

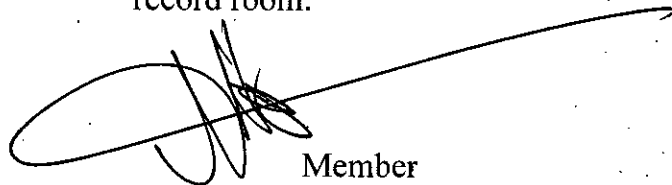
606/2014

04.03.2019

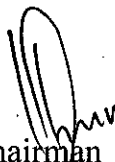
Nemo for appellant. Mian Amir Qadar, District Attorney for the official respondents and counsel for private respondents No. 4 & 5 present.

On 06.03.2018 instant appeal was dismissed for non-prosecution and was subsequently restored. Similarly, on 04.07.2018 it was observed by the Tribunal that the appellant was disinterested in prosecution of his appeal. On 05.07.2018 last chance was given to the appellant and his learned counsel to argue the appeal. Despite, once again the appellant is not in attendance today. Case has been called several times.

Dismissed for non-prosecution. File be consigned to the record room.



Member



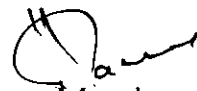
Chairman
Camp Court, Swat

ANNOUNCED


04.03.2019

06.12.2018 Appellant in person and Mr. Usman Ghani learned District Attorney for the respondents present. Learned District Attorney requested for adjournment. Adjourn. To come for arguments on 07.01.2019 before D.B at Camp Court Swat.



Member


Member
Camp Court Swat

07.01.2019


Appellant in person present. Mr. Abdul Hakeem, Senior Clerk alongwith Mr. Mian Amir Qadir, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 04.03.2019 before D.B at Camp Court Swat.


(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member
Camp Court Swat

05.07.2018

Neither appellant nor his counsel present. However, Mr. Farman Hayat Advocate put appearance on behalf of the learned counsel for the appellant. Mr. Muhamad Jan, Deputy District Attorney for the respondents present.

The above named Advocate requested for adjournment that his counsel is busy in the Hon'ble High Court. Last chance is given to the appellant and his counsel to attend this Tribunal on 09.08.2018 at camp court, Swat before the D.B. Arguments will be heard on the date fixed.


Member


Chairman
Camp court, Swat

09.08.2018


Counsel for the appellant present. Due to summer vacation the case is adjourned to 04.10.2018 for the same at camp court Swat.


Reader

04.10.2018

Appellant Aleem ur Rehman, in person present. Mr. Abdul Hakeem, Senior clerk alongwith Mr. Usman Ghani, District Attorney for official respondents and private respondents no. 4 and 5 in person present. Appellant made a request for adjournment that his counsel is busy before the Hon'ble Peshawar High Court Mingora bench and in support of his submission he submitted cause list of today. Granted. Case to come up for arguments on 06.12.2018 before D.B at camp court Swat.


Member


Chairman
Camp Court Swat

06.03.2018

None is present for the appellant. Mr. Usman Ghani, District Attorney alongwith Abdul Hakeem, Senior Clerk for the official respondents and counsel for private respondents No. 4 and 5 present. On previous date also none was present on his behalf of the appellant.

In view of the above, the present appeal is dismissed in default. File be consigned to the record room.

Dismissed up. The above order is set aside. To come up for arguments on 9-5-16.

Member

Chairman

Camp Court, Swat

~~ANNOUNCED~~

06.03.2018

09.05.2018

The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 04.07.2018 before the D.B at camp court, Swat.

Reader

04.07.2018

Neither appellant nor his counsel present. Mr. Usman Ghani District Attorney on behalf of the respondents present. Being an old case of 2014 and keeping in view the conduct of the appellant, having not taking interest in the present appeal, is adjourned to 05.07.2018 for arguments before the D.B at camp court, Swat.

Member

Chairman


Camp court, Swat

606/2014

20. 04.07.2017

Appellant with Asmat Ali, Advocate/counsel present and fresh Wakalatnama submitted. Mr. Muhammad Zubair, District Attorney alongwith Abdul Hakeem, Senior Clerk for the official respondents and private respondents No. 4 & 5 with counsel present. The newly engaged counsel for the appellant requested for adjournment. Adjourned. To come up for rejoinder and final hearing on 07.11.2017 before the D.B. at camp court, Swat.



Member


Chairman
Camp court, Swat

07.11.2017

Appellant in person, Mr. Kabeerullah Khattak, Addl. AG alongwith Abdul Hakeem, Senior Clerk for the respondents present. Both the learned counsel for the parties are not in attendance. Seek adjournment. To come up for further proceedings on 04.1.2018 before DB at camp court, Swat.


Member


Chairman
Camp Court, Swat

04.1.2018

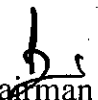
None present for the appellant. Addl. AG alongwith Abdul Hakeem, Senior Clerk for the respondents present. To come up for arguments on 06.03.2018 before the D.B at camp court, Swat.


Member


Chairman
Camp Court, Swat.

01.08.2016


Appellant with counsel and Mr. Abdul Hakeem, Senior Clerk alongwith Mr. Muhammad Zubair, Sr.GP for the official respondents and counsel for private respondents No. 4 & 5 present. Rejoinder not Submitted. Requested for adjournment. To come up for rejoinder and final hearing on 7.11.2016 before D.B at camp court, Swat.


Chairman
Camp court, Swat.

07.11.2016

Counsel for the appellant, Mr. Abdul Hakeem, Senior Clerk alongwith Mr. Muhammad Zubair, Sr. GP for official respondents No. 1 to 3 and counsel for private respondents No. 4 & 5 present. Rejoinder not submitted. Requested for adjournment. Adjourned for rejoinder and final hearing to 07.03.2017 before D.B at camp court, Swat.



Member


Chairman
Camp court, Swat

19
07.03.2017

Appellant in person Mr. Adul Hakeem, Senior Clerk alongwith Mr. Muhammad Zubair, Senior Government Pleader for the official respondents and counsel for private respondent No. 4 present. Counsel for the appellant sent application for adjournment. To come up for rejoinder and final hearing on 04.07.2017 before the D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

3.8.2015

Appellant in person, Mr. Abdul Hakim, Senior Clerk alongwith Mr. Muhammad Zubair, Sr.G.P for official respondents and private respondents with counsel present. Written statement by private respondents No.4 & 5 also submitted. The appeal is assigned to D.B for rejoinder and final hearing for 3.11.2015 at Camp Court Swat.


Chairman
Camp Court Swat.

03.11.2015

Appellant in person, Mr. Abdul Hakim, Senior Clerk alongwith Mr. Muhammad Zubair, Sr.GP for official respondents No. 1 to 3 and private respondents No. 4 and 5 in person present. Arguments could not be heard due to non-availability of D.B. To come up for rejoinder and final hearing before D.B on 2.2.2016 at Camp Court Swat.


Chairman
Camp Court Swat

02.02.2016

Appellant in person and Mr. Abdul Hakeem, Senior Clerk alongwith Mr. Muhammad Zubair, Sr.G.P for respondents present. Application for transfer of appeal submitted. Perusal of the same would suggest that appellant is seeking transfer of appeal as he has engaged lawyer from Peshawar. The same is not a valid ground. The same is, therefore, dismissed. Rejoinder not submitted. Directed to submit rejoinder and appeal to come up for final hearing before D.B on 01.08.2016 at Camp Court Swat.


Member


Chairman
Camp Court Swat

Appellant Deposited
Security & Process Fee



Counsel for the appellant and Mr. Abdul Hakim, Senior Clerk alongwith Assistant A.G for respondents present. Learned counsel for the appellant argued that the appellant is serving as Forest Guard and placed at Serial No. 1 of the seniority list of Forest Guards issued on 31.10.2007. That vide impugned order dated 1.10.2013 he was not considered for promotion despite seniority and fitness and that junior officials namely Muhib Shah and Muhammad Israr were given preference. That the appellant preferred departmental appeal against the said promotion order on 11.12.2013 which was not responded and hence the instant service appeal on 30.4.2014.

Learned Assistant A.G argued that the record of the appellant is stigmatic and as such he was not considered for promotion. That due to numerous departmental appeals the instant service appeal is not maintainable. Places reliance on case law reported as 2013 SCMR 911.

Taking into account the submissions of the learned counsel for the appellant, the appeal is admitted for regular hearing, subject to all legal exceptions. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 06.7.2015 before S.B at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.


Chairman

6.7.2015

Appellant in person and Mr. Abdul Hakim, Senior Clerk alongwith Mr. Muhammad Zubair, Sr. G.P for official respondents present. Para-wise comments by official respondents No.1 to 3 submitted while private respondents No.4 & 5 submitted Wakalat Nama and requested for adjournment. To come up for written reply on behalf of private respondents No.4 & 5 on 3.8.2015 at camp court Swat.


Chairman
Camp Court Swat

9.
Reader Note:

09.01.2015

Assistant to counsel for the appellant and Mr. Abdul Hakim, Senior Clerk with Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned 05.03.2015 for the same.


Reader

10.
05.03.2015

Appellant in person and Mr. Abdul Hakim, Senior Clerk with Asst: AG for the respondents present. Appellant requested for adjournment. To come up for preliminary hearing on 31.03.2015.


Member

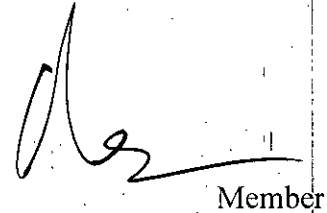
11.
31.03.2015

Appellant in person and Asst: AG with Abdul Hakim, Senior Clerk for the respondents present. Learned counsel for the appellant is stated busy before the august Supreme Court of Pakistan. Request for adjournment. Adjourned to 14.05.2015 for preliminary hearing before S.B.


Member

6.
09.09.2014

Appellant in person and Mr. Kabirullah Khattak, Assistant Advocate General on behalf of the respondents present. Appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 12.11.2014.



Member

7.
Reader Note:

~~10~~ 11.2014

Appellant in person present. Since the Tribunal is incomplete, therefore, case is adjourned to 12.12.2014 for the same.



Reader

8.
Reader Note:

12.12.2014

Counsel for the appellant and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned to 09.01.2015 for the same.



Reader

3.
29.05.2014

Counsel for the appellant present. Preliminary arguments partly heard. The matter required further elucidation, therefore pre-admission notice be issued to the learned GP to assist the Tribunal. To come up for preliminary hearing on 20.06.2014.


Member

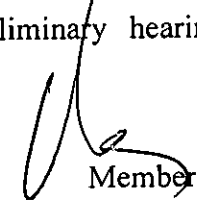
4.
20.06.2014

Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Clerk of counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 24.07.2014.


Member

5.
24.07.2014



Appellant in person and Mr. Muhammad Jan, GP for the respondents present. Appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 09.09.2014.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 606 /2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	30/04/2014	<p>The appeal of Mr. Aleem-ur-Rehman resubmitted today by Malik Muhammad Ajmal Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	5-5-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>29-5-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Aleem-ur-Rehman Forest Guard Timergra received today i.e. on 14.04.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal may be got signed by the appellant.
- 2- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal Rules 1974.
- 3- In the memo of appeal many places have been left blank which may be filled in.
- 4- Copy of departmental appeal mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it.
- 5- Seniority list is incomplete which may be completed.
- 6- Appeal may be page marked.
- 7- Annexures of the appeal may be attested.
- 8- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 9- Copy of merit list mentioned in the heading of appeal is not attached with the appeal which may be placed on it.
- 10- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 600 /S.T,


Dt. 14/04 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA.
PESHAWAR.

Mr. Malik Muhammad Aimal Adv.Pesh.

Sir.

Re submitted before After complence.


89/4/14

01C

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 606 /2014

Aleem-Ur-RehmanAppellant

VERSUS

The Secretary, Environment Department Govt of KPK and othersrespondents

INDEX

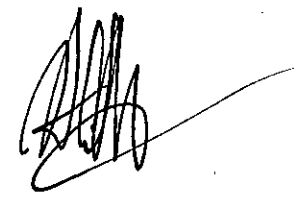
S #	Description Documents	Annexure	Pages
1	Service Appeal		1 to 6
2	Affidavit		7
3	Suspension of Pension Affidavit ^{ATC} - Addresses of the Parties.		7A-7D
4	Copies of the CNIC Testimonial order/notification of appointment	"A"	8 to 12
5	Copies of the departmental representation , Seniority list , Order / judgment dated 28-03-2006	"B"	13 to 33
6	Wakalatnama		34 25

Service Appeal

Through



Malik Muhammad Ajmal Khan
Advocate, Peshawar
Office : 10C, Haroon Mansion,
Khbyber Bazar, Peshawar
Cell # 0301-8866939



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 606 /2014

556
14-4-2014

Aleem-ur-Rehman,
Presently serving as Forest Guard,
Divisional Forest Division at Timergara,
S/O Salik-ur-Rehman,
R/O Village Kemangara, Tehsil Timergara,
District Lower Dir.....Appellant

Versus

1. The Secretary,
Environment Department,
Govt. of Khyber Pakhtunkhwa at
Civil Secretariat, Peshawar.
2. The Conservator of Forest,
West/East Malakand Circle at Timergarah,
District Lower Dir.
3. The Divisional Forest Officer,
District Lower Dir at Timergara.
4. Muhib Shah,
Forest Guard, Forest Division at Timergara,
District Lower Dir.

