

Application in Appeal No. 1370/2018

31.1.2019

Muhammad Ali, appellant/ Applicant in person.

In the instant application for withdrawal of service appeal No. 1370/18, it is noted that inadvertently the service appeal was filed by appellant against an order which was not final. It is prayed that the said appeal may be withdrawn with permission to file a fresh appeal in case any final order is passed by the department/ respondents.

The application is allowed and the appeal in hand is dismissed as withdrawn with permission to file fresh one, if need be. File be consigned to the record room.

  
Member

  
Chairman

ANNOUNCED  
31.01.2019

**BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL,**

**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

CM.NO. /2019

Diary No. 158

IN

Service Appeal No.1370/2018

Dated 31-1-2019

Muhammad Ali

...PETITIONER/ APPELLANT

**VERSUS**

The Government of KPK & others

...RESPONDENTS

**SERVICE APPEAL NO.1370/2018**

**APPLICATION FOR EARLY HEARING & WITHDRAWAL**

**INDEX**

*Put up to the court with relevant appeal.*

*31/1/19*

*Ready*

S.No.	Description of Document	Annexure	Page No.
1.	Application alongwith affidavit	--	1-2
2.	Copy of the letter dated 20th December 2018	"A"	

Dated:- 31/01/2019

  
...PETITIONER / APPELLANT  
IN PERSON

**BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL,**  
**PESHAWAR**

**CM.NO. \_\_\_\_\_/2019**

**IN**

**Service Appeal No.1370/2018**

Muhammad Ali

**...PETITIONER/ APPELLANT**

**V E R S U S**

The Government of KPK & others

**...RESPONDENTS**

**SERVICE APPEAL NO.1370/2018**

**APPLICATION FOR EARLY HEARING**  
**SOLICITING WITHDRAWAL OF TITLE**  
**SERVICE APPEAL.**

*Respectfully Sheweth;*

1. That the title Service Appeal is pending adjudication before this Hon'ble Tribunal whose next date of hearing is 19.02.2019.
2. That inadvertently petitioner filed the title service appeal against an order, impugned herein, which was not final order.
3. That vide another office order No.SO(Estt)/FE&WD/1-43/2008/Vol-II/6108-14 dated 20<sup>th</sup> December 2018, the Department concerned again diverted the petitioner towards so-called, illegal and void inquiry which is pending but the same is against the judgment of this Honourable Tribunal dated 19.03.2018 vide which this Honourable Tribunal passed gracious order as under:-

*“resume the proceedings from the stage as mentioned above and decide the same within 60 days from the receipt of this judgment failing which the appellant shall be deemed to have been reinstated in service”.*


(Copy of the letter dated 20<sup>th</sup> December 2018 is annexed as Annexure "A")

4. That the Department concerned violated the gracious directions contained in above mentioned judgment and bypassed the same by conducting denovo inquiry against the spirit of the aforementioned judgment.
5. That appellant / petitioner was left in a closed street by the Department hence petitioner persuadably filed the title appeal.

**PRAYER:**

On acceptance of this application it is, therefore, prayed that the title service appeal may graciously be ordered to be withdrawn with the leave to file fresh appeal if any final order is passed by the Department concerned.

Dated:- 31/01/2019

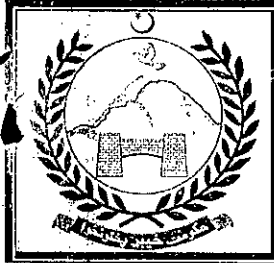
  
...PETITIONER / APPELLANT  
IN PERSON

**AFFIDAVIT:**

I, Muhammad Ali son of Anwar Ajaz Ali, C/o Raja Muhammad Iqbal, House No.KL-97, Near Aaj Newspaper, Kehal, Tehsil & District Abbottabad *petitioner / appellant*, do hereby solemnly affirm and declare on Oath that the contents of instant *application* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Dated:- 31/01/2019

  
...DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

NO.SO(Estt)/FE&WD/1-43/2008/Vol-II/16/08-14  
Dated Peshawar the, 20<sup>th</sup> December, 2018

To

The Chief Conservator of Forests,  
Central & Southern Forest Region-I,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: **SERVICE APPEAL NO. 30/2017 MUHAMMAD ALI (EX-FOREST RANGER) VERSUS GOVT. OF KHYBER PAKHTUNKHWA THROUGH SECRETARY FORESTRY ENVIRONMENT & WILDLIFE DEPARTMENT.**

I am directed to refer to your letter No. 1778-80/E dated 27.11.2018 on the subject noted above and to say that Rule-17(1) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and Rule-3 of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 provides that "an accused who has been awarded any penalty under these rules may, within 30-days from the date of communication of the order, prefer departmental appeal to the appellent authority". Whereas the subject case is under process and no final orders have yet been issued by the appointing authority, therefore, the Ex Forest Ranger namely Muhammad Ali does not have the right to prefer departmental appeal against the office order No. 172, dated 06-06-2018 in which the de-novo enquiry has been constituted under Rule-14 (6) of E&D Rules, 2011 by the competent authority i.e., Chief Conservator of Forest Region-I, in light of decision of Khyber Pakhtunkhwa Service Tribunal.

However, the Appellate Authority has considered the departmental appeal of Muhammad Ali, Ex Forest Ranger and rejected. Therefore, it is advised that the Inquiry Committee may be directed to complete the de-novo inquiry proceedings as according to the Provincial Government instructions, the court and departmental proceedings may start from an identical charge(s) and can run parallel to each other.

(Hafiz Abdul Jalil)  
SECTION OFFICER (ESTT)

**Endst: No. & Date even**

Copy is forwarded for information to:

1. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad.
2. Sheikh Amjad, Conservator of Forest/Director CD&GAD/Chairman of Inquiry Committee.
3. Syed Muqtada Shah, Divisional Forest Officer, Patrol Squad Lower Hazara Forest Circle, Abbottabad/Member of Inquiry Committee.
4. Section Officer (Lit), FE&W Department, Khyber Pakhtunkhwa.
5. Muhammad Ali, Ex Forest Ranger, Forest Department c/o Muhammad Hafeez (R), Divisional Engineer Telephones, Near Degree College for Girls, Kunj Ground, Abbottabad. **He is directed to appear before the inquiry committee as and when asked by the inquiry committee.**
6. PS to Secretary, FE&W Department, Khyber Pakhtunkhwa.



  
SECTION OFFICER (ESTT)

Received  
26/12/2018  
A.

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1370/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/11/2018	<p>The appeal of Mr. Muhammad Ali received today by post may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 5/11/18</p>
2-	19-11-2018	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>19-02-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. <sup>1370</sup>/2018

Muhammad Ali .....APPELLANT

VERSUS

The Government of K P K and other .....RESPONDENTS

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4.	Impugned order dated 22/08/2016	"C"	10
5.	Order dated 20.10.2016	"D"	11-12
6.	Office Order dated 13.12.2016	"E"	13
7.	Judgment Dated 19.03.2018	"F"	14-18
8.	Show cause notice	"G"	19-20
9.	Show cause notice reply	"H"	21-25
10.	Preliminary objections	"I"	26-28
11.	Copy of Master Roll	"J"	29
12.	Written report dated 13.06.2011	"K"	30
13.	Oath statement	"L"	31-32
14.	Impugned Letter dated 06.06.2018	"M"	33
15.	Pervious charge sheets once again	"N"	34-38
16.	Appeal for Interim Relief 10.07.2018	"O"	39-40

APPELLANT IN PERSON



(MUHAMMAD ALI) Dated:- 03/11/2018

BEFORE THE HONORABLE KYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

Service Appeal No. 12018

Muhammad Ali ..... APPELLANT

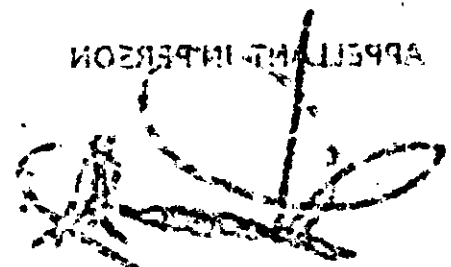
VERSUS

The Government of K P K and other ..... RESPONDENTS

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5.	Order dated 20.10.2018	"D"	11-12
6.	Office Order dated 12.12.2018	"E"	13
7.	Judgment Dated 10.03.2018	"F"	14-18
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9.	Show cause notice reply	"H"	21-22
10.	Preliminary objections	"I"	23-28
11.	Copy of Master Roll	"J"	29
12.	Written report dated 13.06.2018	"K"	30
13.	Oath statement	"L"	31-32
14.	Impugned letter dated 06.06.2018	"M"	33
15.	Previous charge sheets once again	"N"	34-38
16.	Appeal for Interim Relief 10.07.2018	"O"	39-40

APPELLANT IMPERSON



(MUHAMMAD ALI) Dated: 07.11.2018



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

Khyber Pakhtunkhwa  
Service Tribunal  
Service Appeal No. 1370 /2018 Diary No. 1608  
Dated 05/11/2018

Muhammad Ali S/o Anwar Ajaz Ali Ex- Range Forest Officer Kohistan  
Water Shed Forest Division Besham, Khyber Pakhtunkhwa.

**... APPELLANT**

**VERSUS**

1. The Govt of Khyber Pakhtunkhwa through Secretary to Government Environment Department, KPK, Peshawar.
2. CCF-I, Central Southern Forest Region -I, Shami road Peshawar.
3. The CCF-II Northern Region-II, Abbottabad,

**... RESPONDENTS**

**APPEAL UNDER SECTION NO 4 OF KHYBER PAKHTUNKHWA SERVICE**

**Filed to - d TRIBUNAL ACT 1974 READ WITH SECTION 19 OF GOVERNMENT OF**

**Registrar**  
05/11/18

**KHYBER PAKHTUNKHWA SERVANTS (EFFICINY AND DISCIPLINE)**

**RULES, 2011 AGANST THE IMPUGNED OFFICE ORDER NO. 172 DATED**

**06/06/2018 WAS PASSED FOR DE-NOVO INQUIRY PROCEDING**

**AGANST THE LAW AND FACTS BY CCF-I AND WITHOUT SOLVING THE**

**OBJECTIONS RAISED IN THE PERSONAL HEARING THROUGH REPLY**

**AND PRELIMINARILY OBJECTION AGAINST THE COMPLAINANTS OF**

**THE CHARGE SHEETS THAT WERE ACCUSED BEFORE ISSUEING THE**

**CHARGE SHEETS.**

Respectfully Sheweth;

1. That the August Tribunal court in **1<sup>st</sup> Service Appeal** had directed to the appellant authority to decide the competent authority of the appellant **either** "that the CCF-II is the incompetent authority and the Chief Conservator of Forests Central South Forest Region-I Khyber Pakhtunkhwa Peshawar (CCF-I) is the competent authority of the appellant.

