

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1008/2019

Date of Institution ... 01.08.2019

Date of Decision ... 01.02.2022

Sana Ullah S/O Wisal Khan, R/O Shahbra P.O Prang Tehsil and District Charsadda.

... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

MR. ZARTAJ ANWAR,
Advocate

--- For appellant.

MR. RIAZ AHMED PAINDAKHEL,
Assistant Advocate General

--- For respondents.

MR. SALAH-UD-DIN
MS. ROZINA REHMAN

--- MEMBER (JUDICIAL)
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts forming the background of the instant service appeal are that the appellant, while serving as Junior Clerk, was posted in Accounts Branch Traffic Headquarter Peshawar, when departmental action was taken against him on the allegations that he had brought clients to Junior Clerk Shahzeb, who made fake/bogus signatures on Learner Permits and Driving Test files of 14 candidates; that the appellant had also processed fake/bogus file, which was intercepted by the concerned staff and had handed over the same to Incharge confidential branch for verification; that the appellant had also received of amount



Rs. 20000/- from Junior Clerk Shahzeb for closing of the inquiry initiated against the appellant as well as the said Junior Clerk namely Shahzeb. On conclusion of the inquiry, the appellant was awarded major penalty of dismissal from service vide order dated 24.01.2019. The departmental appeal of the appellant was also rejected vide order dated 22.03.2019, where-after the appellant submitted mercy petition to the Inspector General of Police Khyber Pakhtunkhwa Peshawar but the same remained un-responded, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the appellant is having an unblemished record of service of about 09 years and did not remain involved in preparation of any fake/bogus Learner Permits; that the witnesses examined during the inquiry have not leveled any allegation against the appellant; that the appellant has not been provided any opportunity of personal hearing and he was thus condemned unheard; that the appellant has not been treated in accordance with law and his rights guaranteed under the law and constitution were badly violated; that the appellant has never committed any act or omission, which could be considered as misconduct and even otherwise too, the penalty imposed upon the appellant is too harsh. In the last he requested that the impugned orders may be set-aside and the appellant may be reinstated in service with all back benefits.

4. On the other hand, learned Additional Advocate General for the respondents has contended that a regular inquiry was conducted in the matter, wherein the appellant himself admitted the allegations leveled against him; that the witnesses examined during the inquiry have also supported the allegations leveled against the appellant; that the appellant was provided ample opportunity of self defense as well as personal hearing but he could not produce any cogent material in rebuttal of the allegations leveled against him; that the inquiry was conducted



by observing all legal and codal formalities and the appellant was found guilty of the charges leveled against him, therefore, he has rightly been dismissed from service.

5. We have heard the arguments of learned counsel for the appellant as well as learned Additional Advocate General for the respondents and have perused the record.

6. A perusal of the record would show that proper charge sheet as well as statement of allegations was issued to the appellant and an inquiry committee consisting upon Mr. Muhammad Shoaib ASP Faqirabad and Mr. Najam-ul-Hasnain ASP Hayatabad was constituted for inquiry in the matter. The inquiry committee conducted inquiry in the matter and submitted its report to the competent Authority. Copy of the report of inquiry committee is available on the record, which would show that statements of the appellant as well as Senior Clerk Shoukat Ali Khan, Junior Clerk Zarwali, Senior Clerk Babar Khan, Constable Abdur Rehman, Computer Operator Palwasha, DSP Aneela Naz, Inspector Amjad and Junior Clerk Shahzeb, who was also proceeded against departmentally in the same matter, were recorded during the inquiry. The appellant was fully associated during the inquiry and on receipt of the inquiry report, appellant was issued final show-cause notice and was given personal hearing on 23.01.2019. While going through the record, we are of the opinion that a regular inquiry has been conducted in the matter by fulfilling all legal and codal formalities.


7. The allegations against the appellant were that he had brought clients to Junior Clerk Shahzeb, who made fake/bogus signatures on Learner Permits and Driving Test Files; that the appellant had tried to process fake/bogus file, which was intercepted by the concerned staff and was handed over to Incharge Confidential branch for verification and that he had also received of an amount of Rs. 20000/- from Junior Clerk namely Shahzeb for the purpose of closing of the inquiry initiated against the appellant as well as the said Shahzeb. In view of material available on the record, the allegation regarding receiving of Rs. 20000/- from Junior Clerk Shahzeb was leveled against the


appellant by the said Shahzeb, however the available record does not show that any opportunity was provided to the appellant for cross examination of Junior Clerk namely Shahzeb. Similarly, the inquiry committee has not collected any other evidence in support of the aforementioned allegation. In this view of the matter, the allegation of receiving of Rs. 20000/- by the appellant from Junior Clerk namely Shahzeb has not been proved.

8. So far as rest of the allegations are concerned, the same stood proved during the inquiry because it has been admitted by the appellant himself that he had asked Junior Clerk Shahzeb for preparation of Driving Licenses for Imran Khan, Khursheed Ali as well as Shamshad Kausar, whose learner Permits/Driving Test Files were later on found to be having fake/bogus signatures of MLA. In view of those allegations, which stood proved against the appellant, the quantum of penalty awarded to the appellant is too harsh. Furthermore, the main accused namely Shahzeb was also dismissed from service, however his mercy petition was accepted vide order dated 16.09.2020 by Inspector General of Police Khyber Pakhtunkhwa Peshawar and the penalty awarded to him has been converted into punishment of forfeiture of three years qualified service.

9. Consequently, the appeal in hand is partially allowed and the impugned orders are modified to the extent that major penalty of dismissal from service is converted into minor penalty of stoppage of three annual increments for a period of three years with cumulative effect. The appellant stands reinstated into service from the date of his dismissal, however the intervening period shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
01.02.2022


(ROZINA REHMAN)
MEMBER (JUDICIAL)

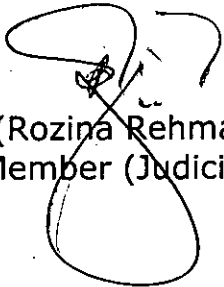

(SALAH-UD-DIN)
MEMBER (JUDICIAL)


ORDER
01.02.2022

Appellant alongwith his counsel present. Mr. Sarmad Ali, ASI alongwith Mr. Riaz Ahmed Painsdakhel, Assistant Advocate General for the respondents present. Arguments have already been heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is partially allowed and the impugned orders are modified to the extent that major penalty of dismissal from service is converted into minor penalty of stoppage of three annual increments for a period of three years with cumulative effect. The appellant stands reinstated into service from the date of his dismissal, however the intervening period shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
01.02.2022


(Rozina Rehman)
Member (Judicial)


(Salah-Ud-Din)
Member (Judicial)

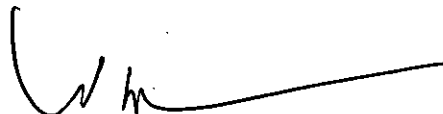
21.10.2021

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

An application seeking amendment/modification in the prayer of the instant service appeal to the extent of challenging the final order dated 22.03.2019 was submitted in office on 05.10.2021. Today, notice of this application was served upon learned A.A.G and after hearing arguments, this application was allowed. Amendment/modification to the extent mentioned in the petition stands allowed which entry be made in the memorandum of appeal according to law. Comments have already been submitted, however, the respondents are at liberty to file reply after the above mentioned amendment/modification in the memorandum of appeal but within 10 days positively.

Adjourned to 31.01.2022 for arguments before D.B.



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



(Rozina Rehman)
Member (J)

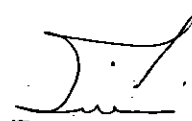
31.01.2022

Appellant with counsel present. Mr. Sarmad Ali ASI (Legal) alongwith Mr. Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for the respondents present.

Arguments heard. To come up for order on 01.02.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

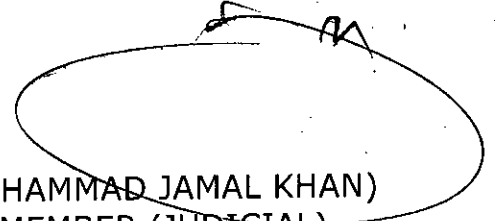
02.02.2021

Mr. Imran Khan, Advocate, for appellant is present. Mr. Muhammad Rashid, Deputy District Attorney and Mr. Jan Muhammad, Inspector (legal), for the respondents are also present.

Learned counsel submitted that his senior counsel is engaged in the Hon'ble Peshawar High Court, Peshawar, and could not attend the Tribunal today and requested for adjournment. Adjourned to 08.04.2021 on which date file to come up for arguments before D.B.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

08.4.2021

*Due to demise of Hon'able chairman
The Tribunal is defunct, therefore the case is
adjourned to 26/7/2021 for the same as before.*



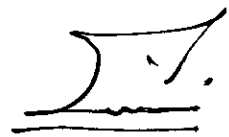
26.07.2021

Appellant alongwith clerk of counsel present. Mr. Habib Khan, Inspector (Legal) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel has proceeded to home due to some domestic engagements. Adjourned. To come up for arguments before the D.B on 21.10.2021.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

13-5 .2020

Due to COVID19, the case is adjourned to

06/8/2020 for the same as before.


Reader

06.08.2020

Due to summer vacation case to come up for the same on
07.10.2020 before D.B.



Reader


07.10.2020

Junior counsel for appellant present.

Mr. Muhammad Jan learned Deputy District Attorney for
respondents present.

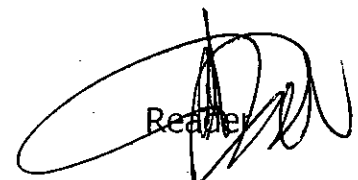
Former submitted rejoinder with a request for
adjournment. Adjourned. To come up for arguments on
01.12.2020 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

01.12.2020

Due to COVID-19, the case is adjourned to 02.02.2021 for
the same as before.


Reader

13.03.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Saddique, Head Constable for the respondents present. Representative of the department submitted written reply on behalf of respondents. The same is placed on record. To come up for rejoinder, if any, and arguments on 13.05.2020 before D.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

26.11.2019

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Habib Khan, Inspector for respondents present.

Written reply/comments on behalf of the respondents not submitted. Learned District Attorney seeks time to submit written reply/comments.

Adjourned to 08.01.2020 before S.B.


Chairman

08.01.2020


Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and procure written reply/comments. Adjourned to 18.02.2020 on which date the requisite reply/comments shall positively be furnished.


Chairman

18.02.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Last chance is given to the respondents to furnish written reply/comments. Adjourned to 13.03.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

26.09.2019

Counsel for the appellant present.

Contends that the impugned order dated 24.01.2019 was passed against the appellant whereby major penalty of dismissal from service was awarded to him. The allegations against the appellant in the departmental proceedings was to the effect that he managed/caused to issue bogus driving licenses against obtaining illegal gratification from various parties. That required comprehensive enquiry in order to reach a just conclusion in the matter which was not undertaken by the respondents. The witnesses appearing before the enquiry committee were not exposed to the appellant for the purpose of cross-examination. The appellant was thereby deprived of his legal rights in terms of defending his cause.

In view of the available record and arguments of learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 26.11.2019 before S.B.

Appellant Deposited
Security & Process Fee

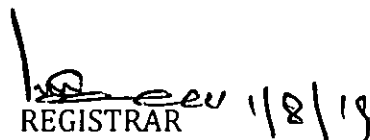


4/10/19


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 1008/2019

S.No:	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/08/2019	<p>The appeal of Mr. Sana Ullah presented today by Mr. Zartaj Anwar 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 1/8/19</p>
2-	20/08/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/09/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	24.09.2019	<p>Appellant in person present and requests for a short adjournment as his learned counsel is pre-occupied in various other cases today.</p> <p>Adjourned to 26.09.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

P-27
10/09/19

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 1008/2019

Sana Ullah S/O wisal Khan R/O shahbra P.O Prang Tehsil and
District charsadda

(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and
others.

(Respondents)

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5	Copy of the order dated 24.01.2019	F	23
6	Copies of the departmental appeal and rejected order dated 22.03.2019	G&H	24-27
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Appellant

Through


Zartaj Anwar

Advocate High Court
Office FR , 3 Forth Floor
Bilour Plaza Peshawar Cantt.
Cell: 0331-9399185
Email: Zartaj9@yahoo.com

1

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 1115

Dated 01-08-2019

Appeal No. 1008 /2019

Sana Ullah S/O wisal Khan R/O shahbra P.O Prang Tehsil and
District Charsadda

(Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Chief Traffic Officer Traffic head Quarter Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber
Pakhtunkhwa Service Tribunal Act, 1974,
against the impugned order dated 24.01.2019,
whereby the appellant has been awarded the
major penalty of dismissal from service.

PRAYER IN APPEAL:

Filed to-day
Registrar
17/8/19

On acceptance of this appeal the impugned
order dated 24.01.2019 may graciously be set
aside and the appellant may kindly be
reinstated in service with all back benefits.

Respectfully Submitted:

1. That the appellant was initially appointed as Naib Qasid in the year 2008 in the police department and has at his credit a bright and spotless service career. During the course of his service the appellant was promotion to the post of junior clerk in the year of 2011.
2. That it is pertinent to mention here that ever since his appointment, the appellant had performed his duties as assigned to him with zeal and devotion and there was no complaint whatsoever regarding his performance.