Filed to-407

14/4/14

re-submitted to-407
and filed;

Registered

30/4/14

[Handwritten Signature]

5. Muhammad Israr,
Forest Guard, Forest Division at Timergara,
District Lower Dir.....**Respondents**
-

SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS
ACT, 1974 AGAINST THE IMPUGNED ORDERS NO.
22 AND NO. 23 DATED 1/10/2013 IN RESPECT OF
THE PRIVATE RESPONDENTS WHO WERE
ILLEGALLY AND UNAUTHORIZEDLY PROMOTED
AND IGNORING THE APPELLANT BEING ON THE
TOP OF THE MERIT LIST WHILE HIS
DEPARTMENTAL REPRESENTATION HAS NOT
BEEN DECIDED WITHIN STIPULATED PERIOD.

PRAYER:

On acceptance of the instant appeal, the
Impugned Orders No. 22 and 23 dated 1/10/2013
may graciously be set aside and the appellant may
kindly be promoted according to merit/seniority
list.

Respectfully Sheweth,

1. That the Appellant was initially appointed as
Forest Guard in the year 1981 after his
completion of FA with Domicile of District
Dir. Copies of the CNIC, Testimonial and



Order/Notification of Appointment are attached as (Annexure-A).

2. That the Appellant was ~~Senior~~ to one Sultani Gul who was illegally promoted by the Respondents and ignored the Appellant whereafter Departmental Representation was filed which was dismissed followed by Service Appeal No. 844/2004 but too was dismissed on 28.3.2006. Copies of the Departmental Representation, Seniority List, Order/Judgment of this Honourable Tribunal dated 28.3.2006 are attached as (Annexure-B).

3. That the Appellant then continued his duty with dedication, honesty and hard work who was granted the good ACRs for the years 2009, 2010, 2011 and 2012 duly signed by the concerned Sub-Divisional Forest Officer but did not countersigned by the Respondent No. 3 and the same job ^a was done by one Wiqas working as Senior Clerk in the



Respondent's office who was asked but his reply was that he is doing it on the directions of the said Divisional Forest Officer.

4. That this time too, the private Respondents were promoted to the post of Foresters, ignoring altogether the Appellant being on the top of the list, preferred a Departmental Representation which has not been decided so far and the period has already been elapsed, therefore, approaches this Honourable Court on the following amongst others:-

GROUNDS:

- A. That the orders in respect of the private Respondents are totally illegal, without lawful authority and jurisdiction, therefore, no order in the eye of law and be set aside while declaring so.



- B. That the Appellant vested rights have been infringed by taking the same on very flimsy grounds under the garb of Govt. Servant which is not only irregular, illegal but also tainted one. On this score alone are liable to be setaside.
- C. That the relevant law on the subject has been ignored/violated because only 05 good ACRs are sufficient for promotion to the higher post and the same is the case of the present Appellant.
- D. That the malafide is floating on the surface of the whole record where the Appellant is the sole person who has not been promoted to the post of Forester in the whole lot although he is at the verge of his retirement and this act of the Respondents not only deprived ~~him~~ *Luam* in increase but also equal to deprivation for the whole life from the benefits attached to salary/promotion/GP Fund/Family pension etc.




- E. That when it was written in the order by then DFO/^{Conservator} while ~~checking~~ with his departmental representation then it was binding on the Respondents to act in accordance with the said order, promoted the Appellant and take legal action against all those who are involved.
- F. That any other ground which has not specifically been taken, but relevant to the matter may also be allowed to be argued at the time of arguments.

It is, therefore, humbly prayed that On acceptance of the instant appeal, the Impugned Orders No. 22 and 23 dated 1/10/2013 ~~and~~ may ^{very} graciously be setaside and the appellant may kindly be promoted according to merit/seniority list.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to appellant.

Appellant
Through


Malik Muhammad Ajmal Khan
Advocate High Court

Dated: 12/04/2014



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2014

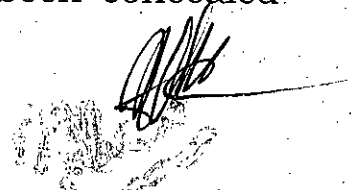
Aleem-ur-Rehman.....(Petitioner)

VERSUS

The Secretary and others.....(Respondents)

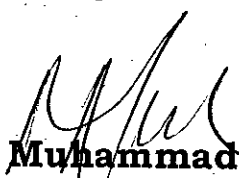
AFFIDAVIT

I, Aleem-ur-Rehman S/o Salih-ur-Rehman, Presently Serving as Forest Guard, Divisional Forest Division at Timergara, R/o Village Kamangara, Tehsil Timergara, District Lower Dir, on this Day 11th April, 2014 at Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

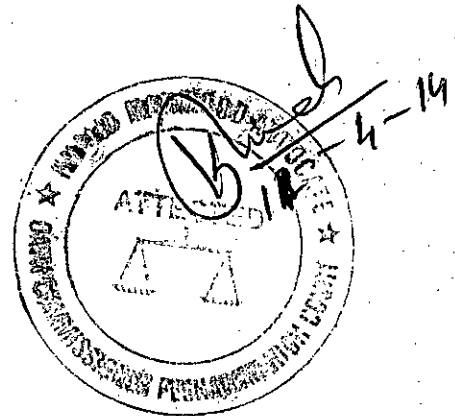


DEPONENT
CNIC: 15302-1341890-5

Identified by:



Malik Muhammad Ajmal Khan
Advocate, Peshawar.





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Alim-Ur-Rehman.Appellant

V E R S U S

Secretary to the Govt KPK Environment
department at Civil Secretariat Peshawar and
others. Respondents

**PETITION FOR SUSPENSION OF
OPERATION/ IMPUGNED ORDERS NO. 22 & 23,
DATED 01-10-2013 IN RESPECT OF THE
PRIVATE RESPONDENTS TILL THE FINAL
DECISION OF THE MAIN CASE.**

Respectfully Sheweth:-

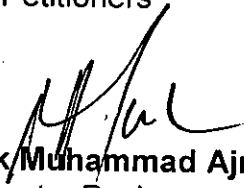
1. That the petitioner has filed the enclosed service appeal wherein no date has yet been fixed.
2. That all the three ingredients like strong prima facie case, balance to convenience and irreparable loss are best inclined in favour of the petitioner against the respondents.
3. That the grounds taken in the memo of appeal may also be consider as an integral part of the instant petition.

4. That if the operation by the impugned orders are not suspended, the parties will involved into an endless litigation

It is therefore, most humbly prayed that an acceptance of the instant petition, the operation of the impugned order No 22 & 23 dated 01-10-2013 may very graciously be suspended till the final division of the main case.

Petitioners

Through



Malik Muhammad Ajmal Khan
Advocate, Peshawar.
Office No. 10-c Haroon mansion
Khyber bazaar Pesahwar.
Cell: 0301-8866939



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C.M No _____ 2014

IN

Service Appeal No. _____ 2014

Alim Ur Rehman.....Petitioner / Appellant

VERSUS

The secretary, Environment Department Govt of KPK and othersRespondents

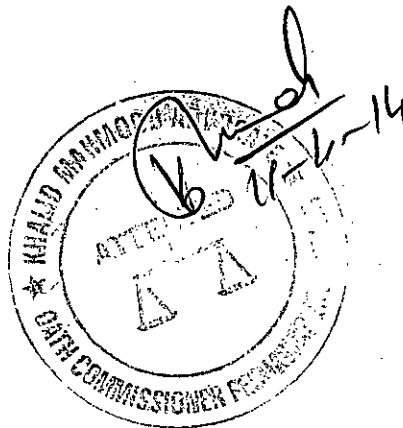
AFFIDAVIT

I, Alim-ur-Rehman S/O Salik-ur-Rehman, Presently serving as Forest Guard, Divisional Forest Division at Timergara, R/o Village Kamangara, Tehsil Timergara, District Lower Dir, on this day 11th April, 2014 at Peshawar, do hereby, solemnly affirm and declare that all the contents of the accompanying petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble Service Tribunal

DEPONENT
CNIC: 15302-12341890-5

Identified by:

Malik Muhammad Ajmal Khan
Advocate Peshawar.



7D

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No. _____/2014

Aleem-Ur-RehmanAppellant

VERSUS

The Secretary Environment Department Govt of KPK & others
.....Respondents

ADDRESSES OF THE PARTIES

APPELLANT

Aleem-Ur-Rehman S/o Salik-Ur-Rehman
Presently serving as Forest Guard, Divisional
Forest Division at Timergara, Village
Kamangara, Tehsil Timergara District Lower Dir.
CNIC # 15301-1341890-5 Cell # 0346-8006429


RESPONDENTS:

1. The Secretary Environment department,
Govt of Khyber Pakhtunkhwa at Civil Secretariat, Peshawar.
2. The Conservator of Forest, West/East Malakand
Circle at Timergara District Lower Dir.
3. The Divisional Forest Officer, District Lower
Dir at Timergara.
4. Muhib Shah, forest Guard, Forest Division at
Timergara District Lower Dir.
5. Muhammad Israr, Forest Guard, Forest Division
at Timergara District Lower Dir.



Petitioner

Through


Malik Muhammad Ajmal Khan
Advocate Peshawar
Off: 10-C, Haroon Mansion,
Khyber Bazar, Peshawar
Cell # 0301-8866939

Dated: 11/04 2014

No. 334/111/1 (v.d.) Dated Dir the 29.6.74

DOMICILE CERTIFICATE.

I declare that I am born of parents who are permanently domiciled in the N.W.F.P. having been born in this province.

I was born at Village Kamanga Sa Tehsil Simardara

Signature Ali Muhammad

Resident of Kamanga Sa Tehsil Simardara Distt: Dir

Per suance to the declaration date 12.6.74
Filed by Ali Muhammad son of Dalghur Rahman Village Kamanga Sa

Tehsil Simardara District Dir domiciled in N.W.F.P.

It is hereby certified that the said Ali Muhammad parents are permanently domiciled in N.W.F.P.

I have satisfied myself from the verification of the

Tahsildar Ali Muhammad that the above declaration is true and certify accordingly.

Given under my hand and the seal of the court.

This 12/6 the Day June /1974

Countersigned [Signature]
Deputy Commissioner,
Dir. 29/6/74

[Signature]
Magistrate Ist Class
[Signature]
Dir of Simardara

Attested
[Signature]
Counsel

Board of Intermediate & Secondary Education
PESHAWAR (PAKISTAN)



SECONDARY SCHOOL CERTIFICATE EXAMINATION
SESSION 1974
ANNUAL

This is to certify that Alim Ur Rahman
son/daughter of Salik Ur Rahman and a student
of Govt: High School, Sarai Rala (Dir)
passed the Secondary School Certificate Examination of the Board
of Intermediate and Secondary Education, Peshawar held in March, 1974
in the Second Division.

The candidate passed in the following subjects:—

- | | | |
|--------------|-------------------------|-----------------------|
| 1. English | 4. Social Studies | 7. Physiology Hygiene |
| 2. Urdu | 5. Mathematics (Elect:) | |
| 3. Islamiyat | 6. Physics & Chemistry | |

Date of Birth Tenth August One thousand
nine hundred and Fifty-seven (10.8.1957)

29th June, 1974

[Signature]
SECRETARY

[Signature]
Attested
Counsel

(11)



Handwritten scribbles or marks in the lower middle section.

Handwritten scribbles or marks in the bottom left corner.

OFFICE ORDER NO. 81 DATED 30/6/1981 BY
SYED KHURSHID ANILR, DIVISIONAL FOREST OFFICER, DIR FOREST
DIVISION, TIMERGARA.

On the recommendations of the departmental committee constituted for selection of forest guards against the prevailing vacant posts, Mr. Abimur Rehman of Talash is hereby selected/appointed for the posts of Forest Guard in revised National Pay Scale No. 1 (Rs. 250-5-230/6-340) with usual allowances as admissible under the rules.

The appointment is purely temporary and can be terminated at any time without assigning any reason. The person appointed will however have to give one month's notice if he wants to resign or will surrender one month's pay in lieu thereof.

The appointment is subject to production of the following:-

1. Health certificate from Civil Surgeon, Timergara
2. Educational certificate, an original or an attested copy thereof,
3. Domicile certificate,
4. Character certificate, and
5. Service security of Rs. 500/- pledged to the Divisional Forest Officer, Dir Forest Division.

The above appointment will stand cancelled if the person appointed fails to report for duty at Divisional Office, Timergara by 20/7/1981.

Sd/- Divisional Forest Officer,
Dir Forest Divn: Timergara.

No. 5334-35/G,

Copy Forwarded to, viz:-

1. Mr. Abimur Rehman of Talash for information and necessary action.
2. Head Clerk/Divisional Accountant for necessary action.

Divisional Forest Officer
Dir Forest Divn: Timergara
30/6/1981

ATTESTED COPY

[Handwritten signature]

Attested
[Handwritten signature]
Counsel

OFFICE ORDER No 81 dated 30-06-1981 BY SYED HURSHID ANWAR, DIVISIONAL FOREST OFFICER DIR, FOREST DIVISION, TIMERGARA.

.....

On the recommendations of the departmental committee constituted for selection of forest guards against the prevailing vacant posts. Mr Alim-Ur-Rehman S/O Salik -ur Rehman of Kamangara, Talash is hereby selected / appointed for the posts of Forest Guard in revised National pay Scale No. 1 (Rs. 250-5-280/6-340) with usual allowance as admissible under the rules.

The appointment is purely temporary and can be terminated at any time without assigning any reason. The person appointed will however have to give one month's notice if he wants to resign or will surrender one month's pay in lieu thereof.