(Notification Dated 29 August 2011 is attached as annex- A, Judgment dated 16.02.2016 is attached as annex- B)

2. That the Chief Conservator of Forests Central South Forest Region-I Khyber Pakhtunkhwa Peshawar (CCF-I), **has to cover the technical and factual lacunas in execution petition which was filled by issuing a new impugned order dated 22/08/2016** to uphold time barred old impugned order dated 25/08/2014.

(Impugned order dated 22/08/2016 is attached as Annex-C)

3. That the August Tribunal Court order **in execution petition set aside** that order of 22/08/2016 on 20/10/2016 and also the **salaries of the appellant authority and CCF-II were attached.**

(Order dated 20.10.2016 attached as annex-D)

4. That the appellate authority, **to release their salaries**, conducted personal hearing on 06/12/2016 and decided the departmental appeal of the appellant by upholding the decision of the CCF-I dated 22/08/2016, despite of the fact that the same order was already **set aside** by the August Tribunal Court on 20/10/2016.

(Office Order dated 13.12.2016 attached as annex-E)

5. That the appellant filed **3<sup>rd</sup> Service Appeal** No. 30/2017 against the order dated 13/12/2016 which was decided on 19/03/2018.

(Judgment Dated 19.03.2018 attached as annex-F)

6. That the CCF-II issued the show cause notice and thereafter called for personal hearing.

(Show cause notice attached as annex-G)

7. That the appellant submitted show cause notice reply.

(Show cause notice reply attached as annex-H)

8. That the appellant had appeared for hearing in person on 12/05/2018 in the office of the CCF-I Peshawar, and submitted written preliminary objections about ,Inquiry Proceedinds, inquiry findings and the impugned order issued by the **Incompetent authority without conducting the personal hearing.**

(Preliminary objections attached as annex-I, copy of Master Roll attached as annex-J, written report dated 13.06.2011 attached as annex-K, and Oath statement attached as annex-L)

9. That the concerned CCF-I in order to deviate from the clear cut direction as contained in judgment dated 19/03/2018, **passed an impugned letter de-novo inquiry dated 06/06/2018.** This act of the CCF-I is entirely based on malafide and the department is proceeding against the aforementioned judgment.

(Impugned Letter dated 06.06.2018 attached as annex-M)

10. That the CCF-I did not decide the above **written preliminary objections** through counter charge sheets and **issued exact pervious charge sheets once again.**

(Issued exact pervious charge sheets once again attached as annex-N)

11. That the appellant had submitted **Appeal for interim relief to the Appellate Authority** against the office letter No. 172, dated 06/06/2018 on dated: 10/ 07/2018 and not decided.

(Appeal for Interim Relief 10.07.2018 attached as annex-O)

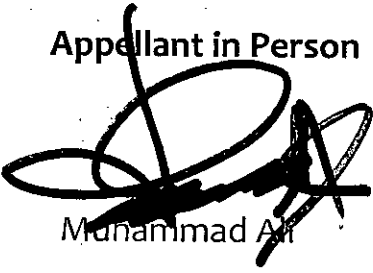
## GROUNDS

- A. That Sardar Muhammad Sultan, the then CCF-II was **incompetent authority who did not conduct any personal hearing** and issued impugned order directly.

- B. The appellate Authority failed to obey the judgment dated 16.02.2016. Therefore, it is proved that the order of compulsory retirement issued by the CCF-II was **factitious**”.
- C. That the respondents authorized Mr. Ameenul Islam SDFO Siran Forest Division Mansehra to attend the proceedings of the August Tribunal Court and he attended the court proceedings and gave arguments on behalf of the respondents on 19/03/2018. The same Judgment report was submitted to the respondents therefore the **date of knowledge is the same as the date of the judgment**.
- D. That the **complainants of the charge sheets that were accused** before issuing the charge sheet while concealing the facts thus making the inquiry proceedings against the law.
- E. That the CCF-I did not decide the above **written preliminarily objections** through counter charge sheets and **issued exact pervious charge sheets once again**.
- F. That the CCF-I **willfully violated and disobeyed the Judgment dated 19/03/2018**. The August Tribunal Court directed the **CCF-I to decide the same within 60 days** from the receipt of this judgment failing which the appellant shall be deemed to have reinstated in service. The issue of back benefits in case of reinstatement shall be subject to the rules on the subject.
- G. That the CCF-I **passed an impugned letter de-novo inquiry dated 06/06/2018**. This act of the CCF-I is entirely based on malafide and the department is proceeding against the aforementioned judgment.
- H. That the appellant submitted an appeal against the de-novo inquiry to the appellate Authority and did not decide the same appeal.
- I. That the appellant is having no other remedy then to file this Execution Petition.

The appellant Prays for the compliance/ Enforcement of the aforesaid Judgment/order dated 19/03/2018 of August Tribunal in letter and spirit and impugned order dated 25/08/2014 issued by incompetent authority may **very kindly be set-aside and appellant be reinstated with all back benefits**.

Appellant in Person



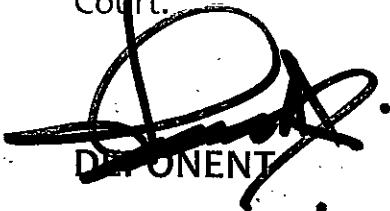
Muhammad Ali

Ex- Forest Range Office, Date: 03 / 11/2018, Cell No. 0315-3199931

Posting address: c/o Muhammad Hafeez (r) Divisional engineer Telephones near Degree college for Girls kunj ground Abbottabad

### AFFIDAVIT

Muhammad Ali s/o Anwar Ajaz Ali Ex-Range Forest Officer Kohistsan Water Shad Forest Division Besham, do hereby solemnly affirmed declare on Oath that all the contents of the accompanied Execution Petition are true and correct to the best of my knowledge and noting has been concealed or withheld from this Honorable Court.



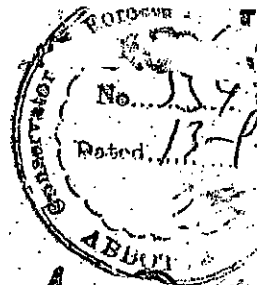
DEPONENT

03/11/2018



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT

Dated Pesh: 29<sup>th</sup> August, 2012



Annex A

**NOTIFICATION**

No.SO(Estt)Envt/I-41/2k12: In supersession of this department orders No.SO(Estt)Envt/1-14/2k11/2918-35 dated 3/10/2011, the Competent Authority is pleased to order establishment of three Forest Regions of the Chief Conservator of Forests, in the Khyber Pakhtunkhwa Forest Department with separate Headquarters, having distribution of official work as per following details:

#	Name of Forest Regions	Comprising Forest Circles	Location of Headquarters
1-	Central Southern Forest Region (Region-I)	Existing Southern Forest Circle covering Forest areas in Peshawar, Mardan, Kohat, Bannu, D.I.Khan Civil Divisions, Working Plan P&M Circle, Peshawar and Administration Control of the five Integrated Specialized Units (ISUs) located at Peshawar	Peshawar
2-	Northern Forest Region (Region-II)	Existing Lower Hazara Forest Circle, Upper Hazara Forest Circle and Watershed Forest Circle	Abbottabad
3-	Malakand Forest Region (Region-III)	Existing Malakand Forest Circle (East) and Malakand Forest Circle (West)	Mingora Saidu Sharif

2. The Chief Conservator of Forests, Central Southern Forest Region (Region-I), will continue as Head of Attached Department for all the three Regions of the Forests Department.

SECRETARY TO GOVT. OF  
KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT.

Enst: No.SO(Estt)Envt/I-41/2k12

Dated Pesh: 29<sup>th</sup> August, 2012

Copy is forwarded for information and necessary action to:-

- 1) PS to Minister for Environment, Khyber Pakhtunkhwa.
- 2) PS to Secretary Environment Department.
- 3) Chief Conservator of Forests, Central Southern Forest Region (Region-I), Khyber Pakhtunkhwa, Peshawar.
- 4) Chief Conservator of Forests, Northern Forest Region (Region-II), Khyber Pakhtunkhwa, Abbottabad.
- 5) Chief Conservator of Forests, Malakand Forest Region (Region-III), Khyber Pakhtunkhwa, Saidu Sharif Swat.
- 6) All Heads of Attached Department in Khyber Pakhtunkhwa.
- 7) Director Budget & Accounts Cell, Environment Department.
- 8) Chief Conservator of Forests, in Khyber Pakhtunkhwa, Forests Department.
- 9) All Directors ISUs in Forest Department.
- 10) Master file.
- 11) Office order file.
- 12) File No.SO(Estt)Envt/1-41/03/Bifurcation.

D.No. 195

(ASHFAQ KHAN)  
SECTION OFFICER (ESTT)

EA 514-20

Dated Peshawar the 6/9/2012

Copy forwarded for information and necessary action to the:-  
 Chief Conservator of Forests-II in Forest Department, Saidu Sharif Swat.  
 Chief Conservator of Forests -II, Mingora Saidu Swat.  
 All Conservators of Forests in Khyber Pakhtunkhwa.  
 All Directors in Khyber Pakhtunkhwa.  
 Divisional Forest Officer (P&D) Head Office Peshawar.  
 Sectional Officer Head Office Peshawar.  
 All Incharge of Branches in Head Office Peshawar.

CF  
13/9/2012

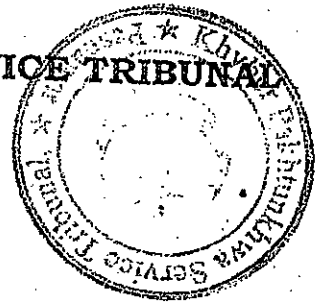
Attested  
 Lower Hazara Forest Circle  
 Abbottabad

CHIEF CONSERVATOR OF FORESTS-I  
 KHYBER PAKHTUNKHWA PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 100 /2015



Muhammad Ali s/o Anwer Ajaz Ali Ex-Range Forest Officer Kohistan

Water Shad Forest Division Besham Khyber

Pakhtunkhwa.....APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary to Government, Environment Department Khyber Pakhtunkhwa Peshawar.

2. Chief Conservator Forests, Northern Region-II, Abbottabad.

Deleted ③ Sardar Muhammad Sultan the then Chief Conservator Forests, Northern Region-II, Abbottabad.

4. Chief Conservator of Forests, Central Southern Forest Region (Region-I) Peshawar.....RESPONDENTS

Filed to day  
Registrar 14/15

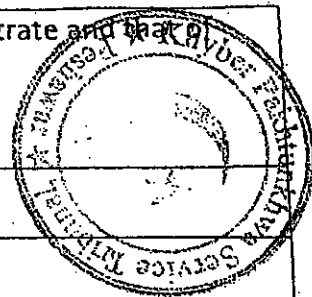
APPEAL UNDER SECTION NO 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 READ WITH SECTION 19 OF GOVERNMENT OF KHYBER PAKHTUNKHWA SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 2011 AGAINST THE OFFICE ORDER DATED 25/08/2014 WHEREBY APPELLANT HAS BEEN COMPULSORILY RETIRED FROM GOVERNMENT SERVICE UNDER WRONG/OUT-DATED PROVISION OF LAW (SPO

Re-submitted to day and filed  
Registrar 10/15

ATTESTED  
Registrar  
Khyber Pakhtunkhwa Service Tribunal

7

ate of Order proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
2	3



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CAMP COURT ABBOTTABAD.

