

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 906/2018

Date of Institution ... 17.07.2018

Date of Decision ... 07.05.2019

Iqbal Hussain Forest Guard, Sub Divisional Forest Officer, Drosh South District
Chitral. ... (Appellant)VERSUSThe Chief Conservator of Forests, Central/Southern Region-I, Peshawar and three
others. ... (Respondents)Present.Mr. Mir Zaman Safi,
Advocate. ... For appellantMr. Ziaullah,
Deputy District Attorney ... For respondents.MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. AHMAD HASSAN, ... MEMBERJUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-

1. The appellant was appointed as Forest Guard on 18.07.1993 and was performing his duties as such. On 05.10.2017, when the appellant was posted as Forest Guard, Galkathak Afforestation Area Darosh, received a show cause notice issued by respondent No. 3 regarding proceedings against him on the allegation of inefficiency. A reply was duly submitted by the appellant on 27.10.2017. However, the impugned order was passed on 27.02.2018, whereby, the major penalty of reduction to original time scale for five years was imposed upon the appellant. Recovery of cost of 100 failed plants @ Rs.70/- per plant amounting to Rs. 7000/-, was also ordered against him. Departmental appeal was preferred against the order of penalty which remained un-responded, hence the appeal in hand.

2. We have heard learned counsel for the appellant, learned Deputy District Attorney on behalf of the respondents and have also gone through the available record.

It was the argument of learned counsel that proper enquiry was not conducted against the appellant while he was penalized through major punishment. In such circumstances, regular and proper enquiry was all the more necessary. It was further contended that the charge sheet or statement of allegations was never issued to the appellant which also rendered the impugned order as unlawful. The penalty also amounted to double jeopardy against the appellant, it was added. Learned counsel relied on judgments reported as 2000-SCMR-1743, 2010-PLC(C.S), 2010-PLC(C.S) 876 and 2008-SCMR-1369.

Learned Deputy District Attorney, while trying to refute the arguments from other side, contends that the appellant was proceeded against under Rule 7 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 and in view of provisions contained in sub-rule (f) one or more penalties mentioned in Rule 4 could be imposed upon an accused. In the said manner, not only the regular enquiry was dispensed with but also the question regarding the appellant having been put to double jeopardy did not arise. It was further contended that due opportunity of defence was extended to the appellant, therefore too, the impugned order was not exceptionable.

3. We have given due consideration to the available record and arguments of learned counsel for the parties. The show cause notice dated 05.10.2017 suggested through its contents that the proceedings against the appellant were initiated under Rule 7 of the Rules *ibid*. Similarly, the impugned order dated 27.02.2018 provided that the appellant was proceeded against under Rule 7 of the E&D Rules, 2011. In the said regard, it shall be useful to refer to the provisions

of Rule 5 of the rules *ibid* which, *inter-alia*, provide that the competent authority could proceed itself against the accused by issuing a show cause notice under Rule 7 and, for reasons to be recorded in writing, dispense with enquiry. It appears that in the instant case the respondents have read, interpreted and applied Rule 7 in isolation of Rule 5. There is nothing on record which could be termed as "reasons recorded in writing for dispensing with enquiry". The learned Deputy District Attorney also could not lay hands on any such documents. Needless to note that the requisite recording of reasons is not even reflected in the show cause notice or the impugned order. In the circumstances of the case, it was obligatory upon the respondents to have conducted a regular enquiry against the appellant.

Adverting to the factual aspects of the instant case we would like to refer to the allegations against the appellant. The same are to the following effect:-

- i. During the visit of worthy Secretary, Government of Khyber Pakhtunkhwa Forestry, Environment and Wildlife of Kalkathak Aforestation Area on 28.09.2017 huge failure was noticed, caused due to your lethargic attitude regarding watering of plantation.*
- ii. The failure was due to irrational watering and no care was observed that the suppressed plants are getting water or otherwise, resultantly causing failure of 100 established plants."*

4. The appellant, in response to the above noted allegations, submitted a detailed reply, wherein, it was categorically noted that the Afforestation Area of Kalkathak was situated at the end of irrigation channel and due to distribution of water by Irrigation Department, Chitral on every eleventh day the Afforestation area received water for 3/4 hours, that too, in very meager quantity due to poor condition of the canal. The said fact was affirmed by a Mate of the Irrigation Department through his application in the name of SDO Irrigation Department


10/10/17


Chitral. Copy of the application was annexed with the reply. It was further stated in the reply that during the relevant year the area did not receive formidable rain and for that reason the local cultivators also lost the maize crop in the season. Similar stance was taken by the appellant in his statement record during the departmental proceedings.

The allegations against the appellant and his defence in the matter was of the nature that required proof through recording of statements of those concerned with the distribution of water under the control of Irrigation Department and also regarding the fault in the Irrigation channel. In the said view of the matter a regular enquiry was all the more necessitated, which was not resorted to by respondents.

5. In view of the above, we allow the appeal in hand and set aside the impugned order dated 27.02.2018. The respondents are required to conduct proper enquiry against the appellant which shall be concluded within a period of 90 days from the receipt of copy of instant judgment. The appellant shall be provided fair opportunity of participation in the enquiry proceedings and defending his cause.



Parties are left to bear their respective costs. File be consigned to the record room.


(AHMAD HASSAN)
MEMBER


(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
06:05.2019


S.A No. 906/18

| S.No. | Date of order/ proceedings | Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary. |
|-------|-------------------------------|---|
| 1 | 2 | 3 |
| | 07.5.2019 | <p><u>Present.</u></p> <p>Mr. Mir Zaman Safi, Advocate ... For appellant</p> <p>Mr. Ziaullah, Deputy District Attorney. ... For respondents</p> <p>Vide our detailed judgment, we allow the appeal in hand and set aside the impugned order dated 27.02.2018. The respondents are required to conduct proper enquiry against the appellant which shall be concluded within a period of 90 days from the receipt of copy of instant judgment. The appellant shall be provided fair opportunity of participation in the enquiry proceedings and defending his cause.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> Member</p> <p> Chairman</p> <p><u>ANNOUNCED</u> 07.05.2019</p> |

21.01.2019 Appellant in person present. Sharif Ullah SDFO representative of the respondents present. Written reply not submitted. Representative of the respondents seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 05.03.2019 before S.B.