The appointment is subject to production of the following:-

1. Health certificate from civil Surgeon, Timergara.
2. Educational certificate original or an attested copy thereof.
3. Domicile Certificate.
4. Character Certificate, and
5. Service security / of Rs.500/- pledged to the Divisional Forest Officer, Dir Forest Division.

The above appointment will stand cancelled if the person appointed fails to report for duty at Divisional office, Timergara 20/07/1981.

Sd/ Division al Forest Officer,
Dir Forest Division Timergara

.....

No; 5934-35/G,

Copy forwarded to the :-

1. Mr Alim-Ur-Rehman of Talash
for information and necessary action.
2. Head Clerk/ Divisional Accountant for necessary action.

*Attested
by Council*

Division al Forest Officer,
Dir Forest Division Timergara

کمز و صحتی تنزیرو علم تفکارہ کا مسابقتی امتحان میں شرکت کرنے والے طلبہ کو درج ذیل بات پر نوٹس دیا گیا ہے۔

آئیے درج ذیل دفعہ الصاف بابت پر نوٹس۔

فتاویٰ عالی:

سائل حسب ذیل عرض رسالہ۔

(1) یہ کہ سائل نے فوراً فارسیٹ فارڈ ٹیسٹی علیہ لارجن سال 1987 میں لیا ہے۔ یہ من سائل نے ہمیشہ نہایت ایماندارانہ آمد تکلیف فرم سننا سے اسے آریٹا ڈیوٹی جنوب ایشیا کے طریقہ سے انجام دیا ہے۔

(2) یہ کہ سائل نے سال 1982 میں ریڈیٹ آریٹا ڈیوٹی اسکول سے فارسیٹ فارڈ ٹیسٹ اسکول کا سرٹیفکیٹ حاصل کیا ہے۔ دفتر ڈیوٹی نے فرود ہو سکتا ہے وقت دفتر گزارا میں لگا دیا ہے۔ کل کلین بین دفتر میں لیا ہے۔ یہ ہے برائے العالی کا بیوٹا۔ (3) یہ کہ سائل کو 1992 میں سلیٹیشن آریٹا ملا تھا۔

(4) یہ کہ سائل نے فرود ہو سکتا حاصل کیا ہے (5) یہ کہ سائل نے فرود ہو سکتا حاصل کیا ہے۔ نا انفاذ ہے۔ کافی لف ہے۔ (6) یہ کہ سائل نے فرود ہو سکتا حاصل کیا ہے۔ نا انفاذ ہے۔

(7) یہ کہ سائل کا 22² سے 2008² کے درمیان میں آریٹا ڈیوٹی اسکول آریٹا ڈیوٹی اسکول (8) یہ کہ سائل نے 2010 اور 2011 کے درمیان میں آریٹا ڈیوٹی اسکول آریٹا ڈیوٹی اسکول

آریٹا ڈیوٹی اسکول کے درمیان میں آریٹا ڈیوٹی اسکول آریٹا ڈیوٹی اسکول

Attested
M.A. Counsel

(۹) یہ سائل کے سال 2009 ACR کوڈ اینٹری میں ملتا ہے جس کی توثیق
 یوسف خانہ ڈی۔ ایف۔ آرڈر میں سائل کے پروفیشنل D.P.C بنایا گیا۔
 تین مردان یا عورتوں کے ڈویژن سے پروفیشنل فارسیسٹ کے ریٹریٹیشن کے بارے
 میں پروفیشنل رجسٹریشن آف فٹنڈ ہونے کے ارادے کے ساتھ
 ACR میں درج کیا گیا۔ تاہم سائل کو حق نہ مل سکے۔ ظالم آفیسر نے انصاف کی
 استدعا۔

✓ میری آئین پر دوبارہ غور فرمائے آرڈر نمبر 15/2013
 آرڈر نمبر 22/2013 ایکٹسٹریکٹ کی میری حق دیا جا کر پروفیشنل کیا
 جانے۔

فقوہ
 انصاف
 مورخہ 11/12/2013

11/12/2013
 سعید علی الرحمن فارسیسٹ
 (فارسیسٹ کے ریٹریٹیشن کے بارے میں)

Attested
 by Counsel

بھی عرض کیا ہے کہ اس کے بارے میں کوئی بھی اطلاع نہیں ہے۔

درخواست گزار فرماتی ہے کہ اس کا پتہ ہے۔

صاحب عدالت! مسائل حسب ذیل عرض کر رہی ہوں۔

(۱) یہ کہ مسائل بطور فارسی یاد میں علی الرغم سال ۱۹۸۱ میں کھرتی ہو۔ اس میں میں نے بھی
(۲) یہ کہ مسائل نے سال ۱۹۸۲ میں ایسٹ آباد تقاضی سکول سے فارسی یاد میں میں نے بھی
کا سرٹیفکیٹ حاصل کیا ہے۔ پروموشن کے وقت دفتر میں بھی آیا ہے۔
میں نے اس کے بارے میں نہیں ہے۔ یہ ہے انصافی کا ثبوت

(۳) یہ کہ مسائل نے سال ۱۹۹۲ میں سکول کے پرنسپل کے پاس جا کر درخواست کا حق ادا کیا
(۴) یہ کہ مسائل نے پروموشن حاصل کرنے کے لیے ۲۰۰۵ میں ایسٹ آباد تقاضی سکول میں میں نے بھی
لیکن دفتر نے بالآخر انصافی کرتا ہے۔

(۵) یہ کہ مسائل نے ۲۰۰۸ء میں صدر علی گڑھ یونیورسٹی کے پاس جا کر درخواست کا حق ادا کیا
لیکن ڈی۔ ایف۔ او کوئی دیر نہ ہوئی ہے۔ اس کے بعد میں نے بھی درخواستیں کیں جو سب
نے اس دوران ۱۸/۹/۲۰۱۳ کو پروموشن آرڈر لکھا جو میں نے بھی اپنے پاس رکھا ہے۔
میں نے اس کے بارے میں نہیں ہے۔ اس کے بعد میں نے بھی درخواستیں کیں جو سب
آرڈر میں ۲۰۱۳ء میں ۵۸۰۰۰۰ کے آرڈر کے بارے میں بھی لکھا ہے۔

Attached
Counsel

(۹) یہ سائل کے سال 2009 ACR کو ڈائیکٹری میں ہی ہے۔

نبوت یوسف خان ڈی۔ ایف۔ او نے من سائل کے پروموشن کا D.P.C

تیار کیا۔ مردان سے یا صوبی سے پروموشن کا ریکارڈ اسٹریٹجی میں کیا گیا۔

سے پروموشن ہو گیا۔ آج دفتر والوں نے الا ڈی 2009 ACR

میں رکھا گیا۔ تاہم سائل کو پروموشن نہ مل سکی۔ ظالم

آدر بے انصاف ہے۔

استدعا ہے۔ کہ میرا کیس پرو دوبارہ غور فرمائے اور ڈی 15 9 18
آرڈر نمبر 29 10 2013 کی کاپی کر کے مجھے میرا حق دیا جائے۔
کھیا جاوے۔

فوق
العارضین
صفحہ 12.12.2013

محمد سعید اعظم الرحمن ولد سید الرحمن سلیم خان

پ. م. ضلع صفحہ تحصیل شیرازہ رینج کوئٹہ دیر اور منب برائے

Attested
Counsel

Total Number of sanctioned strength = 59

1) Normal = 35

2) S.N.E. = 24

SENIORITY LIST OF FOREST GUARD IN RESPECT OF LOWER DIR FOREST DIVISION AS STOOD ON 31.10.2007.

S.No.	Name of Forest Guard	Domicile	Date of birth	Educat: qualification	Technical qualification		Initial recruitment	Present post/Adjustment.	Present grade	Remarks
					Basic training	Upgradation training.				
1.	Alimur Rehman	L/Dir	1957	FA	Trained	Trained	12.7.1981	12.7.1981	7	-
2.	Akhtar Mohd	-do-	8.4.1967	Matric	Trained	Untrained	19.9.1985	19.9.1985	7	-
3.	Mohib Shah	-do-	1.1.1963	Matric	Trained	Untrained	30.10.1985	30.10.1985	5	-
4.	Mohd Israr-I	-do-	1.4.1967	FA	Trained	Untrained	24.8.1986	24.8.1986	5	-
5.	Minhajuddin	U/Dir	1.8.1967	FA	Trained	Untrained	25.8.1986	25.8.1986	5	-
6.	Noor Mohd	L/Dir	18.9.1961	Matric	Trained	Trained	26.8.1986	26.8.1986	5	-
7.	Khurshid Munir	-do-	28.10.1965	Matric	Trained	Trained	28.8.1986	28.8.1986	5	-
8.	Khalid Khan	U/Dir	09.06.1968	FA	Trained	Untrained	28.8.1986	28.8.1986	5	-
9.	Mohd Fayaz	L/Dir	05.08.1968	BA	Trained	Untrained	19.07.1987	19.07.1987	5	-
10.	Itbar Khan	-do-	16.1.1965	Matric	Trained	Untrained	20.7.1987	20.7.1987	5	-
11.	Shafiullah	-do-	20.10.1967	BA	Trained	Untrained	20.7.1987	20.7.1987	5	-
12.	Mohd Amin	-do-	28.12.1958	FA	Trained	Untrained	23.7.1987	23.7.1987	5	-
13.	Dildar Wahid	-do-	01.5.1962	FA	Trained	Untrained	23.11.1987	23.11.1987	5	-
14.	Bakht Nawab	-do-	01.5.1963	Matric	Trained	Untrained	23.11.1987	23.11.1987	5	-
15.	Mohd Rehm-I	-do-	21.4.1968	Matric	Trained	Untrained	27.12.1987	27.12.1987	5	-
16.	Jamshid Khan-I	-do-	20.1.1961	Matric	Trained	Untrained	27.11.1988	15.11.1989	5	-
17.	Nowsherawan	-do-	25.5.1963	Matric	Trained	Untrained	21.11.1989	21.11.1989	5	-
18.	Mohd Israr-II	-do-	01.1.1967	Matric	Trained	Untrained	21.11.1989	21.11.1989	5	-
19.	Ali Mohd-I	-do-	03.5.1970	FA	Trained	Untrained	21.11.1989	21.11.1989	5	-
20.	Raees Khan	-do-	20.2.1967	D.Come	Trained	Untrained	21.11.1989	21.11.1989	5	-
21.	Ghulam Hussain	-do-	01.12.1967	FA	Trained	Untrained	22.11.1989	22.11.1989	5	-
22.	Kifayatullah	-do-	01.4.1971	BA	Trained	Untrained	23.11.1989	23.11.1989	5	-
23.	Muzafar Khan	-do-	09.4.1971	FA	Trained	Untrained	23.11.1989	23.11.1989	5	-
24.	Ali Haidar	-do-	06.3.1968	FA	Trained	Untrained	26.11.1989	26.11.1989	5	-
25.	Mohammad	-do-	13.4.1952	Matric	Trained	Trained	15.1.1990	15.1.1990	5	-
26.	Nisar Ahmad	-do-	1.12.1962	Matric	Trained	Untrained	29.1.1990	29.1.1990	5	-
27.	Khalil ahmad	-do-	01.1.1967	FA	Trained	Untrained	08.11.1990	08.11.1990	5	-
28.	Zakirullah	-do-	12.4.1967	FA, BA	Trained	Untrained	10.11.1990	10.11.1990	5	-
29.	Mohd Islam	-do-	15.6.1971	FA	Trained	Untrained	10.11.1990	10.11.1990	5	-
30.	Niaz Mohd	-do-	01.4.1972	BA	Trained	Untrained	10.11.1990	10.11.1990	5	-