SERVICE APPEAL NO. 100/2015

(Muhammad Ali-vs-Govt. of Khyber Pakhtunkhwa through Secretary Environment Department, Peshawar and others).

16.02.2016

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

Appellant in person and Mr. Muhammad Pervaiz, Range Forest Officer alongwith Mr. Muhammad Saddique, Senior Government Pleader for respondents present.

2. Muhammad Ali, Ex-Range Forest Officer, hereinafter referred to as the appellant, has preferred the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order 25.8.2014 vide which the appellant was compulsorily retired from service under the provisions of NWFP Removal from Service (Special Powers) Ordinance, 2000 on the allegations of involvement in illegal activities.

3. Brief facts giving rise to the present appeal are that the appellant was serving as Range Forest Officer, Kohistan Watershed Forest Division, Besham when subjected to inquiry on the allegations of corruption, misconduct and inefficiency and vide impugned order dated 25.8.2014 compulsorily retired from service where-against he preferred departmental appeal on 16.9.2014 which was not responded and hence the instant service appeal on 10.2.2015.



4. We have heard appellant in person as well as learned Senior Govt. Pleader on behalf of official respondents and perused the record.

5. The stance taken before us was that the impugned order was passed by the Chief Conservator of Forests, Northern Forest Region-II, Abbottabad who was not competent authority as the competent authority was the Chief Conservator of Forests, Central Southern Forest Region (Region-I) as reflecting in the Notification dated, 29th August 2012. This stance of the appellant as well as other grounds taken in departmental appeal were not decided by the appellate authority. The stance taken by the appellant is of far-reaching effect and we, therefore, deem it more appropriate to direct that the grounds taken by the appellant in departmental appeal shall be decided by the appellate authority at first instance within a period of 30 days from the date of receipt of copy of this judgment and if the appellant is still aggrieved of any such order of the departmental authority he may then re-agitate his grievances before the Tribunal in service appeal afresh. The appeal is disposed of in the above terms.

No order as to costs. File be consigned to the record room.

Sd/- Muhammad Azim Khan Afzidi,  
Chairman.

Sd/- Abdul Latif,  
Member

Certified to be true copy

ANNOUNCED  
16.02.2016

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application: 22-02-2016  
Number of Pages: 1200  
Copying Fee: 0  
Urgent: 0  
Total: 10  
Name of Copyist: [Signature]  
Date of Completion: 22-02-2016  
Date of Delivery of Copy: 22-02-2016

231-9  
22 90

OFFICE ORDER NO. 15 DATED PESHAWAR THE 22 /08 /2016  
 ISSUED BY MR. MUHAMMAD SIDDIQUE KHAN KHATTAK CHIEF  
 CONSERVATOR OF FORESTS CENTRAL SOUTHERN FOREST REGION-I  
 KHYBER PAKHTUNKHWA PESHAWAR

WHEREAS, Mr. Muhammad Ali the then Forest Ranger (BPS-16) was proceeded against under the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 for the charges as mentioned in the charge sheets and statement of allegations served upon the said Forest Ranger.

AND WHEREAS, Enquiry Committee, comprising of M/S Abdul Malik, Pir Qaim Shah and Rustam Khan DFOs were constituted to conduct the enquiries against the said accused Forest Ranger.

AND WHEREAS, the Enquiry Committee, after having examined the charges, evidence on record and explanation of the accused Forest Ranger, submitted its report.

AND WHEREAS, on report of the Enquiry Committee show cause notices were issued to the Forest Ranger, which were responded by him. On receipt of replies to the show cause notices of the Forest Ranger, which were not convincing and the charges against the accused (Forest Ranger) were established. The Chief Conservator of Forests Northern Forest Region-II Abbottabad issued compulsorily retirement order of the accused Forest Ranger vide office order No. 17 dated 25.08.2014. The issued order was challenged by the accused Forest Ranger through service appeal No. 100/2015 in Khyber Pakhtunkhwa Service Tribunal Peshawar. The Khyber Pakhtunkhwa Service Tribunal Peshawar vide order sheet dated 16/02/2016 remanded back the case to Secretary Government of Khyber Pakhtunkhwa Forestry Environment & Wildlife Department being appellate authority to dispose off his grievances.

NOW THEREFORE, in response to the advice of appellate authority vide No. SG(Estt)/FE&WD/1-43/2K-15/3327-28 dated 10/08/2016 the competent Authority (being head of attached department), after having considered the charges, evidence on record, findings of the enquiry committee, has been pleased to uphold the office order No. 17 dated 25/08/2014 for compulsorily retirement of the above Forest Ranger issued by then Chief Conservator of Forests Northern Forest Region-II Abbottabad.

Sd/-  
 (Muhammad Siddique Khan Khattak)  
 Chief Conservator of Forests  
 Central Southern Forest Region-I  
 Khyber Pakhtunkhwa Peshawar

No. 514-19 /E

Copy forwarded for information and necessary action to the:-

1. Chief Conservator of Forests Northern Forest Region-II Abbottabad.
2. Section Officer (Establishment) Government of Khyber Pakhtunkhwa Forestry Environment & Wildlife Department Peshawar
3. Director Budget & Accounts Government of Khyber Pakhtunkhwa Forestry Environment & Wildlife Department Peshawar.
4. Conservator of Forests Upper Hazara Forest Circle Mansehra.
5. Conservator of Forests Lower Hazara Forest Circle Abbottabad.
6. Mr. Muhammad Ali Ex-Forest Ranger. *C/O of Lower Hazara Circle, Abbottabad.*

Chief Conservator of Forests  
 Central Southern Forest Region-I  
 Khyber Pakhtunkhwa Peshawar

D-Office Orders

*Recd on 30/08/2016  
 in the office of the  
 Conservator of Forests  
 Lower Hazara Circle  
 A.S.M.*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Execution Petition 83 /2016  
In Service Appeal No. 100/2015



W.F. PESHAWAR  
Service Tribunal

Registry No. 532

Date 28-4-16

Muhammad Ali S/o Anwar Ajaz Ali Ex-Forest Officer  
Kohistan Water Shad Forest Division Beshan Khyber  
Pakhtunkhwa.

.....Appellant

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Secretary to Government, Environment Department Khyber Pakhtunkhwa, Peshawar
2. The Chief Conservator Forest, Northern Region-II, Abbottabad.
3. The Sardar Muhammad Sultan the then Chief Conservator Forest Northern Region-II, Abbottabad.
4. The Chief Conservator of Forests, Central Southern Forest Region (Region-I) Peshawar.

.....Respondents

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**EXECUTION PETITION TO DIRECT THE  
RESPONDENTS TO IMPLEMENT THE JUDGMENT  
DATED 16/02/2016, AND THE IMPUGNED ORDER  
DATED 25/08/2014 WHICH MAY KINDLY BE SET  
ASIDE AND THE APPELLANT BE RESTATED  
WITH ALL THE BACK BENEFITS.**

Education Petition No. 83/16/16  
Muhammad Ali vs Govt



20.10.2016

Petitioner in person and Mr. Aminul Islam, SDFO alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Copy of order dated 22.08.2016 submitted according to which the competent authority has decided the departmental appeal of the petitioner.

It is observed with concern that the appellate authority as well as the competent authority has decided the issue in the mode and manners destructive to the order of this Tribunal dated 16.02.2016. The said order cannot be therefore considered as an order passed in accordance with the judgment of this Tribunal. The judgment thus remained un-implemented. Salaries of respondents No. 1 & 2 are therefore attached. In case the respondents fail to decide departmental appeal in the mode and manners required then further coercive measures including detention in civil prison will be considered against the defaulting officer. To come up for implementation report on 22.12.2016 before S.B at camp court, Abbottabad.

Date of Presentation of the Petition: 26-10-16  
Number of Words: 882  
Copying Fee: 6  
Urgent: [initials]  
Total: [initials]  
Name of Copyist: [signature]  
Date of Completion: 28-10-16  
Date of Delivery: 02-11-16

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Sd/-  
Chairman  
Camp court  
Abbottabad

Registered.

Annex E



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

NO.SO(Estt)/Env/I-5/06/MF 3965  
Dated Peshawar: 13<sup>th</sup> December, 2016

To

Mr. Muhammad Ali,  
Ex-Forest Range Officer,  
Near Aaj Newspaper,  
Kehal Abbottabad.

**Subject: - APPEAL/REQUEST FOR JUSTICE**

I am directed to refer to your appeal dated 16<sup>th</sup> September, 2014 relating to setting aside the impugned order No: 17, dated 25<sup>th</sup> August, 2014 issued by the Chief Conservator of Forests Region-II, Abbottabad, imposing therein major penalty of compulsorily retirement from Government service upon you keeping in view the findings/recommendations of the Inquiry Committees, which has also been ~~the chief conservator of forests-I, Peshawar~~ Head of the Attached Department being competent authority in terms of Rule-4 (1) (c) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide office order No: 15 dated 22<sup>nd</sup> August, 2016.

2) Nevertheless, in compliance of the judgments/orders of the Khyber Pakhtunkhwa Service Tribunal dated 16<sup>th</sup> February, 2016 & dated 20<sup>th</sup> October, 2016, the worthy Secretary, Forestry, Environment & Wildlife Department, Government of Khyber Pakhtunkhwa/Appellate Authority afforded an ~~hearing opportunity~~ to you on 06<sup>th</sup> December, 2016 to produce evidence/documents in defense against to the allegations framed in the inquiry reports as well as charge sheet, but you have badly failed to satisfy/convince the Appellate Authority in this regard.

3) In view of the above, the Appellate Authority has been pleased to reject your referred appeal dated 16<sup>th</sup> September, 2014 being devoid of merits & no legal grounds/footing/unsupportive/lacks of considerable evidence/facts.

**Endst: No: & date even**

Section Officer (Estt)

Copy is forwarded for information to:-

1. Registrar, Khyber Pakhtunkhwa Services Tribunal, Peshawar w/r to his judgments referred to above with the request to advise the Accountant General, Khyber Pakhtunkhwa for issuance of necessary directions to Manager National Bank of Pakistan, Peshawar Cantt to credit the salary of Mr. Syed Nazar Hussain Shah, Secretary, FE&W department to the Bank Account No: 5454-3, Branch Code 230986, NBP Civil Secretariat Branch, Peshawar.
2. Account Officer, Accountant General, Khyber Pakhtunkhwa, Peshawar w/r to his letter No: AG-KP/PR-08/201-2017/238-42, dated 29<sup>th</sup> November, 2016 for similar necessary action.
3. Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar.
4. Manager, National Bank of Pakistan, Peshawar Cantt.
5. Director, Budget & Accounts, FE&W department, Khyber Pakhtunkhwa.
6. PS to Secretary Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa.

