



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 3383/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/03/2021	<p>The appeal of Mr. Muhammad Zahid Shah resubmitted today by post through Mr. Shah Fahad Ansari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p>
2-	04/06/2021	<p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench Peshawar. Notices be issued to appellant/counsel for preliminary hearing on 28/07/2021.</p> <p style="text-align: right;"> CHAIRMAN</p>

28.07.2021

Junior to counsel for the appellant present. Preliminary arguments heard.


Points raised need consideration. The appeal is admitted to full hearing subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 25.10.2021 before the D.B at camp court, D.I.Khan.



Chairman

25.10.2021

Learned counsel for the appellant present.

Security and process fee was not deposited. Learned counsel for the appellant made a request for extension of time to deposit security and process fee; granted with direction to deposit the same within 10 days, where-after notices be issued to respondents for submission of reply/comments much before next date in office, positively. File to come up for arguments on 15.12.2021 before D.B at Camp Court D.I Khan.


(ATIQU-UR-REHMAN WAZIR)
MEMBER (E)
CAMP COURT, D.I KHAN

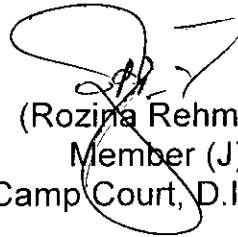

(ROZINA REHMAN)
MEMBER (J)
CAMP COURT, D.I KHAN

S.A 3383/2021

15.12.2021

None present on behalf of the appellant.

Called several times till last hours of the court but no one turned up on behalf of the appellant. He has also not deposited the security and process fee as directed on 28.07.2021 till date. The appeal is, therefore, dismissed for non-prosecution. File be consigned to the record room.



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan



Chairman
Camp Court, D.I.Khan

ANNOUNCED
15.12.2021

The appeal of Mr. Muhammad Zahid Shah son of Abdul Qayyum Shah r/o Street Qatal Wail District Tank received today i.e. on 18/02/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent no. 8 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Three more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.


No. 375 /S.T,

Dt. 18/02 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Shah Fahad Ansari Adv.
High Court D.I.Khan.

- 1) respondent No 8 address is completed pl:
- 2) Three more copies also submitted pl:


1/3/2021

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

Service Appeal No. _____/2021

Muhammad Zahid Shah(Appellant)

VERSUS

Government of KPK etc(Respondents)

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Your Humble Appellant

M. Zahid Shah F.g

Zahid Shah

Through counsel

Shah Fahad Ansari

SHAH FAHAD ANSARI

Advocate High Court

Dera Ismail Khan.

Dated: 17/02/2021

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 3383/2021

Khyber Pakhtunkhwa Service Tribunal

Diary No. 2859

Dated 18/2/2021

Muhammad Zahid Shah S/o Abdul Qayyum Shah R/o Street Qatal Wail, Tehsil & District Tank.

.....(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary Peshawar.
2. Chief Secretary, KPK, Peshawar.
3. Secretary Forest Department, KPK, Peshawar.
4. Chief Conservator of Forest Central Southern Forest Region-I, KPK, Peshawar.
5. Conservator of Forests Southern Circle, Peshawar.
6. Divisional of Forests Merged Areas Circle Peshawar.
7. Budget & Accounts Officer Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department, Peshawar.
8. Regional Accountant Head Office Forest Deptt: Shami road Cantt: Peshawar
9. Divisional Forest Officer, South Waziristan Forest Division, Tank.

.....(Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED OFFICE ORDER NO. 4 DATED 27/07/2020 AND LETTER NO. 252/E DATED 31/08/2020 PASSED BY RESPONDENT NO. 9 MAY KINDLY BE SET ASIDE BEING VOID, ILLEGAL AND UNLAWFUL AND THE APPELLANT MAY KINDLY BE POSTED AT ZARMELAN WITH ALL BACK BENEFITS.

Stal

Filed to-day
Registrar
18/2/2021

Respectfully Sheweth:-

The appellant submits as under:-

- 1- That the addresses of the parties as given in the heading of the appeal are correct and sufficient for the purpose of service.

Re-submitted to -day and filed.

Registrar
2/3/2021

- 2- That appellant is working as Forest Guard and presently posted on Darazinda Forest Check Post Tribal Sub-Division, DIKhan, whereas the appellant is presently residing at Street Qatal Wali, District Tank. Copy of CNIC is enclosed as **Annexure "A"**.
- 3- That appellant after completion of codal formalities and submission of charge report etc, the appellant performed his duty with full satisfaction of the superior and no complaint available on service record.
- 4- That the appellant was earlier, posted at Zarmelana South Waziristan Forest Division Tank and the petitioner performed his duties regularly and efficiently throughout his service career.
- 5- That suddenly, the office order No. 4 dated 27/07/2020 was issued by the Divisional Forest Officer South Waziristan Forest Division Tank, but the same is not communicated to the appellant and the same was kept secret and the petitioner was performing his duties at Zarmelana South Waziristan. Copy of order dated 27/07/2020 is enclosed as **Annexure "B"**.
- 6- That moreover, the letter No. 252/E dated 31/08/2020 was also not communicated to the appellant and the appellant submitted an application dated 11/09/2020 and requested for copies of the impugned office order and letter which also bearing the receiving sign of the authority concerned and on the application of the appellant, the copies of the impugned order letter has been propvidd to the appellant wheras, no official copy of the both the impugned order has not been given after issuing the impugned orders and the appellant was not informed in this respect. Copy of impugned letter is enclosed as **Annexure "C"**.
- 7- That the impugned orders are illegal and based on malafide because the facts bhind

