

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

SERVICE APPEAL NO. 1113 /2022

Muhammad Arshad

V/S

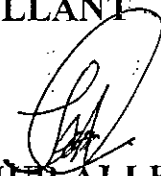
Police Deptt:

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APPELLANT

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT  
PESHAWAR

Cell No. 03339390916

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

SERVICE APPEAL NO. \_\_\_\_\_/2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 566

Dated 29-6-2022

Muhammad Arshad LHC No. 178,  
Police Lines Kohat.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region Kohat.
3. The District Police Officer, Kohat.

(RESPONDENTS)

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APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 09.02.2021 WHEREBY THE PUNISHMENT OF STOPPAGE OF TWO ANNUAL INCREMENTS WITH CUMULATIVE EFFECT HAS BEEN IMPOSED UPON THE APPELLANT, AGAINST THE ORDER DATED 21.06.2021, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED AND AGAINST THE ORDER DATED 02.06.2022, WHEREBY THE REVISION OF THE APPELLANT HAS ALSO BEEN REJECTED FOR NO GOOD GROUNDS.

**PRAYER:**

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 09.02.2021, 21.06.2021 AND 02.06.2022 MAY KINDLY BE SET ASIDE AND THE STOPPED INCREMENTS OF THE APPELLANT MAY BE RESTORED WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

*29/6/2022*

## **RESPECTFULLY SHEWTH:**


### **FACTS:**

1. That the appellant has appointed in the respondent department in the year 2003 and was performing his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed against him regarding his performance.
2. That the appellant has assigned the duty Driving License Branch Kohat and while performing his said capacity charge sheet on some baseless allegations along with statement of allegations were issued to the appellant. The appellant submitted his detail reply to the charge sheet and denied the entire allegation and gave the real facts about the matter. **(Copies charge sheet along with statement of allegations and reply to charge are attached as Annexure-A,&B)**
3. That inquiry was conducted against the appellant which was not according to the prescribed procedure as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination. The inquiry officer did not conduct regular inquiry in order to dig out the reality about the issue by observing the reply to the charge sheet of the appellant, but despite that the inquiry officer found the appellant guilty. **(Copy of inquiry is attached as Annexure-C)**
4. That show cause notice was issued to the appellant which was replied by the appellant in which he again denied the allegations and gave the real facts about the matter. **(Copies of show cause notice and reply to show cause notice are attached as Annexure-D&E)**
5. That on the basis of above baseless allegations, punishment of stoppage of two annual increments with cumulative has imposed upon the appellant vide order dated 09.02.2021 **(Copy of order dated 09.02.2021 is attached as Annexure-F)**
6. That the appellant filed departmental appeal on 05.03.2021 against the order dated 09.02.2021 which was rejected vide order dated 21.06.2021, the appellant then filed revision on 12.07.2021, which was also rejected on vide order dated 02.06.2022 for no good grounds. **(Copies of departmental appeal, order dated 13.02.2021, revision and order dated 02.06.2022 are attached as Annexure-G,H,I&J)**
7. That the appellant has no other remedy except to file the instant service appeal in this Honourable Tribunal on the following grounds amongst others.

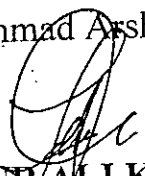
**GROUND:**

- A. That the impugned orders dated 09.02.2021, 21.06.2021 and 02.06.2022 are against the law, facts, norms of justice and material on record, therefore, not tenable and are liable to be set aside.
- B. That inquiry conducted against the appellant was not according to the prescribed procedure as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, which is violation of law and rules and as such the impugned orders are liable to be set aside on this ground alone.
- C. That no opportunity of defence was provided to the appellant during inquiry proceeding, which is violation of Article-10A of the Constitution of Pakistan.
- D. That the inquiry office did not conduct regular inquiry in order to dig out the reality about the matter by observing the reply to the charge sheet, which is violation of law and rules.
- E. That inquiry officer also mentioned in his inquiry report that secret probed was also carried out and it was known that the appellant is involved with the agents from whom he collected driving learning chits of people and processed those through license clerk for gaining financial benefits for himself but the inquiry did not recorded the statements of any person in this respect and no one can be punished on secret inquiry as imposing punishment by secret inquiry is discourage by the Apex in its various judgments.
- F. That the none of the allegations leveled against the appellant has been substantiated by any solid evidence and the inquiry officer has found guilty the appellant on the basis of presumption and was punished on presumption basis, which is against the norms of justice and fair play.
- G. That the appellant did not committed any misconduct and has been punished for no fault on his part.
- H. That the appellant has been condemned unheard and has not been treated according to law and rules.
- I. That the appellant seeks permission of this Honourable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellants may be accepted as prayed for.