Section Officer (Estt)

13

13

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CAMP COURT ABBOTTABAD.

Appeal No. 30/2017

Date of Institution ... 16.01.2017

Date of Decision ... 19.03.2018



Muhammad Ali s/o Anwar Ajaz Ali Ex-Range Forest Officer Kohistan Forest Water  
Shed Forest Division Besham Khyber Pakhtunkhwa.

... (Appellant)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary to Government, forestry,  
Environment and Wildlife Department Peshawar and 2 others.

... (Respondents)

APPELLANT

--- *Pro se.*

MR. USMAN GHANI,  
District Attorney

--- For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. AHMAD HASSAN,

... CHAIRMAN  
... MEMBER(Executive)

**ATTESTED**

*[Signature]*  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

JUDGMENT


NIAZ MUHAMMAD KHAN, CHAIRMAN:- Arguments of the learned  
counsel for the parties heard and record perused.

FACTS

2. The appellant was compulsorily retired on 25.08.2014 against which he filed  
departmental appeal on 16.09.2014 which was not responded to and thereafter the  
appellant filed a previous service appeal on 14.01.2015 which was decided on  
16.02.2016. This Tribunal vide order dated 16.02.2016 by accepting appeal of the  
appellant directed the departmental appellate authority to decide the pending appeal  
within a period of 30 days and in case any fresh order was passed by the  
departmental appellate authority then the appellant was given the right to re-agitate

through another service appeal. After this judgment the departmental appellate authority referred the matter to Chief Conservator-1 for deciding the disciplinary proceeding against the appellant (being competent authority). The reason for this direction to the C.C-1 was on the ground that this Tribunal in the said judgment observed that the final order of compulsory retirement was passed by C.C-2 who was not competent authority. Before the order of the C.C-1 dated 22.08.2016 the appellant had filed an execution petition in this Tribunal for the execution of the judgment dated 16.02.2016. During pendency of that execution petition the C.C-1 passed the order dated 22.08.2016 by upholding the earlier order passed by C.C-2 dated 28.08.2014. But when this order was passed by C.C-1 on 25.08.2016 this Tribunal in the said execution petition directed the appellate authority to decide the appeal referred to the departmental appellate authority and set aside the order of C.C-1 dated 22.08.2016. On this the departmental appellate authority passed an order on 13.12.2016 upholding the order of C.C-1. The appellant then withdrew the execution petition on 22.12.2016 in order to challenge the said order through regular service appeal and then he filed the present service appeal on 16.01.2017.

ATTESTE

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ARGUMENTS

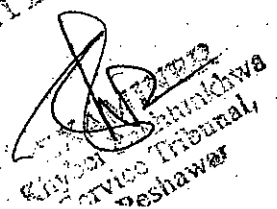
3. The appellant *pro se* argued that the present impugned order passed by C.C-1 dated 22.08.2016 was again passed without affording him personal hearing and without issuing him the show cause notice. That he was provided personal hearing by the departmental appellate authority and the order of the departmental appellate authority maintaining the order of C.C-1 dated 22.08.2016 was illegal.
4. On the other hand learned District Attorney argued that the present service appeal of the appellant was time barred. He vehemently argued that in the judgment of this Tribunal dated 16.02.2016 department was given 30 days period for decision

of the departmental appeal and when the departmental appeal was not decided within the specified period the appellant had only more 30 days to file the present service appeal. But the appellant filed the present service appeal after ten months of the judgment of this Tribunal. He further argued that the appellant had been pursuing his remedy in execution petition which was a wrong forum which could not enlarge the period of limitation. In this regard he relied upon the judgment of august Supreme Court of Pakistan reported as PLD 2016 Supreme Court 872. He next contended that the C.C-1 was the competent authority and he had rightly imposed the penalty from the stage where it was left by his predecessor i.e C.C (Chief Conservator) as at that time there was only one Chief Conservator when the proceedings were initiated against the appellant.

#### CONCLUSION.

5. This Tribunal is first to decide the question of limitation as raised by the learned District Attorney. The judgment dated 16.2.2016 gave thirty days time to the departmental appellate authority for decision of the departmental appeal which he failed to do within the specified time. There is no law whereby a direction issued by the Tribunal for decision of departmental appeal within specified time would be deemed to be a *terminus a quo* for the purpose of limitation. Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 covers only departmental remedy availed by the civil servant himself and not the departmental remedy on the direction of the Service Tribunal. Be as it may, the point as raised by the learned District Attorney is hypertechnical and judgment relied upon by the appellant of the august Supreme Court of Pakistan saves all those appeals due to bonafide mistake in choosing proper forum. This Tribunal is, therefore, of the view that the appellant cannot be deprived of his legal right on the basis of such hypertechnical ground. If this argument is

ATTESTED

  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



granted then what would be the legal effect of orders of C.C-1 after six months and order passed by the departmental authority after nine months instead of thirty days. The appellant in order to get the judgment of this Tribunal implemented filed execution petition and it was only after issuing coercive measures by this Tribunal that the departmental authority passed the orders after six months and then nine months.

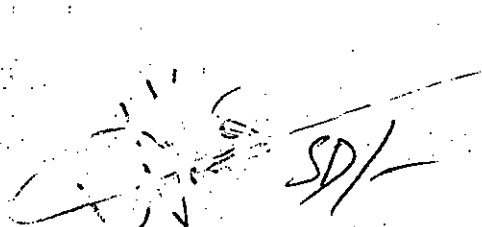
6. Now the moot question is whether the departmental appellate authority did attend to the observations made by this Tribunal in the judgment dated 16.2.2016 in P-19 which it was observed that CC-2, perhaps lacks the powers to issue the orders and departmental appellate authority was directed to apply his mind and then specifically decide this issue. But the departmental appellate authority, perhaps after reaching the conclusion that it was the C.C-1 who could pass the order referred the matter to C.C-1 who passed the order by maintaining the same penalty vide order dated 22.08.2016. Again this Tribunal in execution petition set aside that order of P-22 22.08.2016 on 20.10.2016 directing the departmental appellate authority to meet the P-23 spirit of the judgment dated 16.02.2016. The departmental appellate authority while - P-25 deciding the appeal did not answer the question of the issue of competency of C.C-1 or C.C-2 and only rejected the departmental appeal of the appellant by upholding the decision of C.C-1 dated 22.08.2016. Paradoxical situation is that order of 22.08.2016 was set aside by this Tribunal on 20.10.2016 then how could the departmental appellate authority uphold the order which was set aside by this Tribunal. Secondly, if this is taken to be a technical ground in favour of the department then the departmental appellate authority himself accepted that it was not C.C-2 but C.C-1 who was the competent authority. The whole proceedings up to the enquiry were made on the orders of the competent authority (Chief Conservator) but from the stage of submission of the enquiry report to C.C-2 (incompetent

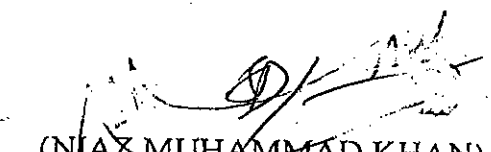
**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal.

authority) the whole proceedings vitiated thereafter. The C.C-1 was then required to have seized the matter from the stage of submission of enquiry report. The next step was to issue show cause notice to the appellant tentatively deciding the imposing of penalty or otherwise by asking him to submit reply of the said show cause notice. And then should have afforded him personal hearing and thereafter should have decided the same. But the C.C-1 did not issue show cause notice etc.

7. This Tribunal reaches the conclusion that the proceedings before the C.C-1 culminating into order dated 22.08.2016 cannot be sustained in the eyes of law nor the departmental appellate authority could maintain the said order. The C.C-1 is therefore, directed to resume the proceedings from the stage as mentioned above and decide the same within 60 days from the receipt of this judgment failing which the appellant shall be deemed to have been reinstated in service. The issue of back benefits in case of reinstatement shall be subject to the rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.

  
(AHMAD HASSAN)  
MEMBER

  
(NIAZ MUHAMMAD KHAN)  
CHAIRMAN  
CAMP COURT ABBOTTABD.

ANNOUNCED  
19.03.2018

Certified to be true copy

  
E. M. KHAN  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 30-3-18  
Number of Words 2000  
Copying Fee 12  
Urgent 2  
Total 14  
Name of Copyist [Signature]  
Date of Completion of Copy 30-3-18  
Date of Delivery of Copy 30-3-18

Annex - G

Chief Conservator of Forests Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar		Shami Road Peshawar Ph: 091-9212177 Fax # 9211478 E-mail: <a href="mailto:ccfforests.pesh@gmail.com">ccfforests.pesh@gmail.com</a>
No. <u>3922</u> /E	Dated Peshawar the <u>10</u> /04/2018	

To

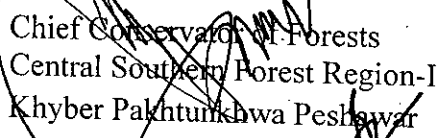
✓  
Muhammad Ali,  
Ex-Range Forest Officer,  
C/O Divisional Forest Officer  
Siran Forest Division Mansehra

**Subject: - ENQUIRY PROCEEDINGS AGAINST MUHAMMAD ALI EX-RANGE FOREST OFFICER SHOW CAUSE NOTICE THEREOF.**

Memo:-

Enclosed please find herewith a Show Cause Notice with the directives to furnish reply to the charges contained therein within the prescribed period for further course of action as per rules.

Encl: As above.

  
Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar

No.            /E,

Copy in continuation of this office letter No.3827-29/E, dated 30/03/2018 alongwith Show Cause Notice forwarded to the:-

1. Chief Conservator of Forests Northern Forest Region-II Abbottabad for information and necessary action.
2. Divisional Forest Officer Siran Forest Division Mansehra. He is requested to deliver the Show Cause Notice to the accused Forest Ranger under proper receipt which may be sent to this office for further necessary action and record.

Enc: As above.

Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar

## SHOW CAUSE NOTICE

I, Muhammad Siddique Khan Khattak, Chief Conservator of Forests, Central Southern Forest Region-I, Khyber Pakhtunkhwa Peshawar as competent Authority, under the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 do here by serve you, Muhammad Ali Range Forest Officer (BPS-16) as follows :-

1.
  - I) That consequent upon the completion of enquiry conducted against you by the Enquiry Committees, for which you were given opportunity of hearing and
  - II) On going through the findings and recommendations of the Enquiry Committee, the material on record and other connected papers including your defence before the said Enquiry Committees.

I am satisfied that you have committed the following acts/omissions specified in Section-3 of the said Ordinance.

- (a) Inefficiency.
- (b) Guilty of Misconduct.

2. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of compulsory retirement under Section-3 of the said Ordinance.

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

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

5. A copy of the findings of the enquiry committees are enclosed.

Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar

To:

The Chief Conservator of Forest  
Central South Forest Region-I  
Khyber Pakhtunkhwa Peshawar.