5/10/2020
S. K. A. / S. K. A. / S. K. A.

issuing of transfer order are that the appellant was given some plantation work at Zarmelana Nursery and promotion scheme, Communities and Carban Sink Schemes and the appellant completed the same but the office has not paid the labour charges of the same and the appellant paid Rs. 400000/- that labour charges from his pocket and when the appellant demanded the same then the office started teasing the appellant on different pretext and the same labour charges has not been paid to petitioner uptill now and the same has been recondite with connivance of the office.

8-

That due to the above mentioned facts, the appellant was illegal transferred from Zarmelana SW to Darazinda without intimating the appellant whereas, as per rules, the authority concerned is bound to inform the appellant regarding the transfer orders.

9-

That the absence of the appellant was not willful and deliberate but the same was caused due to negligence of the office by not communicating the impugned orders to appellant.

10-

That once the absence of the appellant was considered as leave without pay then the authority Discipline Rules 2011 because once the appellant has been given the punishment for leave without pay.

11-

That appellant to redress his grievance before proper forum. The appellant having been aggrieved of the attitude of the respondents submitted his Departmental appeal to respondent No. 9 for the redressal of legitimate rights. Copy of department appeal is enclosed are Annexure "D".

12-

That respondents not announce any order on departmental appeal, therefore, having no other alternate remedy available to the appellant except to approach this Honourable Tribunal on inter alia the following grounds:-

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GROUND:-

- A. That appellant was permanent employee and his service.
- B. That issuance of salaries near about 23 years is a proof of permanent appointment.
- C. That all formal codal formalities were done which is proof of permanent employment.
- D. That respondents authority nor issue any show cause notice to the appellant, which is necessary according to service laws.
- E. That appellant present appeal is well within time.
- F. That act of the respondents is against law, facts and circumstances of the case. Hence, the both the impugned orders may kindly be set aside in the best interest of larger justice.
- G. That counsel for the appellant may kindly be allowed to raise additional grounds during the course of arguments.

It is, therefore, humbly prayed that withdrawal of orders No. 4 dated 27/07/2020 and letter No. 252/E dated 31/08/2020 passed by respondent No. 9 may graciously be set aside and the appellant may kindly be posted at Zarmelana with all back benefits. Or any other relief which authority may deemed fit.

Your Humble Appellant

M. Zahid Shah F.g
Zahid Shah

Through counsel

Dated: 17/02/2021

S. Shah
SHAH FAHAD ANSARI
Advocate High Court
Dera Ismail Khan.

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

Service Appeal No. _____/2021

Muhammad Zahid Shah(Appellant)

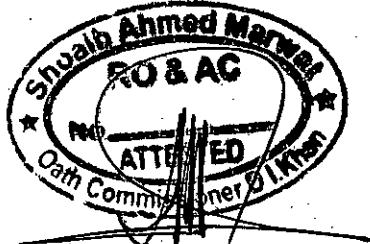
VERSUS

Government of KPK etc(Respondents)

AFFIDAVIT

I, **Muhammad Zahid Shah** S/o Abdül Qayyum Shah R/o Street Qatal Wail, Tehsil & District Tank, the appellant, do hereby solemnly affirmed declare on oath that the contents of this service appeal are true & correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal on the facts mentioned in this service appeal.

Deponent



17/2/021

M. Zahid Shah F.g

03448993338

Amir Bm

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OFFICE ORDER NO. 4 DATED TANK THE / / 2020 ISSUED BY MUHAMMAD SALEEM KHAN DIVISIONAL FOREST OFFICER SOUTH WAZIRISTAN FOREST DIVISION TANK

Muhammad Zahid Shah Forest Guard (BPS-08) is hereby transferred from South Waziristan Forest Range and posted at Drazinda Forest Check Post Tribal Sub Division D.I.Khan with immediate effect, in the best public interest and until further orders.

(Muhammad Saleem Khan)
Divisional Forest Officer
South Waziristan Forest Division
Tank

No. 144-46 /E

Copy forwarded to: -

1. RFO South Waziristan Tribal District and RFO Tribal Sub Division D.I.Khan for information and necessary action.
2. Divisional Accountant.
3. Muhammad Zahid Shah Forest Guard.

Divisional Forest Officer
South Waziristan Forest Division
Tank

Attested.
S. Farid Anjum

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(MUHAMMAD SALEEM KHAN)
DIVISIONAL FOREST OFFICER



SOUTH WAZIRISTAN FOREST DIVISION
TANK

Phone: 0963-510881 Fax :0963-510168
Email: dfoswa@yahoo.com

No. 253 /E Dated: 31 /08/2020

To
Muhammad Zahid Shah Forest Guard
South Waziristan Forest Division
Tank

Subject: WILFUL ABSENCE FROM GOVERNMENT DUTY-EXPLANATION THEREOF.

