

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL No. 17/2024

Hamid Ali.....Petitioner

Versus

Commissioner, Peshawar Division & others.....Respondent

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.01 & 02

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**Deputy Commissioner
Nowshera
(Respondent No.02)**

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL No. 17/2024

Hamid Ali.....Petitioner

Versus

Commissioner, Peshawar Division & others.....Respondent

Affidavit

I, **Khalid Iqbal, Deputy Commissioner Nowshera**, do hereby solemnly affirm and declare that the contents of the Instant Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honble Court. Further, it is stated on oath that answering respondents have neither been placed EX Partee nor their defence trucked off/cost.

ATTESTED



Deponent:
KHALID IQBAL
Deputy Commissioner, Nowshera
Respondent No.2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
APPEAL No. 17/2024

Hamid Ali.....Petitioner

Versus

Commissioner, Peshawar Division & others.....Respondent

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.01 & 02

Respectfully Sheweth,

Respondent No.01 & 02 submits as under:

PRELIMINARY OBJECTIONS

1. That the appellant has got no locus standi.
2. That the appellant has been moved with mala-fide intention.
3. That the appellant has approached this honorable court with unclean hands.
4. That the appellant has concealed the factual circumstance which rendered that the appeal not maintainable.
5. That the appeal is liable to be rejected in initial stage.
6. That the appeal is not maintainable and is liable to be dismissed.

OBJECTION ON FACTS.

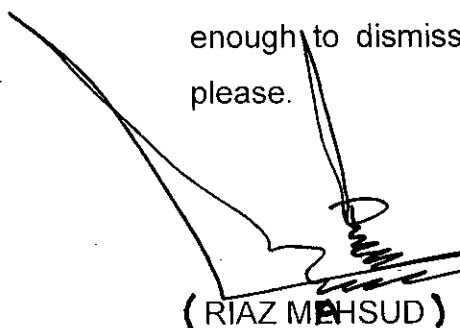
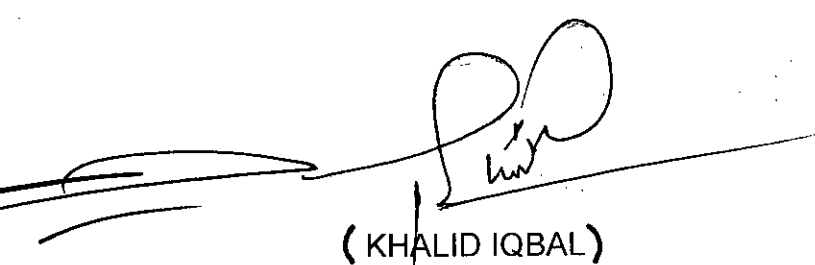
1. Needs no comments.
2. Correct to extent that the appellant was transferred vide order No. 1766-68/EA-07/Dc/NSR/2022 on 25-02-2022 and suspended vide order No.2088-92/16/PS/DC/NSR/2023 dated 21-03-2022, subsequently, Assistant commissioner Nowshera was appointed as Inquiry Officer (**Copy whereof is Annexure A & B**).
3. Incorrect as the Assistant Commissioner, Nowshera (inquiry officer) conducted proper Inquiry and recorded statement of all concerned staff including the appellant (**Copy of inquiry report is annexed as Annex- C**).
4. Correct to the extent that show cause notice was issued and show cause was replied on 23-06-2023 (**Copy whereof is annexed as Annexure- D**).
5. Incorrect as on the basis of recommendation of Inquiry Officer, appellant was awarded major penalty by the Respondent No.02 vide order No 6595-66100/EA-13/DC/NSR/2021 dated 19-07-2023 (**Copy whereof is annexed as Annex- E**).
6. Correct to the extent that Respondent No.1, after fulfillment all codel formalities, dismissed the appellant on 21-11-2023 (**copy whereof is Annexure-F**).

7. Incorrect as all action /proceedings have been carried out according to law and no illegality/irregularities have been committed during the inquiry proceedings.

GROUND

- A. Incorrect the order passed against the appellant is according to law, facts and circumstances of the case.
- B. Incorrect, apropos inquiry report are very clear and transparent.
- C. As explained in para 3 above
- D. As explained in para C above
- E. Correct to extent that the appellant was never posted to the Arms License Branch but so far as the question of his innocence is connected, he has been found guilty by the inquiry officer after discrete inquiry proceedings.
- F. Incorrect as it is evident from the statement of Mr.Wahid Shah Computer Operator Arms License branch DC Office, Nowshera that appellant has deposited Rs.1,00,000/-through banks challan in National Bank, so how appellant is saying that he has no concern with the Arms License branch (copy of the said statement is **annexed as Annexure G**).
- G. Incorrect, the appellant was extended opportunity of personal hearing.
- H. Needs no comment.
- I. The Respondents will further provide the substantial evidence at the time of arguments.

It is therefore, humbly prayed that on acceptance of these para wise comments, the honorable Service Tribunal may be gracious enough to dismiss the instant service appeal in the best public interest, please.

(RIAZ MEHSUD)

(KHALID IQBAL)

<p>Respondent No.01 Commissioner Peshawar Division Peshawar</p>	<p>Respondent No.02 Deputy Commissioner Nowshera</p>
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BETTER COPY

**Office of the
Deputy Commissioner
Nowshera**

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

Facebook.com/DCNowshera, Twitter.Com/DC/Nowshera, dconsrpk@gmail.com

25 February, 2022

OFFICE ORDER

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

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

Sd/-
Deputy Commissioner
Nowshera

Even No. & date.