Member

05.03.2019 Learned counsel for the appellant and Mr. Shakeel SDFO representative of the respondents present and submitted written reply which is placed on file. To come up for arguments /rejoinder on 07.05.2019 before D.B.


(Muhammad Hamid Mughal)
Member

16.10.2018

Counsel for the appellant present and seeks adjournment. Granted. Case to come up for preliminary hearing on 29.11.2018 before S.B.


(Ahmad Hassan)
Member

29.11.2018

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Forest Guard) has filed the present service appeal against the order dated 27.02.2018 whereby he was awarded penalty of reduction to original time scale for five (05) years and recovery of cost of hundred failed plants @ Rs.70 per plant amounting to Rs. 7000/-..

Learned counsel for the appellant argued inter-alia that the impugned order is unlawful and was passed without observing the legal requirements.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter notices be issued to the respondents for written reply/comments. To come up for written reply comments on 21.01.2019 before S.B.

Appellant Deposited
Security & Process Fee


Member

Form -A

FORM OF ORDER SHEET

Court of _____

Case No. 906/2018

| S.No. | Date of Order Proceedings | Order or other proceedings with signature of judge |
|-------|--|---|
| 1 | 2 | 3 |
| 1 | <p>17/07/2018</p> <p><i>18-7-2018</i></p> <p><i>20.08.2018</i></p> | <p>The appeal of Mr. Iqbal Hussain presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Wrothy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p> <p>The case is entrusted to S. Bench for preliminary hearing to be put up there on <u><i>21-8-2018</i></u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p> <p><i>Due to Eidul Azha vacation The case is adjourned to 16/10/18</i></p> <p style="text-align: right;"><i>[Signature]</i> Refder</p> |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 906 /2018

IQBAL HUSSAIN

VS

FOREST DEPTT:

INDEX

| S.NO. | DOCUMENTS | ANNEXURE | PAGE |
|--------------|---------------------|-----------------|-------------|
| 1 | Memo of appeal | | 1- 3. |
| 2 | Appointment order | A | 4. |
| 3. | Show cause notice | B | 5- 6. |
| 4. | Reply | C | 7- 9. |
| 5. | Impugned order | D | 10. |
| 6. | Departmental appeal | E | 11. |
| 7. | Vakalat nama | | 12. |

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,
ADVOCATE

Flat No. 3, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar
0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 906 /2018

Diary No. 1144

Mr. Iqbal Hussain, Forest Guard,
Sub-Divisional Forest Officer, Drosh South, District Chitral.

Dated 17-7-2018

..... APPELLANT

VERSUS

1. The Chief Conservator of Forests, Central/Southern Region-I, Peshawar.
2. The Conservator of Forests, Malakand Forest Circle West at Timergara.
3. The Divisional Forest Officer, Chitral Forest Division, Chitral.
4. The Sub-Divisional Forest Officer, Drosh South Forest Sub-Division, Chitral.

..... RESPONDENTS

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 27-02-2018 COMMUNICATED TO THE APPELLANT ON 16-03-2018 WHEREBY MAJOR PENALTY OF REDUCTION TO ORIGINAL TIME SCALE FOR FIVE YEARS HAS BEEN IMPOSED ON THE APPELLANT ALONG WITH RECOVERY OF COST OF 100 FAILED PLANTS Amounting Rs.7,000/- AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL DATED 26-03-2018 OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

Filed to-day
Registrar
17/7/18

PRAYERS

That on acceptance of this appeal the impugned order dated 27-02-2018 communicated to the appellant on 16.3.2018 may very kindly be set aside and the appellant may kindly be restored on his present scale with all back benefits. That the respondents may further be directed not to recover the amount i.e. Rs.7,000/- from the appellant. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That the appellant was appointed as Forest Guard in the respondent Department vide order dated 18.7.1993 and has served the respondent Department for quite considerable time efficiently and up to the entire satisfaction of his

superiors. Copy of the order is attached as annexure **A.**

- 2- That appellant while serving as forest Guard in the respondent Department a show cause notice vide dated 5.10.2017 was issued to him on the allegation of inefficiency. That in response the appellant submitted his detailed reply to the said show cause notice vide dated 27.10.2017. Copies of the show cause notice and reply along with record are attached as annexure **B and C.**
- 3- That vide impugned order dated 27.2.2018 communicated to the appellant on 16.3.2018 the respondent No.3 without following proper procedure under E&D Rules 2011 imposed major punishment of reduction to time scale along with recovery of Rs.7,000/- on the appellant. Copy of the impugned order is attached as annexure **D.**
- 4- That appellant feeling aggrieved from the impugned order dated 27.2.2018 communicated to the appellant 16.3.2018 filed Departmental appeal before the respondent No.2 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure **E.**

GROUND:

- A- That the impugned orders dated 27.2.2018 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents discriminated the appellant on the subject noted above and as such the impugned order dated 27.2.2018 is not tenable in the eye of law.
- D- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 27.2.2018 against the appellant.
- E- That the no charge sheet and statement of allegation has been served on the appellant before issuing the impugned order dated 27.2.2018 against the appellant.

- F- That no chance*of personal hearing/defense has been given to the appellant and as such the appellant has been condemned un heard.
- G- That no regular inquiry has been conducted against the appellant by the respondents which is as per Supreme Court judgments is necessary in punitive actions against the Civil servant.
- H- That seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 16.7.2018

APPELLANT


IQBAL HUSSAIN

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

A-4

OFFICE ORDER NO. 98 DATED CHITRAL THE 18-07 /1993, BY MR. HASHAN ALI KHAN DIVISIONAL FOREST OFFICER CHITRAL FOREST DIVISION CHITRAL.

.....

On the recommendation of the selection Committee constituted vide this Office Order No. 39 dated 8.5.1993 the following are hereby appointed as Forest Guards as temporarily Establishment in Chitral Forest Division against the vacant post of Forest Guards in Normal Budget in EPB No. 2 @ Rs: 945-32-1425/- with effect from their arrival with usual allowances as admissible under the rule.

- 1). Mr. ~~Abdullah~~ Nazir Ahmad S/O ~~Abdullah~~ Hayat -han of village P-urgal Tehsil Dargah District Chitral.
- 2). Mrs. Mohammad Tahir Khan S/O Abdul Mastan Khan of village Gehrait Tehsil Chitral District Chitral.
- 3). ✓ Mr. Iqbal Hussain S/O Mr. Mehrab Hassan of village Jweer Tehsil Dargah District Chitral.