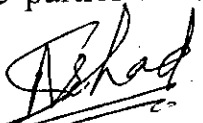
  
APPELLANT  
Muhammad Arshad

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT  
PESHAWAR.

**CERTIFICATE:**

It is certified that no other similar service appeal between the parties has been filed earlier.

  
DEPONENT

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

SERVICE APPEAL NO. \_\_\_\_\_/2022

Muhammad Arshad

V/S

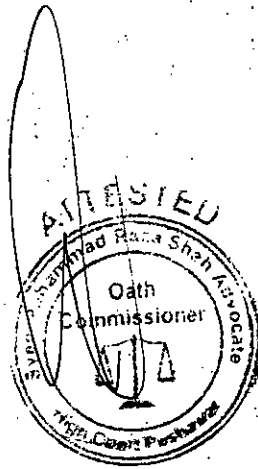
Police Deptt:

**AFFIDAVIT**

I, Muhammad Arshad LHC No. 178, Police Lines Kohat (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.

DEPONENT

  
Muhammad Arshad  
(APPELLANT)





No. 6490-91/PA

Office of the  
District Police Officer,  
Kohat

Dated 24.12/2020

A (6)

CHARGE SHEET

I, **JAVED IQBAL DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **LHC Arshad No. 178 Driving License Branch Kohat** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

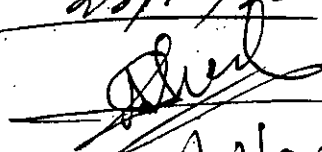
- i. That you have indulged yourself in mal-practices in issuing of driving licenses.
- ii. That it has been noticed from secret / reliable source that you have issued a number of driving licenses without observing the legal requirements for personal gain.
- iii. That you have willfully violated the relevant rules in issuance of driving licenses.
- iv. That reportedly, you in connivance with Senior/Traffic Clerk Shahid Mehmood issued driving licenses with scanned signature of MLA.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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

4. A statement of allegation is enclosed.

Received 28/12/2020  
Signature:   
28/12/2020

  
DISTRICT POLICE OFFICER,  
KOHAT 24/12

جواب بحوالہ چارج شیٹ نمبری PA/91-6490 مورخہ 24/12/2020

عنوان:-

جناب عالی!

بحوالہ چارج شیٹ نمبری بالا معروض خدمت ہوں کہ

- 1- گزارش ہے کہ پیرا نمبر 1 میں جو الزام سائل پر لگایا گیا ہے اس میں کسی بھی قسم کی کوئی صداقت نہیں ہے۔ بحیثیت ایک ذمہ دار سیٹ پر تعیناتی کے دوران تمام ڈرائیونگ لائسنس پر قانون کے مطابق عمل درآمد کیا ہے۔
- 2- پیرا نمبر 2 میں گزارش ہے کہ متعلقہ لائسنس برانچ سے جتنے بھی لائسنس جاری ہوئے ہیں ان کے ساتھ تمام قانونی لوازمات (Codal Formalities) پورے کئے گئے ہیں۔ کسی بھی ڈرائیونگ لائسنس کو بغیر کسی قانونی لوازمات کے پراسس نہیں کیا گیا ہے۔
- 3- پیرا نمبر 3 میں گزارش ہے کہ متعلقہ لائسنس برانچ میں جتنے بھی ڈرائیونگ لائسنس ہولڈرز ڈرائیونگ لائسنس کے لئے اپلائی کرتے ہیں۔ تمام افراد کو لائسنس قوانین کے مطابق کاغذات قانون کے مطابق جمع کروانے کی ہدایت کی جاتی ہے۔