Attested
Counsel

31	Munawar Shah	-do-	03.10.1971	Matric	Untraned	Untrained	11.11.1990	11.11.1990	5	-
32	Shah Hussain	-do-	15.1.1971	BA	Trained	Trained	17.12.1991	17.12.1991	5	-
33	Lal Badshah	-do-	15.4.1969	Matric	U/traned	Untrained	17.12.1991	09.2.1995	5	-
34	Ali Mohd-II	-do-	20.1.1971	Matric	U/traned	Untrained	17.11.1990	01.11.1995	5	-
35	Khista Nabi	-do-	12.2.1969	BA	U/traned	Untrained	18.12.1989	06.10.1996	5	-
36	Fazal Rabi	-do-	16.4.1970	Matric	U/traned	Untrained	21.2.1989	11.5.1998	5	-
37	Fakhrul Islam	-do-	17.2.1961	FA	Trained	Trained	15.12.1981	23.10.2000	7	-
38	Mohd Rehmin-II	-do-	30.12.1958	FA	U/Trand	Untrained	12.12.1979	04.6.2001	5	-
39	Abdul Jamil	-do-	15.6.1965	FA	Trained	Untrained	15.3.1982	06.8.2004	7	-
40	Perviz Khan	-do-	16.3.1964	MA	Trained	Trained	15.6.1983	14.5.2005	7	-
41	Hazrat Mohd	-do-	03.7.1965	Matric	Trained	Untrained	05.5.1984	14.12.2005	7	-
42	Ahmad Wahid	-do-	01.1.1964	Middle	U/trained	Untrained	16.6.1983	01.01.2002	5	-
43	M. Zahir Shah	-do-	11.5.1961	Matric	U/traned	Untrained	18.2.1988	01.7.2006	7	-
44	Ahmad Hussain	-do-	04.8.1965	BA	Trained	Untrained	21.2.1988	01.7.2006	7	-
45	Amir Hassani	-do-	13.2.1968	Matric	U/traned	Untrained	24.2.1988	01.7.2006	7	-
46	Mohd Naeem-I.	-do-	01.01.1963	Matric	U/traned	Untrained	01.3.1988	01.7.2006	5	-
47	Moeenuddin	-do-	24.3.1967	BA	U/traned	Untrained	05.3.1988	01.7.2006	5	-
48	Jamshid Khan-II	-do-	01.01.1970	Matric	U/traned	Untrained	05.4.1988	01.7.2006	5	-
49	Wahid Zaman	-do-	23.3.1968	Matric	Trained	Untrained	27.11.1989	01.7.2006	5	-
50	Balchtar Ahmad	-do-	12.12.1957	BA	U/traned	Untrained	10.1.1980	02.7.2007	5	-
51	Hukam Pass	-do-	01.6.1960	Matric	U/traned	Untrained	15.2.1982	02.7.2007	5	-
52	Mohd Yasin	-do-	1960	Matric	U/traned	Untrained	04.4.1988	02.7.2007	5	-
53	Mohd Farid	-do-	15.4.1962	Matric	U/traned	Untrained	16.4.1988	02.7.2007	5	-
54	Shah Nawaz	-do-	01.5.1965	Matric	U/traned	Untrained	15.12.1988	02.7.2007	5	-
55	Ibrahim	-do-	02.1.1965	Matric	U/traned	Untrained	01.8.1988	04.7.2007	5	-
56	Farmanullah	-do-	20.02.1987	Matric	U/traned	Untrained	05.7.2007	05.7.2007	5	-
57	Ihsanullah	-do-	02.2.1963	Matric	U/traned	Untrained	04.4.1988	11.7.2007	5	-
58	Gulam Mustafa	-do-	30.8.1969	Matric	U/traned	Untrained	19.6.1990	13.7.2007	5	-
59	Shah Room	-do-	12.10.1967	Matric	U/traned	Untrained	21.2.1988	25.7.2007	5	-

Attested
Counsel

Divisional Forest Officer,
Lower Division Forest Division,
Timergara.

BEFORE THE N.W.F.P. SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL NO. 844 /2004.

Alimur Rahman, Forest Guard
Lower Dir Forest Division, Timergara:..... Appellant.

Versus.

- 1) The Government of NWFP, Secretary
Forests Department, Peshawar.
- 2) The Conservator of Forests,
Malakand Division at Saidu Sharif.
- 3) The Divisional Forest Officer,
Dir Lower.
- 4) Sultani Gul Forester Dir Forest-
Division(Lower Dir)at Timergara:..... Respondents.

1600
20-10-04

APPEAL AGAINST THE ORDERS OF RESPONDENT NO.03
BEARING NO. 190, DATED 20/5/2004 VIDE WHICH
RESPONDENT NO.04 WAS ILLEGALLY AND UN-
AUTHORISEDLY PROMOTED AND ALSO AGAINST THE
ORDER OF RESPONDENT NO.02 BEARING NO.5103,
DATED 14/9/2004 VIDE WHICH APPEAL OF THE
APPELLANT WAS NOT ACCEPTED.

P r a y e r :-

On acceptance of this appeal the impugned
orders of the Respondents No.2 and 3 may be
declared as null and void ab-initio and the
appellant promoted as Forester from the due
date with all back benefits.

Filed to-day

M. A. G.

20-10-04

Respectfully Sheweth.

- 1) That the appellant was duly and regularly
appointed as Forest Guard vide Order No.
81, dated 30/6/1981 (copy as Annexure-A)
and since then is in regular, continuous
and spotless service.
- 2) That the Respondent No.3 circulated a
Seniority List as it stood on 19.11.2003
(copy as Annexure-B). The seniority list
reflects the name of the appellant at
S.No.2 and the name of Respondent No.04
at S.No.04. The date of 1st appointment
of the appellant is 12/7/1981 and that
of Respondent No.04 is 17/9/1985.
- 3) That a vacancy of Forester in the said
Forest Division caused vacant against
which the DPC held its meeting and
recommended Respondent No.04 for promotion
without any reasons(copy of the minutes
as Annexure "C").
- 4) That the Respondent No.03 promoted the
Respondent No.04 vide the impugned order
as Annexure-D. That the appellant

*Attested
by Counsel*

..... preferred a Departmental Appeal to the Respondent No.02 but it was not accepted and a non-speaking order was passed. Copy of the Departmental appeal is Annexure-E and that of impugned order of Respondent No.02 is Annexure "F".

5) That the order of promotion of Respondent No.04 having been made by the Respondent No.03 and the order of the Respondent No.02 are illegal ab-initio against the natural justice, Rules and Policy of the Government on the following grounds:-

G R O U N D S.

I) The appellant has rendered a valuable service without any stigma. He is eligible and fit, also, for promotion as Forester.

ii) The criteria laid down for the promotion is seniority-cum-fitness, the appellant according to the seniority list, having prepared by the Respondent No.03, the appellant is absolutely senior and also fit. During the entire service period no adverse entry in the Annual Confidential-Reports has been made or communicated to the appellant.

iii) The DPC has not scrutinized/considered the record of service of the appellant and whimsically made recommendation for the promotion of the Respondent No.04 whereby with malafide intention and favour him unduly. The recommendation does not contain any reasons and this is against the law and natural justice.

iv) The Respondent No.3 did not follow the requirement of the Law and natural justice and deprived the appellant from his accrued and vested right of proper consideration and then promotion.

v) The Respondent No.02 also rejected the appeal in a slip shod manner and did not pass any reasonable or speaking order.

Attested
by Counsel

It is therefore humbly prayed that the impugned order may be set a side, and the appellant be promoted as Forester from the due date with all back benefits.

Petitioner.



(ALIMUR RAHMAN)

Through Counsel.



(AZIZUR RAHMAN)
ADVOCATE HIGH COURT
AT SWAT.

*Attested
by Counsel*

BEFORE THE N.W.F.P. SERVICE TRIBUNAL, PESHAWAR.
CAMP COURT SWAT.

22

Service Appeal No. 1057/2004

Date of institution ... 24.12.2004

Date of decision ... 28.03.2006

Fakhrul Islam, Forest Guard,
Dir Forest Division,
District Dir (Upper).

Appellant

VERSUS

1. The Government of NWFP through Secretary Forests, Peshawar.
2. The Conservator of Forests, Malakand Circle at Gulkada Saaidu Sharif.
3. D.F.O, Lower Dir Forest Divn: at Timergara.
4. D.F.O, Upper Dir Forest Divn: Dir.
5. Musharaf Gul, Forester & 5 other Foresters (Dir Forest Divn: Lower Dir at Timergara).

Respondents

APPEAL U/S 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974
AGAINST THE PROMOTION ORDERS OF RESPONDENTS NO. 5 & 6
VIDE No. 08, DATED 6.8.04, RESPONDENTS NO. 7 & 8
VIDE NC. 34 DATED 16.8.03, RESPONDENT NO. 9 VIDE NO. 150
DATED 21.2.04 AND RESPONDENT NO. 10 VIDE ORDER MADE IN
PURSUANCE OF THE MINUTES OF THE MEETING OF DPC
DATED 28.04.2004.

ATTESTED

Prayer: On acceptance of this appeal, the impugned orders may be set aside and the appellant be promoted being at the top of seniority list/ senior most and fit from due date with all back benefits.

Mr. Aziz-ur-Rehman,
Advocate.

For appellant

Mr. Noor Zaman Khan,
Addl: Govt. Pleader.

For respondent
department.

Mr. Abdul Halim Khan Sani,
Advocate.

For respondents
No. 5 to 10.

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Mr. Abdul Sattar Khan,
Mr. Faizullah Khan Khattak.

Chairman
Member

JUDGMENT

ABDUL SATTAR KHAN, CHAIRMAN: The appellant namely Fakhru'l Islam is serving as Forest Guard in the respondent department. Private respondents namely Musharaf Gul, Abdul Latif, Sherin Muhammad, Azmatullah, Ibrahim and Sultani Gul were promoted as Foresters on different dates and the appellant was ignored/not considered for promotion. Feeling aggrieved, the appellant filed his departmental appeal against all the impugned orders which elicited no response within the statutory period of limitation, hence this appeal.

2. Notices were sent to the respondents. They turned up and contested the appeal by filing separate written replies. Various factual and legal pleas were raised. It was inter-alia alleged that the appellant was transferred to Dir Swat Watershed Management Project vide C.P. Malakand office order No. 79 dated 11.7.89 and was left with no lien in Dir Forest Division as the transfer took place on his own request; that private respondents No. 5 to 10 have been promoted strictly in accordance with the rules and regulation on the subject; that respondents No. 7 & 8 have been promoted on 16.8.03 on the basis of seniority list as it stood on 31.3.2002. In the said seniority list, the appellant figured at S.No. 66, therefore, he was junior to respondents No. 7 & 8. Similarly, M/S Ibrahim, Sultani Gul, Musharaf Gul and Abdul Latif, (respondents No. 5, 6, 9 & 10) have been promoted w.e.f 21.2.2004, 20.5.2004 and 6.8.2004 respectively on the basis of

ATTESTED

[Handwritten Signature]

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Handwritten Initials]



seniority list as it stood on 19.11.2003 when appellant was serving in Upper Dir Forest Division. Therefore, he has no lien in Dir Lower Forest Division to be promoted against the vacancy caused in Lower Dir Forest Division. Private respondents/also teed the line of the respondent department. Replication was also filed by the appellant in rebuttal.

3. Arguments heard and record perused.

4. Learned counsel for the appellant argued that the appellant being eligible and senior most was not at all considered by the respondent department for promotion as Forester, therefore, the promotion orders of the private respondents are violative of law/rules and liable to be set aside. That the case be remanded to the respondent department for re-consideration in accordance with law.

5. In reply it was urged that Dir Forest Division was bifurcated vide Notification of the Government of NWFP Environment Department dated 20.3.2003; that the appellant was transferred to Dir Swat Watershed Management Project on his own request having no lien in Lower Dir Forest Division, therefore, he was not considered for promotion and that all the private respondents are on the strength of Lower Dir Forest Division, Timergara and the appellant is still serving in Upper Dir Forest Divn: Dir, therefore, he has no cause of action to agitate the promotion case.

And

6. After hearing the arguments and perusing the record minutely, the Tribunal holds that the claim of the appellant is ground-less. He was not senior most Forest-

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar
ATTESTED
[Signature]

25

Guard during the period when the private respondents were promoted as Foresters. Further-more, he has filed a joint departmental appeal against the impugned promotion orders which is violative of law/rules. The appellant is still on the strength of Upper Dir Forest Division, therefore, he has no cause of action to agitate the matter-in-issue. No case for indulgence of the Tribunal was thus made out. The appeal being unmeritorious is dismissed.

7. This judgment shall also dispose of another connected appeal bearing No. 844 of 2004 filed by Alimur Rehman appellant against the order No. 190 dated 20.5.04 vide which private respondent namely Sultani Gul was promoted as Forester. The record reveals that the Departmental promotion Committee in its meeting held on 28.4.04 considered the appellant, Sultani Gul(private respondent No.4) and one Sharif Muhammad(not impleaded as party) all Forest-Guards for promotion to the rank of Foresters against the vacant posts lying in District Government Lower Dir, but the appellant was not found fit and as such was ignored for promotion and Sultani Gul (private respondent) was promoted as Forester. We have also perused the service record of the appellant and private respondent No.4 i.e. Sultani Gul. Private respondent is on better footing so far as his service record is concerned. Moreover, promotion is not a vested right. The appellant has, in the circumstances, made out no case for indulgence of the Tribunal. Accordingly this appeal also fails and is dismissed, with no order as to costs. File be consigned to the record.

ANNOUNCED
28.3.2006

(ABDUL SATTAR KHAN)
CHAIRMAN

NWFP SERVICE TRIBUNAL
CAMP COURT SWAT

(MULLAH KHAN KHATTAK)
MEMBER

Date of Presentation of Application 25-4-14
Number of Words 1600
Copying Fee 10-00
Urgent 2-00
Total 12-00
Name of Copyist Ameer
Date of Completion of Copy 25-4-14
Date of Delivery of Copy 25-4-14

ATTESTED

M. Ameer

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

OFFICE OF THE CONSERVATOR OF FORESTS MALAKAND CIRCLE MINGORA
SWAT.

To

The Divisional Forest Officer,
Lower Dir Forest Divn: Timergara.

NO. 5103 /E, Dated Mingora the 14/9/2004.
Subject: APPEAL AGAINST DIVISIONAL FOREST OFFICER OFFICE
ORDER NO.190 DATED 20-5-2004.

Memo:

Reference your letter No.1077/G, dated 23-8-2004 and appeal of
Mr. Alimur Rehman Forest Guard dated Nil.

The appeal preferred by Mr. Alimur Rehman Forest Guard is hereby
Rejected in view of his inconsistent service record.

Please inform the Forest Guard accordingly.

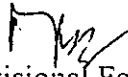
Sd/- Conservator of Forests,
Malakand Circle Mingora

NO: 1849-50/G,

Dated Timergara the 21/9/2004.

Copy forwarded to :-

- 1- Range Forest Officer Jandool for information.
- 2- Mr. Alimir Rehman Forest Guard C/O RFO Jandool for information and necessary action.


Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

Attested

Mr. Counsel

sent to,

Office order No. 65 dated Saidu Sharif, the: 22 /02/2006 by Mr. Haider Ali Khan, Conservator of Forests, Malakand Circle, Shagai Saidu Sharif Swat.

READ WITH

1. DFO Lower Dir office order No.87 dated 26.06.2007.
2. Appeal of Mr. Alimur Rahman Forest Guard dated 18.07.2007 received through DFO L/Dir No.238/G, dated 19.7.2007.
3. This office letter No.1264/E, dated 04.8.2007.
4. DFO Lower Dir No.767/G, dated 24.9.2007.
5. This office letter No. 3586/E, dated 10.10.2007.
6. DFO Lower Dir letter No. 1007/G, dated 22.10.2007.
7. This office letter No.7041/E, dated 12.02.2008.

BRIEF HISTORY OF THE CASE

On creation of two posts of Forestes in Lower Dir Forest Division through SNE, the DFO Lower Dir constituted Departmental Promotion Committee. After thoroughly checking the record of senior Forest Guards of Lower Dir Forest Division, M/S-Taj-Mohammad and Mohammad Islam Forest Guards were promoted to the rank of Foresters vide DFO Lower Dir office order No. 87 dated 26.6.2007. Mr. Alimur Rahman Forest Guard who was at serial No. 1 of the seniority list was differed due to adverse ACR earned by him.

DISCUSSION

Being aggrieved of the above order, Mr. Alimur Rahman Forest Guard preferred appeal before the undersigned which was sent to the DFO L/Dir vide his office letter No. 1264/E, dated 04.8.2007 for comments. In response the DFO offered his comments on the appeal vide his No.767/G, dated 24.9.2007 and supplied copies of synopsis of the promoted officials as well as the appellant vide his No.1007/G, dated 22.10.2007. The appellant was called for personal hearing vide this office No.7041/E dated 12.02.2008.

Appeal of the appellant, comment of the DFO Lower Dir and other connected documents have thoroughly been examined. The appellant was also heard in person on 21.2.2008. From the perusal of all the relevant record and personal hearing, the undersigned reached to the conclusion that as the appellant had earned five adverse ACRs i.e. for the year 1994, 1996, 1997 and 1998 therefore, non consideration of the appellant for promotion is justified.

ORDER

In light of the afore mentioned discussion as well as facts and figures available on record, I Haider Ali Khan, Conservator of Forests Malakand Circle in the capacity of Appellate authority, hereby reject the appeal in hand however the appellant will be considered for promotion in next term if he succeeds in earning of good ACR beyond 2006.

Sd/-
(HAIDER ALI KHAN)
CONSERVATOR OF FORESTS,
MALAKAND CIRCLE SHAGAI.

No. 7434-35 /E.

Copy forwarded to:-

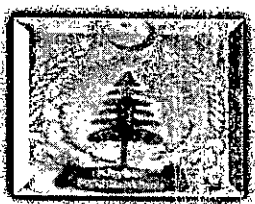
1. Divisional Forest Officer Lower Dir Forest Division Timergara for information and further necessary action with reference to the correspondence cited above.
2. Mr. Alimur Rahman Forest Guard C/O DFO Lower Dir for information and further necessary action with reference to his appeal cited above.

[Signature]
CONSERVATOR OF FORESTS,
MALAKAND CIRCLE SHAGAI,
SAIDU SHARIF SWAT.

Attested

[Signature]
Counsel

[Handwritten mark]

OFFICE OF THE DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA		BALAMBAT COLONY LOWER DIR TIMERGARA Ph. 0945-9250105 Fax. 0945-9250119
No <u>2830-44</u> /E Dated Timergara the <u>24/06/2013</u>		

To

1. Mr. Alim-ur-Rehman
2. Mr. Akhter Mohammad
3. Mr. Khursheed Munir (C/O Sub Divisional Forest Officer Timergara)
4. Mohammad Fayaz.

5. Mr. Mohib Shah
6. Mohammad Israr No-I
7. Mro. Khalid Khan (C/O Sub Divisional Forest Officer Jandool)

8. Mr. Minhaj-u-Din
9. Mr. Noor Mohammad (C/O Sub Divisional Forest Officer Chakdara)

Subject: ANNUAL CONFIDENTIAL REPORTS.
 Memo:

From perusal of record of this office, your Annual Confidential Reports for the period noted against each found missing as per detail given below:-

S#	Name of Forest Guards	Missing-Periods
1	Mr. Alim-ur-Rehman	01.01.1995 to 31.12.1995
2	Mr. Akhter Mohammad	01.01.2001 to 31.12.2001
3	Mr. Muhib Shah	01.05.2010 to 31.12.2010
4	Mohammad Israr No.I	01.01.1995 to 31.12.1995 01.01.2000 to 31.12.2000 01.01.2001 to 31.12.2001 01.01.2004 to 31.12.2004
5	Mr. Minhaj-u-Din	01.01.1993 to 31.12.1993 01.01.1995 to 31.12.1995 01.01.2000 to 31.12.2000 01.01.2001 to 31.12.2001
6	Mr. Noor Mohammad	01.01.1995 to 31.12.1995 01.01.2000 to 31.12.2000 01.01.2001 to 31.12.2001
7	Mr. Khursheed Munir	01.01.1993 to 31.12.1993 01.01.1994 to 31.12.1994 01.01.1995 to 31.12.1995 01.01.1996 to 31.12.1996 01.01.1997 to 31.12.1997 01.01.2005 to 31.12.2005 01.01.2008 to 31.12.2008
8	Mr. Khalid Khan	01.01.1995 to 31.12.1995 01.01.2001 to 31.12.2001 01.05.2010 to 31.12.2010
9	Mohammad Fayaz	01.01.2003 to 31.12.2003

Therefore, you are directed in your own interest to complete the missing Annual Confidential Reports for the purpose of promotion within 15 days, else the dependencies what so ever will be borne by you accordingly.

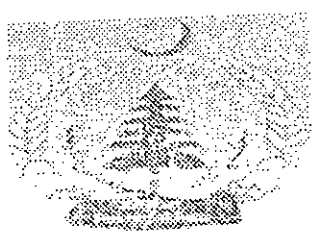
20

8
26
14
3

28/6/2013

Divisional Forest Officer
 Lower Dir Forest Division
 Timergara

29



OFFICE OF THE
DIVISIONAL FOREST OFFICER,
LOWER DIR FOREST DIVISION,
TIMERGARA

No. /Acctt. Dated Timergara the 24/9/2013

To

Mr. Alimur Rehman
Forest Guard
C/O
SDFO Timergara.

Subject: WORK AND CONDUCT / SECRECY THEREOF.
Memo:

On scrutiny of record for promotion cases of Forest Guards to the rank of Foresters, your ACR for the period from 1/7/2010 to 31/12/2010 and 1/1/2011 to 31/12/2011 were found with your active involvement which tantamount to inefficiency, mis-conduct and corruption.

Therefore, you are hereby directed in your own interest to explain your position with in a week time failing which disciplinary action under E&D Rules, 2011 will be taken against you accordingly.

Divisional Forest Officer,
Lower Dir Forest Division
Timergara

No. 599 /Acctt,
Copy forwarded to the SDFO Timergara for information and further necessary action. He is requested to deliver the above letter meant for the above named official under proper receipt which may be sent to this office for record.

Divisional Forest Officer,
Lower Dir Forest Division,
Timergara

etc

Handwritten notes and signatures at the bottom left of the page.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ENVIRONMENT DEPARTMENT

No.SO(Estt)Envt/1-6/2011/ 1.1/1-6
Dated Pesh: 16th Sept, 2013

To

The Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

Subject: PROMOTION OF FOREST GUARDS TO THE RANK OF FORESTERS DFC
THEREOF

I am directed to refer to your letter No.434/E, dated 06/9/2013 on the subject cited above and to say that during examining the working paper, the following discrepancies have arrived which needs fulfillment on emergent basis:-

1. The seniority list of Forest Guards.
2. Seniority list of Foresters.
3. Synopsis of ACR.
4. Source of occurrence of vacancies with date.
5. Existing Service Rules.
6. Passing of Training Certificate from Thai School.
7. No disciplinary action certificate.

F. Khan
(FAZAD KHAN)
SECTION OFFICER (ESTT)

Endst:No.& date even

Copy is forwarded to PS to Secretary Environment Department.

Confidential
Acctt / E.C.
SECTION OFFICER (ESTT)

Send the above documents on
emergent basis to the concerned
PGI

Attested
by Counsel

Asst. Dir.
Lower Dir

31

To,

The Divisional Forest Officer,
Dir Lower at Timergara.

Subject:

WORK AND CONDUCT - SECRECY THEREOF

Sir,

24.09.2013. Most respectfully, kindly refer to your memo: No. 591-92/Acctt., dated:

In this connection, it is brought into your notice the following lines:

The ACR is a confidential instrument/paper maintained and kept in the office. It is written by the reporting officer, signed by him. The next higher officer countersigned it. My ACR has been written in office. I have/had no access to my ACR.

I do not know, who written and countersigned my ACR. When a document is out of my reach then how I can record bogus signature of countersigning authority. It is the quality of ACR that it should be written, countersigned and kept confidentially and as such I, perform duty in field and not aware and not committed about act with regard to entries in a document which is prepared, maintained and held in office.

In the light of above, it is requested that I am innocent and be exonerated of the charge, leveled upon me.

Your Sincerely,
Alim-ur-Rahman,
Forest Guard Timergara Range.

1۔ ڈپٹی آفسیئر ٹیمگارا رینج۔ دفتر والوں سے پوچھ کر لیا گیا ہے۔ دفتر کا کام طے ہے۔
2۔ سہولت کے لیے دفتر موجود ہے اور اس کو نہیں۔
3۔ میرا پروموشن بائبل ٹاپ ہے۔ اس لیے یہ جو کچھ میں نے کہا ہے اس سے کوئی تعلق نہیں ہے۔ جواب طلب نہیں ہے۔
4۔ ACR تو میری تیار خانہ میں ہوئی ہے تو اسے کس نے لکھا ہے اور اس پر 2 نازل ہوئی ہے اور اس میں میرا نام ہے۔
5۔ میرا پروموشن میں نہیں ہے۔

CTC
M/A

OFFICE ORDER NO 23 DATED TIMERGARA THE 01/10 /2013 ISSUED BY MR. ABDUL RASHID DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA

As recommended by Departmental Promotion Committee (DPC) in the meeting held under the Chairmanship of Divisional Forest Officer Lower Dir Forest Division Timergara on 18/9/2013, Mr. Muhammad Israr-I Forest Guard is hereby appointed as Forester BPS-09 (6200-380-17600) on Acting Charge basis till the availability of regular post with immediate effect.

The appointment is purely temporary and will not confer any right for continuity.

Sd/- (Mr. Abdul Rashid)
Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

No 643 IG,

Copy forwarded to the :

- 1- Conservator of Forests Malakand West Circle Timergara for favour of information please.
- 2- SDFO Jandool for information and necessary action.
- 3- Official concerned for information and necessary action.
- 4- Divisional Head Clerk/Accountant for information and necessary action.

J.M. - e

[Signature]
Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

30-12-2013
4-1902
8-21

Attested
[Signature] Counsel

33

OFFICE ORDER NO 22 DATED TIMERGARA THE 1/10 /2013 ISSUED BY MR. ABDUL RASHID DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA

As recommended by Departmental Promotion Committee (DPC) in the meeting held under the Chairmanship of Divisional Forest Officer Lower Dir Forest Division Timergara on 18/9/2013, Mr. Mohib Shah Forest Guard is hereby promoted to the rank of Forester BPS-09 (6200-380-17600) on the regular basis with immediate effect.

In case of abolition of the post the newly promoted Forester will be reverted to his original cadre. The promotion is purely temporary and will not confer any right for continuity. He will be on probation for a period of one (1) year in terms of section-6(2) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-15 (1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

Sd/- (Mr. Abdul Rashid)
Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

No 637-42/G,

Copy forwarded to the :

- 1- Conservator of Forests Malakand West Circle Timergara for favour of information please.
- 2- SDFO Jandool for information and necessary action.
- 3- Official concerned for information and necessary action.
- 4- Divisional Head Clerk/Accountant for information and necessary action.

Attested
Divisional Forest Officer,
Lower Dir Forest Division
Timergara

Divisional Forest Officer,
Lower Dir Forest Division,
Timergara

Attested
M. J. Council



WAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

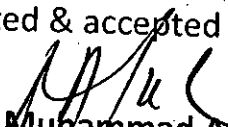
Alim-ur-Rehman (Petitioner)
(Plaintiff)
(Applicant)
(Complainant)
(Appellant)
(Decree Holder)

VERSUS


The Secretary Environment Deptt (Respondent)
& others (Defendant)
(Accused)
(Judgment Debtor)

I, Alim-ur-Rehman S/o Salik-ur-Rehman R/o Village Kamangara, Tehsil Timergara, District Lower Dir in the above noted Service Appeal do hereby appoint and constitute **Malik Mohammad Ajmal Khan Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration to me / us as my / our Counsel in the above noted matter, without any liability for their default and with the authority to engage / appoint any other Advocate / Counsel at my / our matter.

