23.09.2020

Learned counsel for appellant present. Mr. Muhammad Jan, learned Deputy District Attorney for respondents present.

Vide detailed judgment of today of this Tribunal placed on file, in service appeal No.774/2018 titled " Muhammad Rafique vs- Secretary Government of Khyber Pakhtunkhwa, Environment Department, Peshawar and three others" the instant appeal is partially accepted with the directions to the respondent department to conduct De-novo inquiry in accordance with law/rules within three months. The inquiry officer/ committee shall be appointed from another range other than Bannu and D.I. Khan. The inquiry officer must keep in mind the conception of the said project, site selection, proper measurement, disbursement of funds and determination of the level of responsibilities. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED 23.09.2020

I)

(ATIQ-UR-REHMAN WAZIR) MEMBER (E)

(ROZINA REHMAN) MEMBER(J) Due to COVID-19 the case is adjourned. To come up for the same 24/4/2020 at Camp Court, D.I Khan



スン /4/2020

Due to COVID-19 the case is adjourned. To come up for the same 22/9/2020 at Camp Court, D.I Khan



22.09.2020

Appellant with counsel present.

Mr. Muhammad Jan learned Deputy District Attorney alongwith Amin ul Islam SDFO for respondents present.

Arguments heard. To come up for order on 23.09.2020 before D.B at Camp Court D.I Khan.

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

Camp Court, D.I Khan

(Rozina Rehman)

Member (J)

Camp Court, D.I Khan

29.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 26.02.2020 for record mentioned in order sheet dated 27.11.2019 and arguments before D.B at Camp Court D.I.Khan.

(Hussain Shah) Member Camp Court D.I.Khan

(M. Amin Khan Kundi) Member Camp Court D.I.Khan

26.02.2020

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 26.03.2020 for record mentioned in order sheet dated 27.11.2019 and arguments before D.B at Camp Court/D.I.Khan.

(Mian Mohammad) Member

Camp Court D.I.Khan

(M. Amin Khan Kundi)

Member

Camp Court D.I.Khan

Appellant in person present. Mr. Farhaj Sikandar, learned Deputy District Attorney alongwith Mr. Tanveer Iqbal, Head Clerk for respondents present. Appellant submitted an rejoinder which is placed on file. Adjourn. To come up arguments on 21.10.2019 before D.B at Camp Court, D.I.Khan.

Camp Court, D.I.Khan

Since tour to D.I.Khan has been cancelled .To come or the same on 297/11/2019.

Appellant alongwith counsel and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant stated at the bar that the inquiry record of the appellant is not available on the record. Respondents are directed to direct the representative to attend the court and furnish all the inquiry proceeding record on the next date positively. Case to come up for record and arguments on 29.01.2020 before D.B at Camp Court D.I.Khan.

(Hussain Shah) Member

Camp Court D.I.Khan

(M. Amin Khan Kundi) Member

Camp Court D.I.Khan

24.06.2019

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Amin-ul-Islam, SDFO for the respondents present. Learned counsel for the appellant requested for adjournment to furnish rejoinder. Adjourned to 26.08.2019 for rejoinder and arguments before D.B at Camp Court D.I.Khan. The interim relief already granted to the appellant on 13.09.2018 shall remain operative till the next date.

(Hussain Shah) Member Camp Court D.I.Khan (Muhammad Amin Khan Kundi)

Member

Camp Court D.I.Khan

26.08.2019

Appellant in person and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Amin-ul-Islam, SDFO for the respondents present. Due to general strike on the call of Pakistan Bar Council, learned counsel for the appellant is not in attendance today. Adjourned to 24.09.2019 for rejoinder and arguments before D.B at Camp Court D.I.Khan. The interim relief already granted to the appellant on 13.09.2018 shall remain operative till the next date.

(Hussain Shah)
Member
Camp Court D.I.Khan

(Muhammad Amin Khan Kundi)

Member

Camp Court D.I.Khan

Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Sher Zaman, Forest Guard for respondents present. Written reply not submitted, despite last opportunity. Requested for further adjournment. Further adjournment granted subject to payment of Rs.1000/- which shall be borne by the representatives of the respondents from their own pockets. Case to come up for written reply/comments and payment of Rs.1000/-on 24.04.2019 before S.B at camp court, D.I.Khan. The interim relief granted to the appellant on 13.09.2018 shall remain operative till next date.

Member Camp Court, D.I.Khan

24.04.2019

Appellant in person and Mr. Farhaj Sikandar learned District Attorney alongwith Ameen ul Islam DFO present. Written reply submitted. To come up for rejoinder, if any, and arguments on 24.06.2019 before D.B at Camp Court, D.I.Khan.

Member Camp Court, D.I.Khan.

23.01.2019

Appellant in person and Mr. Farhaj Sikandar, District Attorney alongwith Bilal Ahmad SDFO for respondents present.

Representative of respondents has produced written reply/comments which are yet to be signed by respondents No. 1, 2 & 3. He, therefore, requests for adjournment. Adjourned to 25.02.2019 before S.B at camp court, D.I.Khan on which date the requisite reply shall positively be submitted. The interim relifferanted to appellant on 13.09.2018 shall remain operative till next date.

25.02.2019

Appellant alongwith his counsel present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Farooq, SDFO for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for adjournment for filing of written reply. Last opportunity is granted. Adjourned. To come up for written reply/comments on 25.03.2019 before S.B at Camp Court D.I.Khan. The interim relief granted to the appellant on 13.09.2018 shall remain operative till next date.

(Muhammad Amin Khan Kundi) Member

Camp Court D.I.Khan

Therefore the case is adjourned to come up for the same

Reader

26.11.2018

Appellant in person present. Mr. Usman Ghani, District Attorney for the respondents present. Representative of the department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 17.12.2018 before S.B at Camp Court D.I.Khan. In the meanwhile recover shall not be made from the appellant till the date fixed.

on 26.11.2018 at carp Court D.I. Khan

(Muhammad Amin Khan Kundi)

Member

Camp Court D.I.Khan

17.12.2018

As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 17.12.2018 has been rescheduled and the case is re-fixed for 26.12.2018.



26.12.2018

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents present. Representative of the department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 23.01.2019 before S.B at Camp Court D.I.Khan. In the meanwhile recovery shall not be made from the appellant till the date fixed.

(Muhammad Amin Khan Kundi) Member Camp Court D.I. Khan 13:09.2018

Counsel for the appellant Zain-ul-Abidin present. Preliminary arguments heard. Learned counsel for the appellant contended that the appellant was serving in Forest Department as Forest Guar. It was further contended that the appellant was imposed penalty of recovery of Rs. 602700 by the competent authority vide impugned order dated 16.01.2018 on the allegation of his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly more than 80% failure was observed . Learned counsel for the appellant further contended that the appellant filed departmental appeal on 30.01.2018 but the same was not responded hence, the present service appeal. Learned counsel for the appellant further contended that neither proper inquiry was conducted, nor opportunity of persona hearing and defence was provided to the appellant, nor opportunity of cross examination was provided nor any show cause notice was issued to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 24.10.2018 before S.B at Camp Court D.I.Khan. Learned counsel for the appellant also submitted application for suspension of order of recovery of amount. Notice of the said application be also issued to the respondents for the date fixed. In the meanwhile recovery shall not be made from the appellant till the date fixed.

Appende Dannsited Security Process Fee

(Muhammad Amin Khan Kundi)

Member Camp Court D.I.Khan

Form-A

FORMOF ORDERSHEET

Court of		
Case No.	706/2018	`

	, Case No.	. 706/2018
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	. 2	3
1	23/05/2018 *	The appeal of Mr. Zain-ul-Abideen received today by post through Miss. Zulle Humma Kundi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for
		proper order please. REGISTRAR
2-	13-06-2018	This case is entrusted to Touring S. Bench at D.I.Khan for
		preliminary hearing to be put up there on 133.9 2018
		CHAIRMAN

The appeal of Mr. Zainul Abiddin Forest Guard forest Department received to-day by post i.e. on 14.05.2018 is returned to the counsel for the appellant with the direction to submit two more copies/sets of the appeal along with annexures i.e. complete in all respect within 15 days.

No. /n/2__/S.T,

Dt. 15/05 /2018.

Khyber Pakhtunkhwa Service Tribunal Peshawar

Miss.Zulle Huma Kundi Advocate High Court D.I.Khan

Sir

Recieved on 18.05.2018. ZILL-E- HUMA.

18-5-2018.

The requisite has been done-two sets of the Appeal alongwith Annexures and photocopies are enclosed here with for further necessary action at your end-place.

Ends AJA

The Registrar. KPK. Registrar. Service Tribunal. PESHOWAR.

Yours Truly

MISS ZILL-E-HUMA RUNDI ADVOLATE Counsel for Appellant.

> 21.5 2018. D.I.Khan.

باجلاس

واجب الاحترام خيبر پختون خواه۔ سروس ٹری بونل ۔ پشاور 706/2018 STA No: 706/2018

زيل المالية المالية المالية المالية المعرفة، دُويرُن ها دست آفيسر-دُيره اساعيل خان، فارست دُويرُن دُيره اساعيل خان--

مرافعه گزار

يرخلاف

حكومت خيبر پختون خواه ـ بذر بعيسكر ثرى محكمه ما حوليات (فارست ـ وائلاً لا ائف) پيثاور مسئول اليهان وغيره

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مرافعارار

باجلاس

واجب الاحترام خيبر پختون خواه۔ سروس ٹری بونل۔ پشاور

STA No: 706/2018

سروس ٹری بونل مرافعہ

زین العا بریل فارست گارڈ۔ محکمہ جنگلات، معرفت، ڈویٹرنل ھارسط آفیسر۔ ڈیرہ اساعیل خان، فارسٹ ڈویٹرن ڈیرہ اساعیل خان۔۔

مرافعهگزار

برخلاف

حكومت خيبر پختون خواه - بذريع سيكر ترى محكمه ماحوليات (فارست - وائلاً لا كف) پشاور مسكول اليهان وغيره

جناب مكرم ممبران صاحب: سائل حسب ذيل عرض گزاد ہے۔

1۔ پیکہ درخواست کو ہا داشت مرافعہ کے ساتھ یکجاء پیڑھا جاوے۔

2۔ پیکہ جب سائل نے خود مزدوروں کو اجرت ادانہ کی ہے اور تمام اخراجات کی منطوری مسئول الیہ نمبر 4 نے کی اور مزدوروں کی اجرت کم مسئول الیہ نمبر 4 نے کی اور مزدوروں کی اجرت کی اجرت کی اجرت کی اور مزدوروں کی اجرت کی احراد کی شخص کے اللہ مسئول الیہ نمبر کے خلاف محض تدبیر بازی سے الزام ۔ سائل کی معصومیت کے لئے مسئول سوم معمومیت کے لئے مسئول سوم معمومیت کے لئے مسئول سوم معمومیت کے لئے مسئول سام معمومیت کے لئے مسئول سوم معمومیت کے لئے مسئول سام معمومیت کے لئے دول سام معمومیت کے لئے مسئول سام معمومیت کے لئے مسئول سام معمومیت کے لئے دول سام کے خلاق میں معمومیت کے دول سام کے خلاق کے دول سام کے خلاق کے دول سام کے دول سام کے دول سام کی کے دول سام کے د

Prima Facie ہے۔

3۔ یہ کہ سائل سے وصولیا بی اسائل کے لئے نا قابل تلافی نقصان کے مترادف ہے۔

4۔ پیرکہ محکمانہ مرافعہ پر بروقت تھم صادر نہ کرنے سے سائل کے تن میں توازن سہولت موجود ہے۔

لہذااستدعاہے کہ درخواست ہذا منطور فرمالی جاوے۔ ایکالت میس خل کہا کہ ایک المدی الدی المدی المدی

rellier du cate.

بیان حلفی ولد ، مکنه مکه ولد ، مکنه

حلفاً بیانی ہے کہ جملہ مراتب درخواست ہذا میر ے علم ویقین کے مطابق صحیح اور درست ہے۔



گرامی القدر۔ خیبر پختون خواہ سروس ٹری بونل۔ پشاور

سال2018

STAنمبر

سروس ٹری بونل مرافعہ

زین العابدین _ فارسٹ گارڈ ،معرفت ، ڈویٹرنل فارسٹ آفیسر _ ڈیرہ اساعیل خان _

مرافعه گزار Appellant

برخلاف ١٥٠

Service Tribunal

Diary No. 684

Dated 14-5-2018

1 - حکومت خیبر پختون خواه صوبه بند ربیه سیکرٹری محکمه ماحولیات (فارسٹ اوروائلڈلائف) پیثاور۔

2- ناظم اعلی جنگالات چیف *کنٹرز ویٹر ۔ سنٹر*ل سدرن ریجن ۔ ا، پیثاور

هسئول البيانRespondents

مرافعہ Representation تحت دفعه نمبر 4 سروس ٹری بول ایکٹے ،سال 1974 برخلاف Representation تحت دفعه نمبر 4 سروس ٹری بول ایکٹے ،سال 1974 برخلاف عدم صدور ۔واضح فیصلہ از ال مسئول الیہ نمبر 3 ، جس نے مرافعہ گزار کے حکمانہ مرافعہ اور کی 1974 کردان ، جس کے ایکٹر کی کا کہ ایکٹر 1974 کردان ، جس کے ایکٹر 1974 کردان ، جس کے ایکٹر 1974 کردان ، جس کے ایکٹر 1974 کردان ، جا 1974 کردان کے دوران کی کردان کے دوران کی کردان کردان کے دوران کے دوران کی کردان کردان

(ii) مرافعہ برخلاف تھم نمبر 94 مورخہ 16.01.2018 مصدرہ ازاں مسئول الیہ نمبر 4 جسکی رو سے مرافعہ گزار کو سزاوار کر کے مرافعہ گزار کو بیائے۔ 602700/وپے ماہانہ اقساط میں اداء کرنے کا تھم دیا گیا ہے۔

استدها: به منظوری مرافعه بذار هم مورخه 16.01.2108 کویکسرمنسوخ فرمایا جاوے اور مرافعه گزار کو ملازمت کے تمام مراعات اور حقوق کا حامل قرار دیا جاوے۔

جناب مکرم ممبران صاحبان: مرافعگزار حسب ذیل عرض گزار ہے۔

- i- یه که مسئول الیه نمبر 4 نے مقامی عملہ جنگلات کے خلاف بحوالہ تھم نامہ نمبر 120 ، مورخہ 30 جون 2017 مورخہ 30 جون 2017 مورخہ 30 جاری کیا۔

 2017 تا دبی کاروائی کا آغاز کیا اور من مرافعہ گزار کیخلاف فر دجرم جاری کیا۔

 The Appellant Was Chargesheeted اور کی طرفہ کھانہ انکوائری بقلم DFO بنوں۔ بحوالہ مراسلہ نمبر 178/8 ، مورخہ 26 جولائی 2017 کے نتیجہ میں مرافعہ گزار کو مزاوار کرلیا۔ نقل تھم نامہ نمبر 94 ، مورخہ 16.01.018 لف ہے۔ اور اس کے خلاف تھکمانہ مرافعہ بمقام بیثا ورموصول ہو چکا ہے۔ نقل لف ہے۔
 - 2_ بیک فرد جرم Memo Of Allegation کا جواب، مورخه 21.08.2017 لف ہے۔
- 2. یہ کہ انگوائری آفیسر بحثیت DFO بنوں نے رپورٹ پیش کی ۔ حالانکہ وہ خود اپنے ڈویژن میں سونا می پلانٹیشین کی مبینہ ناکامیوں سے جان خلاصی کے لئے ماتحت عملہ کومور دالزامات تھہراکران کے خلاف انکوائری کے لئے DFO ، ڈیرہ اساعیل خان عابد ممتاز خان کوائری آفیسر مقرر کر چکا ہے، جو کہا یک انوکھی مثال ہے۔ نقل انکوائری رپورٹ نومبر 2017 لف ہے، جسکی تائید میں مرافعہ گزار کوزبانی شنوائی کے لئے بحوالہ مراسلہ نمبر 43/4-3842 ، مورخہ 2019 طلب کیا۔ نقل لف ہے۔ اور اس کے بعد زیر عذر تھم نامہ نمبر 94 ، مورخہ 16.01.2018 جاری کیا۔
 - 4۔ یہ کہ محکمانہ مرافعہ پر تا حال معیاد مقررہ کے اندر کوئی واضح تھم افیصلہ صادر نہ ہے جس سے بیتا تر باسانی مل سکتا ہے کہ مرافعہ گزار متضرر Aggrieved ہے اس لئے موجودہ مرافعہ پیش کیا جارہا ہے جو کہ اندر معیاد ہے اور اندر حدود اختیار ساعت معزز یے ٹری بوئل بندا ہے اور بصورت موجودہ قابل رفت ہے۔

وجوهات مرافعه: ـ

- i ہے کہ Billion Trees Artificial Plantation ہے نہایت جلد بازی میں تیاراور مرتب کیا گیا تھا Billion Trees Artificial Motivated And Politicaly Motivated اوراس قسم کے منصوبہ جات کبھی بھی خوش آئندانجام تک نہیں پہنچ سکتے۔
- ii۔ یہ کہ انکوائری آفسر نے مثنغیث (Prosecutor) یا اس کے گواہان پر (اگر چہ جارج شیٹ میں اور انکوائری رپورٹ میں گواہان کا حوالہ ہیں ہے) جرح کا موقع فراہم نہیں کیا۔ جسموں کو اہم نہیں کیا۔ و کسموں کی شیاد کا جسموں کی انداز کی مسئول الیہ نمبر 4 نے بھی زبانی شنوائی کے دوران بھی من مرافعہ گر ارکواستغثاء کے نمائندہ ۔ نیک مسئول الیہ نمبر 4 نے بھی زبانی شنوائی کے دوران بھی من مرافعہ گر ارکواستغثاء کے نمائندہ

(اگرکوئی نامز دہواہو)، زبانی جرح Oral Cross Examination کاموقع فراہم

نہیں کیا۔

iv یے کہ تادیبی کاروائی کا آخری مرحلہ میں من مرافعہ گزار کوشو کا زنوٹس نہیں دیا گیا ہے جو کہ عام قانونی غلطی ہے The Whole Proceedings Have Been

- الیہ یکر قبہ کا انتخاب اور رقبہ کے مالکان کی قانونی حثیت Legal Title کی ذمہ داری مسئول الیہ نمبر 4 کی ہے جب رقبہ موزول ترنہیں تھا اور اس طرح شجر کاری میں جزوی ناکا می کے لئے ماتحت ترین اہلکاران Lowest Subordinates کو الزام الیہان بنانا پہنے فسر شاہی جبر ہے۔

 It Is Bureacratic High-Handedness
 - It Is Without Sufficient غیرواضح ہے، Chargesheet بنیرواضح ہے۔ vi -Clearance And Certainity
- vii ۔ بیکہانکوائری رپورٹ بھی خاصی سرسری ہے It Is Imprecise،اور نا قابل عمل ہے اور بیہ انکوائری رپورٹ قانون وقواعد سال 2011 کے مطابق نہیں ہے بلکہ It Is Short Hand ہے۔

 Narration ہے۔
- viii یک (سلیم نہیں گر بالفرض کے شجر کاری معیار کے مطابق کا میاب نہیں ہے) تو تب بھی عائد کردہ سزا معرافعہ گزار کے معرافعہ گزار نہ مسٹرول کو منظور کرسکتا ہے معرافعہ گزار کے BPS، کے مطابق نہیں ہے جب مرافعہ گزار نہ مسٹرول کو منظور کرسکتا ہے اور ایسی صورت میں Disbursing معرد دوری ادا کرسکتا ہے اور ایسی صورت میں Officer یعنی کہ DFO یعنی کے DFO یعنی کے DFO یعنی کے DFO یعنی کے DFO یعنی کہ The یکی نہیں کی گئی ہے The

Penalty Is Inconsistent With The Rule Of Proportionality(Though Penalty Is Not Admitted)

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لهذا استدعا ہے کے دوران ساعت مرافعہ گزار کے وکیل کواضافی دلائل پیش کرنے کی اجازت دی جائے اور اپیل ہذامنظور فرمائی جائے۔

الفرام الماري فارث الماري فارت الماري فار

(4)

OFFICE ORDER NO DATED D.I.KHAN THE JANUARY 2018 ISSUED BY MR. ABID MUMTAZ DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION

During inspection of Haji Abdullah Handan and Haji Mir Ahmad Handan (Kulachi Forest Range, plantation areas, on 22/05/2017 the Divisional Forest Officer D.I.Khan found that the planted area is seem to be less than the area actually charged through muster rolls. Therefore, area was measured through GPS by Muhammad Shafiq GPS specialist of HRD, Directorate and found that the total area was 39.4 hectare while an area of 60 hectare was claimed / charged. During inspection it was also observed by the DFO, D.I.Khan that available are a was more than 80% failed due to take of interest improper maintenance and no watering to area by the I/C Forester and Forest Guard. Due to their laxity, the Government has sustained huge loss and the expenditure incurred on the raising and maintenance of 15 hectare at Haji Abdullah Henden and 45 hectare at Haji Mir Ahmad Wazir Henden totaling 60 hectare block plantations were gone to waste.