4- پیرا نمبر 4 کے مطابق سائل نے بطور ماتحت ٹریفک کلرک کے ساتھ ہر قسم کا وہ کام سرانجام دیا ہے جو کہ قانون کے مطابق تھا اور اس کو حوالہ کیا گیا تھا اس پر عمل درآمد کیا گیا۔ جیسا کہ ذکر ہوا ہے کہ لائسنس جاری کرنے میں موٹر لائسنس اتھارٹی کے دستخط سکین کئے جاتے ہیں۔ تو اس کا تعلق متعلقہ ضلع سے نہیں بلکہ ٹریفک ہیڈ کوارٹر گلہار پشاور کے ساتھ ہے۔ جیسا کہ لائسنس اتھارٹی کے اختیارات جس بھی افسر کو تفویض کئے جاتے ہیں تو اس افسر کے دستخط باقاعدہ سرکاری طور پر ٹریفک ہیڈ کوارٹر پشاور بھجوائے جاتے ہیں جو کہ لرنر پرمٹ اور ڈرائیونگ لائسنس پر پرنٹ ہوتے ہیں۔ جس میں ضلع دفاتر کا کوئی بھی عمل دخل نہیں ہوتا ہے۔ اور نہ ہی ڈرائیونگ لائسنس فارم پر لائسنس اتھارٹی کے کوئی دستخط سکین ہوتے ہیں اور نہ ہی اس افسر کے دستخط کی سٹیپ (مہر) دفتر ہذا میں ہوتی ہے۔ بلکہ صرف لائسنس اتھارٹی کی مہر فارم پر دستخط والی جگہ پر لگائی جاتی ہے جہاں پر متعلقہ افسر دستخط کرتا ہے۔

**نوٹ:-** اس کے علاوہ سائل نے ابھی تک ایسا کوئی غیر قانونی کام نہیں کیا ہے کہ جس سے محکمہ اور افسران بالا کی بدنامی کا باعث ہو۔ لہذا بذریعہ درخواست استدعا کی جاتی ہے کہ سائل کے خلاف چارج شیٹ کو داخل دفتر فرمایا جائے۔ سائل تاحیات آپ صاحبان کا دعا گو رہے گا۔ یہ میرا بیان ہے۔

مورخہ 28-12-2020

العارض

محمد ارشد 178/LHC متعینہ ڈرائیونگ لائسنس برانچ، کوہاٹ



C 8

**DEPARTMENTAL ENQUIRY AGAINST LHC ARSHID NO. 178**  
**DRIVING LICENSE BRANCH KOHAT**

The subject enquiry was referred to this office in the capacity as enquiry officer vide order of enquiry bearing endst: No. 6490-91/PA dated 24.12.2020 to ascertain the alleged charge of misconduct on the part of above mentioned Constable with the following allegations; -

- i. *That you indulged yourself in mal-practices in issuing of driving license.*
- ii. *That it has been noticed from secret / reliable sources that you have issued a number of driving licenses without observing the legal requirements for personal gain.*
- iii. *That you have willfully violated the relevant rules in issuance of driving license.*
- iv. *That reportedly, you in connivance with Senior / Traffic Clerk Shahid Mehmood issued driving license with scanned signature of MLA.*

The undersigned conducted an enquiry to find out the actual facts regarding the above mentioned allegations.

For scrutinizing the conduct of defaulter LHC Arshid No. 178 was served with charged sheet and summary of allegations. He was summoned for personal hearing, recorded his statement. He stated reason regarding the allegations that he proceeded all the license according to the rules and all license which were issued from Driving License Branch, processed with all legal formalities and all the license holder who applied for driving license have instructed that submit complete documents. No one given space without legal documents. He further stated regarding the allegation para (iv) that scanned signature of MLA will be issued in Traffic Hqrs Gul Bahar, Peshawar not District level. He stated that he did not do anything irresponsible on the responsible seat. (statement annexed)

During the inquiry to determine facts. All the concerned branches OHC /SRC also summoned to furnish the detail service record of above defaulter LHC Arshid No. 178 (copy annexed) according to the service record report, the said LHC enlisted in service 27.10.2003, minor bad entry found 01. From perusal of his posting chart, it is cleared that he was posted from 2015 till now in the license branch.