Attested & accepted


Malik Muhammad Ajmal Khan
Advocate C-10, Haroon Mansion,
Khyber Bazar, PESHAWAR
Cell # 0333-9466004
0301-8866939

CLIENT / S


Name Alim-ur-Rehman
CNIC 15302-1341890-5
Cell # 0346,8006429

WAKALAT NAMA

Before the Hon'ble SERVICE TRIBUNAL SWAT
ALIM ul RAHMAN

plaintiff / petitioner / appellant / application,

VERSUS

SECT. ANVI AND OTRS
defendants / respondents,

SUIT APPEAL PETITION APPLICATION
(i) Plaintiff(s) (ii) appellants (s) (iii) Petitioner (s) (iv) Applicant (s)
(v) Defendants (s) (v) Respondents (s)

SERVICE APPEAL 4/4

I hereby appoint M/S

SULTAN ALI SHAH
Advocate Supreme Court of Pakistan
&
SIKANDAR SHAH / LIAQAT ALI KHAN
Advocates High Court

As my counsels in this case with powers GENERALLY for me and my name & on my behalf to so all acts, matters and things related to the case in all its stages that I personally could do, if this instrument has not been executed. The appointment is subject to the following special terms and conditions.

- i. The fee paid, or agreed to be paid to the said counsels is for work in this court alone. No part of the fee is returnable/refundable. The counsels shall be entitled to retain costs payable to the apposite side.
- ii. We will make our own arrangements for attending the courts on every hearing to our said counsels, when the case is called. The counsels shall in no way be responsible any loss cause to me through my failure to so inform them.
- iii. I have read the above terms and conditions or the same have been explained to me and I accept, agreed and bound full to all the above said conditions. In witness I whereof I have set my hand this.

6th day of JULY 2015

ACCEPTED

Signatures of the counsels

Signature of clients

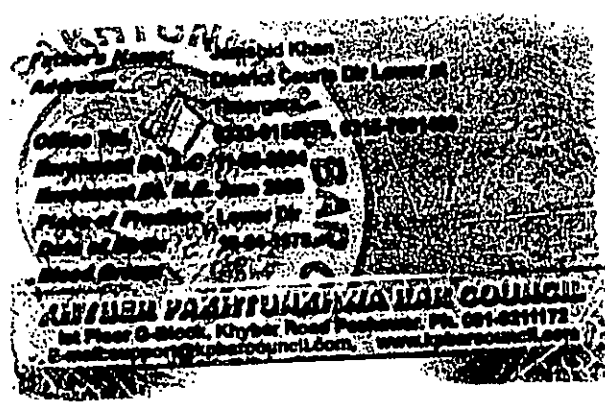
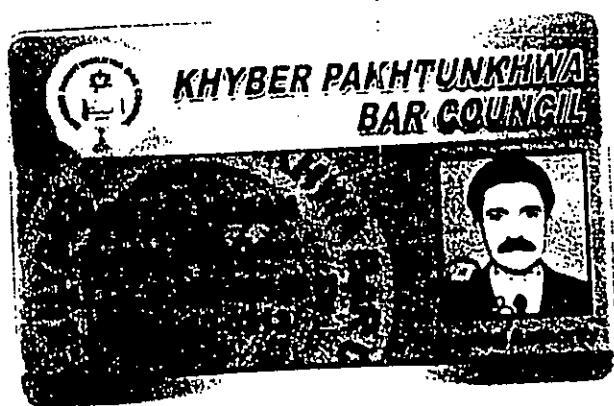
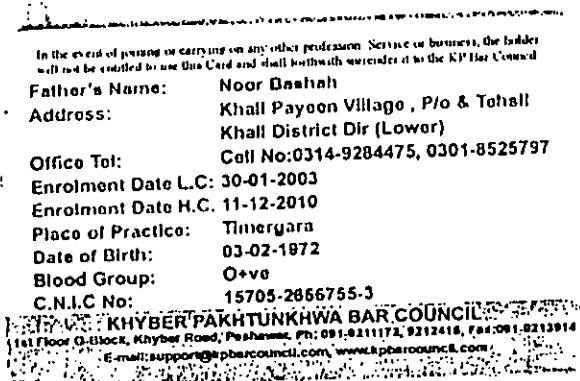
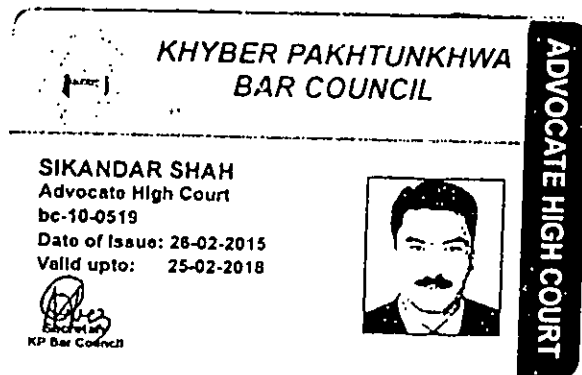
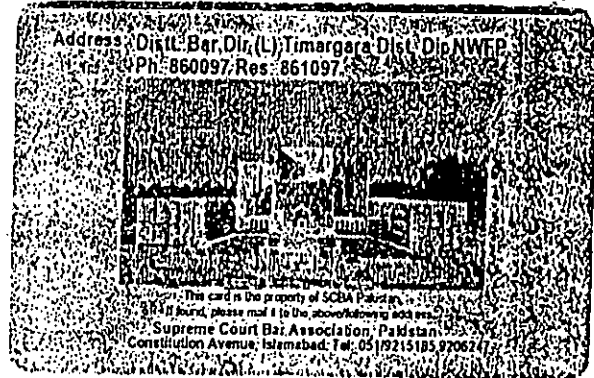
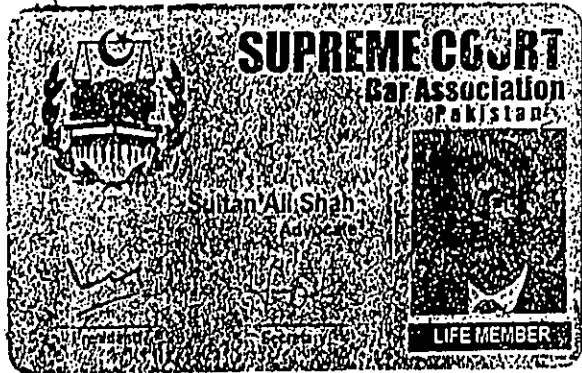
Sultan Ali Shah
Sultan Ali Shah
Advocate Supreme Court of Pakistan

Sikandar Shah
Sikandar Shah
Advocate High Court

Liaqat Ali Khan
Liaqat Ali Khan
Advocate High Court

[Signature]
[Signature]

(5)
(4)



(1)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT
PESHAWAR.

Appeal No.606/2014.

Alim-Ur-Rahman Forest GuardAppellant.

VERSUS.

Secretary Forest, Environment

& Wildlife and others.....Respondents.

SERVICE APPEAL UNDER SECTION-4
OF SERVICE TRIBUNAL ACT 1974.

PARA WISE COMMENTS/WRITTEN REPLY
ON BEHALF OF RESPONDENT NO.1 TO 3.

RESPECTFULLY SHEWETH.

The Respondent No.1 to 3 respectfully submits as under :-

PRELIMINARY LEGAL OBJECTION.

- a) That the appellant has no cause of action or locus standi to file the instant appeal, as such the same is liable to be dismissed.
- b) That the appellant has concealed the material facts as he put the signature of one Ihsanul Haq where as the name of the then DFO Sanaullah Khan has been written under the signature. The said signature are bogus as such, such like a person is entitled to be removed from services and not to be promoted under the law.

(2)

- c) That the appellant has not come to the Tribunal with clean hands.
- d) That the appellant has been stopped by his conduct to file the appeal.
- e) That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- f) That the appeal is not maintainable in its present form.
- g) That the Hon'able tribunal has got no jurisdiction to entertain the appeal, hence liable to be dismissed.

ON MERIT.

- 1) That the contents of Para No.1 pertains to record.
- 2) That the contents of Para No.2 is not denied. The averment of the para under reply pertain to judicial record, it would not be out of place that the operative portion dated 28/03/2006 is sufficient for the instant appeal.
- 3) That contents of Para No.3 is denied, the present appellant concealed the facts from this Hon'able Tribunal. The appellant put bogus signatures of the countersigning authority on his ACRS pertaining to the year 1995, likewise, he committed again forgery in his ACRS pertaining to the year 2010 and 2011, he was also served with the show cause notice by the competent authority for three (3) major grounds of Inefficiency, Misconduct, Corruption. The appellant was found guilty and penalty of further promotion along with holding of two (2) Annual Increments with out accumulative effect has been imposed vide order dated 22/12/2014 as such the contents of Para No.3 is vehemently denied. Further the order has not been challenged by the appellant and its has got finality now.(copy of the same is attached and mark as Anex-A)
- 4) That the contents of Para No.4 is denied no departmental appeal has been filed.

REPLY TO THE GROUNDS OF APPEAL.

- a) That the contents of ground (a) is vehemently denied, the promotion of the respondent No.4 & 5 has been done by the departmental promotion committee after fulfill all the legal formalities and were found fit.
- b) That the contents of ground (b) is denied, the principle of fair play and equity coupled with merit was done in the entire process of promotion committee. The appellant was consider but keeping in view, his previous forgery, tempering in the official record by putting bogus countersigned, forfeiture of increments and ban for further promotion of two (2) years by the competent authority as such the appellant was dropped by the DPC and found unfit in the light of the above allegation proved against him.
- c) That the contents of ground (c) is incorrect as per above Para, the appellant is not fit for the promotion and concealed the facts and penalty imposed through which his further promotion was forfeiture.
- d) That the contents of ground (d) is denied, to avoid repetition, detail has been given reply to the above grounds.
- e) That the contents of ground (e) is denied, the appellant has a poor service record indulge in corruption, inefficiency and misconduct for which he has been imposed penalty.
- f) That the contents of ground (f) is denied under the law if ground was not taken in the memorandum of appeal could not be argued.

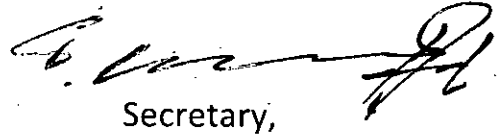
It is accordingly respectfully prayed that the appeal being misconceived may kindly be ordered to be dismissed with cost in the interest of justice.

Dated 06/07/2015.

Respondents No.1 to 3

(4)

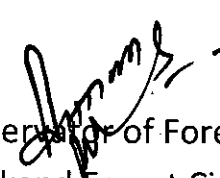
1) Respondent No.1



Secretary,

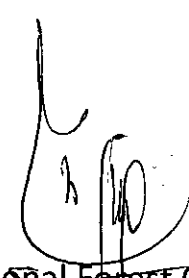
to Government of Khyber
Pakhtunkhwa Forestry, Envtt:
& Wildlife Deptt: Peshawar.

2) Respondent No.2



Conservator of Forests,
Malakand Forest Circle West,
Timergara.

3) Respondent No.3



Divisional Forest Officer,
Lower Dir Forest Division
Timergara.

Annex-A3

OFFICE ORDER NO. 37 DATED TIMERGARA THE 22 /12/2014 ISSUED BY MR. PERVEZ MANAN DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISON TIMERGARA.

- READ WITH :
- 1) Charge Sheet No.1 dated 08.10.2013.
 - 2) Statement/Reply of the accused official.
 - 3) Personal hearing order of the accused official.
 - 4) Enquiry Report.
 - 5) Show Cause Notice dated 12.08.2014.
 - 6) Reply to Show Cause and personal hearing notice of the accused official.

BACK GROUND OF THE CASE.

The facts in brief are that :

The accused official Mr. Alimur Rahman was found registering bogus signature of the then DFO Lower Dir (Mr. Abdul Rashid) on his ACR for the period from 01.07.2010 to 31.12.2010 and from 01.01.2011 to 31.12.2011. Similarly bogus signature of the reporting officer as well as countersignature officer was found recorded on ACR for the period 01.01.1995 to 31.12.1995. Hence he was charge sheeted by the then DFO Lower Dir (Mr. Abdul Rashid). Vide charge sheet No.1 dated 08.10.2013 and appointed Mr. Muhammad Yar Jan SDFO Timergara as enquiry officer. The accused official was proceeded under E&D Rules 2011 and charged for the following :-

- i) In efficiency.
- ii) Mis conduct.
- iii) Corruption.

DISCUSSION.

The enquiry officer obtained written reply of the accused official and recorded his personal hearing notes and found the accused official involved registering bogus signatures of the countersigning authority on his ACR for the period from 01.07.2010 to 31.12.2010 and 01.01.2011 to 31.12.2011. Similarly for registering bogus signature of the Reporting Officer as well as countersigning officer on his ACR for the period from 01.01.1995 to 31.12.1996. Therefore, the charge of Mis conduct, in efficiency and corruption proved against the accused official.

Keeping in view the above, the undersigned issued him Show Cause notice vide this office letter No.187/E, dated 12.08.2014 directing him to explain his position why not to compulsory retire him from service as the charges of mis-conduct, in-efficiency and corruption proved against him. The accused official failed to submit his written reply with in the stipulated period under the E&D Rules,2011. Therefore, he was once again directed vide this office letter No.451/E, dated 12.09.2014 to submit his written reply. He submitted his reply on 19.09.2014 and was called upon for personal hearing on 01.10.2014. the personal hearing of the accused official was conducted in the office of the undersigned by the undersigned (Competent Authority) personally on 01.10.2014.