The appointment is purely temporary and is subject to the following conditions:-

- 1). Service is purely temporary and is subject to the probational period of one year and can be terminated at any time without assigning any reason.
- 2). In case of resignation the candidate will give 14 days notice in advance failing which his pay equal to 14 days shall be forfeited towards Government.
- 3). Production of Medical Fitness Certificate from Medical Superintendent District Head Quarter Hospital Chitral to the effect that the candidate fulfills all the physical standard laid down for the post of Forest Guard.
- 4). Also production Character Certificate from local police.

(HASHAN ALI KHAN)
DIVISIONAL FOREST OFFICER
CHITRAL FOREST DIVISION
CHITRAL.

.....

No. 3756-55 /G.
Copy forwarded to:-

1. Conservator of Forests Mkd: Circle Maidu Thart Swat for information.
2. Head Clerk/Divisional Accts for information & n/e.
3. All above named for information & necessary action.
4. Office Order file/Personal file for record.

S. P. M.
18/7/93
DIVISIONAL FOREST OFFICER
CHITRAL FOREST DIVISION
CHITRAL

....

B-5

OFFICE OF THE
DIVISIONAL FOREST OFFICER,
CHITRAL FOREST DIVISION,
CHITRAL.



NEAR CHEW BRIDGE
DANEEN CHITRAL
Phone # 00943-413381
Fax # 0943-413389
Email: dfochitral@gmail.com

No. 1636 /G,

Dated Chitral the 05 / 10 / 2017

To

Mr. Iqbal Hussain Forest Guard
Kalkathak Afforestation Area,
C/o SDFO Drosh South, Drosh.

Subject: SHOW CAUSE NOTICE

Memo:

I, Shaukat Fiaz, Divisional Forest Officer, Chitral Forest Division, under the power vested in me as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 vide Rule 7, do hereby serve you, Iqbal Hussain Forest Guard with show cause notice as follows:-

That you, while posted as Incharge Forest Guard of Kalkathak Afforestation area Under BTAP, committed the following irregularities:

- i. During the visit of worthy Secretary, Govt. of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department of Kalkathak Afforestation Area on 28.9.2017 huge failure was noticed, caused due to your lethargic attitude regarding watering of plantation.
- ii. The failure was due to irrational watering and no care was observed that the suppressed plants are getting water or otherwise, resultantly causing failure of 100 established plants.

Now keeping in view your above lethargic attitude which tantamount to misconduct and inefficiency on your part and in the capacity of competent authority, I am satisfied that you did not bother to comply the instructions of your superiors.

6

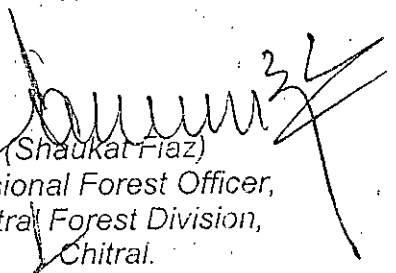
Therefore under the power vested in me vide rule 7 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, that the charges of misconduct and in-efficiency are proved against you without any doubt and ambiguity as specified in rule-3 of Efficiency and Disciplinary Rules, 2011.

I, therefore, as competent authority under the said rules, serve upon you with this show cause notice that why one of the following penalty specified in rule-4 may not be imposed on you:-

- i. Reduction to lower post or pay scale or to a lower stage in a time scale.
- ii. Removal from service.
- iii. Dismissal from service.

Your reply must reach this office within seven days (as specified under the rules) elsewhere it will be presumed that you have nothing in your defense & as such exparte action will be initiated against you.

You are also directed to show your willingness to be heard in person or otherwise.


(Shaukat Fiaz)
Divisional Forest Officer,
Chitral Forest Division,
Chitral.

No. /G,

Copy forwarded to the:-

1. Conservator of Forests, Malakand Forest Circle West at Timergara for favour of information, please.
2. SDFO Drosh South Forest Sub Division Drosh for information. He is directed to deliver the letter meant for the official to him and the receipt may be sent to this office.

Divisional Forest Officer,
Chitral Forest Division,
Chitral.

Received
19/10/17

بخدمت جناب ڈویژن فارسٹ آفیسر صاحب فارسٹ ڈویژن چترال

شمارہ آفیسر لیٹر انجمن نمبر 1636 عمرہ 15 ستمبر 2017

شوکار ٹوئس متعلقہ متاثرہ پودہ جات ایفار یسٹیشن ایئر یا کلنگک دروش ساؤتھ سب ڈویژن

مضمون:-

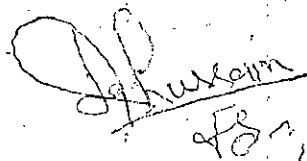
جناب عالی!