To determine facts and validity of allegations, defaulter LHC Arshid No. 178 was given complete legitimate opportunity to defend himself according to the law, rules and regulation as defaulter police officer. In this regard all date entries operator who perform duty in license branch were summoned and recorded their statements (copies annexed).

Presently Traffic Clerk Safi Ullah summoned to produce /submit details of all kinds of driving license which have issued. Solid driving forms

details are thoroughly examined. It is known from the record that in the tenure

9

maximum licences are time condoned and directly issued on the sign of MLA but its seems out of routine coz MLA has powers to directly issued licences but there are certain grounds in the Motor Vehicle Ordinance, which were not followed.

DSB report also obtained, in which it was clear that on different rates driving licences were issued without due process.

A Secret probed also carried out and it is known that the alleged LHC Arshid is involved with the agents from whom he collected driving learning chits of people and processed those through license clerk for gaining financial benefits for himself. That's why He earned a bad name for license branch Kohat.

Therefore, in light of the above facts LHC Arshid No. 178 is held guilty of charge at para (i,ii,iii), It is therefore he is recommended for appropriate punishment please.

No. 33 /PA-Reader Dated 10.01.2021

(Enclosure. 23)

Sub-Divisional Police Officer  
HQrs Kohat



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-9260116 Fax 9260125

No 151 /PA dated Kohat the 15/1/2021

### FINAL SHOW CAUSE NOTICE

1. I, Javed Iqbal, District Police Officer, Kohat as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, LHC Arshad No. 178 Driving License Branch Kohat as follow:-

i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 6490-91/PA dated 24.12.2020.

ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

- a. *That you have indulged yourself in mal-practices in issuing of driving licenses.*
- b. *That it has been noticed from secret / reliable source that you have issued a number of driving licenses without observing the legal requirements for personal gain.*
- c. *That you have willfully violated the relevant rules in issuance of driving licenses.*
- d. *That reportedly, you in-conivance with Senior/Traffic Clerk Shahid Mehmood issued driving licenses with scanned signature of MLA.*

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid**.

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

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

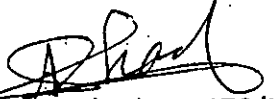
  
DISTRICT POLICE OFFICER,  
KOHAT 15/1/21

E (11)

Respected Sir,

Kindly refer to the final show cause notice No. 151 dated 15/01/2021. It submitted:-

1. That enquiry officer has not provided any details with regard to mal-practices of appellant. The finding is only based on conjecture and surmises.
2. That all the driving license were issued under the laid down and procedure as envisage in motor vehicle ordinance 1965/ Motor Vehicle Rules 1969 and no deviation/violation has been made.
3. That driving license cannot be issued manually. The signature of the MLA is stored/saved in the Electronic Centralized Database DLMS system in DIG Traffic Office Khyber Pakhtunkhwa, Peshawar for the purpose of issuing Learner Permit and Driving License (Print Card). The signature of MLA is by default generated from the Centralized database on the learner permit and driving license.
4. That a complete file copy of an individual citizen is retained in office record after doing all the codal and manual formalities and the issuance order of MLA signature is affixed on each file manually.
5. That I was Printing Computer Operator and my responsibility was to print out all the cards after receiving the "ELECTRONIC DATA" through online CDL Branch. In this data no editing and manipulation can be possible to do because there is only Printing Access is available.
6. That appellant wished to heard in person for advancing additional grounds of defense.
7. That the Final Show Cause Notice my kindly be filed without any further proceeding, please.