3. That thereafter the appellant was served with charge sheet along with statement of allegation containing certain false and baseless allegation. The allegation so leveled are reproduced below:

- That while posted in account branch of traffic head quarter Peshawar you have brought clients to jr.clerk shahzeb who made false/bogus signatures on learner, permits and driving test files of 14 candidates.
- That you have also tried to process the fake/bogus files which interpreted by the concerned staff and handed over to I/C CDL branch for verification.
- That you have also received an amount of Rs.20000/- from Jr.clerk shahzeb to close the inquiry initiated against both of you which proves your connivance in processing all false/bogus driving license case.

(Copies of the charge sheet and statement of allegation are attached as annexure A & B)

4. That after the charge sheet inquiry was initiated in which the appellant has appeared before the inquiry officers and denied all the false and baseless allegations. In this regard the inquiry officers recorded certain statements of the private persons as well as official persons and also collected certain documents but none of the person examine testified against the appellant nor any person shows any connection with the appellant in their recorded evidence. Which shows the connection of the appellant with the omission/commission specified under the E & D rules 2011 *(Copies of the inquiry report and statements of different people are attached as annexure C & D)*

5. That the appellant was served with show cause notice. He furnished reply and denied all the baseless allegations. *(Copy of the show cause notice is attached as annexure E)*

6. That without considering the defense reply the appellant was awarded the major penalty of dismissal from service by impugned order dated 24.01.2019. *(Copy of the order dated 24.01.2019 is attached as annexure F)*

7. That the appellant was also submitted his departmental appeal for his reinstatement in service against the order dated 24.01.2019. however the departmental appeal has also been rejected by the respondent dated 22.03.2019 (*Copies of the departmental appeal and rejected order dated 22.03.2019 are attached as annexure G&H*)
8. That thereafter the appellant has submitted a mercy petition to the respondent department but still they have not responded. (*Copy of the mercy petition is attached as annexure I*)
9. That the impugned order is illegal, unlawful without lawful authority, against the law and facts, hence liable to be set aside on the following grounds.

GROUND OF DEPARTMENTAL APPEAL

- A. That the Appellant has not been treated in accordance with law and rules hence his rights secured and guaranteed under the law are badly violated.
- B. That the appellant have not been provided proper opportunity of personal hearing thus he has been condemned unheard.
- C. That during inquiry the private as well as official persons have been examined and their statements were recorded by the inquiry officers but none of them has made any allegation against the appellant. This fact was totally ignored by the competent authority which shows mala fide on the part of the respondents.
- D. That the competent authority was bound under the law to examine the record of the inquiry in its true perspective and in accordance with law and then apply their independent mind to the merit of the case but they failed to do so and awarded major penalty of dismissal from service to the appellant . Despite the fact that the allegation as contained in charge sheet had not been proved in the so-called inquiry
- E. That even in respect of allegation leveled against the appellant by shahzeb Jr.clerk is also self-contradictory as in his earlier statement he alleged that the appellant received Rs.20000/- rupees from him in order to stop the inquiry, at the time of alleged occurrence the appellant was sub-ordinate to shahzeb Jr.clerk.so


it is not appealable to mind that the appellant can received the said amount from shahzeb Jr.clerk ,while in the subsequent statement of shahzeb he alleged that the appellant has returned the said amount, so both the statements are contradictory in nature. This fact was also ignored by the competent authority.

- F. That the appellant has at his credit almost ten years of service career. The penalty imposed upon him is too harsh hence liable to be set aside.
- G. That the appellant has never committed any act or omission which could be termed as misconduct.
- H. That the appellant is jobless since his illegal dismissal from service.
- I. That the Appellant seeks permission of this Honourable Tribunal to rely on additional grounds at the time of hearing of the appeal.

It is, therefore, humbly prayed that on acceptance of this appeal the impugned orders dated 24.01.2019 may please be set-aside and the appellant be re-instated in service with all back benefits of service.


Appellant

Through


ZARTAJ ANWAR
Advocate Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2019

Sana Ullah S/O wisal Khan R/O Shahbra P.O Prang Tehsil and
District charsadda.

(Appellant)

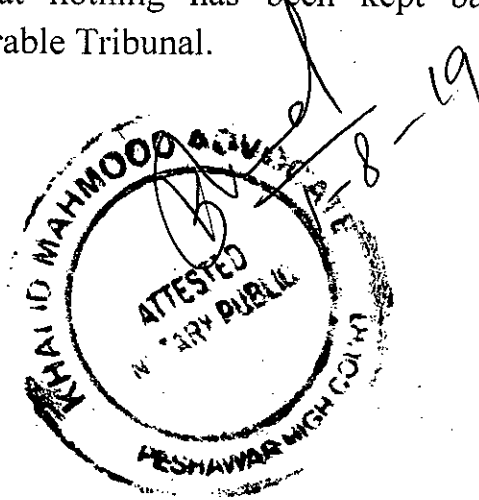
VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and
others.

(Respondents)

AFFIDAVIT

I, **Sana Ullah Ex-junior clerk in Traffic head quarter Peshawar**,
do hereby solemnly affirm and declare that the contents of the above
appeal are true and correct to the best of my knowledge and belief
and that nothing has been kept back or concealed from this
Honourable Tribunal.




Deponent

6

Amir - 11

CHARGE SHEET

1. I, KASHIF ZULFIAR, Chief Traffic Officer, Peshawar as Competent Authority, hereby charge you Junior Clerk Sanaullah as follow:-

i. That while posted in Account Branch at Traffic Hqrs. Peshawar, you have brought clients to Jr. Clerk Shahzeb who made fake/bogus signatures on learner permits and driving test files the below mentioned 14 candidates:-

S#	Name	CDL #	MDL	T. Record	DL Type
1.	Mohammad Abubakar	281755	404687	24890	MC+ M.Car
2.	Mohammad Awais	83584	404562	48870	MC+ M.Car
3.	Taimor Riazullah	283580	404561	24971	MC+ M.Car
4.	Khurshid Ali ✓	283795	404778	25870	MC+ M.Car
5.	Zahoor Khan	284040	404993	25103	MC+ M.Car
6.	Mohammad Faisal	284042	404994	25120	MC+ M.Car
7.	Mohammad Ifzal Farooq	284284	405128	25610	MC+ M.Car
8.	Imran Khan ✓	283688	404644	24870	MC+ M.Car
9.	Zahid Khan	283794	404560	24980	MC+ M.Car
10.	Nihayatullah	283794	404777	24942	MC+ M.Car
11.	Nazar Gul	283936	404890	25782	MC+ M.Car
12.	Irshad Mohammad	283937	404889	23893	M.Car
13.	Fazal Amin	284041	405025	25782	MC+ M.Car
14.	Shamshad Kausar ✓	pending	405127	25785	MC+ M.Car

ii. That you have also tried to process the fake/bogus file which was intercepted by the concerned staff and handed over to I/C CDL branch for verification.

iii. You have also received an amount of Rs.20000/- from Junior Clerk Shahzeb to close the enquiry initiated against both of you which proves your connivance in processing all the fake/bogus driving license cases.

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

3. You are therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the Enquiry Officer.

4. Your written defense, if any, should reach to the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

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

6. A statement of allegations is enclosed.

Kashif Zulfiar
(KASHIF ZULFIAR) PSP
Chief Traffic Officer,
Peshawar.
(Competent Authority)

ATTESTED
[Signature]

7

Amin B

DISCIPLINARY ACTION.

I, **KASHIF ZULFIAR**, Chief Traffic Officer, Peshawar am of the opinion that Junior Clerk Sanauallah has rendered himself liable to be proceeded against departmentally, as he committed the following acts within the meaning of under Section 4 of Government Khyber Pakhtunkhwa, Civil Servants (Efficiency and Discipline) Rules-2011.

STATEMENT OF ALLEGATIONS

i) That while posted in Account Branch at Traffic Hqrs. Peshawar, he has brought clients to Jr. Clerk Shahzeb who made fake/bogus signatures on learner permits and driving test files of the below mentioned 14 candidates:-

S#	Name	CDL #	MDL	T. Record	DL Type
1.	Mohammad Abubakar	281755	404687	24890	MC+ M.Car
2.	Mohammad Awais	83584	404562	48870	MC+ M.Car
3.	Taimor Riazullah	283580	404561	24971	MC+ M.Car
4.	Khurshid Ali	283795	404778	25870	MC+ M.Car
5.	Zahoor Khan	284040	404993	25103	MC+ M.Car
6.	Mohammad Faisal	284042	404994	25120	MC+ M.Car
7.	Mohammad Ifzal Farooq	284284	405128	25610	MC+ M.Car
8.	Imran Khan	283688	404644	24870	MC+ M.Car
9.	Zahid Khan	283794	404560	24980	MC+ M.Car
10.	Nihayatullah	283794	404777	24942	MC+ M.Car
11.	Nazar Gul	283936	404890	25782	MC+ M.Car
12.	Irshad Mohammad	283937	404889	23893	M.Car
13.	Fazal Amin	284041	405025	25782	MC+ M.Car
14.	Shamshad Kausar	pending	405127	25785	MC+ M.Car

ii) That he has also tried to process the fake/bogus file which was intercepted by the concerned staff and handed over to I/C CDL branch for verification.


iii. He has also received an amount of Rs.20000/- from Junior Clerk Shahzeb to close the enquiry initiated against both of them which proves his connivance in processing all the fake/bogus driving license cases.

2. For the purpose of enquiry against the said official with reference to the above allegation an Enquiry Officer/Enquiry Committee consisting of the following, is constituted: - _____

Mr. Mohammad Shuaib, ASP Faqirabad
Mr. Najmul Hasnain, ASP Hayaabad

3. The Enquiry Officer/Enquiry Committee shall, in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within 30 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

4. The defaulter official and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer/Enquiry Committee.


(**KASHIF ZULFIAR**) PSP
Chief Traffic Officer,
Peshawar.
(Competent Authority)

ATTESTED



8

Approved: C

شاهزاد علی

SUBJECT: INQUIRY

The Competent Authority vide office#1684-86/PA, Dated: 26.11.2018 directed an inquiry into the Disciplinary action against Junior Clerk Shahzeb at Capital City Traffic police.

COMPLAINTS/ALLEGATIONS

That while posted in Account branch at Traffic HQR, Peshawar, you have brought clients to Jr.Clerk Shahzeb who made fake/bogus signatures on learner permits and driving test files.

Also, you have tried to process the fake/bogus file which was intercepted by the concerned staff and handed over to I/C CDL branch for verification.

Also, you have received an amount of Rs.20000 from junior Clerk Shahzeb to close the enquiry initiated against both of you which proves your complicity in processing all the fake/bogus driving license cases.

BACKGROUND:

Since 16/03/2017 Shaukat Ali was working with Capital City Traffic Police. He is a senior clerk and in Charge of Driving License Branch at Traffic HQRs, Peshawar. While, he was working as in charge, one of the operators Dilwasha pointed out fake signatures of MLA on license file. The matter was further investigated and 14 more files were dugout by the high-ups bearing fake signatures and those files were bogus. It was responsibility of Shaukat Ali to keep a check on his under commands / bogus files but he miserably failed to do so.

INQUIRY PROCEEDINGS

Statements of all following concerned Police officials were recorded. They were given ample opportunity to be heard and were cross questioned. All the relevant record was inspected during inquiry proceedings.

1. S/Clerk Shaukat Ali Khan

ATTESTED

- 9
2. J/Clerk Shahzeb
 3. J/Clerk Sanaullah
 4. J/Clerk Zarwali
 5. S/clerk Baber Khan
 6. Constable AbdurRehman
 7. Computer Operator Palwasha
 8. DSP Anceela Naz
 9. Inspector Amjid

STATEMENTS

1. Statement of Senior Clerk Shaukat Ali Khan:

Senior clerk Shaukat Ali Khan in his written statement deposed that he is performing duties of Traffic clerk at counter No.07 driving license branch. He faces a lot of work pressure during office hours as he has to deal with the issuance of MDL number, Renewal number, Duplicate Number and issuance of NOC.

Around 200 candidates visit to his branch on daily basis for driving licenses and it is quite cumbersome to identify any bogus signatures of MIA on any document. Same is the case with counter No.03, 04 and counter No.05 and DL clerk.

He further stated that he did not know about all the 14 candidates possessing bogus licenses files. He had only given two licenses to operator Palwasha which were handed over to him by Sanaullah.

He further stated that he had been performing his official duty with extreme honesty and dedication and never knew about bogus license files bearing fake

ATTESTED

10
2 signatures of MLA. Therefore he requested in his statement that the proceedings against him may please be filed.

