  
Appellant

Through

  
**Fazal Shah Mohmand**  
Advocate,  
Supreme Court of Pakistan

**OFFICE:-**

Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

Email:-

fazalshahmohmand@gmail.com

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

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 10009

Dated 20-12-2023

Service Appeal No 17 /2023/

Hamid Ali, Reader, General Branch, Deputy Commissioner Office  
 Nowshera. . . . . Appellant

**V E R S U S**

1. Commissioner, Peshawar Division, Peshawar.
2. Deputy Commissioner, Nowshera.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa,  
 Peshawar. . . . . Respondents

**APPEAL UNDER SECTION 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974**  
**AGAINST THE ORDER DATED 21.11.2023 OF**  
**RESPONDENT NO.1 WHEREBY DEPARTMENTAL**  
**APPEAL OF THE APPELLANT FILED AGAINST THE**  
**ORDER DATED 19.07.2023 HAS BEEN REGRETTEED.**

**PRAYER:-**

On acceptance of this appeal the impugned Order dated 21.11.2023 of respondent No.1 and Order dated 19.07.2023 of respondent No.2 may kindly be set aside and the appellant may kindly be ordered to be restored to his previous position, with all back benefits.

**Respectfully Submitted:-**

1. That the appellant was appointed as Reader by respondent No.2 in the year 2015 and since then he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.

2. That the appellant was transferred as Reader, General Branch vide Order dated 25.02.2022 and on the statement of one Noor Bahadar Chowkidar of the DC Office was suspended along with the said Noor Bahadar vide Order dated 22.03.2023 and Assistant Commissioner Nowshera was declared as Inquiry Officer. **(Copy of Order dated 25.02.2022 and Order dated 22.03.2023 is enclosed as Annexure A & B).**
3. That an illegal inquiry was conducted wherein the appellant was not provided reasonable opportunity of defense and cross examination. **(Copy of Inquiry Report & Statement of the appellant is enclosed as Annexure C & D).**
4. That there after Show Cause Notice was issued to the appellant which the appellant replied in detail refuting the allegations and bringing the true facts and circumstances on record accordingly. **(Copy of Show Cause Notice & reply therein is enclosed as Annexure E & F).**
5. That without considering the reply, record facts and circumstances, the appellant was awarded the major penalty of Reduction to Lower Pay Scale for three years by respondent No.2 vide Notification dated 19.07.2023. **(Copy of Notification dated 19.07.2023 is enclosed as Annexure G).**
6. That the appellant filed departmental appeal before respondent No.1 on 10.08.2023 who called comments of respondent No.2 and finally appeal of the appellant was dismissed/regretted vide Order dated 21.11.2023. **(Copy of Departmental appeal, Comments & Order dated 21.11.2023 is enclosed as Annexure H, I & J).**
7. That the impugned Order dated 21.11.2023 of respondent No.1 and Order dated 19.07.2023 of respondent No.2 are against the law, facts and principles of justice on grounds inter-alia as follows:-

**GRUNDS:-**

- A. That the impugned Orders are illegal, unlawful, without lawful authority and hence void ab-initio.
- B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4, 10 and 25 of the Constitution.
- C. That no Charge Sheet was issued to the appellant, thus no charge was framed against him.
- D. That no proper inquiry was conducted in the matter to have found out the true facts and circumstances and the appellant was not provided opportunity of cross examination.
- E. That the appellant was never posted to the Driving License Branch, hence the appellant has been punished for no fault on his part.
- F. That in fact the proceedings were initiated against the appellant on the statement of Noor Bahadar, Chowkidar which has no legal value besides the appellant has no concern with the Driving License Branch, thus the impugned order is liable to be set at naught on this score alone.
- G. That the appellant was not afforded opportunity of personal hearing.
- H. That the appellant has about 8-years of service with unblemished service record.
- I. That the appellant seeks the permission of this Hon'ble Tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:- 20-12-2023

Through

Appellant

**Fazal Shah-Mohmand**  
Advocate,  
Supreme Court of Pakistan

**Baseer Ahmad Shah**

&

**Ibad ur Rehman Khalil**  
Advocates Peshawar

### AFFIDAVIT

I, Hamid Ali, Reader, General Branch, Deputy Commissioner Office Nowshera, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