M/S Muhammad Rafiq Forest Guard I/C Book Officer and Zain ul Abideen Forest Guard I/C were suspended and attached with the office of the Conservator of Forests, Southern Circle, Peshawar and Syed Latif Hussain DFO, Divisional Forest Officer Bannu Forest Division was appointed as inquiry officer vide DFO, D.I.Khan office order No. 121 dated 30/06/2017 vide endorsement No. 7015-19/G dated 30/06/2017 to precess against the above named officials under the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

Besides above, Range Forest Officer Paroa reported virie letter No. 12/Kul dated 0/06/2017 that out of 45 hectare area at Haji Amir Ahmad Hindan charged by above named officials an area of 20 hectare is planted which is 30% fair and in remaining 25 hectare area only earth work is completed over an area of six (6) hectare and in 19 nectare no earth work carried out. In Haji Abdullah Hindan plantation area 15 hectare plantation was carried out but on ground 50% plantation is fail.

Keeping in view the above exposition a charge sheet and statement of allegations were prepared and sent to the inquiry officer vide this office letter No. 402/G dated 17/07/2017 which was subsequently served upon both the accused officials vide Inquiry Officer (DFO. Bannu) letter No. 176/E dated 26/07/2017 and No. 178/E dated 26/07/2017.

The inquiry Officer initiated inquiry, recorded statements of the accused officials, examined repry to the charge sheets & statements of allegations furnished by the accused officials, conducted personal hearing & inspected the planting sites and submitted inquiry report to this office wherein he reported that during inspection of sites it has been noticed that as a whole 60% failure is still exists in the plantation areas, the survival of plants needs immediately watering otherwise the failure %age will be further increased and harsh site and severe termite attack was noticed.

Keeping in view the above the Inquiry officer recommended the following actions to be taken against the accused officials:

1. Recovery of Rs. 1.2054 million (60% of the total amount spent) may be got recovered from M/S Muhammad Rafiq and Zain-ul-Abideen Forest Guards (accused officials) on equal stage basis

SDFO, Kulachi should arrange immediate watering for the survived plants

Stoppage of one annual increment due on 01/12/2017 without accumulative effect from both the accused officials

The inquiry report was sent to the both the accused officials vide this office letter No. 3842-43/C cases 29/11/2017 with the directives to submit their opinion regarding the inquiry report and appearing before the Competent Authority for personal hearing on 30/11/2017. Accordingly the accused of cial appears before the undersigned on the fixed dated but they could not explain the cogent reasons for the failure of plantation. Their written reply submitted by them dated

Therefore keeping in view the above exposition, the undersigned being Competent Authority is agreed with recommendations of inquiry officer, hence the penalties proposed by the inquiry office as noted above are hereby imposed upon M/S Muhammad Rafiq and Zain-ul-Abideen Forest Guards with immediate effect. The amount of Rs. 12054000/- will be recoverable from both the accused on equal share basis of Rs. 602700/- in forty (40) equal installments of Rs. 15070/- per month. In case of their retirement during the period, the remaining amount will be recovered from their pension / gratu

DIVISIONAL FOREST OFFICER D.I.KHAN FOREST DIVISION

D.I.KHAN

Copy for information and further necessary action is forwarded to:-

1. The Conservator of Forests, Southern Circle, Peshawar.

2. Syed Latif Hussain, Divisional Forest Officer, Bannu Forest Division, Bannu (Inquiry Officer) for informatic sate reference to his office letter No. 670/E dated 15/11/2017.



- 3. Head Clerk / Accountant. They are requested to stop the annual increment of both the forest guards if the increment is already granted the amount paid should be recovered immediately. Also start recovery of Rs.602700/= from exiting individual in forty (40) equal installments of Rs. 15070/--per month.
 - RFO, Kulachi. He is directed to intimate the present position of the above noted plantations and arrange immediate watering for the survived plants.
 - 5. Mr. Muhammad Rafiq Forest Guard C/O RFO Kulachi.
 - 6. Mr. Zain-ul-Abideen Forest Guard C/O RFO Kulachi.

DIVISIONAL FOREST OFFICER
D.T.KHAN FOREST DIVISION
D.I.KHAN

Attested

Roge (



The Worthy Conservator Of Forests - Southern Circle, Peshawar

Departmental Representation

2018

Zain-ul-Abidin Forest Guard

c/o

Sub- Divisional Forest Officer, D.I.Kha n Forest Range – DIKhan

Appellant

v/s

The Divisional Forest Officer, Dera Ismail Khan Forest Division, Dera Ismail Khan

Respondent (Competent Authority)

Representation / Appeal against Order No.54 dated 16.01.2018 passed by the Respondent vide which the recovery of 0.6275 million has been imposed against the Appellant .(Copy of Impugned Order , is enclosed).

PRAYER :-

On acceptance of the <code>Instant Appeal</code>, to set aside the Impugned harsh order dated 16-01-201 and as a consequence thereto, to withdraw the Charges leveled against the Appellant.

The Appellant; amongst other grounds; respectfully submits as follows:-

- 1) The Memo of Explanation dated 21.8.217 and subsequent reply , may be read as parts of the Appeal .
- 2) The Appellant is at the lowest tier of Executive Hand of a Forest Division and is merely to obey and follow the orders of his Divisional Head who is both Competent Authority as well as Drawing and Dispersing Officer under Financial Powers vested in the Category III—Officers of the Provincial Government.
- 3) The achievement of the Plantation Projects initially starts with selection of Site (Planataion Coupe) which is not the obligation of the Forest Guard or Forester cum block Incharge; and thus the allegations; abinitio; are misplaced and misjudged; and the subordinate is not vicariously liable for the misplanning or misorientation of a Mega Project.

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- 4) The unholy haste in implementing a Mega Project with meagre inputs and with undue haste without suitable arrangements for weekly handwatering and barbed - wire fencing, cannot be attributed to lower staff. The extent of areas of Forest - Farmers is also verifiable through Halqa Patwari by production of Copy of detailed Fard Jamabandi of the of the area through current year with ascertainable dimensions copy of Aks Shajra of the last settlement (1966- 1968) and thus the opportunity of cross_examining of Halqa Patwari along with Record_Clerk and Divisional Accountant of D.I.Khan Forest Division
- 5) Failures of Plantation are always unavoidable and various factors including edaphic- climatic and socio- economic inhibitions and thus individuals are seldom accountable due to such extra - human impediments.
- 6) The failure of transplants embedded in unfriendly environment with subsequent lack of silvicultural inputs is not a personal act of causing loss to the Government - Exchequer and the allegations were thus ill -_founded and ill- designed and non - sustainable and the allegation of loss (overestimated and overbilled) is an act, not warranted by the circumstances of the site where the Accused/Appellant had not robbed any sum of public funds expended through Muster Rolls or Miscellaneous Bills, since the bills are paid by either SDFO or DFO and through Accountant and the Muster Rolls after sanction / Approval are being dealt with by the Range Forest Officer / SDFO concerned and even expenditive

declined to allow opportunity of cross examination of the Prosecution witnesses as well as the Prosecution -Representative and the Inquiry Report has been formulated in vacuum, with utter disregard of the Principles of Natural Justice and reliance upon it is a semblance of just hit - and- run (inclimancy) attitude . The Appellant requests that the entire profile of the Plantation along with Disciplinary files may be requisitioned.

The Appellant also wishes to be heard in person .

It is therefore PRAYED that the Instant Appeal may graciously be Accepted.

Attested Df 30-01-2018.

Your Humble Appellant Zain-ul-Abidin Forest Guard

Copy forwarder to Divisional Forest office - DI Khen Forest Division - DI Khen for further necessary action will be for

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A.NO 706/106

باجلاس

گرامی القدر۔ خیبر پختون خواہ سروس ٹری بونل۔ پشاور

سال8201

STAنمبر

سروس ٹری بونل مرافعہ

زین العابدین _ فارسٹ گارڈ ،معرفت ، ڈوینژنل فارسٹ آفیسر _ ڈیرہ اساعیل خان _

Appellantا

برخلاف الا

1۔ حکومت خیبر پختون خواہ صوبہ۔ بذریعہ سیکرٹری محکمہ ماحولیات (فارسٹ اورواکلڈلائف) پیٹاور۔

2- ناظم اعلی جنگالات چیف کنئز ویٹر۔سنٹرل سدرن ریجن۔ ایشاور

3 - كنئز ويٹر (ناظم جنگلات ـ سدرن سركل ـ پشاور ـ اور

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Pakistan Post Foundation (Press Division)

Syed Lateef Hussain Divisional Forest Officer Bannu Forest Division

Environment Department Government of Knyber Pakhtunkhawa ;

Miranshah Road Tappi Killa Bannu

> **2**0928-9270042 <u>--</u>0928-9270034

Dated Peshawar

26/ 7/2017

Mr. Zain-ul-Abideen Forest Guard C/O DFO D.I. Khan

Subject: -

ENQUIRY

Męmo:-

To probe in to matter and finalize the inquiry proceeding against you under E&D Rules 2011, the DFO D.I Khan vide his office order No.121 dated 30-6-2017 appointed the undersigned as enquiry officer. A copy of charge sheet and memo of allegation is eกจุ้ใosed herewith.

You are therefore directed to furnish the reply of charge, sheet within seven (7) days from the date of receipt of this letter so that the inquiry could be finalized. End: As above

Copy forwarded to DFO D.I Khan for information and necessary action. He is requested to deliver the letter meant for the above named office under proper receipt may be sent to this office for record.

Divisional Forest Officer Bannu Forest Division

CHARGE SHEET



I, Abid Munitaz Divisional Forest Officer, D.I.Khan Forest Division as competent authority, hereby charge you, Mr. Zain-ul-Abideen Forest Guard of Kulachi Forest Range BPS-8 that on 22/05/2017 the undersigned accompanied with Muhammad Shafiq Monitoring Officer GIS specialist (HRD) inspected Haji Abdullah Handan and Haji Mir Ahmad Handan plantations areas, (15 + 45 = 60 Ha respectively) Block Plantation raised under "BTAP". During inspection it was observed that due to lack of interest improper watering / maintenance the plantation was failed up to the extent of 80%.

Later on the RFO Kulachi further reported vide letter No. 12 dated 20/06/2017 that in Haji Mir Ahmad Handan Plantation out of 45 Ha only 20 Ha area is available on ground which is 30% fail, while in the remaining 25 Ha area in 6 Ha earth work is done while in 19 Ha area no earth work is carried out.

By reason of the above you appear to be guilty of (i) IN-EFFICIENCY (ii) MISCONDUCT and (iii) CORRUPTION under Rule 3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rule 2011 and have rendered yourself liable to all/ any of the penalties specified in Rules 4 of the rules ibid.

You are therefore, requested to submit your written defense within seven (7) days of the receipt of this Charge Sheet direct to the Enquiry Officer.

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

A statement of allegations is enclosed

DIVISIONAL FOREST OFFICER
D. KHAN FOREST DIVISION

D.I.KHAN

Attestal (Competent Authority)

DISCIPLINARY ACTION

I, Abid Mumtaz Divisional Forest Officer, D.I.Khan Forest Division, as Competent Authority, am of the opinion that Zain-ul-Abideen Forest Guard of Kulachi Forest Range rendered himself liable to be proceeded against, as he committed the following acts / omissions, within the meaning of section 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

(a) DFO D.I.Khan during field visit along with Muhammad Shafiq Monitoring Officer (HRD), noticed more than 80% failure in 60 Ha Plantation area at Haji Abdullah Handan and Haji Mir Ahmad Handan plantations, raised under "BTAP.

(b) An Amount of Rs. 517360 + 1492260 = 2009620/- incurred from Govt; Exchequer on raising and subsequently maintenance of 60 Ha plantation vide Muster Roll Nos.115, 203, 364,482,585,782,864,10 & 103,204,330,490, 584, 785, 866,16 for the month of 9/2016 to 04/2017 but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed.

2. For the purpose of inquiry against the side accused with reference to his above mentioned allegation, Mr. Latif Hussain DFO Bannu is hereby appointed as inquiry Officer under rule 10 (1) (a) of the ibid rules;

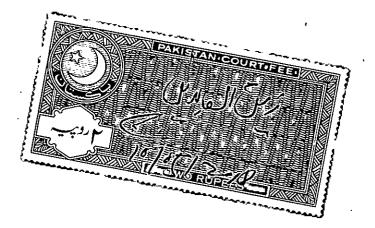
3. The enquiry Officer shall, accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its finding and make, within thirty (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well-conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

Divisional Forest Officer
D.L.Khan Forest Division

D.I.Khan

Join



III. 19 26/07 er E/178 bld, circ 6/13. Uno illus 30 charge Sheet ofinion! dosin * 15+45 Jeel Unio- Strugo ofin ver 3 Monitoring Officer Est & Timber = 60 Ha (20). Soliva in 20 6-2 0 6 Carti 20). م كى الت فعاسى (درك في ق ح ملا من روس العراف گوم کر دور کو کی سر لوائن کر دور کو مقت کی در در تصفت کی در ما كويك المولان منه منه و المولان المارون المولان المولون المو الور مفروهنون رِتبار کرده ویت کرده یع . گری کے کوی ت تع میلایم En Jourin & Justin Start Mantatione vie our es la company de la ser de la company d 3 - E Com Color Ser Ser Color Ser Co المافيع - حيد الشراوقات رقيد مال ك كاستركار الوقات كالمسال رقبه كاستم ذاكى زمين و توجر دسي في Monitoring Officer (Es Unio sie Visus) En Accurate o En Established

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OFFICE OF THE DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION D.I.KHAN

To

1. Mr. Muhammad Rafiq Forest Guard

Mr. Zain-ul-Abideen Forest Guard

C/ O RFO Kulachi.

No. 202 13 16

dated D.I.Khan

the November /2017.

SUBJECT:

Inquiry report.

Reference :-

Correspondence resting with this office order No.121, dated 30-06-2017

The inquiry officer has finalized the enquiry and submitted report. A copy of the same is enclosed herewith for further necessary action.

You are directed to appear before the undersigned on 32.1.1.22.17 for personal hearing Bring all documentary evidence in your defence on the day of personal hearing

Acknowledge the receipt.

Encl Asi Above

DIVISIONAL FOREST OFFICER
D.I(KHAN FOREST DIVISION
) D.I.KHAN

No.

/G,

Copy forwarded to the Range Forest Officer Kulachi for information necessary action. He is directed to deliver the letter to the above named officials under proper acknowledgment receipt which may be supplied to this office for record further for necessary action please.

OTVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION

- D.I.KHAN

Attested



ENQUIRY REPORT IN RESPECT OF M/S MUHAMMAD RAFIQ FOREST GUARD AND ZAIN-UL ABIDEEN
FOREST GUARD OF D.I. KHAN FOREST DIVISION

Read with

DFO D.I. Khan Office order No. 121 dated 30-6-2017.

DFO D.I Khan Office letter No. 402/G dated 17-7-2017.

DFO Bannu letter No. 176-77/E dated 26-7-2017 & 178-79/E dated 26-7-2017

Replies furnished by M/S Muhammad Rafiq & Zain-ul Abideen Forest Guards

Discussion

M/S Muhammad Rafiq & Zain-ul-Abideen Forest Guard suspended vide DFO D.I. Khan office order No. 121 dated 30-6-2017 due to the following reasons:-

- DFO D.I Khan alongwith Muhammad Shafiq Monitoring Officer (HRD) noticed more than 80% failure in 60 Ha plantation area at Haji Abdullah Handan and Haji Mir Ahmed Handan plantation raised under BTAP.
- 2- An amount of Rs. 2.009 Million shown incurred from the Govt: exchequer on raising and subsequent maintenance of 60 Ha plantation from 9/2016 to 4/2017 as per detail in statement of allegations., but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area more than 80% failure was observed.

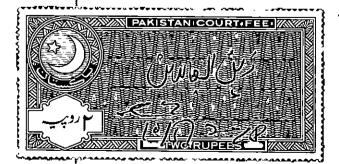
The DFO D.I. Khan vide his office orders referred above appointed the underside an enquiry officer and sent the charge sheet and memo of allegations against both the officials vide his office letter No. 402/G dated 17-7-2017, which were accordingly been served upon 176-77/G dated 26-7-2017 & 178-79/G of even date, for submission of their written replies. Accordingly M/S Muhammad Rafiq and Zain-ul- Abidin Forest Guards (accused officials) submitted their written replies vide dated 14-09-2017 mentioning therein that due to hot season and prolong drought the failure was occurred.