- Cross Questioning S/clerk Shaukat Khan : (Annexure (A) attached herewith)

2. Statement of J/clerk Sanaullah:

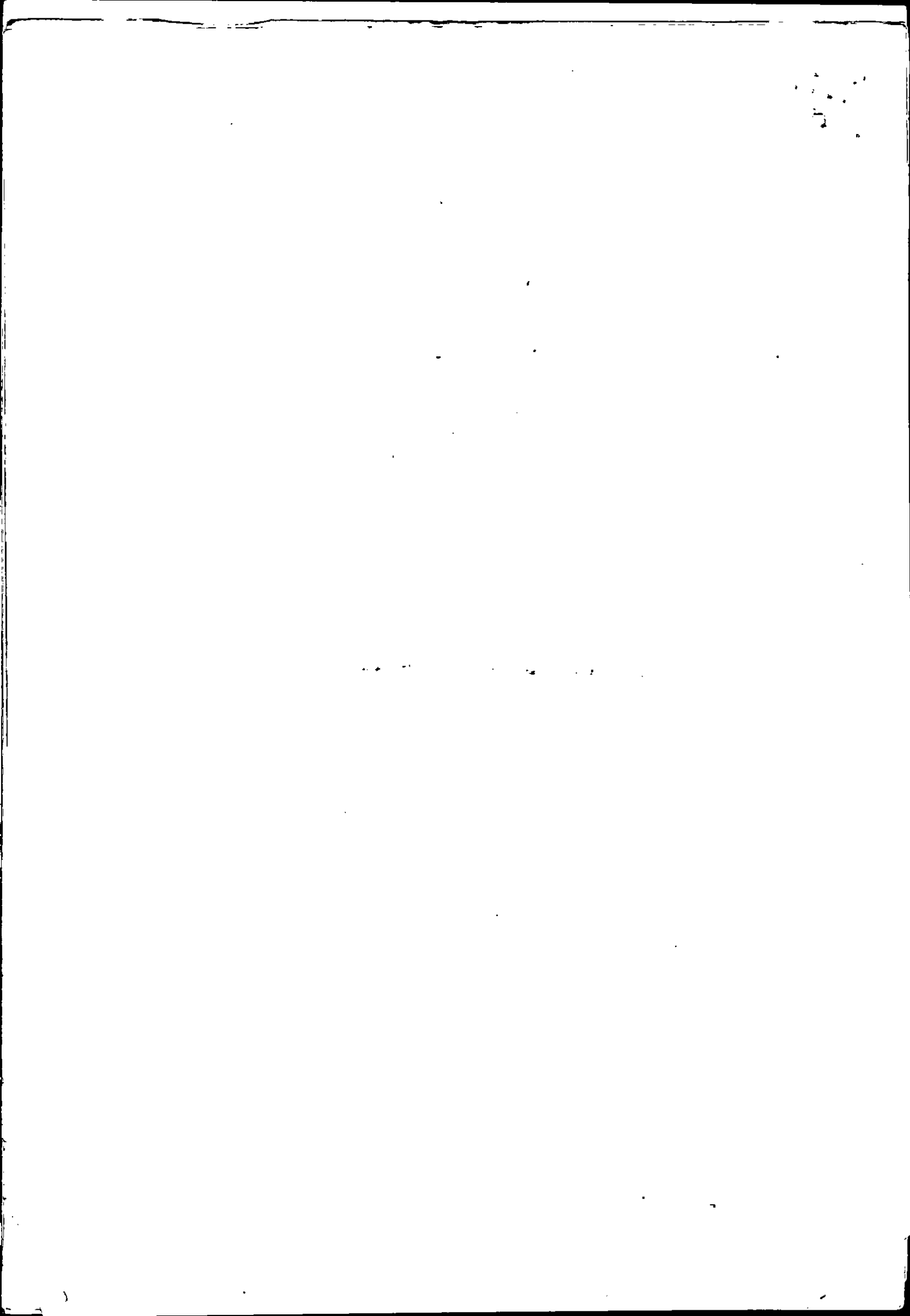
J / Clerk Sanaullah deposed in his written statement that he is posted at the office of Pay Officer Traffic Headquarters. A person namely Imran Khan on serial No.08 is his real cousin and other candidates Khurshid Ali on serial No.04 and Shamshad Kosar on serial No.14 came to his office through his friend. Upon which, He asked J/C Shahzeb to make licenses for both; Khurshid Ali and Shamshad Kosar as J/C Shahzeb was enjoying good relationship with MLA. It is worthy to mention that one of candidates was friend of J/Clerk Zarwali Khan whose file was also given to J/C Shahzeb for processing.

He further stated that he used to visit AG office more often for official tasks and therefore files were given J/C Shahzeb for processing. After few days, file of ShamshadKosar was given to him bearing MLA signatures with MDI number issued. He was directed to submit the file at counter No.05 and to receive receipt of file.

He further stated that he is unaware of any file bearing fake signatures or bogus and requested that proceedings against him may please be filed.

- Cross Questioning J/clerk Sanaullah Khan : (Annexure (B) attached herewith)

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Analysis of Evidence and Findings:

In the light of facts, statements and evidences regarding charges leveled against the Junior Clerk Sanaullah, it is established that he was involved in the scam. Allegations wise findings are as under:-

Allegation 1: He admitted in his own statement that he brought parcel to the Junior Clerk Shahzeb for processing bogus licenses, hence proved guilty.

Allegation 2: He tried to process the fake/bogus files which were intercepted by the concerned staff and handed over to I/C CDL branch for verification. After on verification, these files were found bogus.

Allegation 3: He received Rs.20000 from Junior Clerk Shahzeb to get the inquiry filed. In his previous inquiry, he admitted that he received money from Junior Clerk Shahzeb. But, in the current inquiry he straightforwardly denied that he received any such money from Junior Clerk Shahzeb. However, the proceedings of current inquiry, Junior Clerk Shahzeb admitted that Rs.20000 has been returned by Junior Clerk Sanaullah. Hence, Junior Clerk Sanaullah can't be freed from this allegation, and proved guilty.

All the allegations against Junior Clerk Sanaullah has been proved, and therefore, he is recommended for the major punishment.

Muhammad Shoaib Khan

MUHAMMAD SHOAIB KHAN (PSP)
ASSISTANT SUPERINTENDENT OF POLICE,
FAQEERABAD CIRCLE, PESHAWAR.

Najam ul Hussain Liaquat

NAJAM UL HUSSAIN LIAQAT
ASSISTANT SUPERINTENDENT OF POLICE,
HAYATABAD CIRCLE, PESHAWAR

W/SSP/Traffic KP, Peshawar

No 47/PA

Do 09/01/2019

Issue FSCN.

[Handwritten mark]

ATTESTED

گزارش ہے کہ میں مسی وکان الشہداء کو موجودہ ڈیوٹی سے ۱۵ مئی ۱۹۷۱ء کو

کھوئی ہوئی ہے۔ اس کے بعد اس کا نام دیا گیا ہے۔

میں اس کے بارے میں کوئی اطلاع نہیں ہے۔

میں نے اس کے بارے میں کوئی اطلاع نہیں ہے۔

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میں نے اس کے بارے میں کوئی اطلاع نہیں ہے۔

۱۵ مئی ۱۹۷۱ء
مکان
۱۵ مئی ۱۹۷۱ء

ATTESTED

۱۵ مئی ۱۹۷۱ء

میں بلوچستان سٹیٹ ایگرونیوز کمپنیشن خریٹیشن کاؤنٹر نمبر 35 نمبر 15
ڈس ایل (54) سٹیٹ ایگرونیوز کمپنیشن کے زیر نگرانی رہیں گے۔

موز پیسر بتاریخ 8 اکتوبر 2018ء کو کمپنیشن کے بعد سٹیٹ ایگرونیوز کمپنیشن نے
(52) عدد فائل لائے گئے ہیں جن میں سے ایک ایک فائل کی واپس لیا گیا ہے۔

مجھے اس پر شک نہ رہا۔ میں نے فائل عید تک چکے اختراع 54
کو دے دی۔ تاہم صاحب صاحبہ نے سٹیٹ ایگرونیوز کمپنیشن کو دے دی۔

مجھے اس پر شک نہ رہا۔ میں نے فائل عید تک چکے اختراع 54

اطلاع دینے پر عید کے وقت کارروائی کی۔
بلوچستان سٹیٹ ایگرونیوز کمپنیشن

کارڈ نمبر 10 کے ایسے پاس منوایا اور
ال ایل اے سٹیٹ ایگرونیوز کمپنیشن کے کارڈ ایسے
کیسز کو سبوتاژ نہ کرے۔ Applicant تک نہ پہنچے۔

بلوچستان سٹیٹ ایگرونیوز کمپنیشن
0333-5697839

~~ATTESTED~~

مہمان

سال اول کے والدین کے حوالہ سے درخواستیں
سال ہزاروں

17

5951819-50314
1-9397631-17361-1100

بیانیہ کمیٹی میں قومی سطح پر کارڈنگ سروسز اور لائسنس اس دوران

میں حکومتی سطح پر کارڈنگ سروسز اور لائسنس اس دوران

خواہ اور اس میں زبردستی لائسنس کارڈنگ کی ہولڈنگس اور لائسنس کارڈنگ

نے جوئے گذر رہی ہے اور لائسنس کارڈنگ کے لیے لائسنس کارڈنگ

وقت دیا۔ اس وقت کے دوران سٹارٹ میں سے عملیاتی طور پر

کراؤن کے کارڈنگ کے لیے لائسنس کارڈنگ کے لیے لائسنس کارڈنگ

کے لیے لائسنس کارڈنگ کے لیے لائسنس کارڈنگ کے لیے لائسنس کارڈنگ

اس کے لیے لائسنس کارڈنگ کے لیے لائسنس کارڈنگ کے لیے لائسنس کارڈنگ

میں سے لائسنس کارڈنگ کے لیے لائسنس کارڈنگ کے لیے لائسنس کارڈنگ

نے جوئے لائسنس کارڈنگ کے لیے لائسنس کارڈنگ کے لیے لائسنس کارڈنگ

1 August 2019

August 2019

ATTESTED

[Handwritten signature]

بیان اذان محمود ریاضی اللہ والد ریاضی اللہ صاحبین
کالونی رنگ روڈ ایشاور

NIC 17301-0639125-9 18

MOB

~~033~~ 03040901137

بیان -

بیان ہے کہ shahzeب جو کہ میرے دوست
Faehat Khan کے can ہے اس سے بائلسٹریٹ
گلیار میں ملا انہوں نے باقاعدہ تمام مراحل
کو سمجھے اور میرے ساتھ ایک آئیڈنٹائیٹی
Intery کر دینے permit learning
issue ہوا جو کہ میں نے shahzeب کو
دیا پھر اس نے سمجھ گیا ہے (5 days)
بعض معلومات کریں اور مجھے Mobile
033590151 پر رابطہ کیا - فورم
5/11/18 کو license ملا اور مجھے
money extra نہیں لیا ہے



محمود ریاضی بقلم فرد
7/11/18

ATTESTED

صاف - عالی
موردہ تیار کر رہا ہے کہ اس سے لیکر جو نسخہ (بیان) دیا
وہی بیان اب ہے کہ شاہ زیب اور شاد آغا کے درمیان
ایسا حوا ہے کیا نہیں مجھے اس بار میں میری آنکھوں کے سامنے
کیوں نہیں کیا گیا ہے۔ اور میں اس مسئلے سے بالکل لاعلم ہوں
صرف شاہ زیب کے کہنے کے مطابق شاد آغا نے ایسے لکھے اور
شاد آغا نے ایسے لکھے۔

شاد آغا
بیان بنام
ماہر خان

~~ATTESTED~~

سریٹ بھرو۔ کھانڈ کھتر میں قیامت ہوئی

وہیں۔۔۔ SRE کھتر میں ڈیوٹی کر رہا ہوں

سریٹ بھرو۔ آپ کسے

تو ہوں۔۔۔ میں

سوانا بھرو۔ پڑنے بیٹا شاہ ذیب نے کہا تھا کہ آپ کے ساتھ

پتہ دینا ہے۔

یہ ذیب ہے۔ میں

SRG
SRG-IU 3/c
10/12/2018

~~ATTESTED~~

22
FINAL SHOW CAUSE NOTICE

I, KASHIF ZULFIQAR, Chief Traffic Officer, Peshawar as Competent Authority under the Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency and Discipline) Rules-2011 do hereby serve you Junior Clerk Sanaulah as follow:-

i) That while posted in Account Branch at Traffic Hqrs. Peshawar, you have brought clients to Jr. Clerk Shahzeb who made fake/bogus signatures on learner permits and driving test files the below mentioned 14 candidates:-

S#	Name	CDL #	MDL	T. Record	DL Type
1.	Mohammad Abubakar	281755	404687	24890	MC+ M.Car
2.	Mohammad Awais	83584	404562	48870	MC+ M.Car
3.	Taimor Riazullah	283580	404561	24971	MC+ M.Car
4.	Khurshid Ali	283795	404778	25870	MC+ M.Car
5.	Zahoor Khan	284040	404993	25103	MC+ M.Car
6.	Mohammad Faisal	284042	404994	25120	MC+ M.Car
7.	Mohammad Ifzal Farooq	284284	405128	25610	MC+ M.Car
8.	Imran Khan	283688	404644	24870	MC+ M.Car
9.	Zahid Khan	283794	404560	24980	MC+ M.Car
10.	Nihayatullah	283794	404777	24942	MC+ M.Car
11.	Nazar Gul	283936	404890	25782	MC+ M.Car
12.	Irshad Mohammad	283937	404889	23893	M. Car
13.	Fazal Amin	284041	405025	25782	MC+ M.Car
14.	Shamshad Kausar	pending	405127	25785	MC+ M.Car

ii. That you have also tried to process the fake/bogus file which was intercepted by the concerned staff and handed over to I/C CDL branch for verification.

iii. You have also received an amount of Rs.20000/- from Junior Clerk Shahzeb to close the enquiry initiated against both of you which proves your connivance in processing all the fake/bogus driving license cases.