**DEPONENT**



Office of the  
Deputy Commissioner  
Nowshera

(5) A 9

93-The Mall Road Nowshera Cantt. Office Phone#0923-9220098-99, Fax#0923-9220159

Facebook.com/DC Nowshera Twitter.com/DC Nowshera Id@nsrpk@gmail.com

25 February, 2022

**OFFICE ORDER**

No 1766-68/EA-07/DC/NSR/2022. In continuation to this office letter No 1713-23/EA-07/DC/NSR/2022 dated 23<sup>rd</sup> February 2022, the undersigned is pleased to order the following amendments with immediate effect in the best public interest

S#	NAME DESIGNATION	&	TRANSFERRED	
			FROM	TO
1	Mr. Hamid Ali Moharrir		Under transfer to Arm License (Manual) Branch DC Office	General Branch DC Office
2	Sakhawat Shah Junior Clerk		Under transfer to Establishment Branch	Arm License (Manual) Branch DC Office

*[Signature]*  
Deputy Commissioner  
Nowshera

Even No. & date.

Copy forwarded to the:

- 1- Additional Deputy Commissioner (G) Nowshera
- 2- Superintendent DC Office Nowshera
- 3- Officials concerned for strict compliance

*[Signature]*  
Deputy Commissioner  
Nowshera

EA *[Signature]*  
9  
25/2/22



5

**Office of the  
Deputy Commissioner  
Nowshera**

92-The Mall Road Nowshera Cantt. Office Phone#0923-9220098-99, Fax#0923-9220159

Facebook.com/DCNowshera, Twitter.Com/DC/Nowshera, [dconsrpk@gmail.com](mailto:dconsrpk@gmail.com)

25 February, 2022

**OFFICE ORDER**

No.1766-68/EA-07/DC/NSR/2022. In continuation to this office letter No. 1713-22/EA-07/DC/NSR/2022 dated 23<sup>rd</sup> February 2022, the undersigned is pleased to order the following amendments with immediate effect in the best public interest.

S#	NAME DESIGNATION	TRANSFERRED	
		FROM	TO
1	Mr. Hamid Ali Moharrir	Under transfer to Arm License (Manual) Branch DC Office	General Branch DC Office
2	Sakhawat Shah Junior Clerk	Under transfer to Establishment Branch	Arm License (Manual) Branch DC Office

Sd/-  
Deputy Commissioner  
Nowshera

Even No. & date.

Copy forwarded to the:

- 1- Additional Deputy Commissioner (G) Nowshera.
- 2- Superintendent DC Office Nowshera.
- 3- Officials concerned for strict compliance.

Sd/-  
Deputy Commissioner  
Nowshera



Office of Assistant Commissioner  
Nowshera

Diary No: 1047  
Date: 22/03/23

Office of the  
Deputy Commissioner  
Nowshera

92-The Mall Road Nowshera Cantt, Office Phone#0923-9220098-99 Fax#0923-9220159

Facebook.com/DCNowshera Twitter.com/DCNowshera Mdcnshrpk@gmail.com

21<sup>st</sup> March, 2023

**SUSPENSION ORDER**

No. 2088-92 /16/PS/DC/NSR/2023. Consequent to the written statement of Mr. Noor Bahadar Chowkidar DC Office Nowshera regarding forged/fake chalan of driving license fee, the services of Mr. Hamid Ali Reader DC Office Nowshera and Mr. Noor Bahadar Chowkidar DC Office Nowshera are hereby suspended with immediate effect.

The Assistant Commissioner Nowshera is declared as enquiry officer to conduct fact finding enquiry within 10 days.

Deputy Commissioner  
Nowshera

Even No. & date.

Copy forwarded to the:-

- 1- Additional Deputy Commissioner (General) Nowshera.
- 2- Assistant Commissioner Nowshera/Inquiry Officer.
- 3- Superintendent DC Office Nowshera for necessary action.
- 4- Incharge Driving License DC Office Nowshera.
- 5- Official concerned.

Deputy Commissioner  
Nowshera

Reader  
Proceed with  
the inquiry.  
  