Subject: REPLY ENQUIRY PROCEEDINGS AGAINST MUHAMMADALI FOREST  
RANGE OFFICER SHOWCAUSE NOTICE THEREOF.

Memo : Letter No : 3922/E dt : 10/04/2018

Respected Sir,

1. That the August Tribunal Judgement dated: 19 /03 /2018 in Para No 7 directed the Competent Authority to resume the proceedings from the stage as mentioned.
2. That I have submitted arrival report on 30/03/2018 in accordance with the Judgement order Dated 19/3/18 passed by the honourable KPK Service Tribunal Court Abbottabad wherein the service appeal No 30/2017 was accepted and the impugned Orders No 17 dated 25/08/2014, No. 15 dated 22/08/2016 and new impugned order No. SO(Estt) Env/1-5/06/M7 3965 dated Peshawar 13/12/2016 issued by Departmental Authorities were set aside. Para No 6.
3. That in accordance with the E&D Rules 2011 Rule 14, the Competent Authority shall issue a showcause notice to the accused.
4. That the Para No 6 of the judgement of the honourable Tribunal dated 19/3/2018, the August KPK Service Tribunal Camp Court Abbottabad in execution petition set-aside the order of 22/08/2016 on 20/10/2016 and directed to the departmental appellant authority to meet the spirit of the judgement dated 16/02/2016.

#### 1<sup>st</sup> Inquiry Pattan Forest Sub-Division

5. (a) The appellant was posted at Battal, Forest Range before issuing charge sheet. That the Factual Scenario was that one day three(3) Trucks loaded with timber along with challans which has wrong Depot Named, as per law stopped that Trucks at Barrier for legal proceedings. In spite respective owner of that timber, the then DFO Mr. Azhar along with prosecutor Mr. Farhad Sajid the then SDFO, lower kohistan forest division came to the barrier and said that it was the clerk's mistake to let them go. The appellant requested to correct the Depot name before departure. The then DFO Mr. Azhar and prosecutor took it personally when the appellant refused their request. Therefore they lodged a charge sheet on basis on a time barred complaint against the appellant by ignoring the witness Mr. Saif-Ur-Rehman forest guard (in charge

depot) which only damaged the appellant (and witness used which as a party against the appellant).

(b) That it came into the notice of the appellant after one year of transfer, which complained money Rs. 36,700/- on the account of the daily labours employed for watch and ward of timbers lying in timber depot Dargai was not paid by the witness Mr. Saif-Ur-Rehman forest guard (the then concerned in charge of that timber depot). The appellant proceeded to Dargai timber Depot for re-payment of cash to the complainants once again but they refused to receive the said amount.

6. That the witness was called for inquiry proceeding on 27/11/2010 for evidence recording and same day the member inquiry committee Mr. Abdul Malik the then Principal Sarhad Forest School Abbottabad was absent and the chairman inquiry committee alone carried out the inquiry proceedings, therefore, the inquiry Report/ Findings is not in accordance with the provision of Law, and also the facts were concealed.

7. That the proceeding on 27/11/2010 the original respective complainants/ Chowkidars were absent, therefore, the complainant/evidences were neither recorded their personal losses by inquiry committee and nor Cross-examined by the appellant in accordance with the provision of Law, in the inquiry Report/ Findings. Thus the facts were concealed and the Charge was not proved against the appellant.

8. a) That the appellant still made sure on Oath that Money amounting Rs= 36,70/- on the account of Pay daily labours employed for watch and ward of timbers lying in timber Depot Dargai was paid to witness Mr. Saif-Ur-Rehman Forest Guard (the then concerned incharge of that timber Depot), the witnesses/evidences were neither recorded on Oath by inquiry Committee nor Cross-examined by the appellant in accordance with the provision of Law, and the facts were concealed, therefore, as per inquiry findings Para No 5 the charge was not Proved in accordance with the provision of Law.

b) That the proceeding on 27/11/2010, as a protest, appellant did not sign the order sheet and stated the inquiry officer Mr. PirQayam shah the then DFO kohistan water Shad to make himself as a Justice not a party. Therefore, in the absence of member inquiry committee, the Natural Justice was not achieved accordingly.

9. That an amount Rs. 36,800/- Forest Advance was paid to Saifur Rehman Forest Guard as per routine for onward payment of same to the watch and ward chowkidars. Signs / Receipt of the same was taken from Saif Ur Rehman Forest Guard on said M-Rolls. The said Forest Guard assured that he will get signatures or thumb impressions of the concerned chowkidars accordingly. However, one of the M Rolls for the month of June 2008 issued by Qazi Shabir, the then SDFO Pattan, remained unsigned by respective chowkidar. But surprisingly, despite of the same nature of allegation, no charge sheet was issued to the Qazi Shabir the then SDFO Pattan. The liability of tiny deficiency in fulfilling the codral formalities clearly lies upon the respective DFO (being the sanctioning authority) and Divisional Accountant. (Annexure A M. Role for the Month of June 2008, July 2008, August 2008, September 2008).
10. That Mr. Abdul Malik, the then DFO of Lower Kohistan Forest Division, being drawing officer, issued series of cheques for Pattan Sub Division for expenditures and maintained Divisional Monthly Cash Account against the issuing cheques (F.A) to complete all the codral formalities and certified that Cr side and Dr side is equal resulting in zero cash balance in respective F.A, showing no Government loss. (Annexure B Memo for funds for the Month of June 2008, up to Feb 2009 and also can be seen from Divisional Cash Account).
11. That, Mr. Abdul Malik, the then DFO was also deputed as inquiry Member for the subject mater. and during inquiry proceeding on 27/11/10, the aforesaid DFO and complaint were found absent as per order sheet. Only Saifur Rehman Forest Guard was present and his written statement was not recorded nor was cross examined by the appellant. To fill up the above lacuna, Mr. Abdul Malik DFO (as an inquiry member) signed the Inquiry Report while having the knowledge of 'No Govt loss' as per record shown in master roll vouchers. In addition, as per Forest Manual Book page 281-279 the Forest advance remained balance is required to be shown on Form No. 13 which was not provided. (Copy of Forest Manual Book rules attached as annexure "C").
12. (i) That the respondents fail to explain/reply this para, in fact the appellant had to proceed to Dargahi Forest depot for repayments of cash to the complaints once again but they refused to receive the said amounts.
- (ii) Furthermore, as after the booking of that respective Master rolls vouchers against the Forest advance (FA) in Divisional cash account,



the amount of F.A. Rs. 36,800/- become zero. Therefore, there is no question of establishing the account of embezzlement of Govt money (Except Form No 13 maintains the Forest Advances). (NOC's FIR Page No 23 to 28 attached as annexure "D")

(iii) That the respondent in this Para says that the appellant has been charged in inquiry report on the account of embezzlement of Govt money worth Rs.36,700/- which is established charge. However, the responsibility of checking the master rolls before sanction rests upon the concerned DFO and Divisional Accountant. (Annex Forest Manual Vol-I Page No. 305 attached as annexure "E").

(iv) Secondly, the inquiry committee did not record the statement of respective chowkidar / complainant and nor was cross examined by the appellant (KPK Government Servant Rules (E & D) 2011, Rule 11 sub-rule (i)).

In order to make sure the conduct of an impartial enquiry, the Witnesses and relevant record (which were missing in the earlier enquiry sessions) are required to be presented before the competent authority.

Witness No: 1. Mr. Haroon Forest Gourd Battal Forest Range, 2. Mr. Saif-ur-Rehman Forest Gourd Petrol Squared, Mansehra, 3. Mr. Aamin Dargi, 4. Mr. Nawaz s/o Gul Nawaz, 5. Mr. Hazrat s/o Taj Muhammad.

## 2<sup>nd</sup> Inquiry Upper Siran Forest Sub Division

13. That what was the legal action taken on the written report submitted by appellant being SDFO Upper siran forest sub Division as the written report was for 400 Cft Deodar wood Govt loss to the Dr. Naseem Javeed, the then Conservator of Forest Lower Hazara Circle Abbottabad against the concerned DFO the then DFO Siren (Report Dated 13/06/2011 see on page No: 31 attached as annexure "G").

14. (a) News Paper clipping attached at Page No. 35, 36 of the Service Appeal (attached as annexure "F")

(b) That the written application of the appellant is self-explanatory. (see Page No. 32 to 36 and 52 to 60 of the service appeal and this record had been given during the personal Hearing which can be seen at the Note sheet para No 57, and the Sardar Muhammad Sultan, the then CCF-II denied this defensive record in the impugned order attached as annexure "H").





15. That, the appellant submitted report dated 13/06/2011 to the CF Lower Hazara against the said DFO. Even then, the CF being not a competent authority of the appellant and to protect the said DFO against Govt loss, issued an order on 02/07/2011 and attached the appellant with the Patrol Squad Forest Division Abbottabad. (see Page No. 32 and 36 of the service appeal attached as annexure "I").

18. That, the inquiry proceeding was conducted only by the Chairman Inquiry Committee who recorded the statement of Prosecutor, cross examined the respective statement and at the end no evidence was provided by the prosecutor against the appellant for the Govt loss. However, surprisingly, the chairman inquiry committee imposed major penalty only on the basis of plain allegations and witnesses. (Statement of Prosecutor is attached).

16. That, the appellant told the factual scenario to Mr. Zafar Ali the then DFO Petrol Squad Member of inquiry committee after that he did not join the inquiry proceeding nor signed the inquiry report. Therefore, the inquiry report is null and void. (See Page No. 38 and 48 of the service appeal attached as annexure "j").

17. (a) That, if the mentioned DFO were innocent, the respondents should have done it through proper inquiry and proceedings.

(b) That the prosecution was failed to prove their allegations as well as any Government loss.

(c) That the prosecution was responsible to prove their allegations through witnesses.

18. That the Departmental Authorities failed to conduct preliminary inquiry against the DFO Ejaz Qadir. The Govt loss of 400 Cft Deodar wood was reported but taking no action against the same shows respondents' biased attitude against the Government loss.

19. That the appellant submitted an appeal to the appellant authority against the personal hearing and Govt loss but no action was taken. (Attached as annexure "K").

In order to make sure the conduct of an impartial enquiry, the Witnesses and relevant record (which were missing in the earlier enquiry sessions) are required to be presented before the competent authority.

Witness No: 1. Dr. Naseem Javeed (Ret) The Then Conservator of Forest, 2. Mr. Nasar RFO Petrol Squared Abbottabad, 3. Mr. Arshad Forest Gourd Agror Tanawal Forest, 4. Mr. Arshid Forest Gourd Siran Forest Manshehra.