2. That consequent upon the enquiry conducted against you by ASP Hayatabad and ASP Faqirabad for which you were given full opportunity of hearing but you failed to satisfy the enquiry committee/officers.

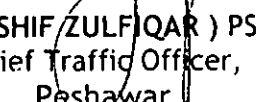
3. On going through the findings and recommendation of the enquiry committee, the material available on record, I am satisfied that you have committed the omission/commission specified under the Government Servant (E&D) Rules 2011.

4. As a result therefore, I, KASHIF ZULFIQAR, Chief Traffic Officer, Peshawar as competent authority have tentatively decided to impose major penalty upon you including dismissal from service under the Efficiency and Discipline Rules 2011.

5. You are, therefore, directed to show cause as to why aforesaid penalty should not be imposed upon you.

6. If no reply to this show cause notice is received within seven days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case x-parte action shall be taken against you.

6. A copy of the findings of the enquiry committee is enclosed.


(KASHIF ZULFIQAR) PSP
Chief Traffic Officer,
Peshawar.
(Competent Authority)

ATTESTED

23 Approved F

ORDER

1. This is an order on the departmental enquiry initiated against Jr. clerk Sanullah on the allegations that he had made fake/bogus signatures on learner permits and driving test files of the below mentioned 14 candidates and received Rs.3000/4000 from each candidate:-

S#	Name	CDL #	MDL	T. Record	DL Type
1.	Mohammad Abubakar	281755	404687	24890	MC+ M.Car
2.	Mohammad Awais	83584	404562	48870	MC+ M.Car
3.	Taimor Riazullah	283580	404561	24971	MC+ M.Car
4.	Khurshid Ali	283795	404778	25870	MC+ M.Car
5.	Zahoor Khan	284640	404993	25103	MC+ M.Car
6.	Mohammad Faisal	284042	404994	25120	MC+ M.Car
7.	Mohammad Ifzal Farooq	284284	405128	25610	MC+ M.Car
8.	Imran Khan	283688	404644	24870	MC+ M.Car
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10.	Nihayatullah	283794	404777	24942	MC+ M.Car
11.	Nazar Gul	283936	404890	25782	MC+ M.Car
12.	Irshad Mohammad	283937	404889	23893	M.Car
13.	Fazal Amin	284041	405025	25782	MC+ M.Car
14.	Shamshad Kausar	pending	405127	25785	MC+ M.Car

ii. That he has also tried to process the fake/bogus file which was intercepted by the concerned staff and handed over to I/C CDL branch for verification.

iii. He has also received an amount of Rs.20000/- from Junior Clerk Shahzeb to close the enquiry initiated against both of you which proves your connivance in processing all the fake/bogus driving license cases.

2. He was charge sheeted and an enquiry committee comprising of Mr. Mohammad Shoaib ASP/Faqirabad and Mr. Najmul Hasnain, ASP/Hayatatabad was constituted to initiate proper departmental proceedings against him and dig out the facts. He was served with charge sheet and statement of allegation. He submitted in his written statement that he was performing duties in Account Branch. He added that license holder namely Imran at s.No.8 above was his real cousin along with Khurshid Ali and Shamshad Kausar at Sl No.04 and 14 respectively came to him for making driving licenses, therefore, he asked Jr. Clerk Shahzeb for making their licenses as he was enjoying god relationship with the DSP/MLA. He further added that he always visiting AG office for official duty therefore, he usually received driving license file which he always processed through Jr. Clerk Shahzeb but unaware of the fake/bogus signatures of MLA

3. During the course of enquiry, it revealed that he brought people to Jr. Clerk Shahzeb for processing bogus license cases which prove him guilty. He also tried to process fake/bogus files which were intercepted by the concerned staff and handed over to I/C CDL branch for verification which were found bogus. He also received Rs 20000/- from Jr. Clerk Shahzeb to get the enquiry file as he admitted in preliminary enquiry which also prove his guilt.

4. The enquiry committee gave ample opportunity to the accused official to prove his innocence but could not convinced the enquiry committee, therefore, found him guilty of the allegations hence recommended him for major penalty.

5. He was issued Final Show Cause Notice to submit his written explanation but his written reply was again found not satisfactory. He was therefore, called for personal hearing. On 23.01.2019 he was heard in person but his verbal explanation was also not convincing. The undersigned is convinced that Jr. Clerk Sanullah is involved in corrupt practices since long, hence agreed with the recommendation of the Enquiry Committee. **He is inflicted upon major penalty of dismissal from service under the Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency and Discipline) Rules-2011 with immediate effect.**

(Signature)
(KASHIF ZULFIQAR) PS,
Chief Traffic Officer,
Peshawar.

No. 457-S7 /PA, Dated Peshawar the 24/01 /2019.
Copies for information and necessary action to :-

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Capital City Police Officer, Peshawar.
3. Office Supdt.
4. Establishment Clerk
5. Accountant
6. SRC *Def. Buzqay, P.S.*
7. Official concerned.

(Signature)
(KASHIF ZULFIQAR) PS,
Chief Traffic Officer,
Peshawar.

ATTES

To,

24 APR 2019 9
The Worthy CCPO
PESHAWAR

Subject: - DEPARTMENTAL APPEAL AGAINST THE ORDER OF CHIEF TRAFFIC OFFICER DATED 24-1-2019 WHEREBY THE PETITIONER HAS BEEN AWARDED MAJOR PENALTY BY DISMISSING FROM SERVICE.

Respected Sir,

The petitioner very humbly submits the following few lines for your kind and sympathetic consideration.

1. That I was initially appointed as Naib Qasid in the year 2008 and was posted Peshawar during the course of my service I remain at different Offices of KPK, and later on I was promoted to junior clerk and in 2011 I was posted in Police Traffic Cader.
2. That ever since my appointment, I performed any duties with zeal and devotion and there was no complaint against the undersign regarding his performance in his whole service career.
3. That all of a sudden a show cause notice was served upon me, in which certain allegation were leveled i.e. i) Bringing cases of learner permits, ii) receiving RS Twenty Thousand only to stop inquiry proceedings initiated in respect of Fake / bogus driving license cases, iii) tried to process bogus / fake file.
4. That after show cause notice inquiry was initiated in which I have appeared before inquiry officers and denied all the baseless I allegations.
5. That the inquiry officers also recorded certain statements of different people and also collected certain documents, but none of the person examined testified against me, similarly no proof in the shape was also collected against me.

D: NO 206
6-02-19

ATTESTED

- 25
6. That I am totally ignorant with the allegation and I had never been involved in such type of immoral and illegal activity.
 7. That even in respect of the allegation leveled against me by ShahZeb is also self contradictory, as in his earlier statement he alleged that I have received twenty thousand rupees from him in order to stop the inquiry, while in his subsequent statement he alleged that I have returned the said amount, so both these statements are contradictory in nature and is full of his doubt.
 8. That even the person/witness produced by the accused Shahzeb has also not charged me for the accusation leveled against me, and they have even not uttered a single word against in respect of any of the allegation against me.
 9. That at the time of alleged occurrence I was subordinate to the accused Shahzeb Junior Clerk, so it not appealable to mind that I can receive the said amount from the accused Shahzeb.
 10. That I pray for the acceptance of this appeal inter-alia on the following grounds.

GROUND OF APPEAL:

- A. That I have not been treated in accordance with law hence my rights secured and granted under the law are badly violated.
- B. That I have not been given proper and fair opportunity of personal hearing before termination of my service, thus I have been condemned unheard.
- C. That it is pertinent to mention here that under the law, there is no penalty of termination from services. Thus the impugned order is liable to be set-aside on this ground alone.
- D. That during inquiry the private as well as official persons have been examined and their statements have been recorded by the inquiry officer, but none of them has made any allegation against me.
- E. That I have never committed any act or omission which can be termed as mis-conduct.
- F. That I have at my credit almost ten years of service of spotless service career and the penalty imposed would put stigma on such spotless career.
- G. That I am jobless since my illegal termination of service.

ATTESTED

18 26

H. That I am the sole responsible person and the only source of income of the entire family, and my family life will be ruined if I am not reinstated.

I. That one my youngest child is suffering from Hepatitis and my salary is the only source through which I can continue his treatment.

It is, therefore, humbly requested that on acceptance of this appeal/representation the order may please be set aside and I may be reinstated into service with all back benefits.

Yours obediently

Dated:

Sd/
Sana ullah

Junior Clerk police
PESHAWAR

~~ATTESTED~~



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210989
Fax No. 091-9212597

97

ORDER:

This order will dispose of the departmental appeal preferred by Ex-Junior Clerk Sanullah who was awarded the major punishment of "dismissal from service" by SSP/Traffic Peshawar vide order No.45-51/PA, dated 24-01-2019.

2- The allegations leveled against him were that he while posted in Accounts Branch at Traffic HQR: Peshawar brought clients to Jr. Clerk Shahzeb who made fake/bogus signatures on learner permits and driving tests files of 14 candidates and received Rs.3000/4000 from each candidate. He also tried to process the fake/bogus file which was intercepted by the concerned staff and handed over to I/C CDL branch for verification.

3- He was served Charge Sheet and summary of allegations by SSP/Traffic Peshawar. An enquiry committee comprising of ASP/Faqirabad and ASP/Hayatabad was constituted for proper departmental enquiry. The enquiry committee after conducting a detailed departmental enquiry submitted their finding report. The enquiry committee submitted in their finding that allegations of processing bogus licenses ^{stood} ~~were stand~~ established hence he was recommended for major punishment. The competent authority i.e SSP/Traffic Peshawar after perusal of enquiry report issued him Final Show Cause Notice. His reply to the final show cause notice was also found unsatisfactory, hence awarded him the above major punishment.

4- He was heard in person in O.R. The relevant record perused along with his explanation. During personal hearing the appellant failed to produce any plausible explanation in his defence to prove his innocence. **Therefore, his appeal for reinstatement in service is hereby filed/rejected**

ATTESTED

(QAZI JAMIL UR REHMAN)PSP
CAPITAL CITY POLICE OFFICER
PESHAWAR.

No. 491-93 /PA dated Peshawar the 22/03/2019

Copies for information and n/a to the:-

1. SSP/Traffic Peshawar, along with 02 service books and complete enquiry file.
2. DSP/HQrs: Traffic Peshawar.
3. Official concerned.

To: The Inspector General of, police,
Khabar Pakhtunkhwa,
Peshawar.

✓ Attested I

DY No. 5089

dt 4-4-19

28

Subject: - MARCY PETITION AGAINST THE ORDER OF CCPO PESHAWAR DATED 22-03-2019 WHEREBY THE [ETOTOPMER HAS BEEN REJECTED AND AWARDED MAJOR PENALTY BY DISMISSING FROM SERVICE HAS BEEN MAINTAINED.

Respected Sir,

The Petitioner very humbly submits the following few lines for your kind and sympathetic consideration.

1. That I was initially appointed as Naib Qasid in the year 2008 and was posted Peshawar during the course of my service I remain at different Offices of KPK, and later on I was promoted to junior clerk, and in 2011 I was posted in Police Traffic Cader.
2. That ever since my appointment, I performed any duties with zeal and devotion and there was no complaint against the undersign regarding his performance in his whole service career.
3. That all of a sudden a show cause notice was served upon me, in which certain allegation were leveled i.e. i) Bringing cases of learner permits, ii) receiving RS Twenty Thousand only to stop inquiry proceedings initiated in respect of Fake / bogus driving license cases, iii) tried to process bogus / fake file.
4. That after show cause notice inquiry was initiated in which I have appeared before inquiry officers and denied all the baseless I allegations.
5. That the inquiry officers also recorded certain statements of different people and also collected certain documents, but none of the person examined testified against me, similarly no proof in the shape was also collected against me.
6. That I am totally ignorant with the allegation and I had never been involved in such type of immoral and illegal activity.

DY no. 424/E-V

dt 5-4-19

~~ATTESTED~~

- 7. That even in respect of the allegation leveled against me by ShahZeb is also self contradictory, as in his earlier statement he alleged that I have received twenty thousand rupees from him in order to stop the inquiry, while in his subsequent statement he alleged that petitioner have returned the said amount, so both these statement are contradictory in nature and is full of his doubt.
- 8. That even the person/witness produced by the accused Shahzeb has also not charged me for the accusation leveled against me, and they have even not uttered a single word against in respect of any of the allegation against me.
- 9. That at the time of alleged occurrence petitioner was subordinate to the accused Shahzeb Junior Clerk, so it not appealable to mind that petitioner can receive the said amount from the accused Shahzeb.
- 10. That during personal hearing no oppertunity has been provided to petitioner the time of appeal before the worthy CCPO Peshawar.
- 11. That petitioner pray for the acceptance of this Mercy petition inter-alia on the following grounds.