21/3/23



7

C

# ASSISTANT COMMISSIONER NOWSHERA

No. 1409 /AC/R/NSR/2022

Tel: 0923-9220104,

Dated: 05 /May/2023

To,

The Deputy Commissioner,  
Nowshera.

Subject: - INQUIRY REGARDING DRIVING LICENSE FEE.

Kindly refer to Suspension Order No. 2088-92/16/PS/DC/NSR/2023 dated 21-03-2023 (Annex-A). The undersigned was directed to inquire into the matter submit report.

## PROCEDURE:

The following were called upon vide letter No. 1336-40/AC/R/NSR/2023 dated 30-03-2023 for personal hearing and recording of statements on 31-03-2023 (Annex-B). The Manager Operations, National Bank of Pakistan, Saddar Bazar Branch Nowshera was requested for verification of fake challans vide letter No. 1174/AC/R/NSR/2023 dated 11-04-2023. List of Challans and letter are annexed as Annex-C & D.

1. Mr. Wahid Shah, Computer Operator, Arms License Branch, DC Office Nowshera.
2. The Incharge, Driving License Branch, DC Office Nowshera.
3. Mr. Yaseen, Junior Clerk, DC Office Nowshera.
4. Mr. Yasir, Junior Clerk, DC Office Nowshera.
5. Mr. Sulaiman (Naib Qasid), DC Office Nowshera.

} RTA Staff

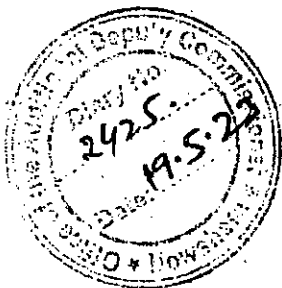
All the above mentioned officials have attended the office and after discussion/inquiry they have submitted their written statements placed on file.

## STATEMENT OF HARIS JAVED (INCHARGE LICENSE BRANCH):

Mr. Haris Javed attended the office, produced fake challans and stated that 06-03-2023 up to 21-03-2023, bank Challans handed over to Mr. Noor Bahadar to deposit the same in National Bank. The same were submitted in office. As per his statement, he sent the challans to Bank authorities for verification, Challans were returned by staff and were found fake. Thereafter Mr. Noor Bahadar, Chowkidar was inquired. In response, he replied that Mr. Hamid Ali, Reader is also involved in the entire fake challans issue. Later on Mr. Noor Bahadar deposited Rs. 200,000/- and Mr. Hamid Ali, Reader deposited Rs. 100,000/-. Furthermore, the said amount Rs. 300,000/- was deposited in National Bank Nowshera. Statement placed on File as Annex-E.

## STATEMENT OF MR. NOOR BAHADAR (CHOWKIDAR):

Mr. Noor Bahadar attended the office and after detailed discussions submitted written statement placed on file as Annex-F. He denied the allegations and claimed that he had handed over challan and amount to Mr. Hamid Ali, Reader to deposit the said amount in National Bank Nowshera. But after inquiry from Bank,



Handwritten signature and initials.

8

**STATEMENT OF MR. YASIR KHAN (RECORD KEEPER):**

Mr. Yasir Khan stated in his statement that he has been working in the Driving License Branch as Record Keeper. Mr. Sulaiman (Naib Qasid) had prepared challans and handed over to Mr. Noor Bahadar and the same has been returned by Mr. Noor Bahadar on the next day. Statement is enclosed as (Annex-G).

**STATEMENT OF MUHAMMAD YASEEN (JUNIOR CLERK):**

Muhammad Yaseen stated in his statement that he had prepared files/tokens. Mr. Sulaiman prepared challans and handed over to Mr. Noor Bahadar on daily basis during the leave period of Mr. Sulaiman (Naib Qasid), Challans were handed over to Noor Bahadar. Statement is attached as (Annex-H).

**STATEMENT OF MR. SULAIMAN GUL (NAIB QASID):**

Sulaiman Gul (Naib Qasid) stated in his statement that he had handed over Challans to Mr. Noor Bahadar (Chowkidar) from 06-03-2023 and onward, he returned the same on the next day. Later on, it has come to his knowledge that Challans were not deposited in Bank Property. Statement is attached as (Annex-I).