<u>Proceedings</u>

The undersigned in the capacity of enquiry officer examined their replies and paid detailed inspection to the plantation site verbal personal hearing was conducted and noticed that:-

- 1- As a whole 60% failure is still exist in the plantation area.
- 2- The survived plants needs immediately watering otherwise the failure % age will be further increased
- 3- Harsh site and severe termite attack.

Join A.



Findings

Keeping in view the above discussion, consulting the record and personal hearing of all the officials and inspection of the plantation site the undersigned recommended the following

- 1- Rs. 1.2054 Million (60% of the total amount spent) may be got recovered from M/S Muhammad Rafiq and Zain-ul- Abidin Forest Guards (accused officials) on equal share basis
- 2- SDFO Kulachi should arrange immediate watering for the survived plants.
- 3- Stoppage of one increment due on 01-12-2017 without accumulative effect from both the - accused officials.

Divisional Forest Officer Bannu.Forest Officer





THE DIVISIONAL FOREST OFFICER-DERA ISMIAL KHAN...

SUBJECT: INQUIRY AGAINST

Zainul-Abideen Forest Guerd.

THE RESPONDENT ACCUSED IN RESPONSE TO MEMO NO. 3842-43/G, 1)DATED 29.11.2017 SUBMITS AS FOLLOWS:-

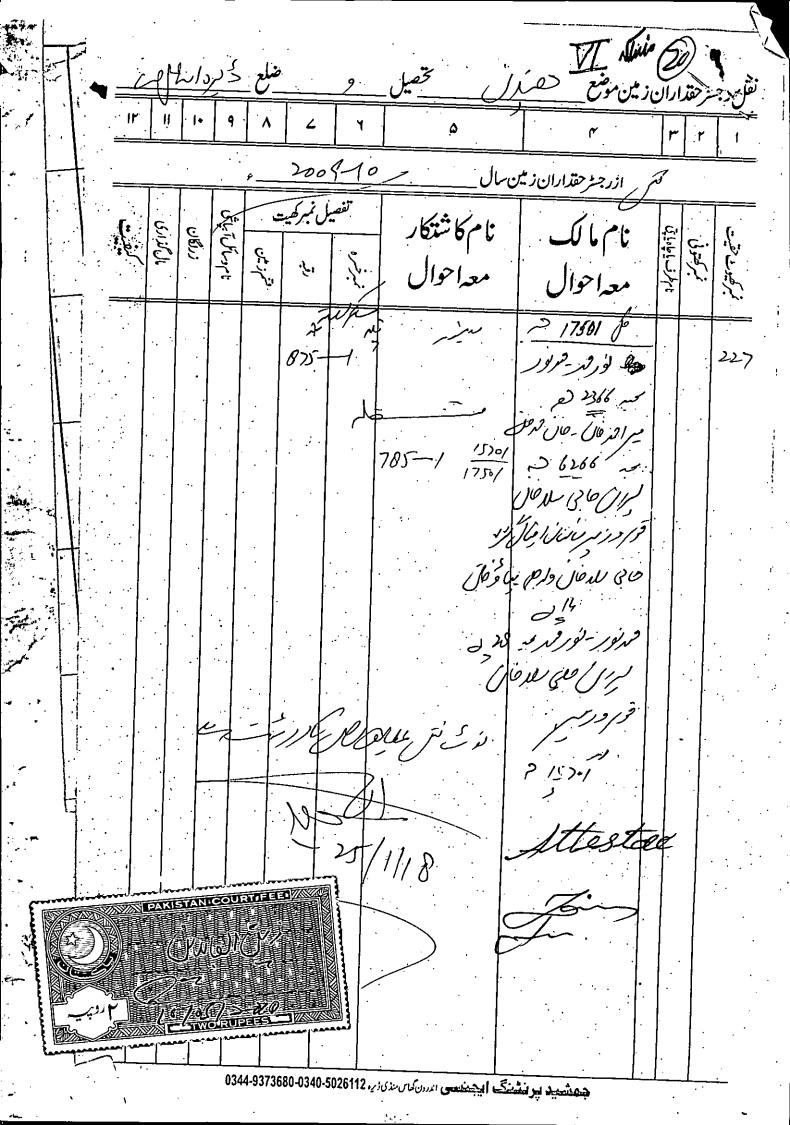
- 1. The Inquiry Officer had omitted to thoroughly examine the Reply of the Respondent, dated 21.08.2017 though he has admitted the non-suitability of the area for artificial plantation. Even then uptill start of May, the Plantation prospects were found satisfactory, the alleged diminution in area has to exist when GT Sheets show linear aerial distances where-as the cadastral survey by Revenue Officers show actual surface measurements of the terrain.
- 2. The Inquiry Officer had failed to interrogate the concerned Range Officer Kulachi about his supervisory role when he had made satisfactory report dated 22.05.2017, which has been endorsed by the DFO D.I.Khan who had furnished certificate on Account Form No.50 each month, and afterwards opposite stance is misplaced.
- 3. Even after the suspension of the Accused, efforts have been made through maintenance charges for rehabilitation of the plantation but the result is discouraging.
- 4. The selection of site was not the choice of Respondent/Accused and as such the very foundation of the Project was mis-planned and the failures were un-avoidable, and Tube-well water-supply was too scanty and insufficient especially during sizzling temperatures of the summer season
- 5. The Inquiry Officer had failed to examine any witness as referred in the Reply dated 21.08.2017 which is a very serious error in the proceedings and no opportunity of cross-examination of stated witnesses had been provided. Copy of the Reply dated 21.08.2107 is enclosed.
- 6. The Inquiry is thus unevenly oriented and misdirected in point of law.
- 7. The Inquiry Officer is not permitted to propose the quantum of penalties vide notification dated 28.03.2014 and he has only to report qua guilt or otherwise. The report is thus un-credit-worthy and charges may kindly be withdrawn.

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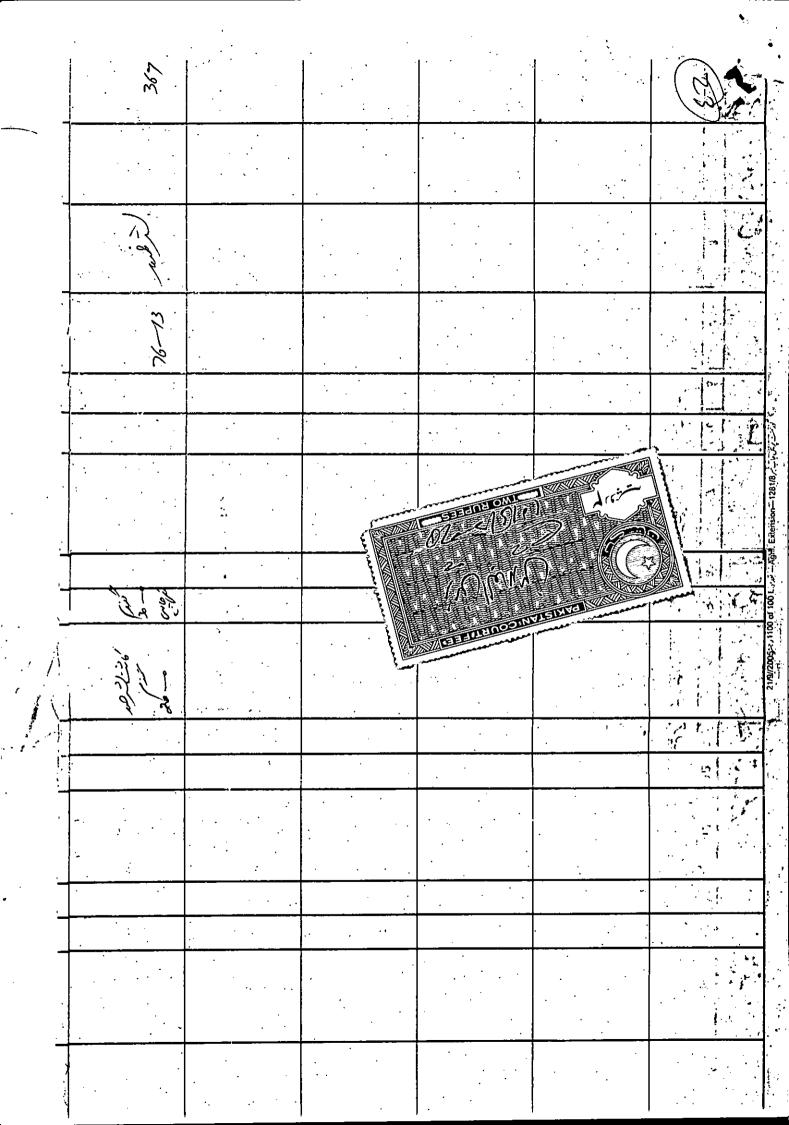
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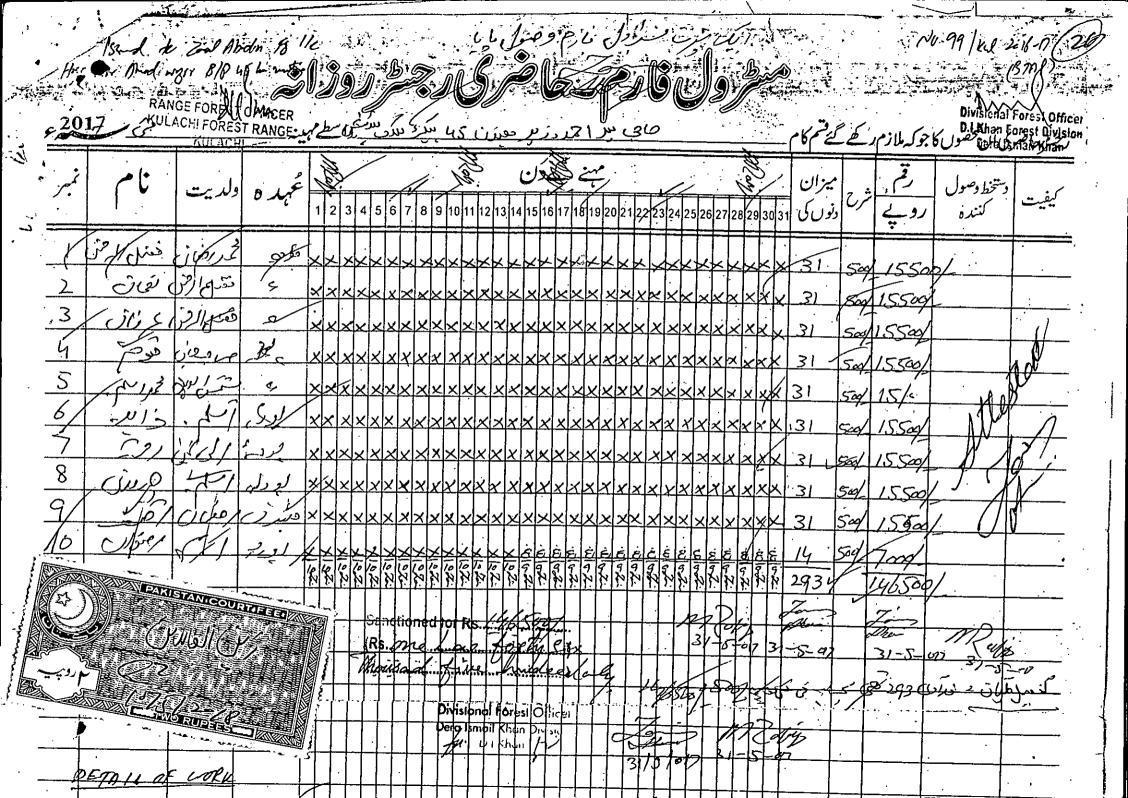
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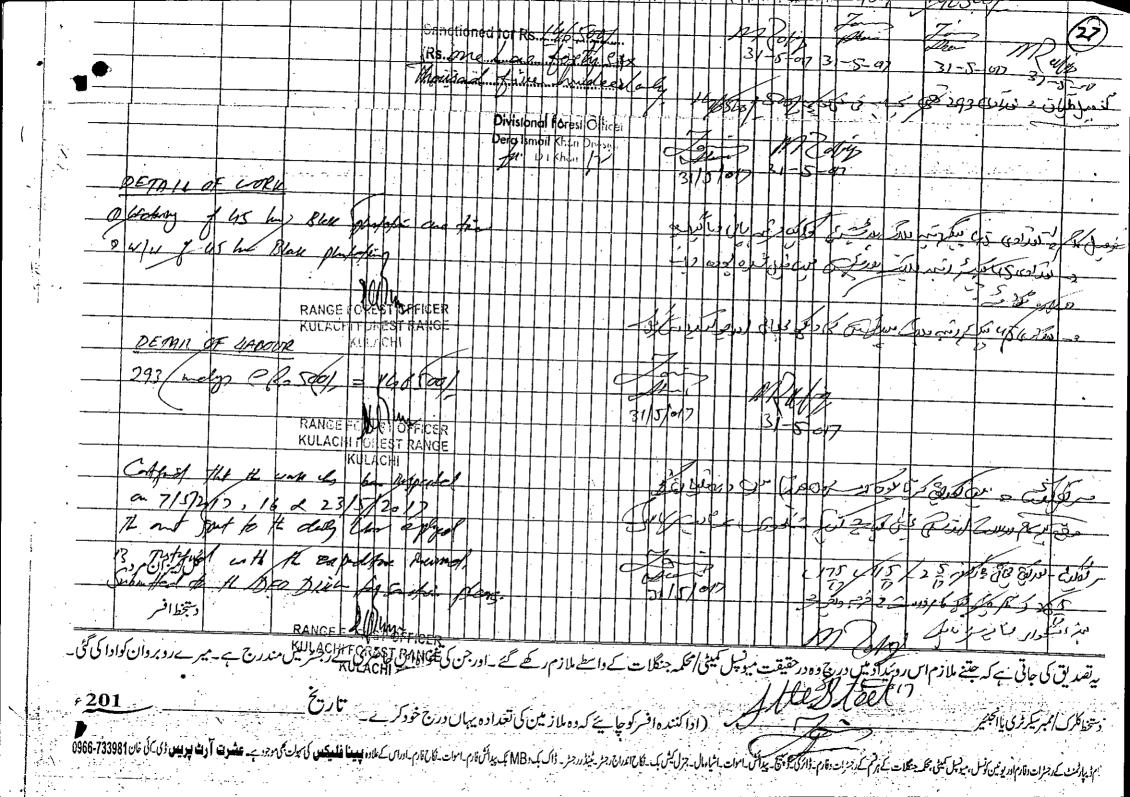


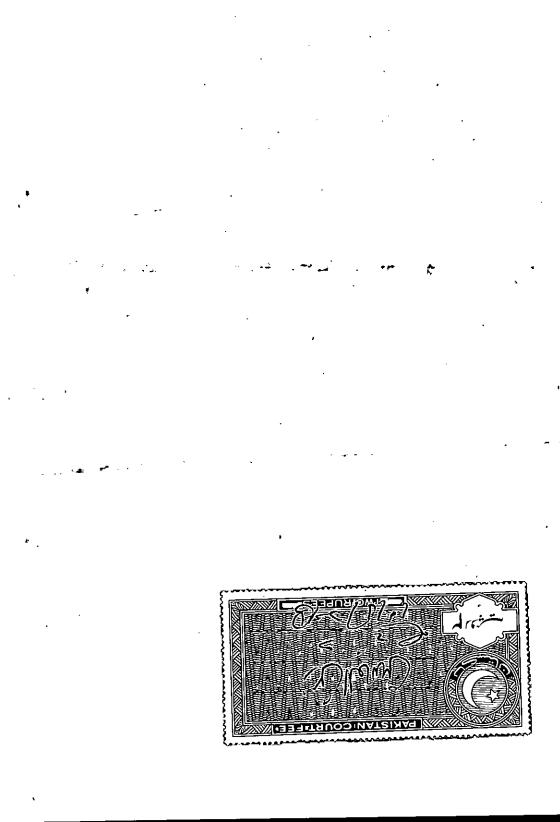
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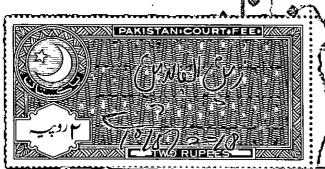








BAR COUNCIL



RUSTAM KHAN KUNDI

Advocate bç-09-0903

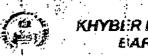
Date of issue: June 2017

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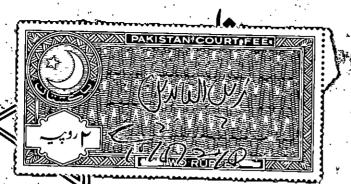
مقدمه مندرجه بالاعنوان مين المي طرف واسطه يبروي وجواجري برائع بيثي يأتصفيه مقدمه بمقا وا راس فال كذي ولا ور مال كورع والم والم كرحسبة إلى شرائط بوكل مقرركيا ب، كريش برقيش برفود بإبدر ليونختيار خاص دوبوعد الت حاضر بوتا ربول كاساد بمروقت وكار حا مرصوف کواطلاع دیکر جانبر عدالت کرون کا ،اگرچشی برمظهر حاضرند بوار اورمقد مدمیری غیرحاضری کی دجدسے کی طور برمیرے برخلاف ہوگیا۔ توصاحب اسك كالمرن ذمادندول مع نيزولل صاحب موصوف مدورهام كجرى كعلاده كى جكديا كجرى كادتات يملي إيتي يايدو المطل بيروى كرن ك فردار شہوں گے۔ نیز دکی صاحب موسوف صدرمقام کچری کے طادہ کی جگہ یا کچری کے ادقات سے پہلے یا پیچیے یا برود تعطیری می وی کرنے کے ذمدوار شہوں مول مے ادر مقدم مدر کھری کے مطاود اور جگہا مت وسنے یاروز تعطیل یا کھری کا وقات کے اور مقدم مدر کھری کے مظمر کوکن نقصان کینے اس کام واریا اس کے واسلے کی معاوضے اوا کرنے یا مخاندوائی کرنے کے جی موسوف ذمروارند ہوں سے ۔ جو کوکل ساخت پروافت صاحب موسوف مثل کردہ وات فود منظور وقول بوكار اورصاحب موسوف كوم من وكوئ ، باجواب وكوئ بادرخواست اجرائ وكرى ونظر ثانى التيل عمرانى وجرم ودخواست يرو يخط وتصديق كرف مجی افتیار ہوگا۔ ادر محی تھم یا و کری کرانے اور برحم کا روید دوسول کرنے اور دسید دیے اور جم کے بیان دیے اوراس پر تالتی یا راضی تا سد دیسلہ بر طق کے ، اقبال دعویٰ کا ہی اختیار ہوگا ۔ دربسورے مقرر مونے تاری بیش مقدم فکورہ بیرون از پکیری صدر بیروی مقدم فکورہ نظر تانی وا کیل دیم آمگ مقدمه بامنوني وكري يمطرف ياود تواست عمهاتنا كاياقرتي ياكرفاري فمل اذفيه لماج استة وكري محل صاحب موصوف كوبش طاوا يمكي عليحده مختشب وي كالفقياره وكا اود آبام مباخته میداخته صاحب موصول مثل کرود ذات خودمنظ ورقبول اوکا ساورایسودرت خرورت صاحب موصوف کوریمی اختیان موکا کرمقدم ندکوره یااستکه کی جزو كي والى إصورت ورخواست نظر الى ايل يا محرانى إد يكرمنا المتعدم المورة كى ومرت وكل يايرمنوكاسية بجائ يااسية بمراه مقروكري اوراسي مثيرة الوالكم می برامرین وال اور ویے افتیارات حاصل مول مے ، جیرماحب موسوف کو حاصل میں ، اور دوران مقرضت من جو پکت برجاندالتواء برایا ، وه صاحب مرصوف کافن ہوگا۔ گرصاحب موصوف کو ہوری فیس ہاری بیش ہے پہلے اوا ندکروں گا۔ توصاحب موصوف کو ہواا اختیارہ وگا کدوہ مقدمسک بیروی شکر می اورا کی صورت میں میراکی مطالب کی شم کوماسب موسوف کے برطاف نبیس موا