GROUND OF MERCY PETITION:

- A. That petitioner have not been treated in accordance with law hence my rights secured and granted under the law are badly violated.
- B. That petitioner have not been given proper and fair opportunity of personal hearing before termination of my service, thus I have been condemned unheard.
- C. That it is pertinent to mention here that under the law, there is no penalty of termination from services. Thus the impugned order is liable to be set-aside on this ground alone.
- D. That during inquiry the private as well as official persons have been examined and their statements have been recorded by the inquiry officer, but none of them has made any allegation against me.
- E. That petitioner have never committed any act or omission which can be termed as misconduct.
- F. That petitioner have at my credit almost ten years of service of spotless service career and the penalty imposed would put stigma on such spotless career

ATTESTED

30

- G. That Petitioner as jobless since my illegal termination of service.
- H. That Petitioner as the sole responsible person and the only source of income of the entire family, and my family life will be ruined if I am not reinstated.
- I. That one my youngest child is suffering from Hepatitis and my salary is the only source through which I can continue his treatment.

It is, therefore, humbly requested that on acceptance of this Mercy petition the order may please be set aside and Petitioner may be reinstated into service with all back benefits.

Yours obediently

Dated:

Sana ullah

EX Junior Clerk police
PESHAWA

ATTESTED

POWER OF ATTORNEY

In the Court of KPK Sexuic Tribunal Peshwar

Sana Ullah

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Inspector General of Police and others

} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/W, the undersigned, do hereby nominate and appoint

ZARTAJ ANWAR ADVOCATE, my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromise or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____


Zartaj Anwar

Advocate High Courts

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3-4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0331-9399185
BC-10-9851
CNIC:17301-1610454-5

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Appeal No 1008/2019

Sana Ullah S/O Wisal Khan R/O Shahbra P.O Prang Tehsil & District
Charsadda **(Appellant)**

VS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Capital City Police Officer, Peshawar.
3. The Chief Traffic Officer, Peshawar.

(Respondents)

Reply on behalf of Respondent No. 1, 2 & 3.

Respectfully Sheweth:

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Tribunal with clean hands.
4. That the appellant has no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.

FACTS:

1. Para No. 01, Correct to the extent, that appellant was appointed as Naib Qasid in the year 2008, however the remaining para is subject to proof.
2. Pertains to record.
3. Para No. 03, Correct to the extent, that charge sheet and summary of allegation was issued, but the appellant did not reply properly to satisfy the competent authority. Hence the charges leveled against the appellant was proved beyond any shadow of doubt and awarded him major penalty of dismissal from service.

4. Para No. 04, Incorrect Mr.Najmul Hasnain ASP/Hayatabad and Mr.Mohammad Shoaib ASP/ Faqirabad were deputed to Initiate proper departmental proceeding against the appellant .In this regard, proper charge sheet and statement of allegation were issued. The appellant submitted his written statement, in which he admitted and stated that Imran at S.No. 08.Khurshid Ali and Shamshad Kausar at S.No.4 & 14 respectively visited him for making driving licenses. Statements of other officials were also recorded and properly examine, resultantly the appellant founded guilty. (copy of charge Allege, Reply and statement of Aneela, Abdurrehman, Babar & Palwasha as A, B, C, D, E, F, G, Respectively).
5. Para No. 05, Incorrect proper final show cause notice was issued to the appellant but his written reply was found unsatisfactory.
6. Para No. 06, Incorrect proper opportunity of self defense was given to the appellant but he admitted in his statement that he brought people to the Junior Clerk Shah Zeb for processing bogus license there for he was awarded for major punishment of dismissal from service. (copy of the Sanaullah and Cross as attached H and I respectively)
7. Para No. 07, Departmental enquiry was conducted by two competent authority ASP/ Faqirabad & ASP/Hayatabad by fulfilling all codal formalities under the KP, Civil Servant (Efficiency & Discipline) Rules 2011. Proper opportunity of self defense was also given but he failed to defend himself and awarded him major punishment of dismissal therefore departmental appeal was rejected by the competent authority being devoid of merit and sustained the dismissal order of appellant.
8. Pertains to record.

9. The appeal of the appellant being devoid of merits may kindly be dismissed on the following grounds.

Grounds:-

- A. Para No. A incorrect. The enquiry was carried out in accordance with rule & law, all the legal and codal formalities were completed and founded him guilty.
- B. Incorrect. Proper opportunity of self defense was given and he was also given the opportunity of personal heard but he did not produce any plausible explanation in his defense to prove his innocence (copy of his statement & cross examination as attached
- C. Incorrect. During course of enquiry statement of other officials were recorded statement. In respect of enquiry also recorded which similarly statement of Junior Clerk shahzeb clearly shows the appellant has fully involved in charges, which is leveled against him. Furthermore, appellant himself admitted that he brought people for processing bogus licenses.
- D. Incorrect. The competent authority has carried out the whole enquiry under law/rules. All legal and codal formalities have been completed resultantly, the allegations leveled against the appellant were proved beyond any shadow of doubt. Therefore, he was awarded for major punishment of dismissal from service.
- E. Incorrect. The appellant had received 20000/rupees from shahzeb junior clerk for the purpose to filed inquiry, which was initiated against them. According to the statement of junior clerk Shahzeb, that on 07/12/2018 junior clerk Shahzeb returned me, while inquiry was in process hence junior clerk Sana Ullah cannot be freed from this allegation and proved guilty.
- F. Incorrect. Proper opportunity of self defense has given but he did not defend himself, therefore he was awarded major punishment of dismissal, which is quite legal.

- G. Incorrect. The appellant has been punished only for his act, that he brought people to license branch Peshawar for processing bogus license.
- H. Incorrect. His dismissal order was accordance with law/rule, all the legal and codal formalities was completed and founded him guilty.
- I. That respondents also seek permission of this honorable tribunal to rely on additional giour at the time of hearing of the appeal.

PRAYER:

It is most humbly prayed in the light of the above facts and submission the appeal of the appellant may kindly be dismissed being meritless.


PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHWA, PESHAWAR.


CAPITAL CITY POLICE OFFICER,
PESHAWAR.


CHIEF TRAFFIC OFFICER,
PESHAWAR

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Ex-Junior Clerk Sana Ullah of Traffic Office, Peshawar District & Tehsil,
Peshawar.

(Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Capital City Police Officer, Peshawar.
3. The Chief Traffic Officer, Peshawar.

(Respondents)

AFFIDAVIT

We respondents No. 1, 2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


**PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHWA, PESHAWAR.**


**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**


**CHIEF TRAFFIC OFFICER,
PESHAWAR**

(5)

FINAL SHOW CAUSE NOTICE

I, KASHIF ZULFIQAR, Chief Traffic Officer, Peshawar as Competent Authority under the Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency and Discipline) Rules-2011 do hereby serve you Junior Clerk Sanauallah as follow:-

i) That while posted in Account Branch at Traffic Hqrs. Peshawar, you have brought clients to Jr. Clerk Shahzeb who made fake/bogus signatures on learner permits and driving test files the below mentioned 14 candidates:-

S#	Name	CDL #	MDL	T. Record	DL Type
1.	Mohammad Abubakar	281755	404687	24890	MC+ M.Car
2.	Mohammad Awais	83584	404562	48870	MC+ M.Car
3.	Taimor Riazullah	283580	404561	24971	MC+ M.Car
4.	Khurshid Ali	283795	404778	25870	MC+ M.Car
5.	Zahoor Khan	284040	404993	25103	MC+ M.Car
6.	Mohammad Faisal	284042	404994	25120	MC+ M.Car
7.	Mohammad Ifzal Farooq	284284	405128	25610	MC+ M.Car
8.	Imran Khan	283688	404644	24870	MC+ M.Car
9.	Zahid Khan	283794	404560	24980	MC+ M.Car
10.	Zahid Khan	283794	404777	24942	MC+ M.Car
11.	Nihayatullah	283936	404890	25782	MC+ M.Car
12.	Nazar Gul	283937	404889	23893	M.Car
13.	Irshad Mohammad	284041	405025	25782	MC+ M.Car
14.	Fazal Amin	pending	405127	25785	MC+ M.Car
	Shamshad Kausar				

ii. That you have also tried to process the fake/bogus file which was intercepted by the concerned staff and handed over to I/C CDL branch for verification.

iii. You have also received an amount of Rs.20000/- from Junior Clerk Shahzeb to close the enquiry initiated against both of you which proves your connivance in processing all the fake/bogus driving license cases.

2. That consequent upon the enquiry conducted against you by ASP Hayatabad and ASP Faqirabad for which you were given full opportunity of hearing but you failed to satisfy the enquiry committee/officers.

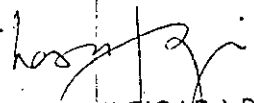
3. On going through the findings and recommendation of the enquiry committee, the material available on record, I am satisfied that you have committed the omission/commission specified under the Government Servant (E&D) Rules 2011.

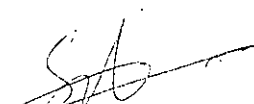
4. As a result therefore, I, KASHIF ZULFIQAR, Chief Traffic Officer, Peshawar as competent authority have tentatively decided to impose major penalty upon you including dismissal from service under the Efficiency and Discipline Rules 2011.

5. You are, therefore, directed to show cause as to why aforesaid penalty should not be imposed upon you.

6. If no reply to this show cause notice is received within seven days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case x-parte action shall be taken against you.

6. A copy of the findings of the enquiry committee is enclosed.


(KASHIF ZULFIQAR) PSP
Chief Traffic Officer,
Peshawar.
(Competent Authority)


9/11/19

شماره ۵

SUBJECT: INQUIRY

The Competent Authority vide office#168486/PA, Dated: 20.11.2018 directed an inquiry into the Disciplinary action against Junior Clerk Shahzad at Capital City Traffic police.

COMPLAINTS/ALLEGATIONS

That while posted in Account branch at Traffic HQR, Peshawar, you have brought clients to Jr.Clerk Shahzeb who made fake/bogus signatures on learner permits and driving test files.

Also, you have tried to process the fake/bogus file which was intercepted by the concerned staff and handed over to I/C CDL branch for verification.

Also, you have received an amount of Rs.20000 from Junior Clerk Shahzeb to close the enquiry initiated against both of you which paves way for processing all the fake/bogus driving license cases.

BACKGROUND:

Since 16/03/2017 Shaukat Ali was working with Capital City Traffic Police. He is a senior clerk and in Charge of Driving License Branch at Traffic HQR, Peshawar. While, he was working as in charge, one of the operators pointed out fake signatures of MLA on license file. The matter was further investigated and 141 more files were dugout by the high ups bearing false signatures and those files were bogus. It was responsibility of Shaukat Ali to keep a check on his under commands / bogus files but he failed to do so.

INQUIRY PROCEEDINGS

Statements of all following concerned Police officials were recorded. They were given ample opportunity to be heard and were cross questioned. All the relevant record was inspected during inquiry proceedings.

I/S/Clerk Shaukat Ali Khan

- (7)
2. J/Clerk Shalzeb
 3. J/Clerk Sanaullah
 4. J/Clerk Zarwali
 5. S/clerk Baber Khan
 6. Constable AbdurRehman
 7. Computer Operator Palwasha
 8. DSP Anceela Naz
 9. Inspector Anjid

STATEMENTS

1. Statement of Senior Clerk Shaukat Ali Khan:

Senior clerk Shaukat Ali Khan in his written statement deposed that he is performing duties of Traffic clerk at counter No.07 driving license branch. He faces a lot of work pressure during office hours as he has to deal with the issuance of MDL number, Renewal number, Duplicate Number and NOC.

Around 200 candidates visit to his branch on daily basis for driving license and it is quite cumbersome to identify any bogus signatures on any document. Same is the case with counter No.03, 04 and counter No 05 and DL clerk.

He further stated that he did not know about all the 14 candidates possessing bogus licenses files. He had only given two licenses to operator Palwasha which were handed over to him by Sanaullah.

He further stated that he had been performing his official duty with a team honesty and dedication and never knew about bogus licenses.

signatures of MLA. Therefore he requested in his statement that the proceedings against him may please be filed.

- * Cross Questioning S/ clerk Shaukat Khan : (Annexure (a) attached herewith)

2. Statement of J/ clerk Sanaulah:

J / Clerk Sanaulah deposed in his written statement that he is working in office of Pay Officer Traffic Headquarters. A person namely Khurshid Ali on serial No.08 is his real cousin and other candidates Khurshid Ali on serial No.04 and Shamshad Kosar on serial No.14 came to him as friend. Upon which, He asked J/C Shahzeb to make licenses for both Khurshid Ali and Shamshad Kosar as J/C Shahzeb was connected with relationship with MLA. It is worthy to mention that one of the friends of J/C clerk Sarwali Khan whose file was also given for processing.

He further stated that he used to visit AG office more often for filing and therefore files were given J/C Shahzeb for processing. After few days ShamshadKosar was given to him bearing MLA signature and license issued. He was directed to submit the file at counter No.03 and take receipt of file.

He further stated that he is unaware of any file bearing name of the boyas and requested that proceedings against him may please be filed.