1. مندرجہ ذیل حقائق بمراد ملاحظہ اور حقیقت پسندانہ غور و انصاف جو اب خدمت عالیہ میں پیش گذار ہیں۔
1. متذکرہ ایفار یسٹیشن ایئر یا کلنگک اگر یسٹیشن وارڈ پینل کے آخری حصے پر واقع ہے۔ محکمہ ایئر یسٹیشن چترال ڈویژن کے تقسیم کے مطابق گیارہ دن دن بہ مشکل تین چار گھنٹے کیلئے ایفار یسٹیشن ایئر یا کلنگک کو پانی ملتا ہے اور وہ بھی نہر کے خرابی کے باعث نہایت قلیل اور ناکافی۔ جس کی تہہ پہنچنے کے لئے محکمہ ایئر یسٹیشن کے ذمہ دار میٹ کی درخواست بنام ایس ڈی او صاحب محکمہ ایئر یسٹیشن چترال کی فوٹو کاپی بمراد ملاحظہ منسلک ہذا پیش گزار ہے۔
2. ایفار یسٹیشن ایئر یا کلنگک کے مائیڈ ڈیپ سلوپ ہونے کے ساتھ ساتھ پکنی مٹی ساخت کی ہے اور آسانی سے پانی جلد جذب کرنے سے بڑی حد تک محروم ہے۔
3. مروجہ اسٹیٹ کے مطابق محکمہ طور مہینے صرف ایک مرتبہ ایفار یسٹیشن ایئر یا کلنگک کو پانی دینے کی اجازت ہے۔ تاہم بندہ حلفیہ طور پر یہ کہتے ہیں کہ جناب ہے کہ میں آفسران بالا کی اعتماد پر گزارا کرنے اور سرخروئی حاصل کرنے کی خاطر دن رات محنت اور لگن کے ساتھ ساتھ اپنے قلیل تنخواہ سے مہینے میں تین دفعہ متذکرہ ایفار یسٹیشن کو پانی دیتا رہا ہے۔
4. انجناب کو باخوبی معلوم ہے کہ سال روان چترال کھیتے قہرندہ اونڈی سے کچھ کم نہیں گذرا۔ ایک دفعہ بھی بارش خاطر خواہ پر نہیں ہوئی۔ اور زمینداروں کو مکئی کی فصل سے ہاتھ دھونا پڑا۔ لہذا اترنے اور سرخروئی حاصل کرنے کی خاطر دن رات محنت اور لگن کے پہاڑی مقامات وغیرہ کئی دیہات کے باشندے اپنی کاشت کی ہوئی فصل سے ہاتھ دو بیٹھے۔
5. اسٹیٹ کے مطابق ماہ ستمبر میں ایفار یسٹیشن ایئر یا کلنگک کو پانی دینا شروع نہیں۔ اور جو کھیتار کے ذریعے موقع پر ریپلیمنٹ کا کام جاری تھا اور جاری ہے۔
6. شوکار ٹوئس میں جن پودوں کی ناکامی کا ذکر کیا گیا وہ بھی آسمانی اور پر خشک نہیں بلکہ صرف پتے گر چکے ہیں اور تنے ابھی سبز ہیں جن میں دوبارہ جان ڈالنے کیلئے چند دن رات محنت میں مصروف ہے۔

لہذا مندرجہ حقائق انجناب کی خدمت میں پیش کرتے ہوئے پر امید ہوں کہ انجناب حقیقت پسندانہ انصاف سے لگایا ہو اور ان کے لئے کوئی بھی پریشانی سے نجات عطا فرمائیں۔

الغرض

اقبال حسین فارسٹ گارڈ
ایچارج کلنگک ایفار یسٹیشن


Aqbal Hussain
For

27/10/17



محرمیت جناب ایس، ڈی، او صاحب (ایئر لائن ڈویژن جنرل

8

جناب خانی

بہایت آدب سے گزارش ہے -

یہ کہ بندہ کلنگ ایئر لائن میں میٹ کے ڈیوٹی سرانجام دیتا ہوں -

ار - ڈی کر 1000 سے 2000 تک ملتا ہے۔ اور باقی ہیرے اور ہیرے گزارتا ہے

اور ار - ڈی کر 2500 ہر ہیر تقریباً 15، 16 سالوں سے فراب ہے۔ اور ٹھیکہ دار

اس ار - ڈی کر کام نہیں کیا ہے۔ اس ار - ڈی کی لمبائی 460 فٹ ہے۔

اس جگہ ہر ٹھیکہ دار نے 5 یا 6 سال پہلے بلا ٹھیک لگایا تھا۔ وہ بھی ٹھیکہ دار ہر ٹھیکہ

پرو چکا ہے۔ اور اسے جگہ ہر 150 فٹ میں ٹھیکہ دار نے ہیر کو ہیرا ڈے کر ڈال دیا ہے

اس اونٹنی کو ہیرے کے ڈال کر کے ہیرا کر کے بنا دیا ہے۔ تاکہ اسے دیکھ

ہیرا ایک جیسا ہو جائے۔ جناب والا اس کے علاوہ جہاں ہر سیزن کا کام ہوا تھا

ان جگہوں پر قدم نہ ہونے کی وجہ سے پانی انتہائی زیادہ مقدار میں لگ

ہوتا ہے۔ اور ہیرے اسی سے ہیر کو پانی بھجوانا ناممکن ہو گیا ہے۔

اور اسی ٹھیکہ دار نے مزدوروں کے مزدوری کے بدلے (جی) تک لہریا دیا ہے۔

اور ان مزدوروں کے دو (2) سالوں کے بدلے (جی) تک لہریا دیئے ہیں۔

اس کے علاوہ جناب والا ہیرا اس ہیر میں کام کرنے کوئی بھی سامان لہریا نہیں

لہذا ہیرا لے لہریا کرنے کے لئے ہیرا لہریا کرے جائیں۔

دروس صلح

۵۸
۱۱۷

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Billion Tree Afforestation Project

9

Activity Type: Block Plantation

Date of visit: 12/12/2017

Forest Division: Chitral

Forest Sub Division/Range: Darosh South

Location: Kalkattak *Iqbal Hussain*

Date of Plantation: Phase - II

Plantation in-charge: *Manseer FG*

| Particulars | | Reported | Monitored | | |
|--|--|--|-----------|---------------------------|--|
| GPS Reference Coordinates | | | | | |
| A. Documentation and Record | | | | | |
| Reported Area of Plantation | | 32 ha | | | |
| Map of Plantation Area | | Yes | No | Updated | |
| Plantation Journal Maintained | | Yes | No | Updated Requires updation | |
| Pre Activity Photographs | | Yes | No | Updated Requires updation | |
| During Activity Photographs | | Yes | No | Updated Requires updation | |
| Demarcation with loose stone boundary pillars | | | | | |
| Sign Boards Affixed | | yes | | | |
| Existing vegetation | | | | | |
| Relief of the area (Slope) | | Moderate slope | | | |
| B. PC 1 Specification | | | | | |
| Sample Plot: 15 meter (circular Plot) | | | | | |
| A. Pits dimension | | As PC I specification | | | |
| B. Pits Density | | 78 (Average) | | | |
| C. Spacing | | 8 x 8, 9x9, 10x10, 11x11 | | | |
| D. Species planted | | Robinia, Deodar, Ailanthus, Eucalyptus | | | |
| E. Species sown | | Sanatha, Robinia, Ailanthus | | | |
| F. Overall Species composition of the planted spp. With %age | | | | | |
| G. Overall Survival %age | | 80 to 85 % | | | |
| C. Social Analysis of plantation area: | | | | | |
| 1. Ownership status | | Communal land | | | |
| 2. Agreement with Owners of land | | Yes | | | |
| 3. Departmental Monitoring | | Yes | | | |
| D. General Observations and Suggestions | | | | | |
| <p>Scoradic seed germination of Robinia, ailanthus, sanatha was observed during monitoring. The plantation site was well protected during observation. Well established plants of bare rooted species were observed. Plant density varies with the location, close spacing was observed in loose soil while wider spacing in boulders. Recently beating up of failure has been carried out through deputed chowkidar. During inspection newly plants were observed at wilting point, therefore it is suggested healthy and vigorous planting stock may be utilized during beating up of failure and newly planted plant may be watered for at least 2 - 3 times so that it can easily be established. Overall plantation site was very good. Regular maintenance and active watch and ward is suggested.</p> | | | | | |