**STATEMENT OF MR. HAMID ALI (READER):**

Mr. Hamid Ali (Reader) stated in his statement that he had never been posted in Driving License Branch. He denied the allegations levelled by Mr. Noor Bahadar regarding fake Challans. Further stated that he had been suspended in misunderstanding. Statement is attached as (Annex-J).

**STATEMENT OF MR. WAHID SHAH (COMPUTER OPERATOR):**

He stated in his statement that I have arranged/shared a Jirga between Noor Bahadar and Hamid Ali. At the end Rs. 200,000/- deposited by Noor Bahadar and Rs. 100,000 by Hamid Ali Total Rs. 300,000/- were deposited in National Bank. Statement is attached as (Annex-K).

**FINDINGS:**

From the perusal of above, findings are as under:

- Mr. Haris Javed (Incharge) Driving License Branch is not capable for the said post as he has no command on staff neither he assigns responsibilities to the staff as a vigilant incharge should. It shows his inefficiency.
- Mr. Yasir Khan and Mr. Yaseen, clerical staff of said branch has put responsibility of preparing challans and receiving fee on Mr. Sulaiman (Naib Qasid).
- Mr. Noor Bahadar accepted in his statement that he had received Challans alongwith fee from Driving License Branch to submit Challan fee on daily basis in National Bank.
- Mr. Noor Bahadar after receiving Challan and fee, handover the same to Mr. Hamid Ali (Reader) which were returned to branch and found fake.
- Mr. Hamid Ali and Noor Bahadar have deposited the amount after Jirga decision.

9

**RECOMMENDATIONS:**

In view of the above, it is recommended that:

- ❖ Gross misconduct has been found on part of Mr. Hamid Ali (Reader) and Mr. Noor Bahadar (Chowkidar). Hence Major Penalties may be imposed under section 4(b)(i) of Govt. of Khyber Pakhtunkhwa, Efficiency and Discipline Rules, 2011 i.e. "Reduction to a lower post or pay scale or to a lower stage in a time scale" upon Mr. Hamid Ali (Reader) and Mr. Noor Bahadar (Chowkidar).
- ❖ Mr. Haris Javed (Computer Operator), Muhammad Yaseen (Junior Clerk), Yasir Khan (Record Keeper) and Sulaiman Gul (Naib Qasid) have shown negligence in duty. They have put their responsibilities on the shoulders of outsiders of their branch, therefore Minor Penalties may also be imposed upon them under Govt. of Khyber Pakhtunkhwa, Efficiency and Discipline Rules, 2011.

Submitted for your kind perusal and further orders, please.

  
ASSISTANT COMMISSIONER/INQUIRY OFFICER  
NOWSHERA

بھنور جناب اسٹنٹ کمشنر صاحب ضلع نوشہرہ

10

بیان ازاں حامد علی (ریڈر آفس) ڈپٹی کمشنر صاحب نوشہرہ

زیر Suspension order نمبر 92-2088 مورخہ 21 مارچ 2023

جناب عالی:- سائل حسب ذیل عرض رساں ہے۔

۱- یہ کہ من سائل بطور ریڈر سال 2015 میں ڈی سی آفس نوشہرہ میں تعینات ہوا تھا۔ اور سال 2015 سے ADC جنرل آفس میں ڈائری برانچ میں ڈیوٹی سرانجام دیتا تھا۔ اور اسکے بعد 2016ء میں من سائل کا ٹرانسفر جنرل برانچ اے ڈی سی آفس ہوا اور پھر 2017 میں ڈیوٹی سائل برانچ ٹرانسفر ہوا اور اسکے بعد 2020ء میں من سائل کا ٹرانسفر HC برانچ اے ڈی سی آفس نوشہرہ ہوا۔ اور اسکے بعد 2021 میں من سائل کا ٹرانسفر ایلو لائنس برانچ ہوا اور اسکے بعد من سائل کا ٹرانسفر اے ڈی سی آفس فنانس ہوا اور پھر 2022ء میں میرا ٹرانسفر جنرل برانچ اے ڈی سی جنرل آفس میں ہوا اور وہاں میں ریڈر جنرل برانچ ٹرانسفر ہوا میرا اس ڈرائیونگ برانچ سے کوئی تعلق نہیں ہے۔ اور نہ ہی من سائل کا ایس کوئی ٹرانسفر ہوا ہے۔