  
Muhammad Arshad No. 178/LHC

19/01/2024



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT  
Tel: 0922-9260116 Fax: 9260123

12

ORDER

This order is passed on the departmental enquiry against LHC Muhammad Arshad No. 178 under the Khyber Pakhtunkhwa Police Rules, 1975 (amendment 2014):

- i. Brief facts of the case are that he has indulged himself in mal-practices in issuing of driving licenses.
  - ii. That it has been noticed from secret / reliable source that he has issued a number of driving licenses without observing the legal requirements for personal gain.
  - iii. That he has willfully violated the relevant rules in issuance of driving licenses.
- That reportedly, he in connivance with Senior/Traffic Clerk Shahid Mahmood issued driving licenses with scanned signature of MLA

He was served with charge sheet and statement of allegations. SDPO HQRs Kohat was appointed as enquiry officer to proceed against him departmentally. The enquiry officer conducted enquiry and submit finding, stating therein that the driving licenses were issued without due process on different rates. The enquiry officer also carried out a secret probe into the matter. It was known that the alleged LHC Arshid is involved in mal-practices with agents from whom he collected driving license fees of people and processed those through license clerk for gaining financial benefits for himself. He earned a bad name for district Police particularly license branch, therefore, in light of the above facts the delinquent official is held guilty of the charges.

He was served with Final Show Cause Notice. Reply to the Final Show Cause Notice was received and found not satisfactory, he was also called in Q.R and heard in person on 09/02/2021, but he failed to satisfy the undersigned.

In view of above and available record I Javed Iqbal, District Police Officer, Kohat in exercise of powers conferred upon me under the rules ibid, dispense with general proceedings and a punishment of stoppage of two annual increments with cumulative effect. He will not be posted at License Branch and other independent post in future.

Announced  
09.02.2021

  
DISTRICT POLICE OFFICER,  
KOHAT

OB No 89  
Date 09-02-2021  
No 634-36 / PA dated Kohat the 13/02/2021.

1. Copy of above to the:-  
Regional Police Officer, Kohat for favor of information w/r to his office Memo No 1580/EC, dated 04.02.2021.
2. Reader, SRC, OHC/Pay Officer for necessary action.

  
DISTRICT POLICE OFFICER,  
KOHAT

4 (13)

To:- The Regional Police Officer,  
Kohat Region Kohat

Through PROPER CHANNEL

Subject: - APPEAL AGAINST THE ORDER OF LEARNED DISTRICT POLICE OFFICER, KOHAT ISSUED VIDE OB NO. 08 DATED 09.02.2020 WHEREIN THE APPELLANT WAS AWARDED PUNISHMENT OF STOPPAGE OF TO ANNUAL INCREMENT WITH CUMULATIVE EFFECT

Respected Sir,

With due respect, appellant submits the instant appeal against subject cited order of learned DPO, Kohat with following facts and grounds:-

**FACTS**

1. That appellant was posted as Computer Operator in License Branch (Printing Section) DPO Office Kohat since 2017.
2. Appellant was performing his duty with entire satisfaction of all senior and superior officers.
3. That on 24.12.2020, appellant was charge sheeted with following allegations:-
  - i. That appellant has indulged himself in mal-practices in issuing of driving licenses.
  - ii. That it has been noticed from secret /reliable source that appellant has issued a number of driving licenses without observing the legal requirements for personal gain.
  - iii. That appellant willfully violated the relevant rules in issuance of driving licenses.
  - iv. That reportedly, appellant in-connivance with Senior/Traffic Clerk Shahid Mehmood issued driving licenses with scanned signature of MLA. Copy enclosed as Annexure-A
4. That on receipt of charge sheet, the appellant has submitted detailed reply into the charge sheet to the enquiry officer. Copy enclosed as Annexure-B.
5. That on receipt of enquiry officer findings to District Police Officer Kohat, the appellant was adjudicated with Penalty of stoppage of two annual increment by the learned District Police Officer, Kohat vide order cited above. Copy enclosed as Annexure-C, hence this appeal is submitted on the following grounds:-

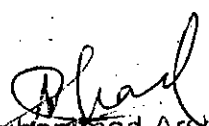
**GROUND:-**

- a) That enquiry officer has not provided any details with regard to mal-practices of appellant. The finding was only based on conjecture and surmises.

b) That all the driving license were issued under the laid down rules and procedure as envisage in Ordinance 1965/ Motor Vehicle Rules 1969 and no deviation/violation has been made.