[Signature]
Monitoring & Evaluation Officer - III
Billion Tree Afforestation Project

[Signature]

OFFICE ORDER NO. 36 DATED CHITRAL THE 27/02/2018, ISSUED BY MR. SHAUKAT FIAZ, DIVISIONAL FOREST OFFICER, CHITRAL FOREST DIVISION, CHITRAL

D-10

Whereas, Iqbal Hussain Forest Guard was proceeded under Rule-7 of the Govt. of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011 for the charges as mentioned in the Show Cause Notice issued by the undersigned in the capacity of authority under the powers vested in me vide Rule-7 through this office No.1636/G, dated 05.10.2017.

Whereas, the accused official submitted his reply to the Show Cause Notice duly endorsed by the SDFO Drosh South Forest Sub Division vide No.76/DS, dated 30.10.2017.

Whereas, the accused official was called for personal hearing vide this office letter No.3615/G, dated 16.01.2018 and No.3663/G, dated 24.01.2018.

Whereas, personal hearing of the accused official was conducted on 26.01.2018/

Whereas, from the perusal of statement / reply of the accused official, the undersigned reached to the conclusion that the accused official has failed to prove his innocence.

Now therefore, being competent authority, after having considered the charges, evidence on record, the explanation in writing of the accused official and his performance and in exercising the power vested under rule-7(i) of Khyber Pakhtunkhwa Government Efficiency & Disciplinary Rules-2011 (as amended up to date) I hereby award the following penalty to Iqbal Hussain Forest Guard:-

1. Reduction to original time scale for five years.
2. Recovery of cost of 100 failed plants @ Rs.70/- per plant amounting to Rs.7,000/-

(Shaukat Fiaz)
Divisional Forest Officer,
Chitral Forest Division,
Chitral

No. 4267-74G,

Copy forwarded to:-

1. The Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar.
2. The Chief Conservator of Forests, Malakand Forest Region-III, Saidu Sharif Swat.
3. The Conservator of Forests, Malakand Forest Circle West at Timergara.

For favour of information, please.

4. Mr. Abdul Majeed, SDFO Drosh North Forest Sub Division Drosh.) For information &
5. The SDFO Drosh South Forest Sub Division.) necessary action.
6. Head Clerk/ Accountant Divisional Forest Office Chitral.
7. Iqbal Hussain Forest Guard C/o SDFO Drosh South.)
8. Officer Order/Enquiry/Personal Files for record.

Iqbal Hussain Forest Guard

Received Information

Divisional Forest Officer Drosh South

Iqbal Hussain

C/O

Divisional Forest Officer,
Chitral Forest Division,
Chitral

D. 16/3/18

ADN A Koota

بخدمت جناب کنزرویٹر صاحب تیرگرہ سمرکل ویسٹ

مضمون: اجیل خلاف غیر منصفانہ آفس آرڈر نمبر 36 ڈویژنل آفس جیرال

جناب عالی!

درجہ ذیل حقائق آنجناب کی خدمت میں پیش کرتے ہوئے بندہ اول اللہ تعالیٰ، بوزادان آنجناب کی حقیقت پسندانہ ضمیر اور انصاف پسندانہ شخصیت سے پرامید ہے۔ ڈویژنل آفس آرڈر نمبر 36 جیرال کے تحت فدوی کو غیر منصفانہ اور غیر متوقع سزائیں دی گئی ہیں۔ ان کو منسوخ کر کے فدوی کے نیم مردہ جسم میں دوبارہ روح ڈال کر حکمہ جنگلات خدمت کا حساب سابق اہل اہل بن کر بنائیں گے۔

1۔ کلنگ ایفائریشن ایریا ایریکشن وائرچینل کے انتہائی آخری حصے پر واقع ہے۔ ہیرنگم ایریکشن جیرال کی تقسیم آب رسانی کے مطابق مذکورہ پلانٹیشن رقبہ کو گیارہویں بعد بمشکل صرف 3 یا 4 گنتھے کیلئے پانی ملنے کی گنجائش ہے۔ اور وہ بھی مناسب حالات کے دوران۔

2۔ پلانٹیشن ایریا کی ساخت Deep Slope اور چکنی مٹی ہے جو آسانی سے پانی جذب کرنے کی صلاحیت سے محروم ہے۔

3۔ متعلقہ اسٹیٹ کے مطابق پلانٹیشن ایریا کو مینے میں صرف ایک دفعہ پانی دینے کی اجازت ہے۔ باوجود اس کے بندہ حلفیہ طور پر یہ کہنے میں حق بجانب ہوں کہ اپنے اوپر اسرار بالا کے اعتماد پر پورا اتارنے اور سرخرو کی حاصل کرنے کی خاطر دن رات محنت اور لگن کے ساتھ اپنی کھلی تخواہ لگا کر مینے میں 3 دفعہ مذکورہ رقبہ کو پانی دیتا رہا ہے۔

4۔ یکہ آنجناب کو بخوبی معلوم ہے کہ پلانٹیشن کے لیے سائٹ سٹیلیکشن فارسٹ گارڈ کی اجازت سے نہیں ہوتا۔

5۔ یہ بھی جناب والا کو بخوبی علم ہے کہ پچھلے سال 2017 کے دوران اپنی مثالی خشک سزاؤں کے باعث جیرال کے لیے قبر خداوندی سے کم نہیں تھا کیونکہ ایک مرتبہ بھی خاطر خواہ طور بارش نہیں ہوئی جس کے نتیجے میں صرف تحصیل دروش میں ہی نہیں بلکہ جیرال کے مختلف دیہات مثلاً اوسیک، ملاوی اور ارسون وغیرہ مختلف دیہات اور نیم پیاڑی دیہات زمینداروں کو اپنی مٹی کے فصل سے ہاتھ دھونا پڑا۔