لبدادكالت امكتهديان باكسندب

تضمون زكالت ناميئن لبائيا اوراحيثي طمره سمجيلياب



KHYBÉR PAKHTUNKHW EIAR COUNCIL



Fred Cours

Advocate

bc-14-6307

Date of Issue: October 2016 Valid upto:

October 2019





مقدمه مندرجه بالاعنوان من الى طرف واسط بيروى وجوابدي يرائع بيشى ياتصفيه مقدمه بمقام amedly is line adian/0/5 بذيل برائط يردكل مقرركيا بي كري بريش يرخود بابذراج وتتيارها من مويدوهدالت حاضر موتا معول كاساد برونت يكارے جانے مقدمدة مصوف کواطلاح دیکر حاضر عدالت کرول گا، اگریشی برمظیر حاضر نه موار اور مقدم میری غیر حاضری کی دبسے کی طور برمرے برطان بوگیا۔ تو صاحب موصوف اسك وارت وسوارت وسيارت والمراح ومددار شدول کے نیز وکل صاحب موسوف صدر مقام کچری کے علاوہ کی جگہ یا کچری کے اوقات سے پہلے یا بیچے یا بدو تعلیل وی وی کرنے کے وسدار شد مول کے اور مقدم صدر پچری کے علاوہ اور جگہ ساجت ہونے یا پرو انتظیل یا پچیری کے اوقات کی سے پیش مونے برمظم کوکوئی نقصال پیچاتو اس کے ذمہ واریا اس کے واسط کسی معاوضہ کے اوا کرنے یا مخانہ والی کرنے سے مجل موسوف ذمدوار شہوں سے ۔ مجھ کوکل ساخت پر داخت صاحب موسوف عثل کردہ ذات خود منظور وقول موكا ادرصاعب موسوف كومني دموى ما جواب دموى إدرخاست اجرائ وحمرى وظرواني الما كراني وجرم درخاست يرد حظ وتقد في كرف كا مجی اختیار ہوگا۔اور کی عظم یا ڈ کری کرانے اور ہر مم کا روپیدوسول کرنے اور رسیدے اور وافل کرنے اور جرم کے بیان دیے اوران کی باران نامدو فیصلہ بر طف كسنة ، اتبال دعوى كاجى افقيار موكا عاور يصورت مقرر مون تارئ فيثي مقدسة كوده ودن از يجمرى صدوي وى مقدسة كوده نظر فأنى والجل وكممانى ويرا مك مقدمه باسنوفي ذكري يكفرف بادرخواست يحم امتاى ياقرتى باكرفاري قمل الفيسلياجرائ فحكري محى صاحب موسوف كوبشرط ادافيكي عليحده مخانستي وي كالعميان مثل اودتهام ماخته يداخته صاحب موسوف شل كرده ذاست فود متوده تول موكار اودامه ودست صاحب موسوف كويديمى افتياده وكاكرمقد مد كوده إاستكر كرو ك كارداني إلهورت درخواست نظر فاني اكل يا كلم الى إد مكر معالم مقدم فرور كورك باييرس كواسي بعاسي بالسيخ مراه مقروري ساورا يرجيرة افوال مجی برامری وی اور ویے افتیارات حاصل مول مے ، جیے صاحب موسوف کو ماصل جین ، اور دوران مقدمدی جو کھے ہر جاندالتوا و برنگا ، وه ساحب مصوف کاحق ہوگا۔ گرصاحب موسوف کو ہوری فیس ہاری ہیں ہے پہلے اوائد کروں گا۔ توصاحب موسوف کو ہورااحتیارہ وگا کدورہ تقدمسکی عیروی شرکریں اوراسک صورت بین میراکوئی مطالب کی تم کاصاحب موسوف کے برخلاف فیس موگا۔

لبذادكالت بامركهد بإب تأكر مندب

نمون دکانت نامی^سن لیا ہے۔اورا چھی طرح سمجھ لیا ہےاور منظور

Accepted & Attented

Alegena

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Alegena



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR AT CAMP COURT D.I.KHAN

Service Tribunal appeal No. 706/2018

		Versus	
1.	The Government of Khyber Pakhtunkhw Secretary to Forestry, Environment and Khyber Pakhtunkhwa Peshawar	ra through, Wildlife Department	
2.	Chief Conservator of Forests Central Southern Region -1, Khyber Pakhtunkhwa Peshawar		
3.	Conservator of Forest, Southern Circle Peshawar		
4.	Divisional Forest Officer, D.I.Khan Forest Division D.I.Khan		Respondent
	Preliminary objections;		
1.	The appellant has got no cause of action	1.	
2.	The appellant has got no locus-standi.		
3.	The appeal is not maintainable on facts	and law.	
4.	The appeal is time barred.		
5.	The appeal suffers from mis-joinder of page 2015.	arties.	,
6.	The appellant has not come to this Hono	orable Court with clean hands	s and concealed material facts.
spe	ctfully Sheweth;	****	0 .
	Para-wise comments on behalf of the re-	spondents are as under -	

- It is incorrect. The appellate Authority (Respondent No. 3) has properly entertained the departmental appeal preferred by the appellant and date for personal hearing was fixed on 24/05/2018 vide letter No. 8433-34/E dated 07/05/2018 and again on 7064-65/E dated 27/06/2018 (Annexure -A). But prior to decision on the departmental representation, the appellant has filed the instant appeal in the Khyber Pakhtunkhwa Service Tribunal.
- It is correct. The appellant was proceeded under the Khyber Pakhtunkhwa Government Servants ii. (E&D) Rules 2011 and after fulfillment of all required codel formalities under the Rules recovery of Rs. 602700/- was imposed upon the appellant vide DFO, D.I.Khan (Respondent No. 4) office order No. 94 dated 16/01/2018. (Copies of the inquiry report and office order is annexed as Annexure -
- It is correct. Actually, on 22/05/2017, the Respondent No. 4 during inspection of Haji Abdullah Hendan (15 hectare plated area) and Haji Mir Ahmad Handan (45 Hectare planted area) plantation areas situated in Kulachi Forest Range of D.I.Khan Forest Division noticed that 80% of the total area was totally failed.

Later on the incharge Range Forest Officer Kultachi Forest Range also reported vide letter No. 12 dated 20/06/2017 that in Haji Mir Ahmad Hendan plantation out of 45 hectare only 20 hectare area is available on ground which is 30% fail while on the remaining 25 hectare area over 6 hectare earth work was completed and over 19 hectare area no earth work carried out.

- 1
- Therefore being in-charge of the plantation areas, the appellant was suspended and attached with the office of the Conservator of Forests Southern Forest Circle at Peshawar. In order to know the causes of failure, properly probe in to the matter and fixing responsibility, Mr. Latif Hussain Divisional Forest Officer, Bannu Forest Division (DFO, Bannu) was appointed as Inquiry Officer vide Respondent No. 4 office order No. 121 dated 30/06/2017. (Copy annexed as Annexure C).
- 2. The Charge Sheet and statement of allegations against the appellant was prepared and sent to the Inquiry Officer (DFO, Bannu) which was subsequently served by him upon the accused official (Now appellant) vide DFO, Bannu letter No. 178/G dated 26/07/2017. (Copy annexed as Annexure –D). The appellant furnished reply of statement of allegations to the Inquiry Officer dated 21/08/2017 (Copy annexed as Annexure E). The inquiry officer after fulfillment of required codel formalities finalized the inquiry and submitted report to the DFO, D.I.Khan (Competent Authority) vide letter No. 670/G dated 15/11/2017. (Inquiry report annex as Annexure F). As per Inquiry report, failure of 60% still exists at the time of inspection by the Inquiry Officer, therefore 60% of the total cost incurred on the raising and maintenance of the plantation was recommended to be recovered from the in-charge Forester and Forest Guard. Accordingly the accused (Now appellant) was directed to appear before the DFO, D.I.Khan vide letter No. 3842-43/G dated 29/11/2017 (Annexure G). Accordingly he appeared before the Competent Authority and was heard in person on 05/12/2018. During the personal hearing the accused failed to convince the Competent Authority. Resultantly the DFO, D.I.Khan (The Competent Authority issued office order No. 94 dated 16/01/2018 whereby the accused (Now appellant) was awarded punishment of recovery of Rs. 602700/ in forty (40) equal installments of Rs. (Annexure H)15070/- per month.
- 3. The Divisional Forest Officer, Bannu Forest Division is the Competent Authority for the staff of Bannu Forest Division and is empowered under Rules 2 (k) of KP Government Servants (E&D) Rules 2011 to entrust the Inquires against the staff of his Forest Division to any officer within the Forest Circle / Region etc. During 2016-17, the DFO Bannu entrusted inquiries against the staff of Bannu Forest Division which were finalized by the DFO, D.I.Khan.
- 4. The Appellant submitted Departmental appeal to the Conservator of Forests, Southern Forest Circle Peshawar (Appellate Authority / Respondent No. 3) (Annexure-I) which was endorsed to the Respondent No. 4 (DFO, D.I.Khan) for para wise comments vide Conservator of Forests, Southern Circle Peshawar (Respondent No. 3) letter No. 6383/E dated 27/02/2018 (Annexure J). The DFO, D.I.Khan (Respondent No. 4) submitted para wise comments vide letter No. 7687/G dated16/04/2018. The Respondent No. 3 fixed date for personal hearing on 24/05/2018 vide letter No. 8433/E dated 07/05/2018 and again the date for personal hearing was fixed on 05/07/2018 vide letter No. 7064/GE dated 27/06/2018 (Annexure K & L), but on both the times, the appellant failed to attend the personal hearing and filed the instant appeal

GROUNDS

- i. It is incorrect that the Billion Tree Afforestation Project was prepared in hurry. It is also incorrect that the project is politically oriented. The project was prepared by the senior forestry officers and was approved by the PDWP.
- The appellant was given proper opportunities to defend the case before the Inquiry officer as well as during the personal hearing but he failed to convince the inquiry officer and competent authority and to prove his innocence.
 - iii. As explained in para No. ii above.
 - iv. The Accused (now appellant) was given proper chance of personal hearing and the copy of inquiry report was sent to the accused for his perusal and submission of reply. Accordingly he submitted reply dated 05/12/2017 (Annexure M)
 - v. Site was correctly selected by the officers of the Department, but due to improper management of watering schedule, lack of interest and negligence of the appellant

the entire expenditure incurred on the raising and maintenance were gone to waste.

- vi. The charge sheet is very much clear and charges are clearly depicted.
- The inquiry is properly conducted and the contents of the inquiry report are very much clear the charges leveled against the accused are clearly discussed.
- viii. The appellant was posted as in-charge of the plantation areas and he was fully aware of the facts on ground that how much plants have been transported from nursery to the planting sites, how much plants have been planted in the pits and how much area has been grown. The SDFO and DFO, being in-charge of the whole sub Division / Division, it is very difficult for them to measure the area prior to making payment. The payments to labour were made by the Range Forest Officer Kulachi on the identification of the appellant. However, when doubt created the area was measured by the GPS specialist and accordingly the charge sheet and statement of allegations was framed and the accused was proceeded under the provisions of Government Servants (Efficiency & Discipline) Rules 2011.
- The muster roll for the month of May, 2017 was sanctioned due to the reason that Disciplinary proceedings were initiated on 30/06/2018.

It is, therefore, most humbly prayed that on acceptance of para wise comments, the appeal devoid of legal footings and merit may graciously be dismissed with cost.

Dera Ismail Khan

Divisional Arest Officer
D.I.Khan Forest Division
D.I.Khan
(Respondent No. 4)

Conservator of Forests Southern Circle, Peshawar (Respondent No. 3)

Chief Conservator of Porests Central Southern Region -1 Khyber Pakhtunkhwa Peshawar Respondent No. 2)

Government of Khyber Pakhtunkhwa
Forestry Environment & Wildlife Department
Peshawar

Peshawar

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR AT CAMP COURT D.I.KHAN

Service Tribunal appeal No. 744/2018

Muham	nmad Rafiq Forest Guard; D.I.Khan Forest Division
	Versus
1.	The Government of Khyber Pakhtunkhwa through, Secretary to Forestry, Environment and Wildlife Department Khyber Pakhtunkhwa Peshawar
2.	Chief Conservator of Forests Central Southern Region -1, Khyber Pakhtunkhwa Peshawar
3.	Conservator of Forest, Southern Circle Peshawar
4	Divisional Forest Officer, D.I.Khan Forest Division D.I.Khan Respondent
	Preliminary objections;
1.	The appellant has got no cause of action.
2.	The appellant has got no locus-standi.
3.	The appeal is not maintainable on facts and law.
· 4.	The appeal is time barred.
5.	The appeal suffers from mis-joinder of parties.
6.	The appellant has not come to this Honorable Court with clean hand and concealed material facts.
Respec	ctfully Sheweth;
	Para-wise comments on behalf of the respondents are as under:
.* .	It is incorrect. The appellate Authority (Respondent No. 3) has properly entertained the departmental appeal preferred by the appellant and date for personal hearing was fixed on 24/05/2018 vide letter No. 8433-34/E dated 07/05/2018 and again on 7064-65/E dated 27/06/2018 (Annexure –A). But prior to decision on the departmental representation, the appellant has filed the instant appeal in the Khyber Pakhtunkhwa Service Tribunal.
	ii. It is correct. The appellant was proceeded under the Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 and after fulfillment of all required codel formalities under the Rules recovery of Rs. 602700/- was imposed upon the appellant vide DFO, D.I.Khan (Respondent No. 4) office order No. 94 dated 16/01/2018. (Copies of the inquiry report and office order is annexed as Annexure —

1. It is correct. Actually, on 22/05/2017, the Respondent No. 4 during inspection of Haji Abdullah Hendan (15 hectare plated area) and Haji Mir Ahmad Handan (45 Hectare planted area) plantation areas situated in Kulachi Forest Range of D.I.Khan Forest Division noticed that 80% of the total area was totally failed.

Later on the incharge Range Forest Officer Kukachi Forest Range also reported vide letter No. 12 dated 20/06/2017 that in Haji Mir Ahmad Hendan plantation out of 45 hectare only 20 hectare area is available on ground which is 30% fail while on the remaining 25 hectare area over 6 hectare earth work was completed and over 19 hectare area no earth work carried out.

- Therefore being in-charge of the plantation areas, the appellant was suspended and attached with the office of the Conservator of Forests Southern Forest Circle at Peshawar. In order to know the causes of failure, properly probe in to the matter and fixing responsibility, Mr. Latif Hussain Divisional Forest Officer, Bannu Forest Division (DFO, Bannu) was appointed as Inquiry Officer vide Respondent No. 4 office order No. 121 dated 30/06/2017. (Copy annexed as Annexure C).
- 2. The Charge Sheet and statement of allegations against the appellant was prepared and sent to the Inquiry Officer (DFO, Bannu) which was subsequently served by him upon the accused official (Now appellant) vide DFO, Bannu letter No. 176/G dated 26/07/2017. (Copy annexed as Annexure –D). The appellant furnished reply of statement of allegations to the Inquiry Officer dated 21/08/2017 (Copy annexed as Annexure E). The inquiry officer after fulfillment of required codel formalities finalized the inquiry and submitted report to the DFO, D.I.Khan (Competent Authority) vide letter No. 670/G dated 15/11/2017. (Inquiry report annex as Annexure F). As per Inquiry report, failure of 60% still exists at the time of inspection by the Inquiry Officer, therefore 60% of the total cost incurred on the raising and maintenance of the plantation was recommended to be recovered from the in-charge Forester and Forest Guard. Accordingly the accused (Now appellant) was directed to appear before the DFO, D.I.Khan vide letter No. 3842-43/G dated 29/11/2017 (Annexure G). Accordingly he appeared before the Competent Authority and was heard in person on 05/12/2018. During the personal hearing the accused failed to convince the Competent Authority. Resultantly the DFO, D.I.Khan (The Competent Authority issued office order No. 94 dated 16/01/2018 whereby the accused (Now appellant) was awarded punishment of recovery of Rs. 602700/ in forty (40) equal installments of Rs. (Annexure H)15070/- per month.
- 3. The Divisional Forest Officer, Bannu Forest Division is the Competent Authority for the staff of Bannu Forest Division and is empowered under Rules 2 (k) of KP Government Servants (E&D) Rules 2011 to entrust the Inquires against the staff of his Forest Division to any officer within the Forest Circle / Region etc. During 2016-17, the DFO Bannu entrusted inquiries against the staff of Bannu Forest Division which were finalized by the DFO, D.I.Khan.
- 4. The Appellant submitted Departmental appeal to the Conservator of Forests, Southern Forest Circle Peshawar (Appellate Authority / Respondent No. 3) (Annexure-I) which was endorsed to the Respondent No. 4 (DFO, D.I.Khan) for para wise comments vide Conservator of Forests, Southern Circle Peshawar (Respondent No. 3) letter No. 6384/E dated 27/02/2018 (Annexure J). The DFO, D.I.Khan (Respondent No. 4) submitted para wise comments vide letter No. 7686/G dated16/04/2018. The Respondent No. 3 fixed date for personal hearing on 24/05/2018 vide letter No. 8433/E dated 07/05/2018 and again the date for personal hearing was fixed on 05/07/2018 vide letter No. 7064/GE dated 27/06/2018 (Annexure K & L), but on both the times, the appellant failed to attend the personal hearing and filed the instant appeal

GROUNDS

- i. It is incorrect that the Billion Tree Afforestation Project was prepared in hurry. It is also incorrect that the project is politically oriented. The project was prepared by the senior forestry officers and was approved by the PDWP.
- ii. The appellant was given proper opportunities to defend the case before the Inquiry officer as well as during the personal hearing but he failed to convince the inquiry officer and competent authority and to prove his innocence.
- iii. As explained in para No. ii above.
- iv. The Accused (now appellant) was given proper chance of personal hearing and the copy of inquiry report was sent to the accused for his perusal and submission of reply. Accordingly he submitted reply dated 05/12/2017 (Annexure M)
- v. Site was correctly selected by the officers of the Department, but due to improper management of watering schedule, lack of interest and negligence of the appellant

the entire expenditure incurred on the raising and maintenance were gone to waste.

vi. The charge sheet is very much clear and charges are clearly depicted.

vii. The inquiry is properly conducted and the contents of the inquiry report are very much clear the charges leveled against the accused are clearly discussed.

viii. The appellant was posted as in-charge of the plantation areas and he was fully aware of the facts on ground that how much plants have been transported from nursery to the planting sites, how much plants have been planted in the pits and how much area has been grown. The SDFO and DFO, being in-charge of the whole sub Division / Division, it is very difficult for them to measure the area prior to making payment. The payments to labour were made by the Range Forest Officer Kulachi on the identification of the appellant. However, when doubt created the area was measured by the GPS specialist and accordingly the charge sheet and statement of allegations was framed and the accused was proceeded under the provisions of Government Servants (Efficiency & Discipline) Rules 2011.

ix. The muster roll for the month of May, 2017 was sanctioned due to the reason that Disciplinary proceedings were initiated on 30/06/2018.