۲- یہ کہ من سائل بطور Reader Office جنرل برانچ میں آپکے حضور خدمات سرانجام دے رہا ہوں۔

۳- یہ کہ مجھ پر جو الزام لگایا گیا ہے، جو کہ نور بہادر چوکیدار ڈی سی آفس نوشہرہ نے لگایا ہے، کہ میں حامد علی کو ڈرائیونگ لائنس برانچ کے چالان دیتا تھا۔ اور وہ مجھے جمع شدہ چالان واپس کرتا تھا۔

۴- یہ کہ جو بیان نور بہادر نے دیا ہے۔ یہ سراسر غلط ہے اور من سائل پر الزام تراشی کی گئی ہے۔ جبکہ حقیقت سے اسکا کوئی تعلق و واسطہ نہ ہے۔ من سائل کا لائنس برانچ سے کوئی تعلق، واسطہ نہ ہے اور نہ ہی اس برانچ میں من سائل رہ چکا ہوں۔

۵- یہ کہ من سائل کے خلاف اگر کوئی غلطی کی بنیاد پر Suspension کی کارروائی کی گئی ہے، تو من سائل کو معاف فرمایا جائے، اور من سائل کی دادرسی کی جائے اور من سائل کو نوکری پر بحال کیا جائے، من سائل آئندہ کو ہر قسم کا خیال رکھوں گا۔

لہذا استدعا ہے کہ بیان ہذا من سائل کو اپنی نوکری پر بحال کرنے کا حکم صادر فرمایا جائے، اور من سائل آئندہ کو اپنے کام کا خیال رکھوں گا۔

الحاضر:-



حامد علی (ریڈر آفس جنرل برانچ)

ڈپٹی کمشنر صاحب نوشہرہ

مورخہ:- 30-03-2023



Office of the  
Deputy Commissioner  
Nowshera

11 E

92-The Mall Road Nowshera Cantt, Office Phone#0923-9220098-99, Fax#0923-9220159

Facebook.com/DCNowshera Twitter.com/DCNowshera dconsrpk@gmail.com

16 June, 2023

No. 5593 /EA-13/DC/NSR/2023

**SHOW CAUSE NOTICE**

I, **Muhammad Kabir Afridi**, Deputy Commissioner, Nowshera, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 do hereby serve you, **Hamid Ali, Reader (BPS-07), AGB Branch, DC Office, Nowshera** with the following:-

- That consequent upon the completion of inquiry conducted against you, by the Assistant Commissioner, Nowshera, for which you were given opportunity of hearing and on going through the material on record and other papers connected with the case, I am satisfied that the charges given below have been proved against you:-

That you while posted as Reader General Branch have received challan alongwith fee of Driving License Branch of Deputy Commissioner Office, Nowshera from Mr. Noor Bahadar, Chowkidar for deposit in the National Bank of Pakistan, Saddar Nowshera which were returned to the branch and found fake.

- By reason of the above, you appeared to be **guilty of Misconduct** in term of Rule-3 (b) of the "Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011".

2. That as a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the following penalty under rule 4 (b) (i) of the said rules:-

**Reduction to a lower pay scale or to a lower stage in a time scale for three (03) years.**

3. You are, therefore, required to show cause as to why the aforesaid penalty may 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 ten (10) days, it shall be presumed that you have no defense to put in and in that case an exparte action will be taken against you as per rules.

5. A copy of the Enquiry Report is enclosed.

(MUHAMMAD KABIR AFRIDI)  
Deputy Commissioner  
Nowshera  
(Competent Authority)

To:

Hamid Ali, Reader, AGB Branch, DC Office, Nowshera

To

The Worthy Deputy Commissioner,  
Nowshera.

Subject:- REPLY TO A SHOW CAUSE NOTICE.

In reference to a show cause notice vide No.5593/EA-13/DC/NSR/2023 dated 16-06-2023. It is submitted that the undersigned is quite innocent and has falsely been implicated in the inquiry, misleading and misconceived allegations. / charges have been leveled against me for the sake of more objections only and to save blue eyed persons.