7۔ جناب والا! فدوی یہ بھی آنجناب کو واضح کرنے میں خود کو حق بجانب سمجھتا ہے کہ 34 ہیکٹار پلانٹیشن میں 100 پودوں کی ناکامی پر فدوی کو اتنی سنگین سزا دینا ایک احمقانہ اور اس کے اہل خازران پر سراسر ظلم کے مترادف ہے۔

8۔ یہ کہ متذکرہ CO پودہ بات کی ناکامی پر فدوی سے مذکورہ پودہ جات کے لیے ہر ایک 70 روپے فی پودہ ریکوری کے ساتھ 5 سال تک فدوی کو ہر قسم کے سزائیں دے کر نافرودی کے اس تک کے تمام حکمانہ خدمات اور کاوشوں کی نئی ہے جو کہ ماتحت ملازمین حیثیت سے ناقابل برداشت ہے۔

9۔ ڈویژنل ٹیوکانائٹس جیرال میں جن پودوں کے خشک ہونے کا ذکر کیا گیا تھا اس کا جواب بروقت دیا گیا ہے کہ حتیٰ طور پر خشک نہیں تھے۔ شدید خشک موسم اور وائرچینل کے انتظام آب رسانی کے باعث صرف چند پودوں کے پتے گر چکے تھے اور سب سے سبز تھے۔ ان میں دوبارہ روح ڈالنے کی کوشش موقع پر جاری تھا۔ نیز ساتھ ساتھ Replacement کا کام بھی جاری تھا۔

جناب والا! مندرجہ بالا حقائق آنجناب کی خدمت عالیہ میں پیش کرتے ہوئے فدوی آنجناب کی روشن ضمیری اور انصاف پسندی سے پرامید ہے کہ ڈویژنل آفس آرڈر 36 جیرال کو منسوخ کر کے فدوی کے نیم جسم میں دوبارہ روح ڈال کر حکمہ جنگلات کی خدمت کا موقع عنایت فرمائیں گے۔ نیز یہ کہ فدوی کے چھوٹے بچوں کی دعا کی جائے۔
فرمائیں گے۔

سورج: 26 مارچ 2018

اقبال حسین فارسٹ گارڈ

انچارج کلنگ ایفائریشن دروش

26/3/18

Reviewed on
24/3/18

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar
OF 2018

Iqbal Hussain (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Forest Department (RESPONDENT)
(DEFENDANT)

I/We Iqbal Hussain
Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 16/07/2018

Iqbal Hussain
CLIENT

N
ACCEPTED
NOOR MOHAMMAD KHATTAK

M
MUHAMMAD MAAZ MADNI
ADVOCATES

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No.0345-9090737, 03339-9313113

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.906 of 2018:

Mr. Iqbal Hussain Forest Guard.....**Appellant**

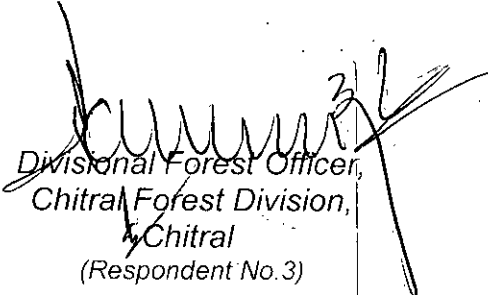
Versus

1. The Chief Conservator of Forests, Central Southern Forest Region-I Peshawar.
2. The Conservator of Forests, Malakand Forest Circle West at Timergara.
3. The Divisional Forest Officer, Chitral Forest Division, Chitral.
4. The Sub Divisional Forest Officer, Drosh South Forest Sub Division, Chitral.

-----**Respondents**

INDEX

| S. #. | Description of documents | Annexure | Page No. |
|-------|---|----------|----------|
| 1 | Reply / Comments to appeal. | | 1-3 |
| 2 | Affidavit | | 4 |
| 3 | Call letter for personal hearing and statement of personal hearing. | A | 5-8 |


Divisional Forest Officer,
Chitral Forest Division,
Chitral
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.906 of 2018:

Mr. Iqbal Hussain Forest Guard.....**Appellant**

Versus

1. The Chief Conservator of Forests, Central Southern Forest Region-I Peshawar.
2. The Conservator of Forests, Malakand Forest Circle West at Timergara.
3. The Divisional Forest Officer, Chitral Forest Division, Chitral.
4. The Sub Divisional Forest Officer, Drosh South Forest Sub Division, Chitral.

-----**Respondents**

REPLY/PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS:

Respectfully Sheweth:-

1. That the above noted case is pending before this honorable court.
2. That as directed this honorable court vide order dated 03.12.2018, respondents submit the following comments.

Preliminary objections:-

1. That the appellant has no cause of action to file the present appeal.
2. That the appellant has not come to this Tribunal with clean hands.
3. That the appellant has concealed facts and material.
4. That the present appeal is not maintainable.
5. That the appellant is estoppels to file the instant appeal due to his own conduct.

FACTS:


1. *Pertains to record hence needs no comments.*
2. *Correct, the official was served a Show Cause vide this office No.1636/G, dated 05.10.2017 and chance of personal hearing was afforded to the official.*
3. *Incorrect. The Show Cause Notice has been issued under the provision of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, whereby recovery of the cost and expenditure incurred have been ordered besides above, the penalty of reduction to original time scale for five years was imposed.*
4. *Pertains to record.*


Grounds:

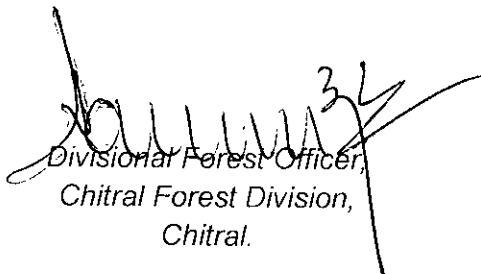
- A. *Incorrect, the order has been issued under the provision of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, where reasonable opportunity of being heard was provided to official.*
- B. *Incorrect, the appellant has been treated according to law and show cause notice under the provision of Rule-7 was served upon the appellant for mortality of 100 established plants due to his inefficiency was noticed by worthy Secretary Forestry, Environment & Wildlife Department during his visit on 28.9.2017.*
- C. *Incorrect, the appellant has been treated as per provision of Rule-7(f) and no discrimination has been made as being immediate Incharge of the plantation, he is responsible for watch and ward of plantation.*
- D. *Incorrect, the appellant has been given ample chance of defending himself and besides written defense statement, a chance of personal hearing was also provided to the appellant.*