It is, therefore, most humbly prayed that on acceptance of para wise comments, the appeal devoid of legal footings and merit may graciously be dismissed with cost.

Divisional Porest Officer
D.I.Khan Forest Division
D.I.Khan
(Respondent No. 4)

Conservator of Forests Southern Oircle, Peshawar (Respondent No. 3)

Chief Conservator of Forests Central Southern Region -1 Khyber Pakhtunkhwa Peshawar (Respondent No. 2)

Government of Chyber Pakhtunkhwa
Forestry Environment & Wildlife Department
Peshawar

Hay ATTORNEY DISTRICT ATTORNEY

Tim T

GS&PD.KP-1622/5-RST-15,000 Forms-05.07.17 PHC Jobs/Form A

Reno 1258 00157101801 KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, 9717-281 No. Toxest Veshammer pondent Respondent No....4 Divisional possot Officer Desa. Notice to: . 1 Smail Khan Forest Division Dera umoil WHEREAS an appeal/petition under the provision of the North-West Prontier Canth Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are appellant/peritioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence. Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the ress given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of Copy of appeal is attached. Sopy of appeal has already been sent to you vide this this appeal/petition. office Notice No.....dated.....dated..... Given under my hand and the seal of this Court, at Peshawar this..... - Darpte Librar 2018 camp court D-I- Khan Registrar, Khyber Pakhtunkhwa Service Tribunal, The hours of attendance in the court are the same that of the High Court except Sunday and Gazetter Holiday Wire Let As Always quote Case No. While making any correspondence in the Culture of School II RFO Keleche for Information Note: Mr. Muhammord Isbal 1/2 RFO Kakachi for information and near action He is directed to Prepare jawas appeal and near action He is directed to Prepare jawas appeal and due Consultation with Govt. Pleaser Market he locate

باجلاس

واجب الاحترام خيبر پختون خواه ـ سروس ترى بونل ـ پشاور 77/7 STA No: 77/2/018

معرفت، دویژن فارسهٔ آرد محکمه جنگلات، معرفت، دویژن فارسهٔ آفیسر و معرفت، دویژن فارسهٔ آفیسر و معرفت، دویژن در داساعیل خان . .

مرافعهگزار

برخلاف

حكومت خيبر پختون خواه ـ بذريعيه بيكرٹرى محكمه ماحوليات (فارسٹ ـ وائلڈلائف) پشاور مسكول اليہان وغيره

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n Raty

واجب الاحترام خيبر پختون خواه ٍ سروس تري بونل ـ پشاور

(5)

STA No:

2018

سروس تری بونل مرافعه

محمد فیق فارسٹ گارڈ۔انچارج بلاک آفیسر محکمہ جنگلات، معرفت، ڈویٹرنل فارسٹ آفیسر۔ ڈیرہ اساعیل خان، فارسٹ ڈویٹرن ڈیرہ اساعیل خان۔۔ مرافعہ گزار

برخلاف

حكومت خيبر پختون خواه - بذر بعيه سيكر ترى محكمه ما حوليات (فارست .. وائلدُّلائف) بيثاور محكمه ما حوليات (فارست .. وائلدُّلا نُف) بيثاور معرم

جناب مكرم ممبران صاحب: سائل حسب ذيل عرض گزار --

1۔ یہ کہ درخواست کو بیا داشت مرا فعہ کے ساتھ بیکجاء پٹر ھاجا وے۔

2 یے کہ جب سائل نے خود مزدوروں کواجرت ادانہ کی ہے ادرتمام اخراجات کی منظوری مسئول الیہ نمبر 4 نے دی اور قم اجرت کو واگز اری شخص مسئول الیہ نمبر 4 نے کی اور مزدوروں کی اجرت کو واگز اری شخص متدبیر بازی (Manipulation) سے الزام ۔ سائل کی معصومیت کے لئے محاس ظاہری Prima Facie ہے۔

3۔ یہ کہ سائل سے وصولیا بی اسائل کے لئے نا قابل تلافی نقصان کے سترادف ہے۔

4۔ یہ کی مجکمانہ مرافعہ پر برونت حکم صادر نہ کرنے سے سائل کے حق میں توازن سہولت موجود ہے۔

الهذا استدعام كدورخواست بذامنطور فرمالي جاوب.

<u>مورخه: مشي 2018</u>

Lungar State

المیان مسلمی می مسلم ایس مسلم این استان استان مسلم این استان استا

Meli

گرامی القدر۔ خیبر پختون خواہ سروس ٹری بونل۔ پشاور 🍕

سال2018

STA نهبر

سروس ٹری بونل مرافعه

محدر فيق فارسك كارد، _انجارج بلاك آفسر افارسر _معرفت، دُويترنل فارست آفيسر - دُيره اساعيل خان ـ

مرافعه گزارAppellant

برخلاف

حکومت خیبر پختون خواه صوبه به زریعه سیکرٹری محکمه ماحولیات (فارسٹ اور وائلڈلا کف) پیثاویہ۔

ناظم اعلی جنگالات چیف کنئز ویٹر سنٹرل سدرن ریجن - ۱، پشاور

كنئز ويثر(ناظم جنگلات _سدرن سركل _ بشاور _ اور \ _3

ڈوینزنل فارسٹ آفیسر۔ڈیرہ اساعیل خان۔فارسٹ ڈوینزن ڈیرہ اساعیل خان کینٹ۔ _4

مسئول اليانRespondents

مرافعہ Representation تحت دفعه نمبر 4 سروس ٹری بونل ایکٹ، سال 1974 برخلاف

عدم صدور _ واضح فیصله از ال مسئول الیه نمبر 3، جس نے مرافعه گزار کے محکمانه مرافعه

Departmental Appeal، مورخه 30 جنوری 2018 کوداخل وفتر Filed گردان

مرافعه برخلاف تحكم نمبر 94 مورخه 16.01.2018 مصدره ازال مسكول الينمبر 4 جسكي رو ے مرافعہ گزارکوسز اوارکر کے مرافعہ گزارکو ملغ-/602700روپے ماہانہ اقساط میں اداء کرنے

كأحكم ديا گياہے۔

است على المنظوري مرافعه مذاحكم مورخه 16.01.2108 كويكس منسوخ فرمايا جاوي اورمرافعه گزارکو ملازمت کے تمام مراعات اور حقوق کا حامل قرار دیا جاوے۔

جنابه هکرم معبران صاحبان: مرافعگزار حسب ذیل عرض گزاد -

يدكم سكول اليه نبر 4 نے مقامي عمليہ جنگلات كے خلاف بحوالة علم نام نمبر 120 مورخه 30 جوان 2017_ تادیبی کاروائی کا آغاز کیااورمن مرافعه گزار کیخلاف فردجرم جاری کیا۔

2_ پیرکه فردجرم Memo Of Allegation کا جواب، مورخه 21.08.2017 لف ہے۔

۔ یہ کہ انکوائری آفیسر بحثیت DFO بنوں نے رپورٹ پیش کی۔ عالائکہ وہ خود اپنے ڈویژن میں سونا می پلانٹیشین کی مبینہ ناکامیوں سے جان خلاصی کے لئے ماتخت عملہ کومور دالزامات تھہراکران کے خلاف انکوائری کے لئے DFO ہ ڈیرہ اساعیل خان عابد ممتاز خان کوائری آفیسر مقرر کرچکا ہے، جو کہا یک انوکھی مثال ہے۔ نقل انکوائری رپورٹ نومبر 2017 لف ہے، جو کہا یک انوکھی مثال ہے۔ نقل انکوائری رپورٹ نومبر 3842-430 مورخہ 29 نومبر 2017 گئے۔ کوالہ مراسلہ نمبر 43/6 مورخہ 20 نومبر 2017 گئے۔ کیا نقل لف ہے۔ اور اس کے بعد زیر عذر کھم نامہ نمبر 94 مورخہ 3018۔ 16.01.2018 ہے۔ یہ کہ کہکانہ مرافعہ پرتا حال معیاد مقررہ کے اندر کوئی واضح تھم افیصلہ صادر نہ ہے جس سے بیتا ثر بسانی مل سکتا ہے کہ مرافعہ گزار متضررہ کے اندر کوئی واضح تھم افیصلہ صادر نہ ہے جس سے بیتا ثر باسانی مل سکتا ہے کہ مرافعہ گزار متضررہ کے اندر کوئی واضح تھم افیصلہ صادر نہ ہے جس سے بیتا ثر باسانی مل سکتا ہے کہ مرافعہ گزار متضرر کھوتا و کوئی واضح تھم افیصلہ کے موجودہ مرافعہ پیش کیا جارہا

ہے جو کہ اندر معیاد ہے اور اندر حدود اختیار ساعت معزز لری بوئل بذا ہے اور بصورت موجودہ

وجوهات مرافعه: ـ

قابل رفت ہے۔

- کیکہ Billion Trees Artificial Plantation منصوبہ نہایت جلد بازی میں تیاراور مرتب کیا گیا تھا It Was Mis-Oriented And Politicaly Motivated ہے اوراس فتم کے منصوبہ جات بھی بھی خوش آئندانجام تک نہیں پہنچ سکتے۔
 - ii۔ یہ کہ انکوائری آفسر نے منتغیث (Prosecutor) یا اس کے گواہان پر (اگر چہ جارج شیٹ بیں اورانکوائری رپورٹ میں گواہان کا حوالہ ہیں ہے) جرح کا موقع فرا ہم نہیں کیا۔
 - iii۔ بیکہ مسئول الیہ نمبر 4 نے بھی زبانی شنوائی کے دوران بھی من مراغعہ گزار کو الانتقالیۃ کے نمائندہ (اگر کو کی نامزد ہوا ہو)، زبانی جرح Oral Cross Examination کا موقع فراہم نہیں کیا۔
 - iv یے کہ تاریبی کاروائی کا آخری مرحلہ میں من مرافعہ گز ارکوشوکا زنوٹس نہیں دیا گیا ہے جو کہ عام قانونی غلطی ہے The Whole Proceedings Have Been

- Mis-Conducted

vii اورنا قابل عمل ہے اور سے کھی خاصی سرسری ہے It Is Imprecise اورنا قابل عمل ہے اور سے اللہ اللہ اللہ It. Is Short Hand انکوائری رپورٹ قانون وقواعد سال 2011 کے مطابق نہیں ہے بلکہ

-Viii یک (سلیم بین مگر بالفرض کشجر کاری معیار کے مطابق کامیاب نہیں ہے) تو تب بھی عائد کر دوسر ا -Viii معرافعہ گزار کے -BPS، کے مطابق نہیں ہے جب مرافعہ گزار نہ مسٹرول کو منظور کرسکتا ہے اور نہ ہی مزدوروں کو ازخود مزدوری اداکرسکتا ہے اور الیمی صورت میں Disbursing Officer یعنی کہ DFO اور DFO اور Drawing And Disbursing Officer یعنی کے DFO ہی نہیں کی گئے ہے ذمہدار ہوتے ہیں اور ان دوافسر ان کی کوئی سادہ ہی جواب طبی بھی نہیں کی گئے ہے

The Penalty Is Inconsistent With The Rule Of

Proportionality(Though Penalty Is Not Admitted)

رست رستول البدنے مسٹرول برائے ۔ix یدوران می 2017 شجرکاری کی ناکامی کا الزام غلط ہے جب مسئول البدنے مسٹرول برائے مئی Sanctioned ،2017 منظور کر لیا تھا۔

احذا استدعا ہے کے دوران ساعت مرافعہ گزار کے دکیل کواضا فی دلائل پیش کرنے کی احازت دی جائے اورا پیل ہذا منظور فرمائی جائے۔

محدر فیق فارست گار ڈ ، انچارج بلاک آفیسر افآرسٹر

تصدیق بمقام ڈیرہ اسماعیل خان

باقر ارصالح تصدیق کی جاتی ہے کے جملہ مراتب اپیل ہذامیرے علم ویقین باقر ارصالح تصدیق کی جاتی ہے کے جملہ مراتب اپیل ہذامیرے علم ویقین

ے مطابق صحیح اور درست ہے۔ اس

اييلانت

باجلاس

گرامی القدر۔ خیبر پختون خواہ سروس ٹری بونل۔ پشاور

سال2018

STA

سروس ٹری بونل مرافعہ

محدر فیق فارسٹ گارڈ،۔انچارج بلاک آفسر افارسٹر۔معرفت،ڈویٹرنل فارسٹ آفیسر۔ڈیرہ اساعیل خان۔

مرافعه گزارAppellant

يرخلاف

- 1 حکومت خیبر پختون خواه صوبه بذریعه سیرٹری محکمه ماحولیات (فارسه بی اوروا کلڈلا کف) پیثاور۔
 - 2_ ناظم اعلی جنگالات چیف کنئز ویٹر۔سنٹرل سدرن ریجن۔ ا، پشاور
 - 3 كنزوير(ناظم جنگلات سدرن سركل بشاور اور
 - . 4 . ويترنل فارست فيسر فريره اساعيل خان فارست دُويترن دُيره اساعيل خان كينت -

مسئول اليانRespondents

Bely 8

(43)

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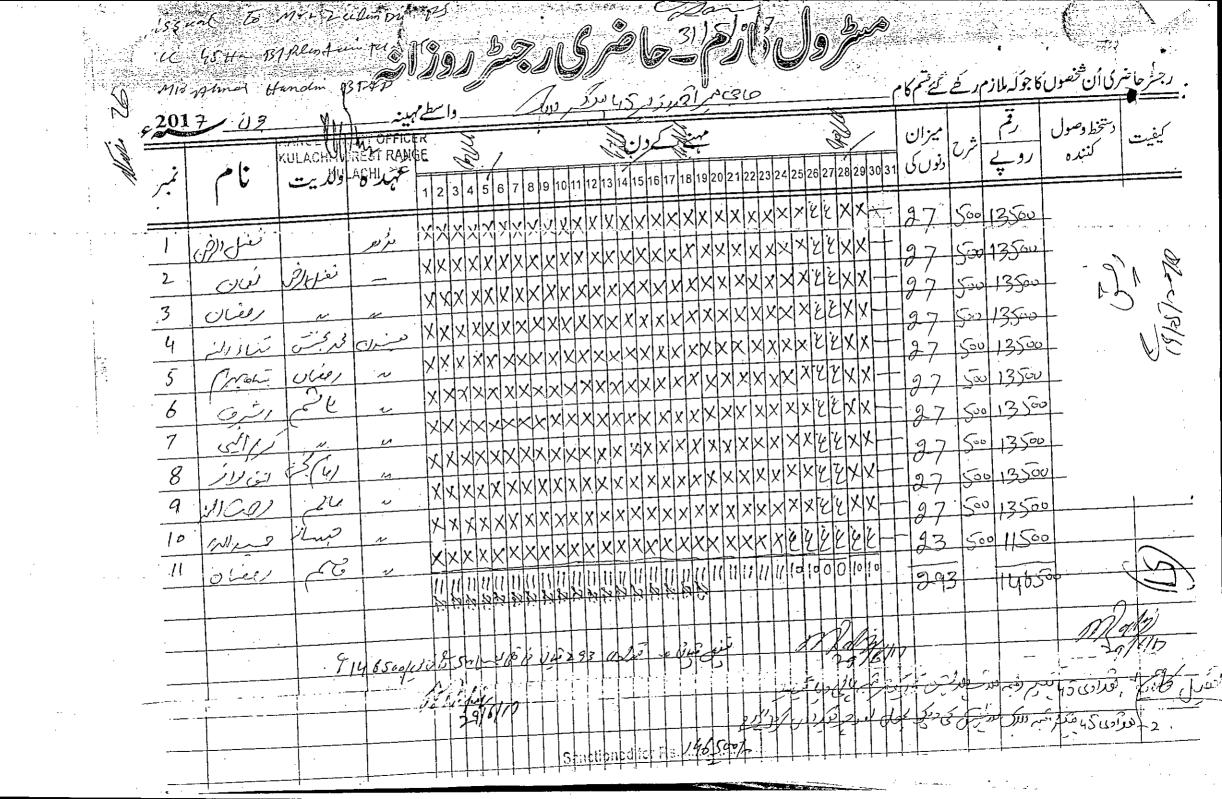
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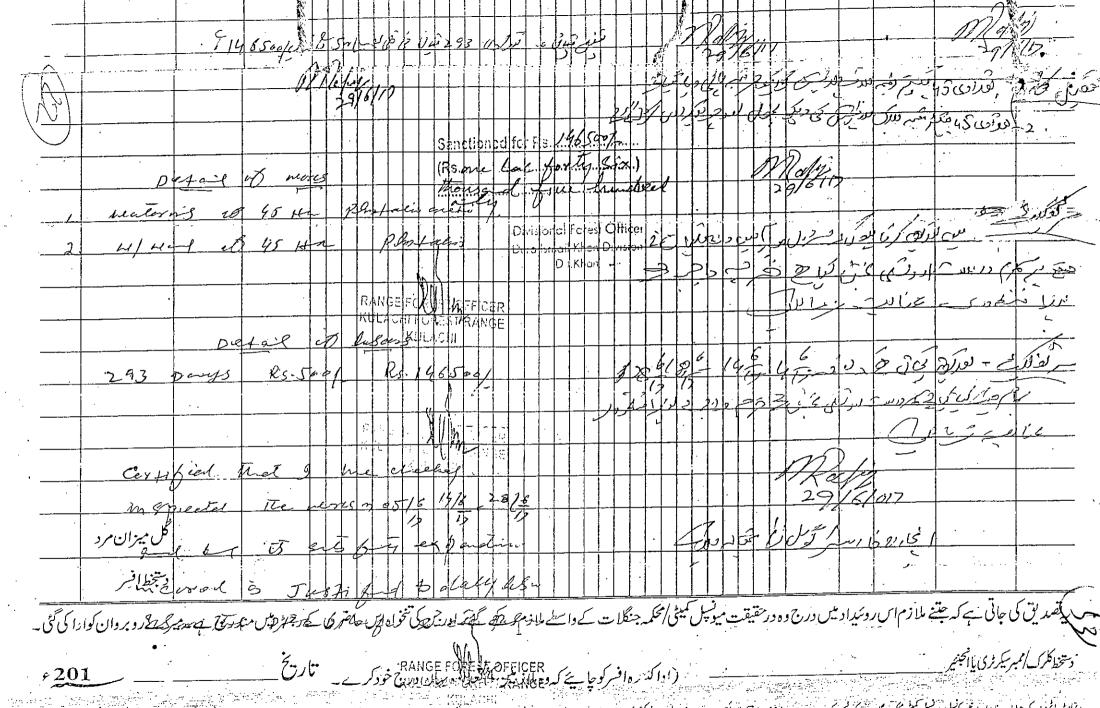
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Conservator of Forests
Southern Circle

NO 8625



Shami Road Peshawar Phone # 091-9214024

Dated Peshawar the

05/2018/ <u>2 م</u>

То

MZSMühanmad Räfig and Zain-ut-Afrideen Forest Guards C/O Divisional Forest Officer D.I.khan

SUBJECT:

DEPARTMENTAL REPRESENTATION BY MUHAMMAD RAFIQ AND ZAIN-UL-ABIDEEN FOREST GUARDS DFO D.I.KHAN OFFICE ORDER NO. 93 & 94 DATED 18.91.2018. / PERSONAL HEARING.