With Regards,


Muhammad Ali Ex-Forest Range Officer Abbottabad 0315-3199931

ums-63646722

No. 331 - 28 April  
C.F. - I. Rashid

25



Chief Conservator of Forests Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar		Shami Road Peshawar Ph: 091-9212177 Fax # 9211478 E-mail: cciforests.pesh@gmail.com
No. /E	Dated Peshawar the 07 /05/2018	
To		

Muhammad Ali,  
Ex-Range Forest Officer,  
C/O Divisional Forest Officer  
Galies Forest Division Abbottabad

Subject: - **ENQUIRY PROCEEDINGS AGAINST MUHAMMAD ALI EX-RANGE FOREST OFFICER-SHOW CAUSE NOTICE THEREOF.**

Memo:- Reference your reply to the Show Cause Notice dated 26/4/2018

Please attend this office on 11/5/2018 at 1100 hours for personal hearing in the subject enquiry.

Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar

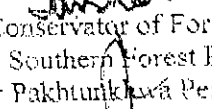
No. 4361-64 /E.

Copy forwarded to:-

1. Chief Conservator of Forests Northern Forest Region-II Abbottabad for information.
2. Divisional Forest Officer Siran Forest Division Mansehra.
3. Divisional Forest Officer Lower Kohistan Forest Division Pattan.

They are requested to depute departmental representatives from their Divisions well conversant with the relevant record on the above date and time most positively, so that the subject enquiry could be finalized.

4. Divisional Forest Officer Galies Forest Division Abbottabad. A copy meant for the addressee is enclosed herewith which may be delivered to him at his home address under proper receipt and send to this office for record by return through FAX.

  
Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar

To  
The Chief Conservator of Forest  
Central South Forest Region-I  
Khyber Pakhtunkhuwa Peshawar.

Subject: PRELIMINARY OBJECTION BEFORE PERSONAL HEARING ON 11/05/2018.

Memo : Letter No : 4361--64 /E dt : 07/05/2018

Respected Sir,

- That Sardar Muhammad Sultan, the then CCF-II was incompetent authority who did not conduct any personal hearing and issued impugned order directly. ( Note Sheets Page No. 341 upto 350, Notification Dated 29 August 2011, ) *P-16 - 35, 57, 60, 65, 68, 78 P-17, 18 P-07 Sardar*
- That the Ex- Officer retired and Proceedings against under E&D Rules can not imposed by any authority until, to reinstate in service.
- That in accordance with the E&D Rules 2011 Rule 14, the Competent Authority shall issue a showcause notice to the accused'.
- That the Para No 6 of the judgement of the honourable Tribunal dated 19/3/2018, the August KPK Service Tribunal Camp Court Abbottabd in execution petition set-aside the order of 22/08/2016 on 20/10/2016 and directed to the departmental appellant authority to meet the spirit of the judgement dated 16/02/2016.
- That the both Inquiries were not conducted in accordance with the Law and Facts. ( Procedure E&D Rules 2011 Dated 28th March 2014 ) *P-31 Para-5 (a)*

**1st Inquiry Pattan Forest Sub Division**

1. That the witness was called for inquiry proceeding on 27/11/2010 for evidence recording and same day the member inquiry committee Mr. Abdul Malik the then Principal Sarhad Forest School Abbottabad was absent and the chairman inquiry committee alone carried out the inquiry proceedings, therefore, the inquiry Report/ Findings is not in accordance with the provision of Law, and also the facts were concealed.



2. That the proceeding on 27/11/2010 the original respective complainants/ Chowkidars were absent; therefore, the complainant/evidences were neither recorded their personal losses by inquiry committee and nor Cross-examined by the appellant in accordance with the provision of Law, in the inquiry Report/ Findings. Thus the facts were concealed and the Charge was not proved against the appellant. P-40 Dated - 14/5/18
3. That an amount Rs. 36,800/- Forest Advance was paid to Saifur Rehman Forest Guard as per routine for onward payment of same to the watch and ward chowkidars. Signs / Receipt of the same was taken from Saif Ur Rehman Forest Guard on said M-Rolls. The said Forest Guard assured that he will get signatures or thumb impressions of the concerned chowkidars accordingly. However, one of the M. Rolls for the month of June 2008 issued by Qazi Shabir, the then SDFO Pattan, remained unsigned by respective chowkidar. But surprisingly, despite of the same nature of allegation, no charge sheet was issued to the Qazi Shabir the then SDFO Pattan. The liability of tiny deficiency in fulfilling the codral formalities clearly lies upon the respective DFO (being the sanctioning authority) and Divisional Accountant. (Annexure: A M. Role for the Month of June 2008, July 2008, August 2008, September 2008). P-48 upto 51
4. That Mr. Abdul Malik, the then DFO of Lower Kohistan Forest Division, being drawing officer, issued series of cheques for Pattan Sub Division for expenditures and maintained Divisional Monthly Cash Account against the issuing cheques (F.A) to complete all the codral formalities and certified that Cr side and Dr side is equal resulting in zero cash balance in respective F.A, showing no Government loss. (Annexure: B Memo for funds for the Month of June 2008, up to Feb 2009. and also can be seen from Divisional Cash Account). P-47 - P-40
5. That furthermore, as after the booking of that respective Master rolls vouchers against the Forest advance (FA) in Divisional cash account, the amount of F.A. Rs. 36,800/- become zero. Therefore, there is no question of establishing the account of embezzlement of Govt money (Except Form No 13 maintains the Forest Advances). (NOC's FIR Page No 23 to 28 attached as annexure "D").
6. Secondly, the inquiry committee did not record the statement of respective chowkidar / complainant and nor was cross examined by the appellant. (KPK Government Servant Rules (E & D) 2011, Rule 11 sub rule (i)).

2nd Inquiry Upper Siran Forest Sub Division

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1. That what was the legal action taken on the written report submitted by appellant being SDFO Upper siran forest sub Division as the written report was for 400 Cft Deodar wood Govt loss to the Dr. Naseem Javeed, the then Conservator of Forest Lower Hazara Circle Abbottabad against the concerned DFO the then DFO Siren (Report Dated 13/06/2011 see on page No. 31 attached as annexure "G"). P-39
2. That, the inquiry proceeding was conducted only by the Chairman Inquiry Committee who recorded the statement of Prosecutor, cross examined the respective statement and at the end no evidence was provided by the prosecutor against the appellant for the Govt loss. However, surprisingly, the chairman inquiry committed imposed major penalty only on the basis of plain allegations and witnesses. (Statement of Prosecutor can seen on the inquiry File). P-Statement of Prosecutor -
3. That, the appellant told the factual scenario to Mr. Zafar Ali the then DFO Petrol Squad Member of inquiry committee after that he did not join the inquiry proceeding nor signed the inquiry report. Therefore, the inquiry report is null and void. (See Page No. 38 and 48 of the service appeal attached as annexure "j"). P-54 - P-66
4. That the prosecution was failed to prove their allegations as well as any Government loss.
5. That the Departmental Authorities failed to conduct preliminary inquiry against the DFO Ejaz Qadir . The Govt loss of 400 Cft Deodar wood was reported but 'taking no action' against the DFO Ejaz Qadir.
6. That the appellant submitted an appeal to the appellant authority against the personal hearing and Govt loss but no action was taken. (Attached as annexure "K"). P-72 - Note sheet -

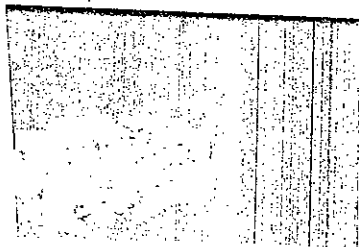
With Regards,

Muhammad Ali Ex-Forest Range Officer Abbottabad

0315-3199931 Date 11/05/2018

Received the above  
11/05/2018

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Annex - J

Muster Roll of work people employed on

the month of

June 2008

No	Name	Place of which inhabitant	Days																															Rate		Per Amount	Deduction of times, etc.	Balance due	Initials of the person making payment with date	Signature of Officer Division							
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31														
			x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		Rs.	Ps.	Rs.	Ps.	Rs.	Ps.								
			x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		Rs.	Ps.	Rs.	Ps.	Rs.	Ps.							

Handwritten notes in Urdu script, possibly indicating specific details or corrections related to the entries in the table.

Handwritten notes in Urdu script, possibly indicating specific details or corrections related to the entries in the table.

Certificate is certified that the said Staff M. Roll have been checked by me on 27/6/2008 and found correct and M. Roll is correct according to my knowledge hence M. Roll is submitted for F/O approval please -

Amounted Rs. 4500/-  
(Rupees Four thousand & Five Hundred only)

Divisional Forest Officer  
Lower Kohistan Forest Division  
Pattan

بذمت کمشنر پبلک سہاگہ لوہری بارہ سیکل ایک ایک

صبا - عالی

گزارش ہے کہ آج سے تقریباً 2 ہفتے پہلے

20 ڈسمبر میں غیر قانونی ٹکڑ لوڈ جو کہ دو میں سے پہلے

اخراج سے پہلے اطلاع پر بیٹوری سے مندرجہ سٹاف جمع کر رکھی

اسی دوران صبا ڈی ایف او صاحب سپرن کما فون آپ کے آئے تھے

تک کہ کنویں روک لی۔ ان ڈسمبر کو جمعہ دو پہلے جاننے والے

تھے۔ جس پر صبا نے اٹکار کیا کہ صبا ٹکڑ پہلے دو میں سے ادائیگی

کیوں۔ اور صبا نے کہی گئی۔ اس کی وجہ سے نامی اور قانونی کارروائی

عمل میں آئے گی۔ اس بات پر صبا ڈی ایف او صاحب نے کہا کہ اس

سرکاری گاڑی لوڈ سٹاف کو ان ڈسمبر سے ساتھ کھینچ دو۔ اس طرح کہی

کو سزا نہیں ملے گی۔ صبا ڈی ایف او صاحب نے بھی خود ساتھ سے فون

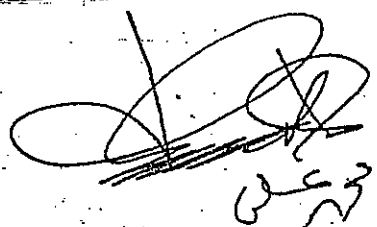
پر بات کی تھی کہ یہ ٹکڑ جمعہ دو۔ اس طرح وہ اس بات پر

جمعہ ہی پہلی کہ جب ڈی ایف او صاحب نے کہا کہ یہی عزت کا حکم

ہے۔ صبا نے نامی نامی کہی۔ یہ ساتھ صبا ہی کرو۔

لیذا صبا نے وہ ڈسمبر غیر قانونی ٹکڑ والے (ازختم دہودار)

تقریباً مقدار 400 ٹھوس ڈی ٹھک۔ رلوٹ ٹھہری۔



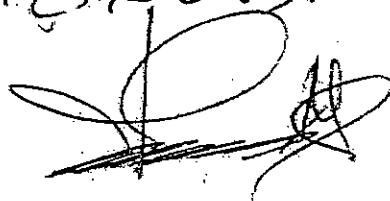
اس ڈی ایف او سپرن بیٹوری

خدمت صاحب چیف کنزرویٹو صاحب نادریں رحمن - آئی KPK لاہور  
مفتوحہ روز سنہ ہجرت 14/05/2018

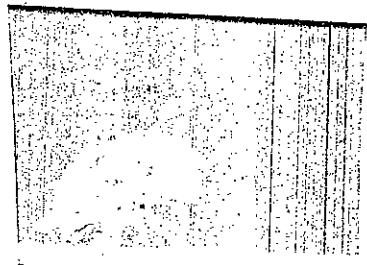
بیان حلفی

یہ کہ میں مسی محمد علی ولد الراجحی علی امینہ کو صاحبہ ناظر جان  
کے ساتھ لڑائیوں - کہ میں سٹول کے چوکیداری (1) نڈلوانز ولد گل خان  
اور چوکیداری حضرت محمد ولد تاج محمد مکہ درگٹھ - کی چوکیداری  
بابت بیک - از سال چودہویں 2008ء آگست 2008ء اور ستمبر 2008ء  
میں 36,700/- روپے دی - یہ بیان میں مسجد میں خیران حکم برپا تھا کہ  
کردنیوں -

السید  
13101-5378748-5  
لہر قوام  
14/05/2018

محمد علی صاحب القریعہ  


محمد علی  
14/5/18





بخدمت جناب چیف کنزرویٹو صاحب نادرن ریجن KPR I لاہور

مفتی، پرنسپل ہسپتال ورنہ 14/05/2018

جناب عالی!