- E. Incorrect, the appellant was served upon show cause for the inefficiency and misconduct as per provision of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, and ample chance of being heard was provided.
- F. Incorrect, the chance of personal hearing has been provided vide this office No.3615/G, dated 16.1.2018 and the hearing was conducted on 26.1.2018 (copy enclosed as Annexure-1).
- G. Incorrect, the charges are based on inspection of Worthy Secretary of Forestry, Environment and Wildlife Department and furthermore the appellant was given reasonable opportunity of being heard.
- H. The respondents seek leave to raise additional grounds at the time of arguments.

In view of the above position appeal of the appellant may kindly be dismissed, please.


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


Conservator of Forests,
Malakand Forest Circle West,
At Timergara.


Divisional Forest Officer,
Chitral Forest Division,
Chitral.


Sub Divisional Forest Officer,
Drosh South Forest Sub Division,
Drosh Chitral.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.906 of 2018:

Mr. Iqbal Hussain Forest Guard.....Appellant

Versus

1. The Chief Conservator of Forests, Central Southern Forest Region-I Peshawar.
2. The Conservator of Forests, Malakand Forest Circle West at Timergara.
3. The Divisional Forest Officer, Chitral Forest Division, Chitral.
4. The Sub Divisional Forest Officer, Drosh South Forest Sub Division, Chitral.

-----**Respondents**

AFFIDAVIT

I, Mr. _____

do hereby solemnly affirm and state on oath on behalf of Respondents that the whole contents of these comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

**DIVISIONAL FOREST OFFICER
CHITRAL FOREST DIVISION
CHITRAL**



NEAR CHEW BRIDGE DANIN

Dfochitral2017@gmail.com

Phone No.(0943) 413381

Fax No.(0943) 413389

No. 3615 /G, Dated Chitral the 16 / 01 / 2018.

To,

Mr. Iqbal Hussain Forest Guard
Karnatak Afforestation Area.
C/O SDFO Drosh South at Drosh.

Subject: - SHOW CAUSE NOTICE.

Memo: -

Reference this office letter No. 1636/G, dated 05/10/2017.

You are directed to appear before the undersigned for personal hearing on 18.01.2018 and also bring additional proof in your defence if any.


Divisional Forest Officer,
Chitral Forest Division,
Chitral.

No. 3616 /G,

Copy forwarded to the Sub-Divisional Forest Officer Drosh South Forest Sub-Division Drosh. He is directed to deliver the letter under proper receipt, which may be sent to this office for record.


Divisional Forest Officer,
Chitral Forest Division,
Chitral.

۱. بحیث انارٹسٹن اعمار کے کیا ذمہ داریاں
ہوتی ہیں؟

۲. مددگار دورہ سیکرٹری صاحب رقبہ
کلیات اعمار میں کچھ جوڑوں نے
بہت زیادہ گرتی تھی اور کچھ سوگ گئے
تھے اس کیوں تھا؟

وجود کی بلندی آنت کرنا اور دیکھ بھال کرنا
اس میں جو لیبر کام کرتے ہیں انکی نظرانی کرنا

وہ جگہ دیکھو ان کے اور جگہ سے ہے
موافق ملکوں پر پورے کر دینا اور
وہاں پر 10 دن کے بعد باقی ملکوں کے
پر اعمار میں والوں نے باقی تقسیم کر دی ہیں
انہی میں جنرل فراہم ہے اس کے وہاں
بہت مناسب مقدار میں باقی نہیں دیکھتا ہے
اسی جنرل نے اعری کر کے ہر اعمار میں
وہاں باقی دیکھنا بہت مشکل ہے سیکرٹری
کے ذمہ داریوں میں سے ہے اس کے
اسی عین میں دائرہ میں ہر اعمار میں
مددگار سال سے فیکٹری کے سال کے مارچ
کے اب تک مارچ میں نہیں ہوئے ہیں

(Handwritten signature)

Recorded by Enl Hassem Shah se

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26/1/18
Contd: P-2

ایک ہی ڈھلوان پر کچھ چودوں کا گروہ تھا اور تقابلاً چودوں کا فرقان اس سے بہ بات ثابت نہیں ہوتی کہ نہایت افسارح عورت گھٹانی بوداجات کو مانی نہیں دیا جسکی وجہ سے رفیقہ میں پورے فیمل ہو گئے

میں بحیث افسارح چودوں کو مانی دیتا رہا ہوں فردی نے مایس بیٹ سوہیل کے علاوہ نگر نگر ہی ~~میں~~ ²⁰¹⁶ سال دو بیٹے نرسری پیرا روٹ اور سال 2017 میں دو ایکڑ نرسری پیرا روٹ بھی فردی نے خارج میں قے جوہ کامیاب ہوئے ہیں بلا نشین میں چند چودے جو فیمل ہوئے ہیں اسی جگہ میں دوبارہ چودے لگایا ہوں دوران سال 2017 میں چودوں کو عین میں آیت ارب لرتیہ جملہ گھرانے مانی دن کی اجازت ہے۔ فردی دن رات موت لگے بلا نشین کو کامیاب کیا ہے بلا نشین کی مائٹرنٹ رپورٹ میں 94 کامیاب ہوئے ہیں

[Handwritten signature]

~~*[Crossed out handwritten signature]*~~

Recorded by Enl Hussam Shah sc
[Handwritten signature]

جو Enclaptus لگانے کے وقت
کھوج سے قبل ہی ان کو سینہ دوبارہ
لگانے ہیں۔ سٹاف نے نہیں لگایا کہ اور اب
بھی میں ہارورز بلائیں گی دیکھو بال میں
کھوج ہیں جو کھوج خفیہ کھوج سے
خراہ ہوتے ہیں میں اب بھی انکو
دوبارہ لگادیا ہوں