You are directed to attend the office of the undersigned on 24.05.2018 at 11:00 AM for personal hearing with all record.

No. 8434 E

(853) (853)

Conservator of Forests Southern Circle Peshawar

Copy forwarded to Divisional Forest Officer D.I.Khan for information w/r to his letter No. 7686/G dated 16.04.2018 and No. 7687/G dated 15.04.2018.

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Conservator of Forests Southern Circle

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Shami Road Peshawar Phone # 091-9214024

Dated Peshawar the

ク /06/2018

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M/S Muhammad Rafiq and Zain-ul-Abideen Forest Guards C/O Divisional Forest Officer Dit.Khan

SUBJECT:-

Τo

DEPARTMENTAL REPRESENTATION BY MUHAMMAD RAFIQ AND ZAFN-UL-ABIDEEN FOREST GUARDS DFO DI.KHAN OFFICE ORDER NO. 93 & 94 DATED 18.01.2018. / PERSONAL HEARING.

Reference in continuation of this office letter No. 8433/E dated 07.05.2018.

You are once again directed to attend the office of the undersigned on 05/07/2018 at 11:00 AM for personal hearing with all record without tail. In case of failure ex-parte action should be taken against you under E&D Rules, 2011.

No. 7065 E

Conservator of Forests Southern Circle Peshawar

Copy in continuation of this office endstt: No. 8434/E dated 07.05.2018 forwarded to Divisional Forest Officer D.I.Khan for information with the request to direct the above named officials to attend the personal hearing on due date and time

Copy for information and nousself Conservator of Forests author is of this Afric endossent V Southern Gircle Peshawar Will and felephonic discussion by Headclerk 12/18 (W) W/N W/N DILLAM Fond DINNESS is forwarded to MIS M. Rafig a Dain all Abside on First good for Soft Dille on & Sherkh Buddin: they are directed to affect before the City (Affellant Authority) on 05/12018 & report Conflicion

OFFICE ORDER NO. 94 DATED D.I.KHAN THE 16 JANUARY 2018 ISSUED AT BY MR. ABID MUMTAZ DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION

During inspection of Haji Abdullah Handan and Haji Mir Ahmad Handan (Kulachi Forest Range) plantation areas, on 2015/2017 the Divisional Forest Officer D.I.Khan found that the planted area is seem to be less than the area actually charged through muster rolls. Therefore, area was measured through GPS by Muhammad Shafiq GPS specialist of HRD. Directorate and found that the total area was 39.4 hectare while an area of 60 hectare was claimed / charged. During inspection it was also observed by the DFO, D.I.Khan that available area was more than 80% failed due to lake of interest, improper maintenance and no watering to area by the I/C Forester and Forest Guard. Due to their laxity, the Government has sustained huge loss and the expenditure incurred on the raising and maintenance of 15 hectare at Haji Abdullah Henden and 45 hectare at Haji Mir Ahmad Wazir Henden totaling 60 hectare block plantations were gone to waste.

M/S Muhammad Rafiq Forest Guard I/C Bock Officer and Zain ul Abideen Forest Guard I/C were suspended and attached with the office of the Conservator of Forests, Southern Circle, Peshawar and Syed Latif Hussain DFC, Divisional Forest Officer Bannu Forest Division was appointed as inquiry officer vide DFO, D.I.Khan office order No. 121 dated 30/06/2017 vide endorsement No. 7015-19/G dated 30/06/2017 to precede against the above named officials under the provisions of Khyber Pakhtunkawa Government Servants (Efficiency & Discipline) Rules 2011.

Besides above, Range Forest Officer Paroa reported vide letter No. 12/Kul dated 0/06/2017 that out of 45 hectare area at Haji Amir Ahmad Hindan charged by above named officials an area of 20 hectare is planted which is 30% fail and in remaining 25 hectare area only earth work is completed over an area of six (6) hectare and in 19 hectare no earth work carried out. In Haji Abdullah Hindan plantation area 15 hectare plantation was carried out but on ground 50% plantation is fail.

Keeping in view the above exposition a charge sheet and statement of allegations were prepared and sent to the inquiry officer vide this office letter No. 402/G dated 17/07/2017 which was subsequently served upon both the accused officials vide Inquiry Officer (DFO, Bannu) letter No. 176/E dated 26/07/2017 and No. 178/E dated 26/07/2017.

The inquiry Officer initiated inquiry, recorded statements of the accused officials, examined reply to the charge sheets & statements of allegations furnished by the accused officials, conducted personal hearing & inspected the planting sites and submitted inquiry report to this office wherein he reported that during inspection of sites it has been noticed that as a whole 60% failure is still exists in the plantation areas, the survival of plants needs immediately watering otherwise the failure %age will be further increased and harsh site and severe termite attack was noticed.

Keeping in view the above the Inquiry officer recommended the following actions to be taken against the accused officials;

- Recovery of Rs. 1.2054 million (60% of the total amount spent) may be got recovered from M/S Muhammad Rafiq and Zain-ul-Abideen Forest Guards (accused officials) on equal share basis
- SDFO, Kulachi should arrange immediate watering for the survived plants

Stoppage of one annual increment due on 01/12/2017 without accumulative effect from both the accused officials

The inquiry report was sent to the both the accused officials vide this office letter No. 3842-43/G dated 29/11/2017 with the directives to submit their opinion regarding the inquiry report and appearing before the Competent Authority for personal hearing on 30/11/2017. Accordingly the accused official appears before the undersigned on the fixed dated but they could not explain the cogent reasons for the failure of plantation. Their written reply submitted by them dated

Therefore keeping in view the above exposition, the undersigned being Competent Authority is agreed with recommendations of inquiry officer, hence the penalties proposed by the inquiry office as noted above are hereby imposed upon M/S Muhammad Rafiq and Zain-ul-Abideen Forest Guards with immediate effect. The amount of Rs. 12054000/- will be recoverable from both the accused on equal share basis of Rs. 602700/- in forty (40) equal installments of Rs. 15070/- per month. In case of their retirement during the period, the remaining amount will be recovered from their pension / gratuity.

(Abid Montaz) DIVISIONAL FOREST OF FICER D.I.KHAN FOREST DIVISION ... D.I.KHAN

Copy for information and further necessary action is forwarded to:-

- The Conservator of Forests, Southern Circle, Peshawar.
- Syed Latif Hussain, Divisional Forest Officer, Bannu Forest Division, Bannu (Inquiry Officer) for information with reference to his office letter No 670/E dated 15/11/2017.

Armey Water - File

- Head Clerk / Accountant. They are requested to stop the annual increment of both the forest guards if the increment individual in forty (40) equal installments of Rs. 15070/- per month.
- 4. RF. Kulachi. He is directed to intimate the present position of the above noted plantations and arrange immediate watering for the survived plants.
- 5 Mr. Muhammad Rafiq Forest Guard C/O RFO Kulachi.
- 6. Mr. Zain-ul-Abideen Forest Guard C/O RFO Kulachi.

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

America-B/

ENQUIRY REPORT IN RESPECT OF M/S MUHAMMAD RAFIQ FOREST GUARD AND ZAIN-UL ABIDEEN FOREST GUARD OF D.I. KHAN FOREST DIVISION

Read with

- 1- DFO D.I. Khan Office order No. 121 dated 30-6-2017.
- 2- DFO D.I Khan Office letter No. 402/G dated 17-7-2017.
- 3- DFO Bannu letter No. 176-77/E dated 26-7-2017 & 178-79/E dated 26-7-2017
- 4- Replies furnished by M/S Muhammad Rafiq & Zain-ul Abideen Forest Guards

Discussion

M/S Muhammad Rafiq & Zain-ul-Abideen Forest Guard suspended vide DFO D.I. Khan office order No. 121 dated 30-6-2017 due to the following reasons:-

- 1- DFO D.I Khan alongwith Muhammad Shafiq Monitoring Officer (HRD) noticed more than 80% failure in 60 Ha plantation area at Haji Abdullah Handan and Haji Mir Ahrned Handan plantation raised under BTAP.
- 2- An amount of Rs. 2.009 Million shown incurred from the Govt: exchequer on raising and subsequent maintenance of 60 Ha plantation from 9/2016 to 4/2017 as per detail in statement of allegations., but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area more than 80% failure was observed.

The DFO D.I. Khan vide his office orders referred above appointed the underside an enquiry officer and sent the charge sheet and memo of allegations against both the officials vide his office letter No. 402/G dated 17-7-2017, which were accordingly been served upon 176-77/G dated 26-7-2017 & 178-79/G of even date, for submission of their written replies. Accordingly M/S Muhammad Rafiq and Zain-ul- Abidin Forest Guards (accused officials) submitted their written replies vide dated 14-09-2017 mentioning therein that due to hot season and prolong drought the failure was occurred.

Proceedings

The undersigned in the capacity of enquiry officer examined their replies and paid detailed inspection to the plantation site verbal personal hearing was conducted and noticed that:-

- 1- As a whole 60% failure is still exist in the plantation area.
- 2- The survived plants needs immediately watering otherwise the failure % age will be further increased
- 3- Harsh site and severe termite attack.

Amoure 3/

Findings

Keeping in view the above discussion, consulting the record and personal hearing of all the officials and inspection of the plantation site the undersigned recommended the following actions:-

- 1- Rs. 1.2054 Mi lion (60% of the total amount spent) may be got recovered from M/S Muhammad Rafiq and Zain-ul- Abidin Forest Guards (accused officials) on equal share basis
- 2- SDFO Kulachi should arrange immediate watering for the survived plants.
- 3- Stoppage of one increment due on 01-12-2017 without accumulative effect from both the accused officials.

(Syed Lateef/Hussain)
Divisional Forest Officer

Bannu Forest Officer

بتخدمت جناب ڈویژنل فارسٹ آفیسرصا حب ڈیرہ اساعیل خان فارسٹ ڈویژن ڈیرہ اساعیل خان بلائيش ابريا بوزيش كلاجي فارست رفخ عنوان: ـ گزارش ہے کہ رقبہ جاجی امیراحمد جندن جو کہ متعلقہ فارسٹگارڈ اور فارسٹرنے کاغذات میں 45 ہمکٹر حیار ہے گیا ہے جبکہ مانیٹرنگ آفیسر محرشفیق صاحب کی رپورٹ کے مطاب<u>ق رقبہ 26 سیکٹر</u> ہے جبکہ موقع پر 20 سیکٹر میں پلانٹیش ہے اور اس میں بھی %30 فیل ہے اور 6 میکٹر پرخالی ٹرنٹج لگائے ہیں جبکہ باقی 19 میکٹر پلائٹیش موقعہ پرنہیں ہیں اورحاتی عبداللہ مندن جنکار قبہ 15 میکٹر ہےاورائلی بلانٹیشن %50 فیل ہے۔ لہذار بورٹ برائے مناسب کاروائی ارسال خدمت ہے the office, named m. Rafig & Zainal Abrolan Tourt querch. have already been pland under suspension & attached The during delient with the delient of the delient with Coffsort office Submitted of fuller orders No. 04/7

OFFICE ORDER NO. 121 DATED D.I.KHAN THE 30 JUNE 2017 ISSUED , /
BY MR. ABID MUMTAZ DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION

The undersigned accompanied with Mr. Muhammad Shafiq Monitoring Officer (HRD) inspected Haji Abdullah Handan and Haji Mir Ahmad Handan (Kulachi Forest Range) on 22/05/2017. The area was measured through GPS and found that the total area was 39.4 Ha while an area of 60 Ha has been claimed / charged During inspection it was observed that more than 80% area was failed due to lake of interest in performance of their official duties, improper maintenance and non watering to area by the I/C Forester and Forest Guard. Due to their laxity, the Government has sustained huge loss and the expenditure incurred on the raising and maintenance of 15 + 45 = 60 hectare block plantation respectively has been gone to waste.

Keeping in view the above exposition, M/S Muhammad Rfiq Forest Guard I/C Bock Officer and Zain ul Abideen Forest Guard I/C are hereby suspended with immediate effect and attached with the office of the Conservator of Forests, Southern Circle, Peshawar till further orders.

In order to probe in to the matters and to know the causes of such a huge failure and in exercise of powers vested in me under the Rule 10 (a) of the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules 2011, Mr. Latif Hussain SDFO, Divisional Forest Officer Bannu Forest Division is hereby appointed as inquiry officer to proceed against the above named officials by observing the procedure lay down in the aforesaid rules and submit findings within the stipulated period of thirty (30) days

(Abid Mumitaz)
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION

D.I.KHAN

No. 7015-19/G

Copy for information and further necessary action is forwarded to:-

The Conservator of Forests, Southern Circle, Peshawar.

Mr. Latif Hussin, OFO Bannu (English offur)

- 2. Head Clerk / Accountant. They are requested to calculate the expenditure incurred on the raising and maintenance of above plantation, so that a charge sheet & statement of allegations could be prepared and submitted to the Inquiry Officer well in time.
 - 3. RFO, Kulachi. He is requested to relieve the above named officials under local arrangements under intimation to this office.
 - 4. Mr. Muhammad Rafiq Forest Guard C/O RFO Kulachi. He is directed to handover the Government Motorcycle in the Divisional office and report arrival in the office of the Conservator of Forests Southern Circle situated at Shami road Peshawar and report compliance.
 - 5. Mr. Zain-ul-Abideen Forest Guard C/O RFO Kulachi. He is directed to immediately report arrival in the office of the Conservator of Forests Southern Circle situated at Shami road Peshawar and report compliance.

DIVISIONAL FOREST OFFICER D.I.KHAN FOREST DIVISION

America D

Syed Lateef Hussain

Department

Divisional Forest Officer
Bannu Forest Division

Pakhtunkhawa

Miranshah Road Tappi

Killa Bannu

90928-9270042

90928-9270034

No. 176 /E Dated Peshawar

Department

Miranshah Road Tappi

Killa Bannu

20928-9270042

20928-9270034

Environment

Τo

Muhammad Rafiq Forest Guard C/O DFO D.I. Khan

Subject: -

ENQUIRY

Memo:-

To probe in to matter and finalize the inquiry proceeding against you under E&D Rules . 2011, the DFO DI Khan vide his office order. No 121 dated 30-6-2017 appointed the undersigned as enquiry officer. A copy of charge sheet and memo of allegation is enclosed herewith.

You are therefore directed to furnish the reply of charge sheet within seven (7) days from the date of receipt of this letter so that the inquiry could be finalized.

Encl: As above

Divisional Forest/Officer Bannu Forest Division

No. /77 /

Copy forwarded to DFO D.I Khan for information and necessary action. He is requested to deliver the letter meant for the above named office under proper receipt may be sent to his office for record.

Divisional Forest Office Bannu Forest Division

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Syed Lateef Hussain Divisional Forest Officer Bannu Forest Division

Environment Department e--Government of Khyber Pakhtunkhawa

Miranshah Road Tappi Killa Bannu ₿0928-9270042 0928-9270034

Dated Peshawar

11/2017

Τó

Divisional Forest Officer D.I. Khan Forest Division

Subject. -

INQUIRY REPORTS

Memo:-

Enclosed find herewith the enquiry reports alongwith enquiry files in original of the following officials of D.I. Khan Forest Division for favour of further course of action.

- 1- Atta Munammad Forest Guard Page01 to29
- 2- Muhammad Ayub Forest Guard Page o1 to 57
- 3- M/S Muhammad Rafique and Zainul Abideen Forest Guards Page 01 to 53
- 4- M/S Abdul Tawab Forester & Abdur Rahim FG Page 01 to 27.

Enct: as above

Divisional Forest Officer, Bannu Forest Division

The contract from from the personal

OFFICE OF THE DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION D.I.KHAN

Mr. Muhammad Rafig Forest Guard Mr. Zain-ul-Abideen Forest Guard

C/ O RFO Kulachi .

dated

D.I.Khan

the $\frac{\sqrt{2}}{N}$ November /2017.

SUBJECT:-

Inquiry report.

Reference :-

Correspondence resting with this office order No.121, dated 30-06-2017

The inquiry officer has finalized the enquiry and submitted report. A copy of the same is enclosed herewith for further necessary action.

You are directed to appear before the undersigned on 30/11/2012. for personal hearing. Bring all documentary evidence in your defence on the day of personal hearing

Acknowledge the receipt.

Encl As Above

No. 3844 /G,

Copy forwarded to the Range Forest Officer Kulachi for information necessary action. He is directed to deliver the letter to the above named officials under proper acknowledgment receipt which may be supplied to this office for record further for necessary action please.

D.I.KHAN FOREST DIVISION

D.I.KHAN

FFICE ORDER NO. 94 DATED D.I.KHAN THE 16 JANUARY 2018 ISSUED BY MR. ABID MUMTAZ DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION OFFICE ORDER NO.

During inspection of Haji Abdullah Handan and Haji Mir Ahmad Handan (Kulachi Forest Range) plantation areas, on 2/05/2017 the Divisional Forest Officer D.I.Khan found that the planted area is seem to be less than the area actually charged through muster rolls. Therefore, area was measured through GPS by Muhammad Shafiq GPS specialist of HRD, Directorate and found that the total area was 39.4 hectare while an area of 60 hectare was claimed / charged. During inspection it was also observed by the DFO, D.I.Khan that available area was more than 80% failed due to lake of interest, improper maintenance and no watering to area by the I/C Forester and Forest Guard. Due to their laxity, the Government has sustained huge loss and the expenditure incurred on the raising and maintenance of 15 hectare at Haji Abdullah Henden and 45 hectare at Haji Mir Ahmad Wazir Henden totaling 60 hectare block plantations were gone to waste.