درخواست برادر دیاہ انکوٹری بابت فقالتی حاصل کیے گئے ہیں۔

یہ کہ آج جناب کے حکم کے مطابق سائن اور سیف الرحمن

فارسیگار کی چوکھاروں کے بیانات بمطابق قرآن مجید، حلفاً

لئے جائیں۔ سیف الرحمن فارسیگار ڈیڑھ آن حکم پر باقی

رکھ کر بیان لینے سے انکاری ہوئے۔

اور یہ کہ چوکھار محمد نواز ولد محمد نواز اور حضرت محمد ولد نواز محمد

سکتے درگتھی کی جگہ دوسرے لوگ آئے ہیں۔

اس بات سے ثبوت ہوتا ہے۔ کہ چوکھاروں نے حلف لیا ہے۔

جناب کے سامنے سیف الرحمن فارسیگار ڈیڑھ غلط ہے۔

جناب ملا سیف الرحمن قرآن پر باقی رکھ کر بیان لیا ہے

کہ میں نے مذکورہ رقم نہیں لی۔ تو جناب سے

یہ قرآن پر باقی حلفاً بیان لیا گیا ہے کہ میں نے

مذکورہ رقم سیف الرحمن کو دی ہے۔

مذکورہ باقی وا قوسے ثبوت ہوتا ہے۔ کہ سیف الرحمن فارسیگار

غلط بیان ہے۔

فقالتی کو جاننے کے لئے دوبارہ انکوٹری کرنے کا حکم

حسب ضابطہ جاری کر کے منظر عدالت میں

محمد علی

محمد علی صاحب صاحب

المرقوم 14/05/18

14/5/18

OFFICE ORDER NO. 172 DATED PESHAWAR THE 06 /06/2018 ISSUED BY  
MUHAMMAD SIDDIQUE KHAN KHATTAK CHIEF CONSERVATOR OF FORESTS  
CENTRAL SOUTHERN FOREST REGION-I KHYBER PAKHTUNKHWA PESHAWAR

Annex-M

An enquiry committee comprising Sheikh Amjad Ali CF/Director CDE & GAD Peshawar (BPS-19) (as convener) and Syed Muqtada Shah, Divisional Forest Officer Patrol Squad Lower Hazara Forest Circle Abbottabad (as member) is constituted by the competent authority to conduct de-novo enquiry under rules-14 (6) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Disciplinary) Rules, 2011 against Muhammad Ali Ex-Forest Ranger (BPS-16) for the charges/allegations leveled against him in the respective charge sheets and statement of allegations.

The enquiry committee shall submit its findings within 30 days positively.

Sd/-

(Muhammad Siddique Khan Khattak)  
Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar

No. 4847-51 /E,

Copy alongwith copies of the charge sheet/statement of allegations are forwarded for further necessary action to the:-

1. Sheikh Amjad Ali, CF/Director CDE & GAD Peshawar (as convener).
2. Syed Muqtada Shah, Divisional Forest Officer Patrol Squad Lower Hazara Forest Circle Abbottabad (as member).
3. Divisional Forest Officer Siran Forest Division Mansehra.
4. Divisional Forest Officer Lower Kohistan Forest Division Pattan.

The DFO Siran and Lower Kohistan are requested to depute departmental representatives to assist the enquiry committee during the enquiry proceedings.

5. Muhammad Ali, Ex-Forest Ranger C/O Raja Abdul Ghani near Aaj news paper Kehal Abbottabad. (Cell No.0315-3199931)

Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar

Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar.

0.order-2

Received on 20/6/2018

Page 102

Ref = P-54  
P - Arrival Report  
30/03/2018

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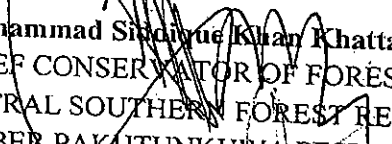
P-25

CHARGE SHEET

I, Muhammad Siddique Khan Khattak Chief Conservator of Forests, Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar as competent authority hereby charge you, Muhammad Ali Ex-Forest Ranger (BPS-16) as follows:

That you, while holding the charge as Sub-Divisional Forest Officer, Pattan Forest Sub Division, committed the following irregularities:-

- I. You have not maintained accounts as well as other record pertaining to Pattan Forest Sub-Division from 1/7/2008 to 15/2/2009 and have not handed over the proper charge to your successor too.
  - II. You have misappropriated an amount of Rs.36,700/- on account of pay of Daily Labour employed for watch and ward of timber lying in Timber Market Dargai for the period from 8/2008 to 10/2008, in-spite of the fact that Muster Rolls were sanctioned and you received the amount from Divisional Office as FA.
  - III. You have failed to submit Muster Rolls from 11/2008 to 1/2009, therefore payment to Chowkidar could not be made.
2. By reason of the above, you appear to be guilty of In-efficiency, Mis-conduct and Corruption under rule-03 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.
  3. You are, therefore required to submit your written reply/defence within seven days of the receipt of this charge sheet to the Inquiry Officer/Committee, as the case may be.
  4. Your written defence, if any, should reach the Inquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
  5. Intimate whether you desire to be heard in person.
  6. A statement of allegation is enclosed.

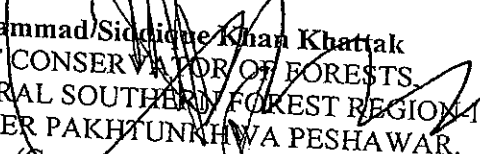
  
**Muhammad Siddique Khan Khattak**  
 CHIEF CONSERVATOR OF FORESTS,  
 CENTRAL SOUTHERN FOREST REGION-I  
 KHYBER PAKHTUNKHWA PESHAWAR.  
 (Competent Authority)

## DISCIPLINARY ACTION.

I, Muhammad Siddique Khan Khattak Chief Conservator of Forests, Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar as competent authority, am of the opinion that, Muhammad Ali, Ex-Forest Ranger (BPS-16), while holding the charge as SDFO Pattan Forest Sub-Division has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011.

## STATEMENT OF ALLEGATIONS

- I. He has not maintained accounts as well as other record pertaining to Pattan Forest Sub-Division from 1/7/2008 to 15/2/2009, while holding the charge as Sub-Divisional Forest Officer, Pattan Forest Sub-Division and have not handed over the proper charge to his successor too.
  - II. He has misappropriated an amount of Rs.36,700/- on account of pay of Daily Labours employed for watch and ward of timber lying in Timber Market Dargai for the period from 8/2008 to 10/2008, in-spite of the fact that Muster Rolls were sanctioned and he received the amount from Divisional Office as FA.
  - III. He failed to submit Muster Rolls for the period from 11/2008 to 1/2009, therefore payment to Chowkidar could not be made.
- 2) For the purpose of enquiry against the said accused with reference to the above allegations, an Inquiry Officer/Inquiry Committee, consisting of the following is constituted under rule-10 (i) (a) of the ibid rules.
- i. Mr. Sheikh Amjad Ali, CF/Director CDE & GAD (BPS-19).
  - ii. Syed Muqtada Shah, DFO Patrol Squad Lower Hazara (BPS-18).
- 3) The Inquiry Officer/Committee shall, in accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty 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 Inquiry Officer/Committee.

  
Muhammad Siddique Khan Khattak  
CHIEF CONSERVATOR OF FORESTS,  
CENTRAL SOUTHERN FOREST REGION-I  
KHYBER PAKHTUNKHWA PESHAWAR.  
(Competent Authority)

CHARGE SHEET

I, Muhammad Siddique Khan Khattak, Chief Conservator of Forests, Central Southern Forest Region-I, Khyber Pakhtunkhwa Peshawar as competent authority under Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Muhammad Ali Ex-Forest Ranger the then incharge Upper Siran Forest Sub-Division of Siran Forest Division as follows:-

That you while posted as Incharge of Upper Siran Forest Sub-Division of the Siran Forest Division committed the following irregularities:-

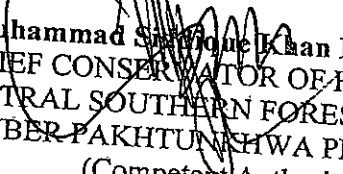
1. That lot of complaints regarding illicit damage in the forest of Upper Siran Forest Sub Division were received to DFO Siran and you were time and again directed to visit the forests and report the factual position, but you did not turn up and failed to obey the instructions issued to you by your superiors, detail as under:-
  - i. That a complaint lodged by one Muhammad Alam S/O Ghulam Jallani was sent to you vide DFO Siran letter No.8434/GB dated 25.5.2011. This complaint was endorsed by Conservator of Forests, Lower Hazara Forest Circle Abbottabad vide No.4852/GL dated 2.6.2011, which was also endorsed to you vide No.8699/GB dated 7.6.2011 for enquiry and detailed report but failed to respond.
  - ii. That another complaint regarding illicit cutting of trees endorsed by Conservator of Forests, Lower Hazara Forest Circle Abbottabad vide No.3926/GL dated 9.4.2011 was also endorsed to you through DFO Siran No.7317/GB dated 14.4.2011 with the directives to probe into the complaint and submit fact finding report but you did not respond.
  - iii. That complaint regarding issuance of permits from Devli Guzara C-34,35 & 36 were sent to you vide this office No.7508/GB dated 21.4.2011 but you failed to reply.
  - iv. That on receipt of various complaints regarding discrepancies in harvesting operation by Domel Devli Forest Cooperative Society, you were directed vide DFO Siran letter No.8303/GB dated 19.5.2011 followed by reminder No.8502/GB dated 28.5.2011, to check the exploitation coupe of Domel Devli Forest Cooperative Society with relevant record and report the factual position, but you failed.
  - v. That you were asked vide DFO Siran letter No.7824-27/PC dated 5.5.2011 followed by reminder No.8131/PC dated 15.5.2011 & No.8522/PC dated 30.5.2011 and No.8802/PC dated 9.6.2011 to submit fortnightly progress report of Forest offence cases, but you failed. During your four months tenure as SDFO Upper Siran, you have submitted a CC of Rs.3500/- only, which is clear proof of your poor performance.
  - vi. That you have been asked at several occasions to check the harvesting coupes of various JFMCs Guzara and Private Un-demarcated Woodlots working within the jurisdiction of Upper Siran Forest Sub-Division, collect progress reports and submit to Divisional office duly verified, but you failed resultantly the JFMCs have not submitted their monthly progress reports of harvesting operations.
  - vii. That on your request to DFO Siran, pick up No.A-3850 of Lower Siran Forest Sub Division was transferred to you in good working condition, but you failed to utilize the vehicle in the best of forest protection. On 2.5.2011 you appeared in Divisional office for a moment and escaped parking the said vehicle in the premises of Divisional office. You kept your mobile phone off and not turned till three days. The vehicle remained parked in the premises of Divisional office without any purpose. You were asked by DFO Siran vide No.8019/GE dated 11.5.2011 and letter No.8305/GE dated 19.5.2011, to explain reasons for remaining absent without any intimation to your superiors but with no response. Therefore, the vehicle was transferred back to Lowe Siran vide office order No.243 dated 20.5.2011, in order to use it for day/night patrolling against