1. That driving license cannot be issued manually. The signature of the MLA is stored/saved in the Electronic Centralized Database DLMS system in Deputy Inspector General of Police, Traffic Office Khyber Pakhtunkhwa, Peshawar for the purpose of issuing Learner Permit and Driving License (Print Card). The signature of MLA is by default generated from the Centralized database on the learner permit and driving license.
2. That a complete file copy of an individual citizen is retained in office record after doing all the codal and manual formalities and the issuance order of MLA signature is affixed on each file manually.
3. That appellant was Printing Computer Operator and my responsibility was to print out all the cards after receiving the "ELECTRONIC DATA" through online CDL Branch. In this data no editing and manipulation can be possible to made because there is only Printing Access is available.
4. That departmental enquiry suffered from several legal lacunas and none observation of the event rules. As such the impugned order was unlawful and not sustainable under the law.
5. That none of the allegations leveled against the appellant have been substantiated by any solid evidence. None has appeared before the enquiry against the appellant to substantiate the allegations.
6. That appellant has got about 17 years of service to his credit but never punished on account of any of the allegations.
7. That appellant wished to heard in person for advancing additional grounds of defense.

In view of the above submissions, it is prayed that the impugned order may kindly be set aside with back benefit, please.

  
(Muhammad Arshad)

No. 178/LHC, Police, Lines, Kohat

5/3/2021

POLICE DEPTT:

KOHAT REGION

H  
15

ORDER.


This order will dispose of a departmental appeal moved LHC Muhammad Arshad No. 178 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 89, dated 09.02.2021 whereby he was awarded minor punishment of **stoppage of two annual increments with cumulative effect** on the following allegations:-

- i. Indulging himself in mal-practices in issuance of driving licenses
- ii. Issuance of driving licenses without observing the legal requirements for his personal gain
- iii. Violated the relevant rules laid down for issuance of driving licenses Issuance of driving licenses with scanned signature of MLA

Comments as well as relevant record were requisitioned from DPO Kohat and perused. The appellant was also heard in person in O.R held in this office on 16.06.2021. During hearing the appellant did not advance any plausible explanation in his defense to prove his innocence.


Above in view, the undersigned reached to the conclusion that the allegations leveled against the appellant are fully proved and established by the E.O in his findings. Record indicates that the appellant had about 12-years stay at Traffic License Branch Kohat. Therefore, in exercise of the powers conferred upon the undersigned under Rules 11-A, the punishment awarded by DPO / Kohat is upheld and appeal being devoid of merits is hereby rejected.

Order Announced  
16.06.2021

  
(MOHAMMAD ZAFAR ALI) PSP  
Region Police Officer,  
Kohat Region.

No. 9466 /EC, dated Kohat the 21-6 /2021.

Copy to District Police Officer, Kohat for information and necessary action w/r to his office Memo: No. 5928/LB, dated 27.04.2021. His Service Roll & Fauji Missal is returned herewith.

  
(MOHAMMAD ZAFAR ALI) PSP  
Region Police Officer,  
Kohat Region.

17/6





I (16)

To: The Inspector General of Police  
Khyber Pakhtunkhwa  
Peshawar

TROUGH PROPER CHANNEL

Subject: - APPEAL AGAINST THE ORDER OF LEARNED DISTRICT POLICE OFFICER, KOHAT ISSUED VIDE OB NO. 08 DATED 09.02.2020 WHEREIN THE APPELLANT WAS AWARDED PUNISHMENT OF STOPPAGE OF TO ANNUAL INCREMENT WITH CUMULATIVE EFFECT

Respected Sir,

With due respect, appellant submits the instant appeal against subject cited order of learned DPO, Kohat with following facts and grounds: -