Memo: Reference This Office Order No.04 Dated:27/07/2020

You were reported for misconduct by RFO South Waziristan but taking a lenient view by the undersigned you were transferred to Drazinda Forest Check Post of Tribal Sub Division D.I.Khan vide above Office Order under reference.

However, you didn't comply the above mentioned Office Order as evident from the letter of RFO Tribal Sub Division D.I.Khan stating that you didn't reported arrival in his range till to date which shows your disinterest in the Government Duty and inefficiency.

Your period of absence for the month of August, 2020 is treated as leave without pay and you are hereby attached with Divisional Office for further proceedings under the Government of Khyber Pakhtunkhwa Efficiency & Disciplinary Rules 2011.

asi
Divisional Forest Officer
South Waziristan Forest Division
Tank

No. /E

Copy forwarded to RFO SWTD & TSD D.I.Khan with the direction to inform this office about the whereabouts of the Forest Guard to proceed further in the matter.

Divisional Forest Officer
South Waziristan Forest Division
Tank

Asst. Secy
S. F. Khan

Ann: C " P-12

خدمت حساب D.F-0 حساب SWTD

در عنوان ۱۱ درخواست پرانے فرامی بقول

حساب عالی

لزارش لی حالی ہے کہ Ranger officer و ام اور

Ranger officer در ۵ زندہ ل مے
absentی کے خلف کو رپورٹس
سٹیشن کی میں۔ پرانے ہم ان رپورٹس
نہ مے بقول فرامی کی جائیں

تاریخ ۱۱-۹-۲۰

تقریب

محمد زاہد شاہ فارسی مارڈ

M. Zahid Shah F.g

تاریخ ۱۱-۹-۲۰

~~Attestation
Signature~~

98h

11/9/2020

Amir D²

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THROUGH PROPER CHANNEL

To,

THE CONSERVATOR

FOREST DEPARTMENT,

PESHAWAR *(merged to merged)*

Subject;- APPEAL UNDER SECTION 3 OF THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPEAL) RULES,
1986 AGAINST THE OFFICE ORDER NO. 4 DATED THE 27-
07-2020 AND LETTER NO.252/E DATED 31-08-2020
ISSUED BY DIVISIONAL FOREST OFFICER, SOUTH
WAZIRISTAN FOREST DIVISION TANK.

Respectfully submitted;-

- 1- That the appellant Mr. Muhammad Zahid Shah is working as Forest Guard and presently posted on Darazinda Forest check post tribal sub Division DIKhan whereas, the appellant is presently residing in street Qatalwala District Tank.
- 2- That the appellant was earlier, posted at Zarmelana South Waziristan Forest Division Tank and the petitioner performed his duties regularly and efficiently throughout his service career.
- 3- That the office order No. 4 dated 27-07-2020 was issued by the Divisional Forest officer South Waziristan Forest Division Tank but the same is not communicated to the appellant and the same was kept secret and the petitioner was performing his duties at ZarmelanaSouth Waziristan.

*Attested,
S. G. Talib*

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- 4- That moreover, the letter No. 252/E dated 31-08-2020 was also not communicated to the appellant and the appellant submitted an application dated 11-09-2020 and requested for copies of the impugned office order and letter which also bearing the receiving sign of the authority concerned and on the application of the appellant, the copies of the impugned order and letter has been provided to the appellant whereas, no official copy of the both the impugned order has not been given after issuing the impugned orders and the appellant was not informed in this respect.
- 5- That the impugned orders are illegal and based on mala fides because the facts behind issuing of transfer order are that the appellant was given some plantation work at Zarmelana Nursery and promotion scheme, Communities and Carban Sink Schemes and the appellant completed the same but the office has not paid the labour charges of the same and the appellant paid Rs.400000/- that labour charges from his pocket and when the appellant demanded the same then the office started teasing the appellant on different pretext and the same labour charges has not been paid to petitioner uptill now and the same has been recondite with connivance of the office.
- 6- That due to the above mentioned facts, the appellant was illegal transferred from Zarmelana SW to Darazinda without intimating the appellant whereas, as per rules, the authourity concerned is bound to inform the appellant regarding the transfer orders.

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7- That the absence of the appellant was not willful and deliberate but the same was caused due to negligence of the office by not communicating the impugned orders to appellant.

8- That once the absence of the appellant was considered as leave without pay then the authority Discipline Rules 2011 because once the appellant has been given the punishment for leave without pay.

It is therefore, humbly requested that the impugned order No. 4 dated 27-07-2020 and letter No. 252/E dated 31-08-2020 issued by the Divisional Forest officer may kindly be set aside being void and illegal, based on mala fide and the appellant may kindly be posted at Zarmelana.

dated: 17/11/2020

Your Humble appellant

MUHAMMAD ZAHID SHAH
M. Zahid Shah
Forest Guard

R/O Street Qatalwali

District Tank