M/S Muhammad Rafiq Forest Guard I/C Bock Officer and Zain ul Abideen Forest Guard I/C were suspended and attached with the office of the Conservator of Forests, Southern Circle, Peshawar and Syed Latif Hussain DFO, Divisional Forest Officer Bannu Forest Division was appointed as inquiry officer vide DFO, D.I.Khan office order No. 121 dated 30/06/2017 vide endorsement No. 7015-19/G dated 30/06/2017 to precede against the above named officials under the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

Besides above, Range Forest Officer Paroa reported vide letter No. 12/Kul dated 0/06/2017 that out of 45 hectare area at Haji Amir Ahmad Hindan charged by above named officials an area of 20 hectare is planted which is 30% fail and in remaining 25 hectare area only earth work is completed over an area of six (6) hectare and in 19 hectare no earth work carried out. In Haji Abdullah Hindan plantation area 15 hectare plantation was carried out but on ground 50% plantation is faii.

Keeping in view the above exposition a charge sheet and statement of allegations were prepared and sent to the inquiry officer vide this office letter No. 402/G dated 17/07/2017 which was subsequently served upon both the accused officials vide Inquiry Officer (DFO, Bannu) letter No. 176/E dated 26/07/2017 and No. 178/E dated 26/07/2017.

The inquiry Officer initiated inquiry, recorded statements of the accused officials, examined reply to the charge sheets & statements of allegations furnished by the accused officials, conducted personal hearing & inspected the planting sites and submitted inquiry report to this office wherein he reported that during inspection of sites it has been noticed that as a whole 60% failure is still exists in the plantation areas, the survival of plants needs immediately watering otherwise the failure %age will be further increased and harsh site and severe termite attack was noticed.

Keeping in view the above the Inquiry officer recommended the following actions to be taken against the accused officials;

- 1. Recovery of Rs. 1.2054 million (60% of the total amount spent) may be got recovered from M/S Muhammad Rafiq and Zain-ul-Abideen Forest Guards (accused officials) on equal share basis SDFO, Kulachi should errange immediate watering for the survived plants

Stoppage of one annual increment due on 01/12/2017 without accumulative effect from both the accused officials

The inquiry report was sent to the both the accused officials vide this office letter No. 3842-43/G dated 29/11/2017 with the directives to submit their opinion regarding the inquiry report and appearing before the Competent Authority for personal hearing on 30/11/2017. Accordingly the accused official appears before the undersigned on the fixed dated but they could not explain the cogent reasons for the failure of plantation. Their written reply submitted by them dated

Therefore keeping in view the above exposition, the undersigned being Competent Authority is agreed with recommendations of inquiry officer, hence the penalties proposed by the inquiry office as noted above are hereby imposed upon M/S Muhammad Ratiq and Zain-ul-Abideen Forest Guards with immediate effect. The amount of Rs. 12054000/- will be recoverable from both the accused on equal share basis of Rs. 602700/- in forty (40) equal installments of Rs. 15070/- per month. In case of their retirement during the period, the remaining amount will be recovered from their pension / gratuity.

DIVISIONAL FOREST OF FICER D.I.KHAN FOREST DIVISION D.J.KHAN

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Copy for information and further necessary action is forwarded to:-

- The Conservator of Forests, Southern Circle, Peshawar.
- Syed Latif Hussain, Divisional Forest Officer, Bannu Forest Division, Bannu (Inquiry Officer) for information with reference to his office letter No. 670/E dated 15/11/2017.

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- Head Clerk / Accountant: They are requested to stop the annual increment of both the forest guards if the increment individual in forty (40) equal installments of Rs. 15070/- per month.
- 4. RF Kulachi. He is directed to intimate the present position of the above noted plantations and arrange immediate watering for the survived plants.
- 5 Mr. Muhammad Rafiq Forest Guard C/O RFO Kulachi.
- 6 Mr. Zain-ul-Abideen Forest Guard C/O RFO Kulachi.

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

BEFORE..

THE WORTHY CONSERVATOR OF FOREST- SOUTHERN CIRCLE PESHAWAR

DEPARTMENTAL REPRESENTATION

2018

MUHAMMAD RAFIQUE, FOREST GUARD C/O SUB DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST RANGE, DERA ISMAIL KHAN

APPELLANT

V/S;

THE DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION, DERA ISMAIL KHAN

RESPONDENT (COMPETENT AUTHORITY)

Representation/Appeal against Order No. 94 dated 14.01.2018 passed by the Respondent vide which the recovery of Rs. 0.6275 million has been imposed against the Appellant (Copy of Impugned Order is enclosed).

PRAYER:- On acceptance of the Instant Appeal, to set aside the Impugned harsh Order dated 16.01.2018 and as a consequence thereto, to withdraw the charges leveled against the Appellant.

The Appellant; amongst other grounds; respectfully submits as follows:-

- 1. The memo; of explanation dated 21. 8.207 and the subsequent reply 3/2/7 may be read as parts of the Appeal.
- 2. The Appellant is the second lower tier executive hand of a Forest Division and is merely to obey and follow the orders of his Divisional Head who is both Competent Authority as well as Drawing and Disbursing Officer under Financial Powers vested in Category-III_Officers of the Provincial Govt.
- 3. The achievement of the Plantation Project initially starts with selection of site (Plantation Coupe) which is not the obligation of a Forester-cum-Block incharge and thus the allegations, ab-initio; are misplaced and misjudged; and the subordinate is not vicariously liable for mis-planning or mis-orientated of a Mega Project.
- 4. The unholy haste in implementing a Mega Project with meagre inputs and with undue haste without suitable arrangements for weekly hand-watering and burbed-wire fencing cannot be

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attributed to lower staff. The extent of area of Forest Farming is also verifiable through Halqa Patwari by production of copy of detailed Fard jamabandi of the current year with ascertainable dimensions of area through copy of Aks Shajra of the last settlement (1966-1968) and thus the opportunity of cross—examining of Halqa Patwari along with record Clerk and Divisional Accountant of D.I.khan forest Division.

5. Failures of Plantation are always unavoidable and various factors including edaphic, climate and socio-economic inhibitions and thus individuals are seldom actionable due to such extra-human impediments.

- 6. The failures of transplants imbedded in unfriendly environment with subsequent lack of silvicultural inputs is not a personal act of causing loss to the Govt Exchequer and the allegations were thus ill-founded and ill-designed and non-sustainable and the allegation of loss (overestimated and overolled) is an act not warranted by the circumstances of the site where the Accused/Appellant had not grabbed any sum of public funds expended through Muster Roll or miscellaneous bills, since the bills are paid by either SDFO or DFO through Accountant and the Muster Rolls after Sanction/Approval are being dealt with by the Range Forest Officer/ SDFO concerned.
- 7. The Inquiry Officer has declined to allow opportunity of cross-examination of the Prosecution Witnesses as well as the Prosecution_Representative and the Inquiry Report has been formulated in vaccum, with utter disregard of the principles of natural justice and reliance unbon it is a semblance of just hit-and-run attitude (Inclemency). Even Expenditures are being in curred till jet.

The Appellant requests that the entire Profiles of Plantation along with disciplinary files may be requisitioned as per Appellant also wishes to be heard in person.

It is therefore **PRAYED** that the Instant Appeal may graciously be accepted.

YOUR APPELLANT

M.RAFIQUE FOREST GUARD/INCHARGE FORESTER

No.£384 /E Dated Peshawar the 27/02/2018.

Copy forwarded to Divisional Forest Officer D.I.Khan for information with the direction to submit his para-wise comments immediately.

Conservator of Forests Southern Circle Peshawar

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a Cyllin



Abid Mumtaz

Divisional Ferest Officer D.1.Khan Folest Division Bungalow.# 20 - Allama Iqbal road D.I.Khan Cantt. Phone # 0966-9280181 Fax # 0966-9280481



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Dated D.1.Ksian the April 2018

The Conservator of Forests Southern Circle, Feshawar

SUBJECT: -

DEPARTMENTAL REPRESENTATION BY MR. MUHAMMAD RAFIQ FOREST GUARD AGAINST DFO.

D.I.KHAN OFFICE ORDER NO. 94 DATED 16/01/2018

Reference

Your office letter No. 6384/E dated 27/02/2018

Reply to the departmental representation by Mr. Muhammad Rafiq Forest Guard is submitted as under;

- Para relates to the correspondence regarding explanation and reply thereof, hence requires no comments.
- Relates to the Administrative and financial powers of the officers & officials, hence requires no comments.
- It is correct that the plantation / project basically starts with selection of sites in mutual understanding with the all the field formation relates to the activity. But the forester and forest guards are the basic execution / implementation field staff. In case of any kind of difficulty face by them in the field they are required to report the matter in black & white to their immediate field officer i.e. SDFO / RFO. In the instant case the appellant has not submitted any report regarding difficulties faced by him in the execution of plantation activity and continuously claimed and charged the execution and maintenance charges of the plantation raised at Haji Abdullah Handan (15 Hectare) and Haji Mir Ahmad Handan (45 Hectare). When the DFO, D.I.Khan inspected the aforesaid areas on 22/05/2017, he observed that the area seems to be less than the area reported / charged, therefore in order to verify & know the factual position the area was measured through GF/S and found that the total area was 39.4 hectare instead of 60 hectare.

Range Forest Officer Kulachi also reported vide letter No 12/Kul dated 0/06/2017 that out of 45 hectare area at Haji Amir Ahmad Hindan an area of 20 hectare is planted which is 30% fail and in remaining 25 hectare area only earth work is completed over an area of six (6) hectare and in 19 hectare no earth work carried out. In Haji Abdullah Hindan plantation area 15 hectare plantation was carried out but on ground 50% plantation is fail.

- Initially the area was selected by Range Forest Officer Kulachi and concerned forester and forest guard and found suitable for execution of p antation. Accordingly after execution of agreement with the land owner, physical work was started on ground under the supervision of the appellant. As already explained in para - 3 above, besides failure the area was also less than the reported and charged by the appellant.
- In case of failure in the plantation area due to any factor, the appellant was required to report the matter to RFO. Kulachi but he failed to do so till taking notice of failure / shortage of area by the DFO, D.I.Khan.
- As already explained vide above paras there is nothing on record regarding reports submitted by the appellant on account of failure or problems faced in execution of plantation. Rather he was fully charging the plantations.
- The inquiry was conducted by Syed Latif Hussain DFO, Bannu Forest Division. After fulfillment of required formalities, he submitted enquiry report vide letter No. 670/G dated 15/11/2018. In the inquiry report the appellant was found guilty of the charges framed against him. The DFO D.I.Khan being Competent Authority, a copy the enquiry report was sent to the appellant vide DFO, D.I.Knan letter No. 3844/G dated 29/11/2018 for showing cause as to why the penalty proposed by Enquiry Officer may not be imposed upon him. Accordingly the appellant submitted reply, also heard in person but he failed to explain / quote cogent reasons for shortage and failure of plantation, therefore the case was decided vide DFO, D.I.Khan office order No. 94 dated 16/01/2018.

Photocopies of the complete enquiry file from page No. 1 to $\frac{48}{100}$ is enclosed herewith for favour of perusal, record and further necessary action. It is requested that the appeal may kindly be rejected in the best interest of public service, so that the orders of DFO, D.I.Khan could be implemented and recovery of losses sustained to Government exchequers could be recovered from the appellant and subsequently remitted in to Government treasury, please.

Encl: As above.

DIVISIONAL FO ST OFFICER D.I.KHAN

Conservator of Forests Southern Circle

No 2433 /E



Shami Road Peshawar Phone # 091-9214024

Dated Peshawar the

<u>07</u>/05/2018

Amoren - Hit

M/S Muhammad Rafiq and Zain-tl-Abideen Forest Guards C/O Divisional Forest Officer D.J.khan

SUBJECT:- DEPARTMENTAL REPRESENTATION BY MUHAMMAD RAFIQ AND ZAIN-UL-ABIDEEN FOREST GUARDS DFO D.I.KHAN OFFICE ORDER NO. 93 & 94 DATED 18.01.2018, / PERSONAL HEARING.

You are directed to attend the office of the undersigned on 24.05.2018 at 11:00 AM for personal hearing with all record:

(853) AND

Conservator of Forests Southern Circle Peshawar

No. 8434 E

Copy forwarded to Divisional Forest Officer D.I.Khan for information w/r to his letter No. 7686/G dated 16.04.2018 and No. 7687/G dated 16.04.2018.

Copy to provided to SOFO, Kulachi to information and vecessary action. The attached letters meant for M/s M. Rafig , of Zain -ul-Abideen - from them to appear before the CT/Se, Reshawar on 24/5/2018 at Reshawar.

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DIKHAN FOREST DIVISION
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Annexis de

onservasor of Forests Southern Circle

Shami Road Peshawar Phone # 091-9214024

Dated Peshawar the

06/2018

MrS Muhanimad Rafiq and Zain-ul-Abideen Forest Guards . C/O Divisional Forest Officer D. Khun

SUBJECT: DEPARTMENTAL REPRESENTATION BY MUHAMMAD RAFIO AND ZAIN-UL-ABIDEEN FOREST GUARDS DEO DERHAN OFFICE ORDER NO. 93 & 94 DATED 18.01.2018. / PERSONAL HEARING.

Reference in continuation of the office letter No. 8433/b dated 07.05.2018.

You are once apply directed to mone the office of the inconsisted or 05/017 2018 at 11:00 AM for personal hearing with all record without fail. In case of milure ex-parte action should be taken against you under, L&D Rules, 2014

Copy in continuous of this office endsti. No. 8434/E dated 07.08/2018 forwarded to Divisional Forest Officer D Likhan for information with the recinest to direct the above named officials to attend the personal hearing on the date and the personal hearing on the date and No. 8434/E dated 07.08/2018

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DMr. Muhammad Rafig Forist guard C/O RFO

(2) mr. Zain-ul. Abideen Forest zicard.

for information and further necessary action. They are directed to appear before the cefse, Keshawar on abre noted date

Time & venue and report Compliance.

O DIVISIONAL FOREST OFFICER DLIKHAN FOREST DIVISION D.I.KHAN

THE DIVISIONAL FOREST OFFICER-DERA ISMIAL KHAN...

Inquiry Against M. Rafique- Forester SUBJECT:

THE RESPONDENT ACCUSED IN RESPONSE TO MEMO NO.3842-43/G, 1) DATED 29.11.2017 SUBMITS AS FOLLOWS:-

- 1. The Inquiry Officer had omitted to thoroughly examine the Reply of the Respondent, dated 21.08.2017 though he has admitted the non-suitability of the area for artificial plantation. Even then uptill start of May, the Plantation prospects were found satisfactory, the alleged diminution in area has to exist when GT Sheets show linear aerial distances where-as the cadastral survey by Revenue Officers show actual surface measurements of the terrain.
- 2. The Inquiry Officer had failed to interrogate the concerned Range Officer Kulachi about his supervisory role when he had made satisfactory report dated 22.05.2017, which has been endorsed by the DFO D.I.Khan who had furnished certificate on Account Form No.50 each month, and afterwards opposite stance is misplaced.
- 3. Even after the suspension of the Accused, efforts have been made through maintenance charges for rehabilitation of the plantation but the result is discouraging.
- 4. The selection of site was not the choice of Respondent/Accused and as such the very foundation of the Project was mis-planned and the failures were un-avoidable, and Tube-well water-supply was too scanty and insufficient especially during sizzling temperatures of the summer season
- 5. The Inquiry Officer had failed to examine any witness as referred in the Reply dated 21.08.2017 which is a very serious error in the proceedings and no opportunity of cross-examination of stated witnesses had been provided. Copy of the Reply dated 21.08.2107 is enclosed.
- 6. The Inquiry is thus unevenly oriented and misdirected in point of
- 7. The Inquiry Officer is not permitted to propose the quantum of penalties vide notification dated 28.03.2014 and he has only to report qua guilt or otherwise. The report is thus un-credit-worthy and charges may kindly be withdrawn

05/12

YOUR HUMBLE RESPONDENT

معزز خیبر پختونخواه سروس تری بیونل ـپشاور

STA

حکومت کے پی کے وغیرہ

سروس ٹری بیول اپیل نمبر <u>144 - 744</u> زمن الحا مرس بر **جر خلاف**

جواب الجواب بحواله جواب ازان مسئول اليهان---

الف). ابتدائی عذرات:

- i- اپیل کننده/مرافعه گزارنا جائز طور پرسز اوار قرار دیا گیا ہے اسلیئے مرافعہ منزامیں بنائے اپیل کا ظہار ہے۔
- ii۔ مرافعہ گزار نے اپیل رولز کی پاسداری کر کے موجودہ مرافعہ اندر معیاد دائر کیا ہے اسلیئے مرافعہ گزار کواس اپیل میں قدم جمانے (Locus Standii) کا موقع حاصل ہے۔
 - iii۔ پیعذر محض عذر برائے عذر ہے اور بے جاہے۔
 - iv مرافعه بذا مجوزه معیاد کے اندر دائر ہوائے۔
 - ٧. غلطشول فریق کی نشاند ہی نہیں کی گئی ہے۔
- ۷۱۔ مسئول الہیان نے خود قانون کی پاسداری نہیں کی بلکہ افسر شاہی انداز کی مرافعہ گر ارکوالزام الہیہ گر دانا گیا۔

ب) عذرات برواقعات جواب: ـ

- 1۔ بیعذر فلط مرتب ہوا ہے اور مرافعہ کے خمن نمبر 1 (پیرا) کا تعاق DFO سے ہے نہ کہ Conservat صاحب سے اور Conservator صاحب نے بروقت مرافعہ برکاروائینہیں کی
 - 2 مرافعة گزار كے خلاف تادیبی كاروائی خلاف خابطی وئی ۔۔۔۔
- پیکه ماه مئی میں نوخیز پوداجات بھی خوشگوار حالمن میں نہاں ہے۔ تراویر نہ کاتعین کروکان By Metes And Bounds نہیں کیا تھا اور محض مفروضی انداز میں ماہ حکہ کہا اور مراف پر ارکی موجود گی میں موقعے کا خاکہ تیار نہیں کیا تھا اور رینے افسر صاحب نے DFO کے ماتحت ہوئے کہا جہ سے وہی ملطی کی اور مقام منزل عارضی تعیناتی بھی ایک جابرانہ کاروائی تھی۔

Zuch 23/0/10

ii۔ پیعذر غیر ضروری طور پر طویل ہے اور بلا ثبوت ہے اور اس کے بعد شوکا زنوٹس جاری نہیں ہوا جو کہ کاروائی میں اہم سقم Crucial Infirmity ہے۔