**FACTS**

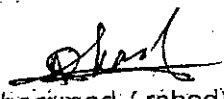
1. That appellant was posted as Computer Operator in License Branch (Printing Section) DPO Office Kohat since 2017.
2. Appellant was performing his duty with entire satisfaction of all senior and superior officers.
3. That on 24.12.2020, appellant was charge sheeted with following allegations: -
  - i. That appellant has indulged himself in mal-practices in issuing of driving licenses.
  - ii. That it has been noticed from secret /reliable source that appellant has issued a number of driving licenses without observing the legal requirements for personal gain.
  - iii. That appellant willfully violated the relevant rules in issuance of driving licenses.
  - iv. That reportedly, appellant in-connivance with Senior/Traffic Clerk Shahid Mehmood issued driving licenses with scanned signature of MLA. Copy enclosed as Annexure-A.
4. That on receipt of charge sheet, the appellant has submitted detailed reply into the charge sheet to the enquiry officer. Copy enclosed as Annexure-B
5. That on receipt of enquiry officer findings to District Police Officer Kohat, the appellant was adjudicated with Penalty of stoppage of two annual increment by the learned District Police Officer, Kohat vide order cited above. Copy enclosed as Annexure-C. hence this appeal is submitted on the following grounds: -

**GROUND:-**

- a) That enquiry officer has not provided any details with regard to mal-practices of appellant. The finding was only based on conjecture and surmises.
- b) That all the driving license were issued under the laid down rules and procedure as envisage in Ordinance 1965/ Motor Vehicle Rules 1969 and no deviation/violation has been made.
1. That driving license cannot be issued manually. The signature of the MLA is stored/saved in the Electronic Centralized Database DLMS system in Deputy Inspector General of Police, Traffic Office Khyber Pakhtunkhwa, Peshawar for the purpose of issuing Learner Permit and Driving License (Print Card). The signature of MLA is by default generated from the Centralized database on the learner permit and driving license.

- (17)
2. That a complete file copy of an individual citizen is retained in office record after doing all the codal and manual formalities and the issuance order of MLA signature is affixed on each file manually.
  3. That appellant was Printing Computer Operator and my responsibility was to print out all the cards after receiving the "ELECTRONIC DATA" through online CDL Branch. In this data no editing and manipulation can be possible to made because there is only Printing Access is available.
  4. That departmental enquiry suffered from several legal lacunas and none observation of the event rules. As such the impugned order was unlawful and not sustainable under the law.
  5. That none of the allegations leveled against the appellant have been substantiated by any solid evidence. None has appeared before the enquiry against the appellant to substantiate the allegations.
  6. That appellant has got about 17 years of service to his credit but never punished on account of any of the allegations.
  7. That appellant wished to heard in person for advancing additional grounds of defense.

In view of the above submissions, it is prayed that the impugned order may kindly be set aside with back benefit, please.

  
(Muhammad Arshad) 12/7/21  
No. 173/LHC, Police, Lines, Kohat



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

J 18

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by LHC Muhammad Arshad No. 178. The petitioner was awarded punishment of stoppage of two annual increments with cumulative effect by District Police Officer, Kohat vide OB No. 89, dated 09.02.2021 on the following allegations:-

- i. Indulging himself in mal-practices in issuance of driving licenses.
- ii. Issuance of driving licenses without observing the legal requirements for his personal gain.
- iii. Violated the relevant rules laid down for issuance of driving licenses. He in-conivance with Senior/Traffic Clerk Shahid Mehmood issued driving licenses with scanned signature of MLA.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 9466/EC, dated 21.06.2021.

Meeting of Appellate Board was held on 19.05.2022 wherein petitioner was heard in person. Petitioner contended that none of the allegations leveled against him have been substantiated by any solid evidence.

Petitioner failed to advance any plausible explanation in rebuttal of the charges. Moreover, perusal of enquiry papers revealed that the allegations against the petitioner was proved during enquiry. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

3722  
8/6/2022

Sd/-  
SABIR AHMED, PSP  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/1283-89/22, dated Peshawar, the 2/6/2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll and one Fauji Missal of the above named LHC received vide your office Memo: No. 14722/EC, dated 10.09.2021 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

OFFICER  
FOR M/Section

District Police Officer  
B. M. Kohat

(DR. ZAHEED ULLAH) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.