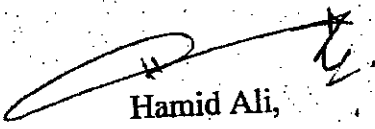
Sir, the allegations are nothing but just to callus attempt to side the main issue of fixing responsibility of maintaining / cash challans. Further stated that the undersigned was not entrusted with the responsibility of maintaining and depositing Bank challans nor I was authorized to maintain the record etc.

It is also to be added that no fair and transparent inquiry have been conducted into proper manner nor the undersigned has given the opportunity of personnel hearing.

It is therefore, requested that the show cause notice issued against me may kindly be withdraw with all pre and post proceedings.

Yours truly,

Dated: 23-06-2023.

  
Hamid Ali,  
Reader,  
G/Branch  
DC Office, Nowshera.





**DEPUTY COMMISSIONER  
NOWSHERA.**

(Office Phone#0923-9220098-99, Fax#0923-9220159,  
Email: dconsrpk@yahoo.com)

E

Dated 19/July/2023

13

Notification:


No. 6595-6600/EA-13/DC/NSR/2021. WHERE AS Mr. Hamid Ali, Reader, Deputy Commissioner Office Nowshera was proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules-2011 for the charges leveled as under:-

*"That you while posted as Reader, General Branch have received challan alongwith fee of Driving License Branch of Deputy Commissioner Office, Nowshera from Mr. Noor Bahadar, Chowkidar for deposit in the National Bank of Pakistan Sadder Bazar Nowshera which were returned to the Branch and found fake".*

AND WHERE AS, The Inquiry Officer after examining the charges and evidence on record, has submitted inquiry report wherein, you have appeared to be guilty of Misconduct in term of Rules-3(b) of the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules-2011.

AND WHERE AS, the undersigned after having considered the charges evidence on record, inquiry report and report regarding proceeding of personal hearing, is of the view that the charges against you have been proved.

NOW THEREFORE, In exercise of the powers conformed upon me under section 4(b)(i) of the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules-2011, (being Competent Authority) is pleased to impose Major Penalty of "Reduction to a lower pay scale for three (03) years" upon Mr. Hamid Ali, Reader.

  
(Muhammad Kabir Afridi)  
Deputy Commissioner,  
Nowshera

19/7/2023

Endst: Even No. & date.

Copy forwarded for information to:-

1. The Additional Deputy Commissioner (G), Nowshera.
2. The Assistant Commissioner Nowshera.
3. The District Accounts Officer Nowshera
4. The Superintendent Deputy Commissioner Officer Nowshera.
5. The Accounts Officer, Deputy Commissioner: Officer Nowshera with the direction to ensure compliance of the above orders.
6. Official concerned.

  
12/2023

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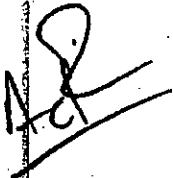
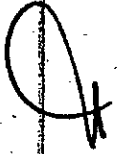
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**BEFORE THE HON'BLE COMMISSIONER PESHAWAR DIVISION,  
PESHAWAR.**

**DEPARTMENTAL APPEAL / REPRESENTATION  
AGAINST THE IMPUGNED ORDER DATED 19-07-  
2023 PASSED BY THE WORTHY DEPUTY  
COMMISSIONER NOWSHERA.**

**Respected Sir:**

1. That the appellant was initially appointed as Reader in the year, 2015 and was post in General Branch office Deputy Commissioner Nowshera.
2. That the appellant while posted in the office ibid was falsely implicated in a baseless, fabricated and concocted case and thus was served with a show cause notice dated 16-06-2023 which was properly replied within time by negating the allegations.
  - a. That the worthy Deputy Commissioner, Nowshera without holding proper inquiry into the matter and without giving the opportunity of personal hearing passed the impugned order dated 19-07-2023 against the appellant by awarding major penalty of reduction to lower stage of pay for three years. (Copies of impugned order dated 19-07-2023 along with show cause notice and reply there to are attached).
3. That the order dated 19-07-2023 passed by the worthy Deputy Commissioner, Nowshera (hereinafter impugned) is patently illegal, unlawful, of no legal effect, against the

  
  
 11/8/23

Secy:	
AC P/D:	
ACR/Ga:	
PMIU PUP-II	
PS-To-Commissioner:	
SUP:	
BRANCH:	
Diary No:	8716
Date:	10/8/2023

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existing law, rules and regulation governing the subject matter, hence liable to be set aside.