- * Cross Questioning J/ clerk Sanaulah : (Annexure (b) attached herewith)

3. Statement of J/Clerk Shahzeb):

J/Clerk Shahzeb deposed in his statement that:

I was transferred in the office of SSP Traffic on 26.10.2018 and then posted as APO (Assistant Pay officer).

During working hours, my friends Taimur and Awais (cousin) approached me for making driving licenses. Awais wanted an urgent driving license and had learner already and just had to pass the driving test. For this, I gave Rs. 4000/- to J/C Sanaullah to make license for Awais and Rs. 3000/ for my friend Taimur Riaz Ullah.

After few days, it was revealed that files of my friends were cancelled owing to bogus signatures of MLA. I inquired from J/C Sanaullah about this matter upon which he admitted that he made the bogus files. Later, J/C Sanaullah pressurized me and demanded 20000/ in order to file the enquiry sheet. He deterred me that he will involve me in the story. I gave Rs. 20,000, to J/C Sanaullah because licenses of my two friends were made bogus by J/C Sanaullah. It is worthy to mention that one file namely Fazal Amin was also made bogus by J/c Sanaullah which was handed over to me by J/C Zarwani. On 07/12/2018 J/C Sanaullah returned me Rs. 20000/- while inquiry was in process. And I am unaware of the other candidates in attached list.

He further stated that he had performed his official duty at his best and did not know about the bogus sign of MLA and further requested in his statement that the proceedings against him may please be filed.

- Cross Questioning J/clerk Shahzeb :(Annexure (C) attached herewith)

4. Statement of J/C Zarwali:

J/Clerk Zarwali was called to the office, heard in person and his statement was recorded. He deposed in his statement that his relative namely Hazrat Khan S/o Zar Khan r/o KhodaKheilBadaber made learner of M/Car and M/Cycle and then got permission of PC from SP Headquarters. Then, he handed over the file to J/C Shahzeb for clearance from MLA. Later on, he came to know that a signature of MLA was bogus on his relative's file on serial No. 13. He further stated that he did not know as to who made fake signatures of MLA.

• Cross Questioning J/clerk Zarwali:(Annexure (D) attached herewith)

5. Statement of S/Clerk Baber Khan:

S/Clerk Baber deposed in his statement that he was performing duties in BRC office at Traffic Headquarters and did not know about any monetary matter between J/Clerk Sanaullah and J/Clerk Shahzeb.

• Cross Questioning S/clerk Baber Khan:(Annexure (E) attached herewith)

6. Statement of Constable Abdur Rehman: (Witness)

Constable AbdurRehman deposed in his statement that he was performing duties at Accounts Office Traffic Headquarters and did not know about any monetary issue between J/Clerk Sanaullah and J/Clerk Shahzeb.

• Cross Questioning Constable AbdurRehman:(Annexure (F) attached herewith)

7. Statement of Computer Operator Palwasha:

Computer Operator Palwasha deposed in her statement that she was performing duties at the counter of DL issuance. On 08 October 2018, S/Clerk Shaukat gave her 2 files for processing. Upon which, she found suspected signatures of MLA. In order to verify, she handed over the files to Mr. Aneela who further brought into the notice of MLA. MLA confirmed that signatures were bogus / fake and license files were blocked by MLA.

- Cross Questioning of Computer Operator Palwasha (Annexure (C) attached herewith)

8. Statement of DSP Aneela:

DSP Aneela deposed in her statement that she was performing duties as incharge of CDL branch. On 08 October 2018, computer operator Palwasha brought one file of namely ShamshadKausar s/o Wajid Ali for verification of MLA Signature. I sent that file to office of MLA for signature verification which was found fake. She further stated that she does not know as to who made those fake signatures of MLA.

- Cross Questioning of Miss Aneela (Annexure (D) attached herewith)

9. Statement of Inspector Amjad:

Inspector Amjad deposed in his statement that he is performing duties as pass inspector. He stated that all 14 said files were made by him. His dispatch numbers aren't valid numbers. He further stated that his signature aren't on the files.

Analysis of Evidence and Findings:

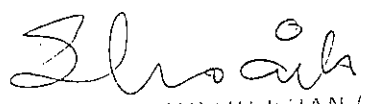
In the light of facts, statements and evidences regarding charges leveled against the Junior Clerk Sanaullah, it is established that he was involved in the scam. Allegations wise findings are as under:

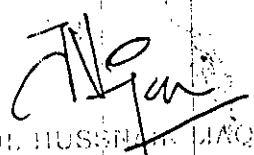
Allegation 1: He admitted in his own statement that he brought people to the Junior Clerk Shahzeb for processing bogus licenses, hence proved guilty.

Allegation 2: He tried to process the fake/bogus files which were intercepted by the concerned staff and handed over to I/C CDL branch for verification and on verification, these files were found bogus.

Allegation 3: He received Rs.20000 from Junior Clerk Shahzeb to get the inquiry filed. In his previous inquiry, he admitted that he received money from Junior Clerk Shahzeb. But, in the current inquiry he straightforwardly denied that he received any such money from Junior Clerk Shahzeb. However, in the proceedings of current inquiry, Junior Clerk Shahzeb admitted that Rs.20000 has been returned by Junior Clerk Sanaullah. Hence, Junior Clerk Sanaullah can't be freed from this allegation, and proved guilty.

All the allegations against Junior Clerk Sanaullah has been proved, and therefore, he is recommended for the major punishment.


MUHAMMAD SHOAB KHAN (PSP),
ASSISTANT SUPERINTENDENT OF POLICE,
FAQERABAD CIRCLE, PESHAWAR.


NAJAM UL HUSSAIN (PSP),
ASSISTANT SUPERINTENDENT OF POLICE,
HAYATABAD CIRCLE, PESHAWAR.

W/SSP/Traffic EP, Peshawar

No 47/PA

Do 09/01/2019

Issue FSCN.



CDPO (201) 2008

18

CHARGE SHEET

1. I, KASHIF ZULFIAR, Chief Traffic Officer, Peshawar as Competent Authority, hereby charge you Junior Clerk Sanaulah as follow:-

i. That while posted in Account Branch at Traffic Hqrs. Peshawar, you have brought clients to Jr. Clerk Shahzeb who made fake/bogus signatures on learner permits and driving test files the below mentioned 14 candidates:-

S#	Name	CDL #	MDL	T. Record	DL Type
1.	Mohammad Abubakar	281755	404687	24890	MC+ M.Car
2.	Mohammad Awais	83584	404562	48870	MC+ M.Car
3.	Taimor Riazullah	283580	404561	24971	MC+ M.Car
4.	Khurshid Ali	283795	404778	25870	MC+ M.Car
5.	Zahoor Khan	284040	404993	25103	MC+ M.Car
6.	Mohammad Faisal	284042	404994	25120	MC+ M.Car
7.	Mohammad Ifzal Farooq	284284	405128	25610	MC+ M.Car
8.	Imran Khan	283688	404644	24870	MC+ M.Car
9.	Zahid Khan	283794	404560	24980	MC+ M.Car
10.	Nihayatullah	283794	404777	24942	MC+ M.Car
11.	Nazar Gul	283936	404890	25782	M.Car
12.	Irshad Mohammad	283937	404889	23893	M.Car
13.	Fazal Amin	284041	405025	25782	MC+ M.Car
14.	Shamshad Kausar	pending	405127	25785	MC+ M.Car

ii. That you have also tried to process the fake/bogus file which was intercepted by the concerned staff and handed over to I/C CDL branch for verification.

iii. You have also received an amount of Rs.20000/- from Junior Clerk Shahzeb to close the enquiry initiated against both of you which proves your connivance in processing all the fake/bogus driving license cases.

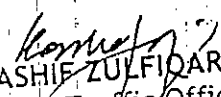
2. By reasons of the above, you appear to be guilty of misconduct under Section 4 of Government Khyber Pakhtunkhwa, Civil Servants (Efficiency and Discipline) Rules-2011 and have rendered yourself liable to all or any of the penalties specified in the Rules ibid.


3. You are therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the Enquiry Officer.

4. Your written defense, if any, should reach to the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

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

6. A statement of allegations is enclosed.


(KASHIF ZULFIAR) PSP
Chief Traffic Officer,
Peshawar.
(Competent Authority)


26/11/2018

(KASHIF ZULFIAR) PSP
Chief Traffic Officer,
Peshawar.

507

(19)

DISCIPLINARY ACTION.

I, KASHIF ZULFIAR, Chief Traffic Officer, Peshawar am of the opinion that Junior Clerk Sanauallah has rendered himself liable to be proceeded against departmentally, as he committed the following acts within the meaning of Section 4 of Government Khyber Pakhtunkhwa, Civil Servants (Efficiency and Discipline) Rules-2011.

STATEMENT OF ALLEGATIONS

i) That while posted in Account Branch at Traffic Hqrs. Peshawar, he has brought clients to Jr. Clerk Shahzeb who made fake/bogus signatures on learner permits and driving test files of the below mentioned 14 candidates:-

S#	Name	CDL #	MDL	T. Record	DL Type
1.	Mohammad Abubakar	281755	404687	24890	MC+ M.Car
2.	Mohammad Awais	83584	404562	48870	MC+ M.Car
3.	Taimor Riazullah	283580	404561	24971	MC+ M.Car
4.	Khurshid Ali	283795	404778	25870	MC+ M.Car
5.-	Zahoor Khan	284040	404993	25103	MC+ M.Car
6.	Mohammad Faisal	284042	404994	25120	MC+ M.Car
7.	Mohammad Ifzal Farooq	284284	405128	25610	MC+ M.Car
8.	Imran Khan	283688	404644	24870	MC+ M.Car
9.	Zahid Khan	283794	404560	24980	MC+ M.Car
10.	Nihayatullah	283794	404777	24942	MC+ M.Car
11.	Nazar Gul	283936	404890	25782	MC+ M.Car
12.	Irshad Mohammad	283937	404889	23893	M.Car
13.	Fazal Amin	284041	405025	25782	MC+ M.Car
14.	Shamshad Kausar	pending	405127	25785	MC+ M.Car

ii) That he has also tried to process the fake/bogus file which was intercepted by the concerned staff and handed over to I/C CDL branch for verification.

iii. He has also received an amount of Rs.20000/- from Junior Clerk Shahzeb to close the enquiry initiated against both of them which proves his connivance in processing all the fake/bogus driving license cases.

2. For the purpose of enquiry against the said official with reference to the above allegation an Enquiry Officer/Enquiry Committee consisting of the following, is constituted:-

Mr. Mohammad Shoaib, ASP Faqirabad
Mr. Najmul Hasnain, ASP Hayaabad

3. The Enquiry Officer/Enquiry Committee shall, in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within 30 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

4. The defaulter official and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer/Enquiry Committee.

Kashif Zulfiar
(KASHIF ZULFIAR) PSP
Chief Traffic Officer,
Peshawar.

(Competent Authority)

(KASHIF ZULFIAR) PSP,
Chief Traffic Officer,
Peshawar.

Cross Question from J/ C Sana Ullah

سوال نمبر 1۔ کس دفتر میں ڈیوٹی کرتے ہو۔

جواب۔ میں اکاؤنٹ آفس میں بطور نائب APO ڈیوٹی کرتا ہوں۔ اور زیادہ کام آفیسر کا کرتا ہوں

سوال نمبر 2۔ یہ کیا مسئلہ تھا۔

جواب۔ ڈرائیونگ لائسنس سارا Process لیگل تھا۔ صرف MLA کا دستخط ہو گیا تھا اور Dispatch نمبر بھی ہو گیا تھا۔

سوال نمبر 3۔ ان 14 بندوں کے ساتھ کیا تعلق تھا۔

جواب۔ میرا صرف دو بندوں سے تعلق ہے۔ ایک میرا چچا زاد بھائی عمران ہے اور دوسرا دوست ہے۔

سوال نمبر 4۔ عمران جو سیریل نمبر 8 پر ہے۔ اس کے لائسنس پر بھی MLA کا دستخط اور Dispatch

نمبر بھی ہو گیا ہے۔

جواب۔ ہاں

سوال نمبر 5۔ دوران لائسنس Process عمران خود آیا تھا۔ اور اپنا انگوٹھا اور دستخط خود کیا تھا۔

جواب۔ ہاں

سوال نمبر 6۔ عمران نے سینگل اور ڈرائیونگ ٹیسٹ پاس کیا تھا۔

جواب۔ نہیں

سوال نمبر 7۔ Process کے ...