ماہ اکتوبر میں زمین میں غمی بالکل نہیں ہے
شہر خفیہ میں کھوج سے Enclaptus
لہر چھوڑا، جو دن کے پتے خراہ ہوتے ہیں

میں اپنے وائٹس جو جنت آباد ہے وہ
بلائیں گے جو اکتوبر میں جو کھوج ایک
کامیاب اکتوبری شکل میں موجود ہیں

عقلمند شاہ

Recorded by Gul Hussem Shah s.c
Gul Hussem Shah

یہ کھوجیں دروازے کے آگے سے
دیکھنے کا بلا لگایا اور پتہ
میں رہا جو دروازے یا تو کھوج سے
لگانے کے یا لگانے کے بعد دوبارہ
نیل ہوگا؟ جس کو کھوج
سٹاف کے ذریعے ریفارمی سے
لگانے کے ایسا ہوں؟

یہ ماہ اکتوبر میں زری استعمال
مانیٹرینگ کی گئی ہے کھوج سے
خفیہ کھوج سے کھوج نیل ہو گیا؟

یہ اپنے تحفظ میں مزید کچھ لکھنا چاہیے

~~عقلمند شاہ~~
28/1/18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.906 of 2018

Iqbal Hussain Forest Guard..... Appellant

Versus

1. The Chief Conservator of Forests, Central Southern Forest Region-I Peshawar.
2. The Conservator of Forests, Malakand Forest Circle West at Timergara.
3. The Divisional Forest Officer, Chitral Forest Division, Chitral.
4. The Sub-Divisional Forest Officer, Drosh South Forest Sub-Division, Chitral.

Respondents

Respect full Shewahs
Procedural objection Reply / Para comments on behalf respondents

FACTS

1. *Pertains to record hence*
Correct. *Needs no comments*
2. Correct, the official was served a Show Cause vide this office No.1636/G, dated 05.10.2017 and chance of personal hearing was afforded to the official *incorrect.*
3. The Show Cause Notice *has* been issued under the provision of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, whereby recovery of the cost and expenditure incurred have been ordered besides above, the penalty of the official was reduced to time scale for inefficiency and misconduct. *Reduction to original time scale for five years was imposed.*
4. *No comments. Pertains to record hence*

Grounds:

- A) *Incorrect*, the order has been issued under the provision of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, where reasonable opportunity of being heard was provided to official.
- B) *Incorrect*, the appellant *has* been treated according to law and show cause notice under the provision of Rule-7 was served upon the appellant *for* mortality of 100 established plants due to his inefficiency was noticed by worthy Secretary Forestry, Environment & Wildlife Department during his visit on 28.9.2017.
- C) *Incorrect*, the appellant *has* been treated as per provision of Rule-7(f) and discrimination *no* has made as being immediate Incharge of the plantation, he is responsible for watch and ward of plantation.

- d) Incorrect, the appellant has been given ample chance of defending himself and beside written defense statement, a chance of personal hearing was also provided to the applicant. *appellant*
- e) Incorrect, the appellant was served upon show cause for the inefficiency and misconduct as per provision of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, and ample chance of being heard was provided.
- f) Incorrect, the chance of personal hearing has been provided vide this office No. 3615/G, dated 16.1.2018 and the hearing was conducted on 26.1.2018 (copy enclosed as Annexure-1).
- g) Incorrect, the charges are based on inspection of Worthy Secretary of Forestry, Environment and Wildlife Department and furthermore the appellant was given reasonable opportunity of being heard.

No comments. The respondents seek leave to raise additional grounds at the time of arguments.

In view of the above position appeal of the appellant may kindly be rejected, please *dismissed*

Submitted for setting aside
HARIF
Summ
an

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

Conservator of Forests,
 Malakand Forest Circle West,
 At Timergara.

Divisional Forest Officer,
 Chitral Forest Division,
 Chitral.

Sub Divisional Forest Officer,
 Drosh South Forest Sub Division,
 Drosh Chitral.

AAU

Please net

DAI

AM

P.T.D

21/1/18

(5)

(2) Preliminary objection

*

1- That the appellant has no cause of action to file the present appeal.

(2) that the appellant not came this Tribunal with clear hands

(3) That the appellant has concealed facts and material.

(4) that ^{the} present is not maintainable in the ^{appeal} of law and facts.

(5) that the appellant ~~has~~ ^{is} estopped by ~~his own conduct~~ to file the present appeal due to his own conduct.

referred subject to correction, attachment of all annexures, affidavit and approval of AAG

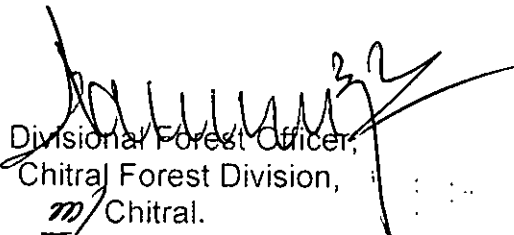
Agreed as above

Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar

21/1/19

AUTHORITY LETTER.

Mr. Shakeel Ahmad, Sub-Divisional Forest Officer is hereby authorized to attend the honourable court of Khyber.Pakhtunkhwa Service Tribunal, Peshawar on 05.03.2019 in the case titled "**Appeal No.906/2018 Iqbal Hussain versus Chief Conservator of Forests, Central Southern Region-I Peshawar and others**" on behalf of Forest Department.


Divisional Forest Officer,
Chitral Forest Division,
Chitral.

Mr. Shakeel Ahmad, Sub-Divisional Forest Officer is hereby authorized to attend the honourable court of Khyber.Pakhtunkhwa Service Tribunal, Peshawar on 05.03.2019 in the case titled "**Appeal No.906/2018 Iqbal Hussain versus Chief Conservator of Forests, Central Southern Region-I Peshawar and others**" on behalf of Forest Department.

Mr. Shakeel Ahmad,
Sub-Divisional Forest Officer

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 988 /ST

Dated 22-5- 2019

To


The Divisional Forest Officer,
Government of Khyber Pakhtunkhwa,
Chitral Division Chitral.

Subject: -

JUDGMENT IN APPEAL NO. 906/2018, MR. IQBAL HUSSAIN.

I am directed to forward herewith a certified copy of Judgement dated 07.05.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.