4. That the impugned order is outcome of hastily given. The condition precedent and procedural safeguard provided under the law insure rule of law having been thrown to the wolves, hence the impugned order is not sustainable in the eyes of law, thus liable to be set aside.
5. That surprisingly the issue in hand was the sole responsibility of Incharge Driving Branch DC Office Nowshera but he has been spared/exonerated for no any good reason or the reason best known to the authority concerned.
6. That it is to be added that the appellant has no concerned with the depositing of challan nor was entrusted with the additional charge.
7. That amazingly, proper inquiry has been conducted into the matter moreover no final show-cause notice has been issued to the appellant nor any charge sheet served upon, furthermore no opportunity of personal hearing has been extended to establish the guilt of the appellant and awarded the major penalty, hence needs consideration.
8. That during the entire service of the appellant, he has not given any occasion to his superior to raise their eyebrows regarding his conduct, but was occasionally awarded pat of the back for his meritorious service but in the case in hand, the authority badly failed to considered the unblemished record of about 08 years of the appellant.

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9. That the appellant is of the view that not only he but his entire family life to the last drop, if the impugned order is not withdrawn/ set aside and the appellant would be considering himself lucky and would find peace, if may allowed to continue his service with his previous post and position with all service benefits.
10. That the appellant ensure to abide by all relevant rules and regulations applicable for the said purposes.
11. That as per the Superior Courts of law on equality and other procedural safeguard, the impugned order has overlooked and ignored some important wisdom spewing guidelines/ points in the reported judgments/guidelines circulated to all concerned time to time but the authority concerned badly ~~Failed to follow~~ the same and passed the impugned order.
12. That any other ground which has not been mentioned may also be permitted to raise at the time of hearing.

It is, therefore, respectfully submitted that in the context of the appeal in hand, the impugned order dated 19-07-2023 passed by the worthy Deputy Commissioner, Nowshera may graciously be withdrawn/ set aside and the appellant may kindly be allow to keep and continue his service with all back benefits.

Appellant



**Hamid Ali**

**Reader General Branch**

**Deputy Commissioner Office Nowshera.**

**Cell No-0347-1003504**

03168660299

OFFICE OF THE  
COMMISSIONER PESHAWAR DIVISION  
PESHAWAR



17

No. 6/2/EA/2023/1/19722  
Dated: 16.08.2023

To

The Deputy Commissioner,  
Nowshera.

Subject: DEPARTMENTAL APPEAL / REPRESENTATION AGAINST THE  
IMPUGNED ORDER DATED 19.07.2023.

I am directed to enclose herewith a copy of an application /  
departmental appeal submitted by Mr. Hamid Ali (Reader) against the order dated  
19.07.2023.

Above in view, it is requested that para wise comments in the subject  
appeal may kindly be furnished to this office please.

  
ASSISTANT TO COMMISSIONER (REV/GA)  
PESHAWAR DIVISION PESHAWAR

0/-

HS

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Before the Hon'ble Commissioner Peshawar Division Peshawar

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DEPARTMENTAL APPEAL/REPRESENTATION AGAINST THE IMPUGNED ORDER DATED 19.07.2023 PASSED BY THE WORTHY DEPUTY COMMISSIONER NOWSHERA.

PARA-WISE COMMENTS FROM RESPONDENT

Reply on facts,

Para No. 1 Correct

Para No. 2 Incorrect. Proper inquiry was conducted through the Assistant Commissioner Nowshera and the whole case was processed according to law/rules.

(a). Proper inquiry was ordered by the Competent Authority through Assistant Commissioner Nowshera as accepted by the appellant himself. Show cause notice was served upon him on 16.06.2023, which he replied. Moreover, a chance of personal hearing was also granted to the appellant which he availed. So no action has been taken against the law.

Para No. 3 Incorrect. All steps were taken as per requirement of the E & D rules 2011.

Para No. 4 Incorrect. The order is the outcome of the inquiry conducted through the authorized inquiry Officer and as per practice & procedure of the law.