From the perusal of the record it is revealed that registering of bogus signature of the countersigning officer on the ACR of the accused official for the period from 01.07.2010 to 31.12.2010 is true and pointed out by the countersigning authority i.e. Abdul Rashid the then DFO Lower Dir himself. The signature on the ACR of the accused official for the period from 01.01.1995 to 31.12.1995 was also found bogus as signature of Mr. Ihsanul Haq DFO was registered against the name of Mr. Sanaullah Khan DFO Dir. Further more he has stated in his personal hearing that the above mentioned ACRs have been written by him from the concerned officers, thus having full access to the ACRs and showing his act of altering the official record.

CONCLUSION

On perusal of the record, report of the enquiry officer, written reply and personal hearing of the accused official it is crystal clear that the accused official Mr. Alimur Rahman Forest Guard is guilty of altering record i.e. recording of bogus signatures of the countersigning authority on his ACRs for the period from 01.07.2010 to 31.12.2010 and 01.01.2011 to 31.12.2011 as well as registering of bogus signatures of countersigning authority on his ACRs for the period from 01.01.1995 to 31.12.1995. Therefore, the charges of Mis conduct, In efficiency and Corruption stands proved against the accused official Mr. Alimur Rahman Forest Guard.

ORDER

On the basis of the above facts I Mr. Pervez Manan Divisional Forest Officer Lower Dir (Competent Authority) found the accused official guilty of the charges of **MIS-CONDUCT, IN EFFICIENCY AND CORRUPTION** and liable himself to major penalty but keeping in view his long service and poor financial conditions linent penalty of with holding his further promotion for the period of two years along with holding of two annual increments for two years i.e. 2015 and 2016 with out accumulative effect are imposed upon him. He is further warned to be careful in future.


Sd/- (Pervez Manan)
Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

3

(825)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ENVIRONMENT DEPARTMENT**

NOTIFICATION

Dated Peshawar the 14th March, 2013

No.SO(Estt)Envt/1-465/2k12 In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989, the Environment Department, Government of Khyber Pakhtunkhwa, in consultation with the Establishment and the Finance Department, hereby directs that in the Forestry, Fisheries and Wildlife Department's Notification No.SO(FT.II)1-465/88/Vol:IV dated 26.1.1993, the following further amendments shall be made, namely;

AMENDMENTS

In the Appendix, under the heading "Forest Wing" in "PART-II SUB-PROFESSIONAL POSTS", for the existing entries against S.No. 1, 2 & 3, the following shall be substituted in respective columns namely:-

#	Nomenclature of the post	Qualification for appointment by initial recruitment	Age limit	Method of recruitment
1	Deputy Forest Ranger (BPS-11)	<p>a) B.Sc, Degree (atleast 2nd Division) from a recognized University; and</p> <p>b)Physical Fitness:</p> <p><u>b(i) Height</u> 5-6, ft (minimum); and</p> <p><u>(ii) Chest Size:</u> 34-36, inches (minimum)</p> <p>Note:- Candidate Will qualify Marathon race of 2-Km within 20 minutes</p>	21 to 32 years	<p>a) Twenty-five percent by initial; recruitment; and</p> <p>b) Seventy-five percent by promotion, on the basis of seniority-cum-fitness, from amongst Foresters (BPS-9) having five years service, who have successfully completed such training or passed such departmental examination as may be prescribed by the Government from time to time.</p> <p>Note- The candidates who have been recruited will have to undergo the prescribed training for Forester at Khyber Pakhtunkhwa Forest School Thai Abbottabad; and</p>
2	Forester (BPS-9)	<p>a) Bachelor's Degree with FSc (atleast 2nd Division) from a recognized University; and</p> <p>b)Physical Fitness:</p> <p><u>b(i) Height</u> 5-6, ft (minimum); and</p> <p><u>(ii) Chest Size:</u> 34-36, inches (minimum)</p> <p>Note:- Candidate Will qualify Marathon race of 2-Km within 20</p>	21-32 years	<p>a) Twenty-five percent by initial; recruitment; and</p> <p>b) Seventy-five percent by promotion, on the basis of seniority-cum-fitness, from amongst Forest Guards of the Forest Division with atleast five years service as such, have passed such departmental examination as may be prescribed by the Government from time to time.</p> <p>Note- The candidates who have been recruited will have to undergo two years certificate course in Forestry at Khyber Pakhtunkhwa Forest School Thai Abbottabad.</p>

Attested

**Divisional Forest Officer
Lower Dir Forest Division
Timergara**

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 18/9/2013.

Meeting of the Departmental Promotion Committee constituted vide Divisional Forest Officer Lower Dir Forest Division office order No.15 dated 4/9/2013 was held in the office of DFO Lower Dir at Timergara on 18/9/2013 and the promotion case was discussed in length.


PROMOTION OF FOREST GUARD.

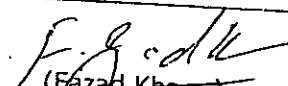
The committee was informed that there are total 17-posts of Foresters in the Lower Dir Forest Division. Presently 16-Foresters working against these posts. Resultantly one post of Forester is lying vacant, on regular side. Beside above, one post of Forester is temporary vacant due to appointment of Mr. Wasal Khan as Deputy Ranger (BS-11) on Acting Charge basis.

According to the Government of Khyber Pakhtunkhwa Environment Department Notification No. SO (Estt:) Env/1-465/2k12/2113-2213 dated 14/3/2013, Method of recruitment to the post of Forester is 75% posts of Forester have to be filled up through promotion of Forest Guards on the basis of seniority-cum-fitness and 25% through direct recruitment.

The committee examined the record of Forest Guards thoroughly, and took the following decisions in the promotion case as per seniority lists:-

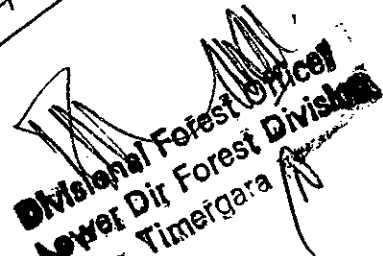
#	Name of Forest Guard	Remarks.
1. ✓	Alimur Rehman FA with trained	The committee recommended his deferment for promotion to the post of Forester (BS-09) due to un-satisfactory service record. His ACRs for the year, 01/07/2010 to 31/12/2010 & 01/01/2011 to 31/12/2011 were found bogus signature of the present DFO Lower Dir, as certified by the DFO concerned. Besides above, his ACRs for the year, 1994, 1996, 1998 and 2005 are adverse and ACR for the period 01/01/2009 to 31/06/2009 is missing. A disciplinary action also under process against him.
2.	Akhtar Muhammad FA with trained	The committee recommended his deferment for promotion to the post of Forester (BS-09) due to un-satisfactory service record. His ACRs for the year, 1994, 1998, 2003, 2004, 2005, 2006, 2008 and 2010 are adverse or average. His ACR for the year 2001 is missing.
3.	Mohib Shah Matric with trained	His service record is generally good. No disciplinary action is pending against him. He has completed required length of service for promotion to the post of Forester. The committee recommended him for promotion to the post of Forester (BS-09) on regular basis.
4.	Muhammad Israr-I FA with trained	His service record is generally good. No disciplinary action is pending against him. He has completed required length of service for promotion to the post of Forester. The committee recommended him for appointment to the post of Forester (BS-09) on acting charge basis, on the temporary vacancy of Mr. Wasal Khan, Deputy Ranger (Acting Charge).


(Muhammad Yar Jan)
Sub Divisional Forest Officer,
Timergara Forrest Sub Division
Member.


(Fazal Khan)
Section Officer (Estt)
Environment Department,
Member.


(Mr. Abdul Rashid)
Divisional Forest Officer,
Lower Dir Forest Division,
Timergara Chairman

Attested



(445)

SYNOPSIS OF ANNUAL CONFIDENTIAL REPORT IN RESPECT OF MR. ALIM-UR-REHMAN FOREST GUARD OF
LOWER DIR FOREST DIVISION TIMERGARA.

Period	Nature of report	General remarks of Reporting officer	General Remarks of Counter Signing Officer.
01.01.1992 to 31.12.1992	Average	Satisfactory	...
01.01.1993 to 31.12.1993	Good	His work as in-charge CTD remain satisfactory	Agreed
01.01.1994 to 31.12.1994	Poor	Below average Forest Guard	...
01.01.1995 to 31.12.1995	Good	Hard working, efficient and honest official, fit for guide promotion.	Agreed with RO. (doubtful signature of countersigning officer).
01.01.1996 to 31.12.1996	Poor	A tathorgor and habitual absent	...
01.01.1997 to 31.12.1997	Average	An average Forest Guard.	...
01.01.1998 to 31.12.1998	Poor	Under trail regarding his absence from duty negligence. An easy going Forest Guard needs active supervision	...
01.01.1999 to 31.12.1999	Average	Nil	Not signed by Counter Signing Officer
01.01.2000 to 31.12.2000	Average	...	-do-
01.01.2001 to 31.12.2001	Average	Nil	...
01.01.2002 to 31.12.2002	Average	Average type Forest Guard.	Agreed
01.01.2003 to 31.12.2003	Average	Nil	Agreed
01.01.2004 to 31.12.2004	Average	A senior Forest Guard needs promotion	An average Forest Guard.
01.01.2005 to 31.12.2005	Poor	Good worker	Remarks of the R.O are on high side. His over all performance below average.
01.01.2006 to 31.12.2006	Good	Good Forest Guard.	Seen
01.01.2007 to 31.12.2007	Good	...	Agreed
01.01.2008 to 31.12.2008	Good	...	Seen
01.01.2009 to 31.06.2009	Missing		
01.07.2009 to 31.12.2009	Good	A senior Forest Guard.	Agreed
01.01.2010 to 31.06.2010	Good	Hardworking, efficient and honest official fit for quick promotion	Agreed with RO
01.07.2010 to 31.12.2010	Good	A good Forest Guard.	Seen. (Doubtful signature of countersigning officer).
01.01.2011 to 31.12.2011	Good	A good Forest Guard.	Seen. (Doubtful signature of countersigning officer).
01.01.2012 to 31.12.2012	Good	A satisfactory Forest Guard,	Agreed

Attended

Divisional Forest Officer
Lower Dir Forest Division
Timergara

olc

Divisional Forest Officer,
Lower Dir Forest division,
Timergara. *R*

SYNOPSIS OF ANNUAL CONFIDENTIAL REPORT IN RESPECT OF MR. AKHTER MOHAMMAD FOREST GUARD
LOWER DIR FOREST DIVISION TIMERGARA.

Period	Nature of report	General remarks of Reporting officer	General Remarks of Counting Officer.
01.01.1992 to 31.12.1992	Average
01.01.1993 to 31.12.1993	Average
01.01.1994 to 31.12.1994	Poor	Below average type Forest Guard. Mostly disturb and drug edited.	Agree
01.01.1995 to 31.12.1995	Good	A good worker.	...
01.01.1996 to 31.12.1996	Good	Performance satisfactory.	Seen
01.01.1997 to 31.12.1997	Good	A good Forest Guard and hard worker.	...
01.01.1998 to 31.12.1998	Average	An average but hard worker.	...
01.01.1999 to 31.12.1999	Good	A good Forest Guard	...
01.01.2000 to 31.12.2000	Good	To be promoted on his own turn.	...
01.01.2001 to 31.12.2001	Missing		...
01.01.2002 to 31.12.2002	Good	An efficient and dedicated worker.	Agreed
01.01.2003 to 31.12.2003	Poor	Not a good subordinate and also least interested regarding forest protection and conservancy.	Seen
01.01.2004 to 30.09.2004	Average	An average Forest Guard.	An average worker.
01.10.2004 to 31.12.2004	Good	...	Seen
01.01.2005 to 31.12.2005	Good	Can contribute positively and forest protection.	Agreed
01.01.2006 to 31.07.2006	Poor	Difficult to work with.	Seen
01.08.2006 to 31.12.2006	Poor	An average Forest Guard.	Seen
01.01.2007 to 30.09.2007	Good	...	Agreed
01.10.2007 to 31.12.2007	Good	Over all are satisfactory.	Agreed
01.01.2008 to 31.12.2008	Poor	Always seek personal interest and good for himself.	Seen
01.01.2009 to 30.06.2009	Good	A hard worker Forest Guard.	...
01.07.2009 to 31.12.2009	Good	A good Forest Guard recommended for promotion.	Agreed
01.01.2010 to 30.06.2009	Good	Obedient and hard working official.	...
01.07.2010 to 31.12.2010	Average	An average Forest Guard	I agreed
01.01.2011 to 31.12.2011	Satisfactory	Over all performance remained satisfactory.	Agreed
01.01.2012 to 31.12.2012	Good	A good Forest Guard.	Agreed

Attested

[Signature]

Divisional Forest Officer
Lower Dir Forest Division
Timergara

[Signature]

Divisional Forest Officer,
Lower Dir Forest Division,
Timergara

✓

(6)

SYNOPSIS OF ANNUAL CONFIDENTIAL REPORT IN RESPECT OF MR. MOHIB SHAH FOREST GUARD
LOWER DIR FOREST DIVISION TIMERGARA.