یہ کہ خود DFO بنوں نے اپنی جان خلاصی کے لئے DFO ڈیرہ اساعیل غان کی حامی بھرنی ہی تھی جب DFO دروہ اساعیل غان کی حامی بھرنی ہی تھی جو DFO بنوں نے بھی ہم چوں تتم کے مبینہ الزامات کی DFO دروہ اساعیل خان کے حوالے کی تھی جو کہ ایک طرشدہ سازشی ممل ہے۔

iv – Conservator صاحب (مسئول الهیه نمبر 3) نے بھی محکماندا پیل کے قواعد کی پاسداری نہیں کی اور مجوز ہ نو ہے دن کے اندر کوئی شنوائی نہ کی اور میٹمن غلط مرتب ہوا ہے۔

ج۔ عذرات بر Grounds:۔

- i پیمعروضی واقعات سے فرار ہے جب کے Senior Forestory Officers کے کوائف شامل نہیں گئے۔
 - ii۔ کوئی شوکازنوٹس جاری نہیں ہوااور نہ ہی کسی گواہ کو پیش کیااور نہ ہی جرح کا موقع دیا گیا۔
 - iii۔ پیکہ Conservator صاحب نے بروقت نوے دن کے اندر زبانی سنوائی کے لئے طلب نہیں کیا۔
 - iv جملہ کاروائی قانون کے مطابق نہیں کی گئے۔
 - ۷۔ موقع کا ملاحظہ عجلت میں کیا گیا اور پٹواری حلقہ کوطلب نہیں کیا گیا تا کہ اس سے خسرہ جات کی نشاند ہی اوران کے
 رقبے کا اسخر اج Computation نوعیت اراضی اور رقبہ دینے والے کے صص نہیں کرایا گیا۔
 - ۷۱۔ یہ جواب سیجے نہیں ہے۔
 - vii یہ جواب مقدمہ کے واقعات کے مطابق نہیں ہے۔
 - viii یہ Project Policy کے مطابق شجر کاری کی ناکا می کے لئے 50، DFO فیصد Project Policy کے مطابق شجر کاری کی ناکا می کے لئے 50، DFO فیصد اور Project Policy کے مطابق شجر کاری کی ناکا می کے ایک اور کارانے Project Policy کے مطابق شجر کاری کی ناکا می کارانے وہ کاری کی ناکا میں کی ناکا میں کی بیرا گراف Departmental Monitoring (1) Departmental Monitoring
 - ix۔ پیجواب سے نہیں ہے اسکی وضاحت زبانی بحث میں کی جائے گی۔

نوف: ایک اور تادیبی کاروائی برخلاف قیصرعباس Forestor وغیره مین جرمانه 60 لا کھسے بہت کم کیا گیاہے جس کی وضاحت دوارن بحث DFO کے نمائندے سے کرائی جائے گی۔

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استدعاہے کے مسئول الہم کے جواب کو پذیرائی نددی جائے اور مرافعہ کو منظور کیا جائے۔

عرف المراب المالي الموالي الم

ياجلاس

معززخيبر پختونخواه سروس تری بيونل ـپشاور

STA کومت کے این کے وغیر ہ

سروس رئی بیون ایل نمبر <u>744-D</u> رسن الحاسس **برخلاف**

جواب الجواب بحواله جواب ازان مسئول اليهان---

الف). استدائی عذرات:

- ا ہیل کنندہ امرافعہ گزار نا جائز طور پرسز اوار قرار دیا گیا ہے اسلیئے مرافعہ ہذامیں بنائے اپیل کا اظہار ہے۔
- ii۔ مرافعہ گزارنے اپیل رولز کی پاسداری کر کے موجودہ مرافعہ اندر معیاد دائر کیا ہے اسلیئے مرافعہ گزار کواس اپیل میں قدم جمانے (Locus Standii) کا موقع حاصل ہے۔
 - iii۔ پیعذر محض عذر برائے عذر ہے اور بے جاہے۔
 - اندردار مرافعه بذا مجوزه معیاد کے اندردار مواہد
 - ٧۔ غلط شول فریق کی نشاند ہی نہیں کی گئے ہے۔
 - vi مسئول الہیان نے خود قانون کی پاسداری نہیں کی بلکہ افسر شاہی انداز میں مرافعہ گزار کوالزام الہیہ گردانا گیا۔

ب)۔ عذرات برواقعات جواب:۔

- 1۔ بیعا رغلط مرتب ہواہے اور مرافعہ کے خمن نمبر 1 (پیرا) کا تعاق DFO سے ہے نہ کہ Conservat صاحب سے اور Conservator صاحب نے بروقت مرافعہ پر کاروائینہیں کی
 - 2 مرافعہ گزار کے خلاف تادیبی کاروائی خلاف ضابطہ ہوئی ۔۔۔۔۔۔
- بیرکہ ماہ مئی میں نوخیز بوداجات بھی خوشگوار حالت میں نہاں ہور تراؤر رہ کا تعین کروکان By Metes And بیرکہ ماہ مئی میں نوخیز بوداجات بھی خوشگوار حالت میں مال حظہ کیا اور مرافعہ گزار کی موجودگی میں موقعے کا خاکہ تیار نہیں کیا تھا اور دینجا افران کی اور مقام موزی عارضی تعیناتی بھی کیا تھا اور دینجا افسر صاحب نے DFO کے مانخت ہوئے کہ جابرانہ کاروائی تھی۔

Justinia 10/10

ii۔ پیمذرغیرضروری طور پرطویل ہےاور بلا ثبوت ہےاوراس کے بعد شوکا زنوٹس جاری نہیں ہوا جو کہ کاروائی میں اہم سقم Crucial Infirmity ہے۔

یہ کہ خود DFO بنوں نے اپنی جان خلاص کے لئے DFO ڈیرہ اساعیل خان کی حامی بھرنی ہی تھی جب DFO بنوں نے اپنی جان خلاص کے مبینہ الزامات کی DFO ڈیرہ اساعیل خان کے حوالے کی تھی جو کہ ایک طرشدہ سازشی ممل ہے۔

conservator _ ivصئول الہیہ نمبر 3) نے بھی محکماندا پیل کے قواعد کی پاسداری نہیں کی اور مجوز ہنو ہے دن کے اندر کوئی شنوائی نہ کی اور بیٹمن غلامر تب ہوا ہے۔

چ۔ عذرات بر Grounds:۔

i۔ یہ معروضی واقعات سے فرار ہے جب کے Senior Forestory Officers کے کوا کف شامل نہیں گئے۔

ii کوئی شوکا زنوٹس جاری نہیں ہوااور نہ ہی کسی گواہ کو پیش کیااور نہ ہی جرخ کا موقع دیا گیا۔

iii۔ یک Conservator صاحب نے بروفت نوے دن کے اندرز بانی سنوائی کے لئے طلب نہیں کیا۔

iv_ جملہ کاروائی قانون کے مطابق نہیں کی گئی۔

۷۔ موقع کاملاحظ عجلت میں کیا گیااور پٹواری حلقہ کوطلب نہیں کیا گیا تا کہاس سے خسرہ جات کی نشاندہی اوران کے رقبے کا استخراج Computation _ نوعیت اراضی اور رقبہ دینے والے کے صفح نہیں کرایا گیا۔

۷۱۔ پیجواب سے نہیں ہے۔

vii یے جواب مقدمہ کے واقعات کے مطابق نہیں ہے۔

پراگراف6.3.1.16(1) Departmental Monitoring

ix یہ جواب سے نہیں ہے اسکی وضاحت زبانی بحث میں کی جائے گی۔

نوٹ: ایک اور تادین کاروائی برخلاف قیصرعباس Forestorوغیرہ مین جرمانہ 60 لاکھسے بہت کم کیا گیاہے جس کی وضاحت دوارن بحث DFO کے نمائندے سے کرائی جائے گا۔

26 8/15

استدعاہے کے مسئول الہیم کے جواب کو پذیرائی نہ دی جائے اور مرا فعہ کومنظور کیا جائے۔

عرف المرابع ا

منکہ: <u>زیں اکسا ریں</u> Forest Guard حلفاً بیانی ہے کے معلومات فراہم شدہ کے مطابق جواب الجواب

میچ مرتب ہواہے۔

مظهر

Jan

باجلاس

معزز خیبر پختونخواه سروس تری بیونل ـپشاور

STA کومت کے بی کے وغیرہ

سروس ٹری بیونل اپیل نمبر <u>D - 744</u>

نرمن الحابري برخلاف

جواب الجواب بحواله جواب ازان مسئول اليهان---

الف)۔ استدائی عذرات :۔

- i- اپیل کننده/مرافعه گزارنا جائز طور پرسز اوار قرار دیا گیا ہے اسلیئے مرافعہ ہذامیں بنائے اپیل کا اظہار ہے۔
- ii۔ مرافعہ گزارنے اپیل رولز کی پاسداری کر کے موجودہ مرافعہ اندر معیاد دائر کیا ہے اسلیئے مرافعہ گزار کواس اپیل میں قدم جمانے (Locus Standii) کا موقع حاصل ہے۔
 - iii۔ پیعذر محض عذر برائے عذر ہے اور بے جاہے۔
 - iv مرافعہ ندامجوزہ معیاد کے اندر دائر ہواہے۔
 - ۷۔ غلط شمول فریق کی نشاندہی نہیں کی گئی ہے۔
 - ۷۱۔ مسئول الہیان نے خود قانون کی پاسداری نہیں کی بلکہ افسر شاہی اندازی مرافعہ گزار کوالزام الہیہ گردانا گیا۔

ب). عذرات برواقعات جواب:

- 1۔ بیعا رغلط مرتب ہوا ہے اور مرافعہ کے خمن نمبر 1 (پیرا) کا تعاق DFO سے ہے نہ کہ Conservat صاحب سے اور Conservator صاحب نے ہروتت مرافعہ پر کار دائینہیں کی
 - 2_ مرافعہ گزار کے خلاف تادیبی کاروائی خلاف ضابطہ ہوئی۔ س
- یه که ماه مئی میں نوخیز بوداجات بھی خوشگوار حالت میں نہاں ہور تنہ کا تغیین کروکان By Metes And بیس نوخیز بوداجات بھی خوشگوار حالت میں ملاحظہ کیا! زرمراف تیز ارکی موجود گی میں موقعے کا خاکہ تیار نہیں Bounds نہیں کیا تھا اور محض مفروضی! نداز میں ملاحظہ کیا! زرمراف تیز ارکی موجود گی میں موقعے کا خاکہ تیار نہیں کیا تھا اور رہنج افسر صاحب نے DFO کے مانخت ہونے کی جبر سے وہی تلطی کی اور مقام میں عارضی تغیباتی بھی ایک حابرانہ کاروائی تھی۔

Zuch 23/0/10

یہ کہ خود DFO بنوں نے اپنی جان خلاصی کے لئے DFO ڈیرہ اساعیل غان کی حامی بھرنی ہی تھی جب DFO دروہ اساعیل غان کی حامی بھرنی ہی تھی جب DFO بنوں نے بھی ہم چوں قتم کے مبینہ الزامات کی DFO، Inquiry ڈیرہ اساعیل خان کے حوالے کی تھی جو کہ ایک طہشدہ سازشی عمل ہے۔

iv صاحب (مسئول الهيه نمبر 3) نے جھی محکماندا پيل کے قواعد کی پاسداری نہيں کی اور مجوز ہ نوے دن کے اندر کوئی شنوائی نہ کی اور میٹمن غلط مرتب ہوا ہے۔

چ. عذرات بر Grounds:..

ہ۔ ہیمعروضی واقعات سے فرار ہے جب کے Senior Forestory Officers کے کوا کف شامل نہیں گئے۔

ii۔ کوئی شوکازنوٹس جاری نہیں ہوااور نہ ہی کسی گواہ کو پیش کیا اور نہ ہی جرح کا موقع دیا گیا۔

iii۔ یہ Conservator صاحب نے بروفت نوے دن کے اندرزبانی سنوائی کے لئے طلب نہیں کیا۔

iv جملہ کاروائی قانون کے مطابق نہیں کی گئی۔

موقع کاملاحظ عجلت میں کیا گیااور پٹواری حلقہ کوطلب نہیں کیا گیا تا کہ اس سے خسرہ جات کی نشاند ہی اوران کے رقعے کا استخراج Computation _ نوعیت اراضی اور رقبہ دینے والے کے صفح نہیں کرایا گیا۔

۷۱۔ پیجواب سیج نہیں ہے۔

vii یہ جواب مقدمہ کے دا قعات کے مطابق نہیں ہے۔

viii یے کہ Project Policy کے مطابق شجر کاری کی ناکامی کے لئے 50،DFO فیصد Conservator، Project Policy کے مطابق شجر کاری کی ناکامی کے لئے 50،DFO فیصد اور Project Policy کے 90,Chief Conservtor کے 20, Signal میں اگراف Monitoring (1) Departmental Monitoring (1) Departmental Monitoring

ix یہ جواب سے نہیں ہے اسکی وضاحت زبانی بحث میں کی جائے گا۔

نوت : ایک اور تادیبی کاروائی برخلاف قیصرعباس Forestor وغیره مین جرمانه 60 لا کھسے بہت کم کیا گیاہے جس کی وضاحت دوارن بحث DFO کے نمائندے سے کرائی جائے گی۔

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ا استدعاہے کے مسئول الہیم کے جواب کو پذیرائی نہدی جائے اور مرافعہ کومنظور کیا جائے۔

23-9-19

Rudgalf

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Lucion - Clerking

Luci

منکہ: <u>زیر اکھا ریں</u> Forest Guard حلفاً بیانی ہے کے معلومات فراہم شدہ کے مطابق جواب الجواب صح

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باجلاس

معزز خيبر پختونخواه سروس تری بيونل ـپشاور

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حکومت کے لیاکے وغیریا

سروس ٹری بیونل اپیل نمبر <u>D - 14.4</u>

زس الحابين برخلاف

جواب الجواب بحواله جواب ازان مسئول اليهان---

الف). ابتدائی عذرات:

- i اپیل کننده امرافعه گزار ناجائز طور پرسز اوار قرار دیا گیا ہے اسلیئے مرافعہ ہذامیں بنائے اپیل کا اظہار ہے۔
- ii۔ مرافعہ گزارنے اپیل رولز کی پاسداری کر کے موجودہ مرافعہ اندر معیاد دائر کیا ہے اسلیئے مرافعہ گزار کواس اپیل میں قدم جمانے (Locus Standii) کا موقع حاصل ہے۔
 - iii۔ پیعذر محض عذر برائے عذر ہے اور بے جاہے۔
 - iv مرافعہ ہذا مجوزہ معیاد کے اندردائر ہواہے۔
 - ٧۔ غلط شول فریق کی نشاند ہی نہیں کی گئے ہے۔
 - vi مسئول الهیان نے خود قانون کی پاسداری نہیں کی بلکہ افسر شاہی انداز میں مرافعہ گز ارکوالزام الهیہ گردانا گیا۔

ب) عذرات برواقعات جواب:

- 1۔ بیعا رغلط مرتب ہوا ہے اور مرافعہ کے ضمن نمبر 1 (پیرا) کا تعالی DFO سے ہے نہ کہ Conservat صاحب سے اور Conservator صاحب نے بروقت مرافعہ پر کاروائینہیں کی
 - 2 مرافعہ گزار کے خلاف تا دیبی کاروائی خلاف ضابطہ ہوئی ۔۔۔۔۔
- بیکه ماه مکی میں نوخیز بوداجات بھی خوشگوار جالت میں نہاں ہے۔ تراور تا کالغین کروکان By Metes And بیک میں نوخیز بوداجات بھی خوشگوار جالت میں ملاحظہ کرااز رمراف یکز ارکی موجودگی میں موقعے کا خاکہ تیار نہیں Bounds نہیں کیا تھا اور شخص مفروضی انداز میں ملاحت ہونے کہ بجہ سے ویزی تلطی کی اور مقام مزن عارضی نعیناتی بھی کیا تھا اور دینج افسر صاحب نے DFO کے ماتخت ہونے کہ جہرے ویزی تلطی کی اور مقام مزن عارضی نعیناتی بھی ایک جابرانہ کاروائی تھی۔

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ii۔ پیعذرغیرضروری طور پرطویل ہےاور بلا ثبوت ہےاوراس کے بعد شوکا زنوٹس جاری نہیں ہوا جو کہ کاروائی میں اہم سقم Crucial Infirmity ہے۔

یہ کہ خود DFO بنوں نے اپنی جان خلاص کے لئے DFO ڈریرہ اساعیل بنیان کی حامی بھرنی ہی تھی جب DFO بنوں نے بھی ہم چوں قتم کے مبینہ الزامات کی DFO، Inquiry ڈریرہ اساعیل خان کے حوالے کی تھی جو کہ ایک طرشدہ سازشی عمل ہے۔

iv – conservator صاحب (مسئول الهيه نمبر 3) نے بھی محکماندا پيل کے قواعد کی پاسداری نہيں کی اور مجوز ہنو ہے۔ دن کے اندر کوئی شنوائی نہ کی اور میٹمن غلط مرتب ہوا ہے۔

ج ـ عذرات بر Grounds: ـ

i یے معروضی واقعات سے فرار ہے جب کے Senior Forestory Officers کے کوائف شامل نہیں گئے۔

ii کوئی شوکازنوٹس جاری نہیں ہوااور نہ ہی کسی گواہ کو پیش کیااور نہ ہی جرح کاموقع دیا گیا۔

iii۔ بیکہ Conservator صاحب نے بروفت نوے دن کے اندرز بانی سنوائی کے لئے طلب نہیں کیا۔

iv_ جملہ کاروائی قانون کے مطابق نہیں کی گئے۔

۷۔ موقع کا ملاحظہ عجلت میں کیا گیااور پٹواری حلقہ کوطلب نہیں کیا گیا تا کہاس سے خسرہ جات کی نشاند ہی اوران کے رقبے کا استخر اج Computation _ نوعیت اراضی اور رقبہ دینے والے کے صص نہیں کرایا گیا۔

vi_ یہ جواب سے نہیں ہے۔ ،

vii یہ جواب مقدمہ کے واقعات کے مطابق نہیں ہے۔

پیراگراف Departmental Monitoring کے ہے۔

ix کیجواب سے نہیں ہے اسکی وضاحت زبانی بحث میں کی جائے گا۔

نوٹ: ایک اور تادیبی کاروائی برخلاف قیصر عباس Forestor وغیرہ مین جرمانہ 60 لا کھسے بہت کم کیا گیاہے جس کی وضاحت دوارن بحث DFO کے نمائندے سے کمرائی جائے گی۔

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استدعاہے کے مسئول الہم کے جواب کو پذیرائی نہدی جائے اور مرافعہ کومنظور کیا جائے۔

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منکہ: <u>زیر اکسا ریں</u> Forest Guard حلفاً بیانی ہے کے معلومات فراہم شدہ کے مطابق جواب الجواب صحیح مرتب ہواہے۔