Para No. 5 Incorrect. All actions were taken on the basis of inquiry conducted through the Assistant Commissioner Nowshera (Inquiry report is attached at Annex "A"). Moreover a chance of personal hearing was also given to the official as per provision of the law.

Para No. 6 As is evident from the inquiry report the official proved guilty for the action done by him.

Para No. 7 As stated in preceding Paras, everything is done according to the Law.

Para No. 8 As per para 6 above.

Para No. 9 Para needs no comments.

Para No. 10 Para needs no comments.

Para No. 11 As stated in above pases all are done according to the rules.

Para No. 12 No comments.

PRAYER:

*In view of the above fact and figure it is very humbly requested that the instant appeal may kindly be dismissed please.*

  
Deputy Commissioner  
Nowshera

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**IN THE COURT OF  
COMMISSIONER PESHAWAR DIVISION  
PESHAWAR**

**DATE OF INSTITUTION 10.08.2023.  
DATE OF DISPOSAL 21.11.2023.  
APPEAL NO.05/2023.**

**HAMID ALI (READER) O/O DEPUTY COMMISSIONER NOWSHERA.**

**(Appellant)**

**VS**

**DEPUTY COMMISSIONER NOWSHERA.**

**(Respondent)**

**ORDER**

This order will dispose off the departmental appeal filed by the above named appellant against the order of the Deputy Commissioner Nowshera bearing No.6595-6600/EA-13/DC/NSR/2021 dated 19.07.2023, whereby major penalty of reduction to a lower pay scale for three years was imposed upon the appellant under section 4 (b)(i) of Govt. of Khyber Pakhtunkhwa, Efficiency & Discipline Rules, 2011.

Brief facts of the case leading to institution of the instant appeal are that the appellant while posted as Reader in General Branch of Deputy Commissioner Office Nowshera received challan along with fee of Driving License Branch of Deputy Commissioner Office Nowshera from Mr. Noor Bahadur (Chowkidar) for deposit in the National Bank of Pakistan which were returned to the branch and found fake. The appellant was suspended by Deputy Commissioner Nowshera and Assistant Commissioner Nowshera was appointed as Inquiry Officer to conduct a fact finding inquiry. After considering explanation, recommendation of the enquiry officer and personal hearing of the appellant, the Deputy Commissioner Nowshera awarded major penalty of reduction to a lower pay scale for three years upon the appellant under section 4(b)(i) of Govt. of Khyber Pakhtunkhwa, Efficiency & Discipline Rules, 2011.

Appellant present and heard in person. Comments furnished by the Deputy Commissioner Nowshera also examined. The appellant in his statement stated that he had never been posted in Driving License Branch and denied the allegations leveled by Mr. Noor Bahadur (Chowkidar) regarding fake challans. He further stated that he is unaware of the conduction of any Jirga and denied submission of any amount to the Jirga or National Bank.

From perusal of the case file / proceedings of the case, it is evident that the appellant was found involved in submission of fake challans to the Driving License Branch of Deputy Commissioner Office Nowshera causing loss to the government exchequer and an amount of Rs.100,000/- was also recovered from the appellant. The appellant during course of personal hearing could not produce any solid argument / evidence to prove his innocence.

Keeping in view the above, the appeal is dismissed. The impugned order bearing No.6595-6600/EA-13/DC/NSR/2021 dated 19.07.2023 of Deputy Commissioner Nowshera is upheld and maintained.

**Announced  
21.11.2023**

*Attested*  
**Assistant (BPS-16)  
o/o Commissioner  
Peshawar Division**

**COMMISSIONER  
PESHAWAR DIVISION PESHAWAR**

(20)

بعدالت

سرور ٹرانسپورٹ لیمیٹڈ کو الٹا

2023ء بمطابق  
حامد علی بنام حکومت و سسرہ

موزخہ  
مقدمہ  
دعویٰ  
جرم  
Service Appeal

باعث تحریر آئنگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام پیش ور کیلئے فضیل نقیہ صمیمند، عبد و حلیل اور بشیر احمد شاہ ایڈووکیٹس

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور تباہ دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانتا تو اپنے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ مندر ہے۔

المرقوم 20 \_\_\_\_\_ ماہ دسمبر 2023ء

واہ الع

Attested  
Accepted

کے لئے منظور ہے۔

بمقام  
پشاور