جواب۔ ہاں

سوال نمبر 8۔ عمران کے کام کیلئے شاہ زیب کو پیسے دیئے تھے۔

جواب۔ نہیں

سوال نمبر 9۔ باقی لوگوں کے لیے پیسے شاہ زیب کو دیئے تھے۔

جواب۔ دو بندوں کے دیئے تھے۔

سوال نمبر 10۔ کتنے عرصے سے یہاں ہو

جواب۔ 2011/3/18 سے ہو

سوال نمبر 11۔ کتنے بندوں کے لیے پیسے دیئے تھے

جواب۔ دو بندوں

سوال نمبر 12۔ کون تھے

جواب۔ حور شید۔ شمشاد کوثر

سوال نمبر 13۔ شاہ زیب کو پیسے دینے کے بعد کیا کرتا تھا۔

جواب۔ دو/ تین دن بعد رسید دیتے تھے۔

سوال نمبر 14۔ ایک لائسنس کے کتنا خرچہ ہے

جواب۔ 1200-1300

سوال نمبر 15۔ شاہ زیب کو کیوں پیسے دیتے تھے

جواب۔ وہ کہتا تھا کہ میرا MLA کے ساتھ تعلق ہے اور کام جلدی کرتا ہو

سوال 16- تمہیں پتہ ہے کہ سٹازیب illegal کام کرتا ہے۔

جواب نہیں ہر اتنا جانتا ہوں کہ سٹازیب جلدی کام کرتا ہے۔

سوال 17- 20 ہزار روپے کس سے لیے تھے

جواب نہیں لیے تھے اور میں حلفا کہتا ہوں اور نہ کسی کو حوالہ کیا ہے

سوال 18- انکو آڑی افسر کون تھے

جواب DS Headquarter Rabanawaz-SP Headquarter Fazal Ahmad Jan

سوال 19- آپ کے پہلے انکو آڑی میں آپ نے کہا تھا کہ میں نے پیسے لئے ہیں جو سوال نمبر 11 پر ہے

جواب نہیں لیے تھے۔

سوال 20- تم نے تیمور سے بھی پیسے لئے ہیں

جواب نہیں

سوال 21- میں مسئلہ بکس فائل پر تھا۔

جواب شمشاد کوثر کے فائل پر۔

SA
شمشاد

صفحات عالی

ہیں ہیں انٹیل ناز CDL/DSP براہِ حق بطور اچھا
کلام آ کر رہی ٹوں CDL بری طرح میں تعینات ملہو
اور میرا پلوٹہ ایک فائل میرے پاس لائی لہذا وہی ہے
اس لیے جو مینا CDL میں لکھا ہے وہی ہے
میں نے وہ فائل MLA سے $sign$ ہے وہ درست نہیں
کبھی نہ وہ جیک کر لیں۔
جو کہ MLA ہے آں کو

✓

CDL 11/10/18

Cross question of Madam Aneela

سوال نمبر 1- کیا Dispatch نمبر آپ کے ذمے میں آتی ہے

جواب- نہیں وہ MLA کے ذمے آتا ہے

سوال- MLA کے دستخط آپ کے ذمے میں آتی ہے

جواب- نہیں

سوال- آپ کے ذمے کیا کام ہے

جواب- میری ذمے کمپیوٹر انٹری آتی ہے۔

سوال- کمپیوٹر انٹری کے لیے بندے خود آئے تھے

جواب- ہاں کیونکہ قضاویر موجود ہے اور thumbprint بھی موجود ہے۔

سوال- وہ فائل جس پر دستخط جعلی تھا کس نے پکڑا تھا

جواب- لیڈی کنستبل پادشہ نے۔

Computer
operator

DSP Aneela 1/23

1/c CDL

10/12/18

ضمان عالی!

میں (عبدالرحمن فر) یہ حافظہ بیان کرتا

دعوں کے میں شاد اللہ اور شاہ زین کے درمیان جو کچھ کھی ہو رہا تھا اور جو کچھ ہو رہا ہے میں ان سے

سے لایم دعویٰ - 10/12/2011

ایضاً شہد ار
عبدالرحمن

[Signature]

Cross Questioning
Memorize
Shahid did the work
Now you ask proved him
away.

Cross question of Consulate Abdul Rehman

سوال نمبر 1: میں دفتر میں ڈیوٹی کرتے ہوں ؟

جواب: میں ایوانٹ آفس میں ڈیوٹی کرتا ہوں

سوال نمبر 2: کتنے خرچے سے یاد ڈیوٹی کرتا ہوں ؟

جواب: 7/8 مہینوں سے یاد ڈیوٹی کرتا ہوں

سوال نمبر 3:

موضوع: 13/12/2018 بجے سا ڈاک سٹاؤنٹا نے آپ کو شادی کی روپ آپ کے سامنے دیئے ہیں ؟

جواب: ہیں

سوال نمبر 4:

شادی میں اور سٹاؤنٹا کے درمیان جو معاملہ ہے آپ کو علم ہے ؟

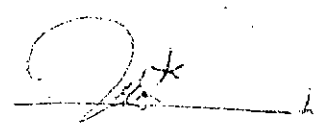
جواب: میں نے کچھ پتہ نہیں ہے

سوال نمبر 5:

e/آ سٹاؤنٹا نے آپ کو message کونسی کرتے ہیں ؟

جواب: ہیں

محمد الشرفین



10/12/2018

بیانی اذان مابہر خان

خدا - تعالیٰ!

موردیہ تکرار اس ہے کہ اس سے پہلے جو ^{شہادت} ~~شہادت~~ (بیان) دیا
 وہی بیان اب کہتا ہے کہ شاہ زیب اور شہاد اللہ کے درمیان
 کیا سوا ہے کیا نہیں مجھے اس بار میں سیری آنکروں کے ساتھ
 کچھ نہیں کیا گیا ہے۔ اور میں اس مسئلے سے بالکل لاعلم ہوں
 صرف شاہ زیب کے کہنے کے مطابق شہاد اللہ نے ^{میں سے} ~~میں سے~~ لیا اور
 شہاد اللہ نے ^{والد} ~~والد~~ سے لیا۔

بیان بیانیہ
 مابہر خان

Class question 4 s/c Babar Khan

سوال نمبر 1- کس دفتر میں ضمانت ہوتی ہے

جواب: ... SRE دفتر میں دیونی کرتا ہوں

سوال نمبر 2- آپ کس سے شہادت لے سکتے ہیں دے دے س/ع شہادت

جواب: ... نہیں

سوال نمبر 3- پرائمری بیلف میں شہادت لے کر آیا گیا کہ آپ کس سے

پیسے دے دیئے تھے

جواب: ... نہیں

SRG-10
س/ع بابر خان
19/12/2018

Cross question of Palwasha computer operator

سوال 1- آپ کن برانچ میں کام کرتی ہو

جواب- برانچ CDL

سوال 2- آپ نے ایشوریز کیا تھا

جواب ہاں

سوال 3- آپ کو کس نے فائل دیئے تھے

جواب- شوکت s/clerk

سوال 4- عام روٹین میں بھی شوکت لاتا تھا

جواب- نہیں

سوال 5- اس وقت آپ کس کام پر تھی


جواب CDL

سوال 6- شوکت جو فائل لائے تھے اس پر Dispatch نمبر ایشوریز ہوا تھا

جواب ہاں

سوال نمبر 7- کیا اسی فائل پر MIA کے دستخط پر شک واپنا

جواب- ہاں اور میڈیم انیلہ کے پاس لے گئی تھی


06/12/2013

حالت عالی ۱۔

کوالم انکوائری نسبت اعداد برگشتہ لائسنس کسی فائل سربراہ
 رستخط موجود ہیں۔ ۲۔ اسی طرح لائسنس فائل سربراہ
 یعنی پورٹس ہیں۔ کیونکہ جب یہ فائلز کٹری گسٹس اس وقت
 MCA لائسنس رجسٹرڈ دفاتر 24 والی سیریل دیکھ رہی تھی
 جبکہ لائسنس فائلز میں 25 کی سیریل فرم 2 دوسرا سربراہ

2
 11-12-18
 INSIP AMJAD

صدا ب عالی

راجہ شہزادہ حفصہ عرفیہ جی ایم سائیڈ اسپاٹ آفس
 سے بلور جوئر فلز ڈپارٹمنٹ سے ایف ایم کے ساتھ
 سٹیل کا قریب رشتہ دار، جنٹلمین عرفیہ زرد
 نے مجھے خود جنٹلمین کا رٹائن پتہ
 اس کے بارے میں خود کار اور سٹیل کا پتہ
 اس کے لئے میں نے لاہور SP/14/14 صاحب سے
 کروانا اور Unification کے لئے اور لئے
 میں نے فائل شاہ زید (جوئر فلز) کو دیا
 تاکہ M.L.A صاحب سے دستخط کرائے
 علم خواہ M.L.A صاحب سے دستخط کرائے

Zamir

(i) Handed over file
 Shauzel and he
 got it signed but high
 men began.

27
 14/12/14

ایڈیٹور جامع فرمان
 جوئر فلز ڈپارٹمنٹ
 راجہ شہزادہ حفصہ عرفیہ

Cell: no. 0345-9169414

1/1/14

cross Question 4 3/e formula

سوال نمبر 1۔ آپ نے 3/e شاہ ذیب کو فائل کیا تھا؟
جواب: ہاں ایک فائل دیا تھا

سوال نمبر 2۔ وہ فائل والا شخص کون تھا اور نام کیا ہے؟

جواب: فائل والا شخص فضل حسین کا تھا اور میر حسین شاہ تھے

سوال نمبر 3۔ 3/e شاہ ذیب کو فائل کیوں دیا تھا؟

جواب:۔ کیونکہ میں نے سارا process لیگل کروا کر صرف 3/e mlh سے دیا تھا اور شاہ ذیب نے کہا تھا کہ میں 3/e mlh سے دستا کروا رہا تھا

سوال نمبر 4۔ آپ کو پتہ ہے کہ شاہ ذیب غلط/صحیح دستا کرتا ہے؟
جواب:۔ نہیں

سوال نمبر 5۔ آپ نے شاہ ذیب کو پیسے دیئے تھے؟

جواب:۔ نہیں

10/12/18
میر حسین شاہ

بیان ازار تناد اللہ جو نمبر ۱۲۲ وارڈن سٹاٹس

بیان حیلہ وہ ویسٹ جو نمبر ۱۲۲ وارڈن سٹاٹس ایسٹریٹس
اور اس وقت ان کا ریکارڈ پہاچ میں ہے۔ ۱۹۶۵ فرانس انکم ڈیٹا
جو وارڈن سٹاٹس کے ماہانہ ٹیکس اسی کے علاوہ دیگر دفتری بل وغیرہ

AG آفس تک پہنچانا اور پھر اس کے فرانس سٹیٹس میں شامل
آج کے مسئلے بیان کیا کہ پچھلے دنوں وہ سٹیٹس بل AG
کے تحت ۱۱۸-۱۱۸ سٹیٹس کے تحت اور اس کے

Pay Roll - 6 سٹیٹس دستاویزات دینے کے بعد وہ

Pay Roll - 6 سٹیٹس سے لے کر ریکارڈ کے ایک ٹرانسپیرینٹ
و اس کے بعد پھر سٹیٹس کے ساتھ آئے ہیں جہاں سٹیٹس کے

Post Paper کے تحت پورے کے MCA سے پاس شدہ
اور درخواست کے لئے آج دفتر جاری ہے جو

Process اور دیگر تمام اس کے قلم لگی ہے۔ جو

ڈرائنگ کے لئے اور اس کے لئے ایک ریکارڈ ہے۔ اس کے لئے
میں جو بل کے دفتر خود ریمانڈ ہے۔ تقریباً ۲۰۳۲۰

دفتر دستری کے لئے فارغ ہے۔ تو اس کے لئے سٹیٹس کے
دو دن کیس (کلیئر) کے لئے اور ایک مہینہ آگے

دی ہے۔ اس کے لئے اس کے لئے اس کے لئے
مہینہ کے لئے مہینہ کے لئے اس کے لئے

مہینہ کے لئے مہینہ کے لئے اس کے لئے
مہینہ کے لئے مہینہ کے لئے اس کے لئے

سوال 2: اس کے قابل وارڈوں لیٹس میں کون کون سے متصروفات سے مل سکتے ہیں؟

جواب: اس سے تیل کے لئے انجینئرنگ، ٹیکنالوجی، مینجمنٹ سائنس، سوشل سائنس، لٹریچر، ایجوکیشن، ہیلتھ سائنس، اور دیگر شعبوں میں کام کیا جا سکتا ہے۔

سوال 3: آئیے ڈیکریپٹ کریں۔ A9 آؤٹ میں کسی سڈم A9 آؤٹ نے Page زوال کے سے کہنے دنت آؤٹ کے دو Page آؤٹ و ڈون ڈون کے ڈون کے کی آپ آؤٹ سڈم کو نام یا شیئر سے سجاتے جو

جواب: نہیں جانا۔ حرف میں اس سڈم کو A9 آؤٹ میں سجاتے جو ڈیکریپٹ کرنا یا شیئر سے سجاتے ہوئے ہیں۔

سوال 4: کیا A9 آؤٹ کے لئے دنت مائل خود بیک کے ڈون؟

جواب: جی ہاں لیکن سڈم۔

سوال 5: لائسنس ہونے والے شیئر ڈیکریپٹ کرنا آؤٹ؟

جواب: جی ہاں۔ لائسنس ہونے والے شیئر ڈیکریپٹ کرنا آؤٹ کے لئے دنت مائل خود بیک کے ڈون؟

جواب: جی ہاں۔ لائسنس ہونے والے شیئر ڈیکریپٹ کرنا آؤٹ کے لئے دنت مائل خود بیک کے ڈون؟