Period	Nature of report	General remarks of Reporting officer	General Remarks of Coun Signing Officer.
01.01.1992 to 31.12.1992	Good	Good Forest Guard always remains presence.	...
01.01.1993 to 31.12.1993	Very good	A dedicated, committed official. Recommended for promotion on his own turn.	Not countersigned.
01.01.1994 to 31.12.1994	Good	His performance is fair in Generals.	...
01.01.1995 to 31.12.1995	Good	Obedient and dutiful Forest Guard.	Not countersigned
01.01.1996 to 31.12.1996	Good	A good Forest Guard.	Seen
01.01.1997 to 31.12.1997	Average	An average and submissive forest guards.	...
01.01.1998 to 31.12.1998	Good	An obedient official.	...
01.01.1999 to 31.12.1999	Very good	An obedient and duty full official.	Not countersigned
01.01.2000 to 31.12.2000	Very good	An obedient and duty full Forest Guard.	Not countersigned
01.01.2001 to 31.12.2001	Good	Obedient, dutiful Forest Guard, deserve promotion.	Not countersigned
01.01.2002 to 31.12.2002	Good	An gentle man type forest guard and duty full one.	Seen
01.01.2003 to 31.12.2003	Good	A simple man, needs encouragement.	Seen
01.01.2004 to 31.12.2004	Average	A average Forest Guard	An average worker
01.01.2005 to 31.12.2005	Very good	A duty full Forest Guard. Most obedient and worker.	Agreed
01.01.2006 to 31.12.2006	Good	An efficient and hard working.	Seen
01.01.2007 to 31.12.2007	Very good	An obedient and hard worker.	...
01.01.2008 to 31.12.2008	Good	Most obedient and hard worker.	Seen
01.01.2009 to 31.12.2009	Very good	Obedient, intelligent and hard working Forest Guard. His performance was very good and deserve accelerated promotion.	Agreed
01.01.2010 to 30.04.2010	Good	An obedient and hard worker.	The Forest Guard is of an average rank.
01.05.2010 to 31.12.2010	<i>Excellent</i>	<i>An dedicated, hard worker & honest</i>	...
01.01.2011 to 31.12.2011	Good	A good Forest Guard.	Agreed
01.01.2012 to 31.12.2012	Very good	Obedient and duty full official.	Agreed

Attested

**Divisional Forest Officer
Lower Dir Forest Division
Timergara**

occ

Divisional Forest Officer,
Lower Dir Forest Division,
Timergara

(457)

SYNOPSIS OF ANNUAL CONFIDENTIAL REPORT IN RESPECT OF MR. MOHAMMAD ISRAR NO.1
FORESTGUARD LOWER DIR FOREST DIVISION TIMERGARA.

Period	Nature of report	General remarks of Reporting officer	General Remarks of Counter Signing Officer.
01.01.1992 to 31.12.1992	Very Good	Reliable, hardworking, efficient and really good Forest Guard Dir Forest Division.	Countersigned
01.01.1993 to 31.12.1993	Good	A very good Forest Guard.	...
01.01.1994 to 31.12.1994	Good	A suitable and reliable Forest Guard. Fit for out of turn promotion.	Countersigned
01.01.1995 to 31.12.1995	Good	A good Forest Guard.	Seen.
01.01.1996 to 31.12.1996	Good	A good forest guard.	Seen
01.01.1997 to 31.12.1997	Good	A good hard worker & honest to his duty.	...
01.01.1998 to 31.12.1998	Very Good	A hard worker, obedient, responsible Forest Guard fit for accelerated promotion.	...
01.01.1999 to 31.12.1999	Good	A good and hard working Forest Guard.	Not countersigned
01.01.2000 to 31.12.2000	Very good	Devoted, hard worker.	...
01.01.2001 to 31.12.2001	Good	A good Forest Guard.	...
01.01.2002 to 31.12.2002	Good	Honest and well behaved Forest Guard.	Seen
01.01.2003 to 31.12.2003	Excellent	An experienced Forest Guard regarding forest protection and conservancy.	Seen
01.01.2004 to 31.12.2004	Good	An outstanding Forest Guard an assets for future.	Agreed.
01.01.2005 to 31.12.2005	Very good	Very hard working, reliable and accurate worker. He is an asset to the Forest Department. Fit for all Forestry Operation.	Beside all very good qualities, he is a true honest, and clean heisted, person.
01.01.2006 to 31.12.2006	Good	Most honest, he is an asset for the Range. Fit for all Forestry job fit for promotion.	Religious and hard working.
01.01.2007 to 30.09.2007	Excellent	Most obedient, honest, hard worker over all performance satisfactory. Fit for all Forest activities deserved for rapid promotion.	Agreed
01.10.2007 to 31.12.2007	Very good	Fit for promotion.	Agreed
01.01.2008 to 31.12.2008	Average	An average.	Seen
01.01.2009 to 30.06.2009	Average	Average type of Forest Guard.	...
01.07.2009 to 31.12.2009	Very good	Recommended to accelerated promotion.	Agreed
01.01.2010 to 30.06.2010	Good	Very honest, qualified consistent and hard working official. He may be considered for accelerated promotion.	...
01.07.2010 to 31.12.2010	Excellent	A duty full, honest and dedicated Forest Guard need accelerated promotion.	Agreed
01.01.2011 to 31.12.2011	Excellent	An honest, obedient, and outstanding Forest Guard need accelerated promotion.	Agreed
01.01.2012 to 31.12.2012	Very good	Obedient and hard working official.	Agreed

Accepted

Divisional Forest Officer
Lower Dir Forest Division
Timergara

etc

Divisional Forest Officer,
Lower Dir Forest Division,
Timergara

(1)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
CAMP COURT AT MINGORA/SWAT.

Service Appeal No.606/2014.

Alim-Ur-Rahman Forest GuardAppellant.

VERSUS.

Secretary Forest, Environment

& Wildlife and others.....Respondents.

SERVICE APPEAL UNDER SECTION-4
OF SERVICE TRIBUNAL ACT 1974.

PARA WISE COMMENTS/WRITTEN REPLY
ON BEHALF OF RESPONDENT NO.4 & 5.

RESPECTFULLY SHEWETH.

The Respondents No.4 &5 respectfully submits as under :-

PRELIMINARY LEGAL OBJECTION.

- a) That the appellant has no cause of action or locus standi to file the instant appeal, as such the same is liable to be dismissed.
- b) That the appellant has concealed the material facts as he put the signature of one Ihsanul Haq where as the name of the then DFO Sanaullah Khan has been written under the signature. The said signature are bogus as such, such like a person is entitled to be removed from services and not to be promoted under the law.

(2)

- c) That the appellant has not come to the Tribunal with clean hands.
- d) That the appellant has been stopped by his conduct to file the instant appeal.
- e) That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- f) That the appeal is not maintainable in its present form.
- g) That the Hon'able tribunal has got no jurisdiction to entertain the appeal, hence liable to be dismissed.

ON MERIT.

- 1) That the contents of Para No.1 pertains to record.
- 2) That the contents of Para No.2 is not denied. The averment of the para under reply pertain to judicial record, it would not be out of place to mention here that, that the operative portion of the order dated 28/03/2006 is sufficient for dismissal of the instant appeal.
- 3) That contents of Para No.3 is denied, the present appellant concealed the facts from this Hon'able Tribunal. The appellant put bogus signatures of the countersigning authority on his ACRS pertaining to the year 1995, likewise, he committed again forgery in his ACRS pertaining to the year 2010 and 2011, he was also served with the show cause notice by the competent authority for three (3) major grounds of Inefficiency, Misconduct, Corruption. The appellant was found guilty and penalty of further promotion along, with holding of two (2) Annual Increments with out accumulative effect has been imposed vide order dated 22/12/2014 as such the contents of Para No.3 is vehemently denied. Further the order has not been challenged by the appellant and its has got finality now.(copy of the same is attached and mark as Anex-A)
- 4) That the contents of Para No.4 is denied no departmental appeal has been filed.

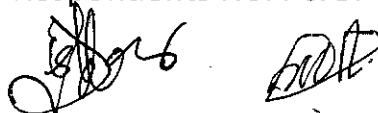
REPLY TO THE GROUNDS OF APPEAL.

- a) That the contents of ground (a) is vehemently denied, the promotion of the replying respondents No.4 & 5 has been done by the departmental promotion committee after fulfilling all the legal formalities and were found fit.
- b) That the contents of ground (b) is denied, the principle of fair play and equity coupled with merit was done in the entire process of promotion committee. The appellant was considered but keeping in view, his previous forgery, tempering in the official record by putting bogus countersigned, forfeiture of increments and ban for further promotion of two (2) years by the competent authority as such the appellant was dropped by the DPC and found unfit in the light of the above allegation proved against him.
- c) That the contents of ground (c) is incorrect as per above Para, the appellant is not fit for the promotion and concealed the facts and penalty imposed through which his further promotion was forfeiture.
- d) That the contents of ground (d) is denied, to avoid repetition, detail has been given reply to the above grounds.
- e) That the contents of ground (e) is denied, the appellant has a poor service record indulge in corruption, inefficiency and misconduct for which he has been imposed penalty.
- f) That the contents of ground (f) is denied under the law if ground was not taken in the memorandum of appeal could not be argued.

It is accordingly respectfully prayed that the appeal being misconceived may kindly be ordered to be dismissed with cost in the interest of justice.

Dated 03/08/2015.

Respondents No.4 & 5.



Annex-A (9)

OFFICE ORDER NO. 37 DATED TIMERGARA THE 22 /12/2014 ISSUED BY MR. PERVEZ MANAN DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA.

READ WITH :

- 1) Charge Sheet No.1 dated 08.10.2013.
- 2) Statement/Reply of the accused official.
- 3) Personal hearing order of the accused official.
- 4) Enquiry Report.
- 5) Show Cause Notice dated 12.08.2014.
- 6) Reply to Show Cause and personal hearing notice of the accused official.

BACK GROUND OF THE CASE.

The facts in brief are that :

The accused official Mr. Alimur Rahman was found registering bogus signature of the then DFO Lower Dir (Mr. Abdul Rashid) on his ACR for the period from 01.07.2010 to 31.12.2010 and from 01.01.2011 to 31.12.2011. Similarly bogus signature of the reporting officer as well as countersignature officer was found recorded on ACR for the period 01.01.1995 to 31.12.1995. Hence he was charge sheeted by the then DFO Lower Dir (Mr. Abdul Rashid). Vide charge sheet No.1 dated 08.10.2013 and appointed Mr. Muhammad Yar Jan SDFO Timergara as enquiry officer. The accused official was proceeded under E&D Rules 2011 and charged for the following :-

- i) In efficiency.
- ii) Mis conduct.
- iii) Corruption.

DISCUSSION.

The enquiry officer obtained written reply of the accused official and recorded his personal hearing notes and found the accused official involved registering bogus signatures of the countersigning authority on his ACR for the period from 01.07.2010 to 31.12.2010 and 01.01.2011 to 31.12.2011. Similarly for registering bogus signature of the Reporting Officer as well as countersigning officer on his ACR for the period from 01.01.1995 to 31.12.1996. Therefore, the charge of Mis conduct, in efficiency and corruption proved against the accused official.

Keeping in view the above, the undersigned issued him Show Cause notice vide this office letter No.187/E, dated 12.08.2014 directing him to explain his position why not to compulsory retire him from service as the charges of mis-conduct, in-efficiency and corruption proved against him. The accused official failed to submit his written reply with in the stipulated period under the E&D Rules,2011. Therefore, he was once again directed vide this office letter No.451/E, dated 12.09.2014 to submit his written reply. He submitted his reply on 19.09.2014 and was called upon for personal hearing on 01.10.2014. the personal hearing of the accused official was conducted in the office of the undersigned by the undersigned (Competent Authority) personally on 01.10.2014.


From the perusal of the record it is revealed that registering of bogus signature of the countersigning officer on the ACR of the accused official for the period from 01.07.2010 to 31.12.2010 is true and pointed out by the countersigning authority i.e. Abdul Rashid the then DFO Lower Dir himself. The signature on the ACR of the accused official for the period from 01.01.1995 to 31.12.1995 was also found bogus as signature of Mr. Ihsanul Haq DFO was registered against the name of Mr. Sanaullah Khan DFO Dir. Further more he has stated in his personal hearing that the above mentioned ACRs have been written by him from the concerned officers, thus having full access to the ACRs and showing his act of altering the official record.

CONCLUSION

On perusal of the record, report of the enquiry officer, written reply and personal hearing of the accused official it is crystal clear that the accused official Mr. Alimur Rahman Forest Guard is guilty of altering record i.e. recording of bogus signatures of the countersigning authority on his ACRs for the period from 01.07.2010 to 31.12.2010 and 01.01.2011 to 31.12.2011 as well as registering of bogus signatures of countersigning authority on his ACRs for the period from 01.01.1995 to 31.12.1995. Therefore, the charges of Mis conduct, In efficiency and Corruption stands proved against the accused official Mr. Alimur Rahman Forest Guard.

ORDER

On the basis of the above facts I Mr. Pervez Manan Divisional Forest Officer Lower Dir (Competent Authority) found the accused official guilty of the charges of **MIS-CONDUCT, IN EFFICIENCY AND CORRUPTION** and liable himself to **major penalty** but keeping in view his long service and poor financial conditions lenient penalty of with holding his further promotion for the period of two years along with holding of two annual increments for two years i.e. 2015 and 2016 with out accumulative effect are imposed upon him. He is further warned to be careful in future.


Sd/- (Pervez Manan)
Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

Before the honourable judge Sewise tubunal

Aleem vs Kelman

VS

D G Forest etc.

Subject:

Application for Adjournment.

Respectfully Shewith,

1- That the above captioned case is fixed for hearing today ie 7-3-2017.

2- That my family is bereaved and I am busy in funeral.

3- That it is not possible to appear before your Lordship.

4- Kindly adjourn the above titled case for one week.

I will be grateful to you for your kind leniency.

Yours sincerely
Petitioner through Counsel



Samullah Khan
Advocate High Court
Peshawar.

6/3/17