- the timber smuggling and illegal movement of timber/forest produce and in the best interest of forest protection.
- viii. That you were asked vide DFO Siran letter No.7605/GB dated 26.4.2011, No.7877/GB dated 6.5.2011, No.8386/GB dated 23.5.2011 & No.8469/GB dated 27.5.2011 to produce the relevant record as demanded by the court of Civil Judge-XV in case of Abdul Khyee versus Govt. but you took no response, resultantly non bailable warrants were issued by the Court against the DFO Siran and yourself.
  - ix. That a sum of Rs.0.27 million was allotted to you for renovation and furnishing of Domel Forest rest House vide DFO Siran letter No.7631-32/B&A dated 28.4.2011 with the directives to complete the task within a month time but you failed to utilize the ADP funds till 17.5.2011, when the funds were advanced to Head Clerk Siran Forest Division for purchase of the required items. Again you demanded a sum of Rs.50,000/- for repair work of Dadar Forest Rest House as directed by Conservator of Forests, Lower Hazara Forest Circle Abbottabad during your visit to Upper Siran Forest Sub Division. The amount was advanced to you on 7.6.2011 but you have not purchased any material/required items for furnishing of Domel Forest rest House as per statement of Chowkidar Forest Ret House witnessed by M/S Ali Ahmed Forest Guard and Muhammad Maroof Forest Guard dated 3.7.2011.
  - x. That you never came to attend monthly meetings despite repeated telephonic contacts, resultantly the matters of Upper Siran Forest Sub Division could not be discussed.
  - xi. That you without any intimation or permission of your superiors called Press Conference at your own sweet well at Jabori on Friday 10.6.2011 regarding illicit damage in Jacha and Mandaguchha showing your inability to control the illicit damage, which appeared in daily Shamal dated 11.6.2011. By doing so, you created a bad name for the Department. You were called upon to explain your position for calling Press Conference without permission of higher ups vide letter No.9068/GE dated 20.6.2011, but you did not reply. On 10.5.2011, you were directed by DFO Siran to immediately lodge FIR against offenders in Police Station Shinkiari. You left the office at the same moment and proceeded to Shinkiari. At 1200 hours, you replied on a telephonic contact that staff concerned has not arrived and you are waiting for them. At the evening when contacted, you replied that the staff is not cooperating with you, therefore, FIR could not be lodged, which shows your negligence and malafide intention in lodging the FIR against the notorious offenders.
  - xii. That you always call the public in Sub-Divisional Office at Jabori asking them to wait, but you never came and the public remains waiting for long day till evening.
  - xiii. That you were directed to produce Form-14-E Receipt Book of Upper Siran. Vide letter No.9107/PC dated 20.6.2011 to see the progress of realizing compensation, but you failed to produce.
  - xiv. That on the application of Chairman JFMC Chapper Mandaguchha in Arbitration case, you were directed vide DFO Siran letter No.8120/GB dated 19.5.2011 to verify the timber on spot and report but no response.
  - xv. That on 14.6.2011, on source information, the DFO Siran apprehended 300 cft illicit deodar timber at Devli Bridge. The timber was loaded in Truck and transported to Central Sale depot Mansehra, but during whole day process you did not appeared.
  - xvi. That you forwarded a moos-wara for grant of Transport Pass to one Mr. Muhammad Tasleem Khan of Keri from Keri to Haripur without checking/measuring the timber on ground. During checking of road side depot by DFO Siran on 15.6.2011, nothing was found on spot. Meanwhile, on a complaint regarding illegal storage of timber, at Jabba Nullah, the DFO Siran raided the site and apprehended 400 cft illegal timber. Accordingly the illegal timber was apprehended and transported to Central Timber Sale Depot Mansehra by the DFO Siran, but you remained absent during the above process.
  - xvii. That you allowed transportation of approximately 571 cft excess illegal timber by getting illegal gratification under the guise of Transport Pass issued to Mr. Mal Afsar

Afsar Khan Chairman JFMC, which has been unloaded at Central Sale Depot Mansehra.

- xviii. That you were involved with notorious timber smugglers as is evident from an application/written statement of Muhammad Tasleem Forest Guard dated 1.7.2011.
- xix. That you have issued lot of unsanctioned permits, containing serious irregularities. In some cases, the permits have been signed and not delivered to applicants, in some of cases, the permits have been acknowledged by the permit holders but not delivered and not signed and allowed cutting of trees on Chits, whereas, some of the permit perts are only signed and lying blank, which is serious violation of Guzara Forest Rules 2004. Detail of such permits bearing no, 6 to 48 is given in the statement annexed with statement of allegations. On six (06) applications permits have been issued without getting sanction of the competent authority just after getting report of Block Officer and no personal verification is shown. Photo copies of these applications are annexed with statement of allegations.
- xx. That on receipt of various telephonic complaints regarding illicit damage in Panjool RFC-1 to 15, a checking committee was constituted vide office order No.260 dated 4.6.2011. The committee after detailed checking reported illicit damage of 62 trees= 6949 cft in Panjool RFC-10, 11 & 12. Responsible staff was served with charge sheets and enquiry proceedings were initiated under the provisions of NWFP Removal from service (Special Power) Ordinance 2000. You were called upon to explain your position vide letter No.9388/GE dated 30.6.2011 as to what you were doing when such a heavy illicit damage was going on in the forests under your administrative control. But you turned deaf ears and did not reply. This attitude on your part clearly reflects your connivance with timber smugglers/offenders for ulterior motives.
- xxi. That you registered six (06) Prosecution cases against the offenders on account of illicit cutting of trees, out of which only three cases were sent to Divisional Office for prosecution, which were returned to you vide letter No.9070/PC dated 20.6.2011 for rectification of the omissions, but you failed to reply. Whereabouts of the remaining three cases is still not known.

2. By reason of the above, you appear to be guilty of In-efficiency, Mis-conduct and Corruption under rule-03 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.
3. You are, therefore required to submit your written reply/defence within seven days of the receipt of this charge sheet to the Inquiry Officer/Committee, as the case may be.
4. Your written defence, if any, should reach the Inquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegation is enclosed.

  
Muhammad Saifullah Khan Khattak  
CHIEF CONSERVATOR OF FORESTS,  
CENTRAL SOUTHERN FOREST REGION-I  
KHYBER PAKHTUNKHWA PESHAWAR.  
(Competent Authority)

To,

The Secretary to Government,  
Forestry, Environment, Wildlife Department,  
KPK Peshawar (Appellate Authority)

Appeal for interim relief against the impugned letter No. 172 dated 06/06/2018 was passed for De-novo inquiry proceedings against the law and facts by CCF-I and without solving the objections raised in the personal hearing through reply and preliminarily objections against the complainants of the charge sheets that were accused before issuing the same charge sheets.

*Respectfully,*

FACTS:

1. That the CCF-II issued the show cause notice and thereafter called for personal hearing. Show cause notice attached as annex-A.
2. That the appellant submitted show cause notice reply. (Reply on Show cause notice attached as annex-B, report dated 13.06.2011 attached as annex-C, Oath statement attached as annex-D and three (3) Trucks loaded with timber along with challans which has wrong Depot Named)
3. That the appellant appeared for hearing in person on 12/05/2018 in the office of the CCF-II Peshawar, submitted written preliminarily objections against the impugned order issued by the Incompetent authority without conducting the personal hearing. The complainants of the charge sheets that were accused before issuing the charge sheet while concealing the facts thus making the inquiry proceedings against the law. (Preliminary objections attached as annex-E,)
4. That the impugned letter vides No. 172 dated 06/06/2018 was passed de-novo Inquiry against the appellant by CCF-1 and issued same pervious charge sheets once again. (Letter vides No. 172 dated 06/06/2018



attached as annex-F, Previous Inquiry attached as annex-G, De-novo Inquiry attached as annex-H)

**GROUNDS:**

- A. That the complainants of the charge sheets that were accused before issuing the charge sheets. P-31 - 27 P-39
- B. That the impugned letter vides No. 172 dated 06/06/2018 was passed for de-novo inquiry against the appellant by CCF-1 and issued same pervious charge sheets once again and did not decide the objections through counter charge sheets. P-42 P-25  
De-novo inquiry CCF-1
- C. That the CCF-I had not decided the above objections through counter charge sheets and issued exact pervious charge sheets once again.
- D. That the Appellate Authority shall not decide the objections through counter charge sheets then appellant would suffer irreparable losses. P-77  
P-17
- E. That the appellant is running from pillar to post since year 2014 for the hunt of justice and even after having won the service appeals thrice, the appellant is still deprived of its fruit. P-19, P-23, P-26

It is therefore respectfully prayed that no acceptance of the of this appeal to direct the CCF-I before De-novo inquiry proceedings the objection raised against the complainants of the charge sheets in the personal hearing dated 12/05/2018 shall be made a part of the De-novo inquiry proceedings in the interest of Justice.

With Regards

  
Muhammad Ali

Ex- Forest Range Office, Date: 10 /07/2018, Cell No. 0315-3199931

Posting address: c/o Muhammad Hafeez (r) Divisional engineer Telephones near Degree college for Girls kunj ground Abbottabad

Reg<sup>z</sup> No. 66 / 11/07/2018 + AD

Copy forwarded to the:

1. Divisional Forest Officer Patrol Squad Lower Hazara Circle Abbottabad for favors of information please.

Reg<sup>z</sup> No. 71 / 11/07/2018 + AD