Copy forwarded to the:

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

Sd/-
Deputy Commissioner
Nowshera

Ali
[Signature]
(ZIA ULLAH KHAN)
Private Secretary (BPS-17)
DC Office Nowshera

Amex-B 5



Office of Assistant Commissioner
Nowshera

Diary No: 1047
Date: 22/03/23

Office of the
Deputy Commissioner
Nowshera

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

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

21st March, 2023

SUSPENSION ORDER

No. 2088-82 /16/PS/DC/NSR/2023. Consequent to the written statement of Mr. Noor Bahadar Chowkidar DC Office Nowshera regarding forged/fake challan of driving license fee, the services of Mr. Hamid Ali Reader DC Office Nowshera and Mr. Noor Bahadar Chowkidar DC Office Nowshera are hereby suspended with immediate effect.

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

Deputy Commissioner
Nowshera

Even No. & date.

Copy forwarded to the:

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

Reader
Proceed with
the inquiry.

24/3/23

Deputy Commissioner
Nowshera

(ZIA ULLAH KHAN)
Private Secretary (BPS-17)
DC Office Nowshera



ASSISTANT COMMISSIONER NOWSHERA

No. 1409 /AC/R/NSR/2022

Tel: 0923-9220104,

Dated: 05 /May/2023

To,
The Deputy Commissioner,
Nowshera.

Subject: - INQUIRY REGARDING DRIVING LICENSE FEE.

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

PROCEDURE:

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

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

(Handwritten signature)
(ZIA ULLAH KHAN)
Private Secretary (BPS-17)
DC Office Nowshera

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

STATEMENT OF HARIS JAVED (INCHARGE LICENSE BRANCH):

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

STATEMENT OF MR. NOOR BAHADAR (CHOWKIDAR):

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

STATEMENT OF MR. YASIR KHAN (RECORD KEEPER):

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

STATEMENT OF MUHAMMAD YASEEN (JUNIOR CLERK):

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

STATEMENT OF MR. SULAIMAN GUL (NAIB QASID):

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

STATEMENT OF MR. HAMID ALI (READER):

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

STATEMENT OF MR. WAHID SHAH (COMPUTER OPERATOR):

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

FINDINGS:

From the perusal of above, findings are as under:

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


ZIA ULLAH KHAN
Private Secretary (BPS-17)
DC Office Nowshera

RECOMMENDATIONS:

In view of the above, it is recommended that:

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

Submitted for your kind perusal and further orders, please.


(ZIA ULLAH) (پ. پ. پ. ۱۹)
Private Secretary (P.S-19)
DC Office Nowshera


ASSISTANT COMMISSIONER/INQUIRY OFFICER
NOWSHERA

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To

The Worthy Deputy Commissioner,
Nowshera.

Subject:-

REPLY TO A SHOW-CAUSE NOTICE.

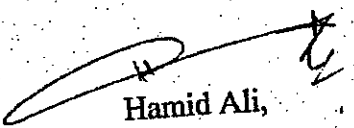
In reference to a show cause notice vide No.5593/EA-13/DC/NSR/2023 dated 16-06-2023. It is submitted that the undersigned is quite innocent and has falsely been implicated in the inquiry, misleading and misconceived allegations / charges have been leveled against me for the sake of more objections only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

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

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

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

Yours truly,


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

Dated: 23-06-2023.


(ZIA ULLAH KHAN)
Private Secretary (BPS-17)
DC Office Nowshera



**DEPUTY COMMISSIONER
NOWSHERA.**

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

Dated 19/July/2023

Notification:

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

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

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

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

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

Adviser
121A
Punjab
Secretary (EPS-17)
DC Office Nowshera

(Muhammad Kabir Aridi)
Deputy Commissioner,
Nowshera

Endst: Even No. & date.

Copy forwarded for information to:-

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

11/12/2023

Aomex - F - H



IN THE COURT OF
COMMISSIONER PESHAWAR DIVISION
PESHAWAR

DATE OF INSTITUTION 10.08.2023.

DATE OF DISPOSAL 21.11.2023.

APPEAL NO.05/2023.

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

VS

DEPUTY COMMISSIONER NOWSHERA.

(Respondent)

ORDER

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

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

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

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

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

Announced
21.11.2023

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

[Signature]
COMMISSIONER
PESHAWAR DIVISION PESHAWAR

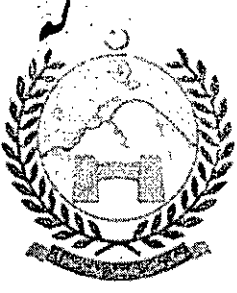
[Signature]
ZIA ULLAH
Appellant's
Private Secretary (BPS-17)
DC Office Nowshera

میان وصید شاہ اور نزل انسٹی بیچ میں نے نوز بہادر جو کہ
 حامد علی ریڈر کے درمیان فیر لے کیا ہے . جو کہ میں بہ منظم
 کے بلڈ - 2000000 لاکھ روپے میں نوز بہادر نے جمع کیے
 اور بلڈ - 1000000 لاکھ روپے میں حامد علی ریڈر نے جمع
 کیے بلڈ - 3000000 لاکھ روپے میں جلال نسیل بینک میں ہے

9 مارچ 2023

31-03-2023

ZIA ULLAH KHAN
 Private Secretary (BPS-17)
 DC Office Nowshera



**OFFICE OF THE
DEPUTY COMMISSIONER
NOWSHERA**


(Office Phone# 0923-9220098, Fax #.0923-9220220

No. 97 /ILC/DC/NSR

17th April, 2024

AUTHORITY LETTER

Mr. Zia Ullah Khan, Private Secretary (BPS-17) of this office is hereby authorized to attend the Hon'able Service Tribunal on behalf of undersigned, in Appeal No. 17/2024 Case Titled "**Hamid Ali VS Commissioner, Peshawar Division Peshawar & others.**"


Deputy Commissioner,
Nowshera.