سوال: مائل پر آسٹریا (ڈرائنگ ٹیم) کو فی دزنگ کیسے؟

جواب: ۷۵۷ کم فون

سوال: مائل پر MDL نمبر کرنے کی دزنگ کیسے؟

جواب: لا علم ہوں۔

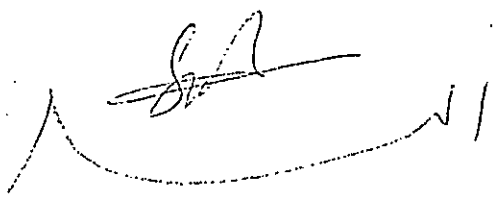
سوال: کیسے؟ - BMLA کا دستاویز / پتہ کیسے؟

جواب: یا ایئر - یا

سوال: کیا اس کے ذریعہ CPJ فراہم کیے جاسکتے ہیں؟

جواب: جی ہاں۔ دونوں مائل سیرنگس کے ذریعے

درخواست کی اس پر قانونی کارروائی کریں۔



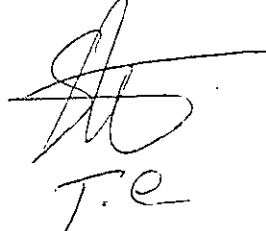
آئی ایس آئی
D
R/S

بیان ازاں بشوکت علی ٹریڈنگ فلک

بیان کہ ثابت ہے کہ میں Noe کے سلیبل میں CDL بہانے میں داخل ہو گیا تھا
کہ ثناء اللہ جو ٹریڈنگ فلک نے دو سرورز کا D/L فائل جمع کروانے کے لیے دیا ہے
میں نے فائل وصول کرتے سائنڈ کاڈنڈر پر مجموعی سیوی گیسٹریڈ ایپر سٹیٹیل ریلو سٹیٹیل
حوالے کیے۔ اس نے فائل جمع کرتے اس سٹیٹیل حوالہ کرتے میں نے دونوں سٹیٹیل
الٹانے ثناء اللہ جو ٹریڈنگ فلک سے حوالہ کیے۔

بعد میں معلوم ہوا کہ ان دونوں فائلوں میں سے ایک فائل پر پروٹیکشن
دستخط اور پروٹیکشن ریٹائرڈ نمبر ثبت ہوئے تھے۔ یہاں سے بیان ہے

جو حقیقت پر مبنی ہے۔



T.E

15/10/2018

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1008 /2019

Sana Ullah S/O wisal Khan R/O shahbra P.O Prang Tehsil and
District Charsadda

(Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Chief Traffic Officer Traffic head Quarter Peshawar.


(Respondents)

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Appellant

Through


ZARTAJ ANWAR
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

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VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Chief Traffic Officer Traffic head Quarter Peshawar.

(Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Submitted:

The appellant submit his rejoinder as under:

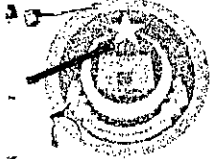
Preliminary Objections:

1. That the appeal is filed within the stipulated time.
2. That all the necessary parties duly mentioned at the heading of the appeal.
3. That the appellant was illegally terminated from service whereas duly mentioned on the relevant facts and law of the case and not been concealed anything from this honorable Tribunal.
4. That the appellant has locus standi and got cause of action to file the instant appeal.
5. That the appeal is legal and based real facts.
6. That the appellant has cause of action against the respondents and not concealed any material facts from this Honorable Tribunal.

ON FACTS:

1. Contents of Para No 1 needs no reply, as admitted by the respondents..
2. Contents of Para 2 needs no reply.

3. Contents of Para 3 of the comments is incorrect and misleading the facts given in appeal is correct and according to the merit and record of the case.
4. Contents of Para 4 of the comments is incorrect and misleading That after the charge sheet inquiry was initiated in which the appellant has appeared before the inquiry officers and denied all the false and baseless allegations. In this regard the inquiry officers recorded certain statements of the private persons as well as official persons and also collected certain documents but none of the person examines testified against the appellant nor any person shows any connection with the appellant in their recorded evidence. Which shows the connection of the appellant with the omission/commission specified under the E & D rules 2011.
5. Contents of Para No 5 the comments is incorrect and misleading in reply to show cause the appellant submitted his written reply by denying all the allegation leveled against him according to the facts and merit of the case..
6. Content of Para No 6 the appellant never admit in his statement regarding the possessing of bogus licensing furthermore the one junior Clarke shahzeb against whom all the fraud was proved was reinstated by the competent authority with the punishment of forfeiture of three years qualified service
7. Contents of Para 7 is incorrect and misleading, the so called inquiry was conducted but nor they considered the submission of the appellant neither the evidences/statements of different officials was considered but made the appellant skip goat to save their own blue eyed once.
8. Contents of Para 8 needs no reply.
9. Contents of Para 9 is Incorrect, As clearly explained in the main appeal.



4

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
CENTRAL POLICE OFFICE,
KHYBER PAKHTUNKHWA PESHAWAR**

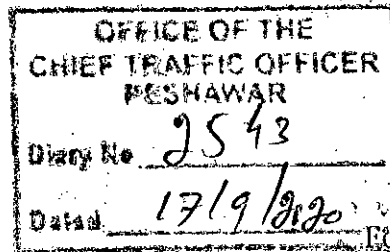
No. 3363-68 /E-V, dated Peshawar the 16 /09 /2020

ORDER

This order is hereby passed to dispose off the Mercy Petition dated 07.07.2020 preferred by Shahzeb Ex-Junior Clerk regarding major punishment of "**Dismissal from Service**" awarded by Chief Traffic Officer, Peshawar vide Order No. 52-58/PA dated 24.01.2019, on the following grounds:-

- i) He had made fake/bogus signatures on learner permits & driving test file of the 14 candidates and received Rs. 3000/4000/- from each candidate.
- ii. He had also put fake bogus entry numbers on the driving test cases and cheated the concerned staff to illegally process the fake cases for getting driving licenses.
- iii. He had also paid Rs. 20000/- to Junior Clerk Sanauallah to close the enquiry initiated against him which proves omission/admission of his guilt/misconduct."

He was called to OR on 15.09.2020, heard in person alongwith available record and the punishment awarded by CTO/Peshawar is too harsh, therefore, taking a lenient view, his major punishment of "**Dismissal from Service**" is hereby converted into major punishment of forfeiture of three (3) years qualified service. His period remained out of service is treated as leave without pay. He is reinstated into service and concerned officers are advised to have close observations of his conduct etc.



(KASHIF ZULFIQAR) PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

Endst: No. & date even.

Copy forwarded to the: -

- o Capital City Police Officer, Peshawar.
- o Accountant General Office, Khyber Pakhtunkhwa.
- o Chief Traffic Officer, Peshawar w/r to his letter No. 1620/GC dated 30.07.2020.
- o Registrar, CPO, Peshawar.
- o Office Superintendent Secret Branch CPO Peshawar.
- o Official concerned.

Allesand



OFFICE OF THE
CHIEF TRAFFIC OFFICER,
PESHAWAR



To: The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. 1620 /GC, Dated Peshawar the 30 /07/2020.

Subject: - DEPARTMENTAL APPEAL.

Memo:

Kindly refer to your office Memo: No. 2147/E-V, dated 15.07.2020 on the subject noted above.

It is submitted that as per report of Inspector Legal City Traffic Police Peshawar brief facts of the case are that applicant while posted in Account Branch at Traffic Headquarters Gulbahar Peshawar remained involved in making fake/bogus signatures on learner permits and driving test files. He received Rs. 3000/4000/- from 14-candidates for whom he made driving licenses. In this regard proper departmental enquiry was initiated and an Enquiry Committee consisting upon Mr. Muhammad Shoaib (ASP Faqirabad) and Mr. Najmul Hasnain (ASP Hayatabad) was constituted to enquire into the matter. Proper Charge Sheet and statement of allegations were issued to the defaulter official. He submitted his written statement in which he admitted that he has received Rs. 3000/4000 from each candidate and hand over the same to Junior Clerk Sana Ullah for making licenses. He further admitted in his statement that he gave Rs. 20000/- to Junior Clerk Sana Ullah for filling of the enquiry already initiated against him. In this regard he was also served with final show cause notice to which he replied but not found satisfactory by the committee members. He was also called for personal hearing on 23.10.2019. His verbal explanation was not convincing, therefore, he was awarded Major punishment of dismissal from service vide order No. 52-58/PA, dated 24.01.2019. Later-on, he filed departmental appeal to Worthy Capital City Police Officer, Peshawar for re-instatement in service but his appeal was rejected vide order No. 557-59/PA, dated 05.04.2019. Now the applicant has filed service appeal No. 561/2019. In the Honorable Service Tribunal Peshawar. The case is fixed for argument. Previous hearing in this case was 10.07.2020 and upcoming hearing will be 17.08.2020. After the outcome of the decision, we will inform the applicant authority about the case, please.


CHIEF TRAFFIC OFFICER,
PESHAWAR. 



ORDER

6

1. This is an order on the departmental enquiry initiated against Jr. clerk Shahzeb on the allegation that he had made fake/bogus signatures on learner permits and driving test files of the below mentioned 14 candidates and received Rs.3000/4000 from each candidate:-

S#	Name	CDL #	MDL	T. Record	DL Type
1.	Mohammad Abubakar	281755	404687	24890	MC+ M.Car
2.	Mohammad Awais	83584	404562	48870	MC+ M.Car
3.	Taimor Riazullah	283580	404561	24971	MC+ M.Car
4.	Khurshid Ali	283795	404778	25870	MC+ M.Car
5.	Zahoor Khan	284040	404993	25103	MC+ M.Car
6.	Mohammad Faisal	284042	404994	25120	MC+ M.Car
7.	Mohammad Ifzal Farooq	284284	405128	25610	MC+ M.Car
8.	Imran Khan	283688	404644	24870	MC+ M.Car
9.	Zahid Khan	283794	404560	24980	MC+ M.Car
10.	Nihayatullah	283794	404777	24942	MC+ M.Car
11.	Nazar Gul	283936	404890	25782	MC+ M.Car
12.	Irshad Mohammad	283937	404889	23893	M.Car
13.	Fazal Amin	284041	405025	25782	MC+ M.Car
14.	Shamshad Kausar	pending	405127	25785	MC+ M.Car

ii. That he had also put fake/bogus entry numbers on the driving test cases and cheated the concerned staff to illegally process the fake cases for getting driving licenses.

iii. He had also paid Rs.20000/- to Junior Clerk Sanaullah to close the enquiry initiated against you which proves omission/admission of your guilt/misconduct.

2. He was charge sheeted and an enquiry committee comprising of Mr. Mohammad Shoa ASP/Faqirabad and Mr. Najmul Hasnain, ASP/Hayatabad was constituted to initiate proper department proceedings against him and dig out the facts. He was served with charge sheet and statement of allegation. He submitted in his written statement that he was performing duties as Asst. Pay Officer Account Branch. He further added that a friend namely Taimor and my cousin Awais came to me for making driving licenses on urgent basis. He disclosed that in order to get the driving test pass from the MLA without appearing in the driving test, he gave Rs.4000/- and Rs.3000/- to Jr. Clerk Sanaullah for that purpose but later on it was found that signatures of MLA were bogus/fake on both files. He also admitted in his statement that he gave Rs.20000/- to Jr. Sanaullah on his demand for filing the enquiry already initiated in this regard.

3. Statement of Jr. Clerk Zarwali was also recorded who disclosed that his relative namely Fzal Am S/O Zar Khan r/o Khodakhel, Badhaber, Peshawar (mentioned at S#13 above) had made learner permit for Motor Car/Jeep+ Motorcycle which was condoned by the SP/Hqrs. He also added that the driving license file of his relative Fazal Amin was then handed over to Jr. Shahzeb for clearance from MLA (without appearing in the driving test) which he did but later on it was found that signatures of MLA were bogus/fake.

4. During the course of enquiry, he admitted that he received Rs.3000/4000 from each candidate and gave to Jr. Clerk Sanaullah for making licenses. His hand written samples also matched/resemble with the fake/bogus signatures. Being fellow member of the license branch staff, he also cheated all the concerned staff from counter to counter and succeeded in processing all fake/bogus driving license cases. The Enquiry Committee therefore, recommended him for major punishment as all the allegations were proved against him.

5. He was issued Final Show Cause Notice to submit his written explanation but his written reply was again found not satisfactory. He was therefore, called for personal hearing. On 23.01.2019 he was heard in person but his verbal explanation was also not convincing. The undersigned is convinced that Jr. Clerk Shahzeb is habitual of corrupt practices. He can't be exonerated from the charges, hence agree with recommendations of the Enquiry Committee. He is inflicted upon major penalty of dismissal from service under the Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency and Discipline) Rule: 2011 with immediate effect.

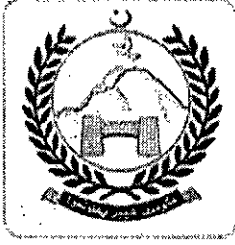
(Signature)
(KASHIF ZULFIQAR) PSP
Chief Traffic Officer.

No. 52-58

/DA

24/11

(Signature)



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 558 /ST

Dated: 24-2-2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The Chief Traffic Officer, Traffic Headquarters,
Government of Khyber Pakhtunkhwa
Peshawar

Subject: JUDGMENT IN APPEAL NO. 1008/2019 MR. SANA ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 01.02.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR