

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	11.02.2019	<p align="center"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b>  <b>Service Appeal No. 613/2018</b></p> <p>Date of Institution ..... 25.04.2018  Date of Decision ..... 11.02.2019</p> <p>Safir Ullah Khan S/o Malik Mir Dad Khan, R/o Sero Banda Khel, Bannu, Ex-Deputy Ranger, Forest Bannu Sub Division Bannu Agency.</p> <p align="right"><b>Appellant</b></p> <p align="center"><b>Versus</b></p> <p>1. Divisional Forest Officer, Bannu.  2. Chief Conservator of Forest Central Southern Region-I, Peshawar.  3. Secretary to Government of Khyber Pakhtunkhwa, Environment Department Peshawar.</p> <p align="right"><b>Respondents</b></p> <p><b>Mr. Muhammad Hamid Mughal-----Member (J)</b>  <b>Mr. Hussain Shah-----Member (E)</b></p> <p align="center"><b><u>JUDGMENT</u></b></p> <p><b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> - Learned counsel for appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present.</p> <p>2. The appellant (Retired Deputy Ranger) has filed the present appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974 for the grant of pensionary benefits</p> <p>3. Learned counsel for the appellant argued that the appellant was allowed to retire from government service and to proceed on superannuation pension w.e.f 07.09.2017 vide office order dated</p>

16.10.2017. Next contended that the competent authority has also given note in the said office order dated 16.10.2017 that pension paper etc. will be processed after finalization of disciplinary proceeding against the appellant. Next contended that upon retirement of the appellant w.e.f 07.09.2017, the departmental proceeding against the appellant stood abated. Next contended that departmental punishment cannot be awarded to the appellant after his retirement from government service. Learned counsel for the appellant stressed that the order of departmental authority regarding withholding of the pensionary benefits of the appellant is unlawful.

4. As against that learned AAG argued that the appellant caused huge loss to the government exchequer in that huge amount was incurred from government exchequer on raising and maintenance of plantation and due to appellant's improper maintenance, less watering and lack of interest, failure was observed more than forty percent (40%); that charge sheet/statement of allegation was served upon the appellant; that inquiry officer also conducted the inquiry and upon submission of the inquiry report dated 11.06.2018 the appellant was directed vide office letter dated 14.06.2018 to deposit the amount of Rs- 6959700/- on account of recovery imposed by the inquiry officer; that the appellant was retired on 07.09.2017 while the disciplinary action was initiated vide order dated 15.06.2017 i.e. well before the date of retirement of the appellant.

5. Arguments heard. File perused.

6. On 07.09.2017 the appellant attained the age of superannuation.


The departmental action was initiated against the appellant when he was on the verge of his retirement. In response to the charge sheet, the appellant submitted his reply dated 03.08.2017. However the appellant had already attained the age of superannuation when the inquiry officer submitted his report.

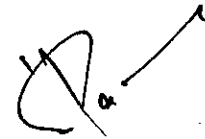
7. It is settled that if a government servant attains the age of superannuation before the completion of inquiry, the disciplinary proceeding against him shall abate.

8. In view of above, the act of the departmental authority of withholding of pensionary benefits to the appellant till the finalization of disciplinary proceeding against the appellant vide endorsement (Note) as given in the office order dated 16.10.2017 cannot be termed as lawful. Consequently endorsement (Note) as given in the office order dated 16.10.2017 regarding withholding of pensionary benefits (non-processing of pension papers), is set aside.

9. Needless to mention that in case any pecuniary loss to the government has been proved against the appellant, the same may be recovered from the appellant in accordance with law.

10. The present service appeal is accepted / disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

  
(Hussain Shah)  
Member

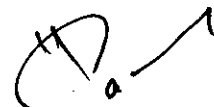
  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
11.02.2019

11.02.2019

Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present. Vide separate judgment of today of this Tribunal placed on file, endorsement (Note) as given in the office order dated 16.10.2017 regarding withholding of pensionary benefits (non-processing of pension papers), is set aside. Needless to mention that in case any pecuniary loss to the government has been proved against the appellant, the same may be recovered from the appellant in accordance with law. The present service appeal is accepted / disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
11.02.2019

07.01.2019

Appellant with counsel and Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Wahdat Zeeshan SDFO present. Arguments heard. To come up for order on 28.01.2019 before D.B.

  
Member

  
Member

28.01.2019

Appellant with counsel present. Mr. Muhammad Riaz Khan Paindakhel, A.S.H. AG alongwith Mr. Wahdat Zeeshan, SDFO, Bannu for respondents present. Order could not be announced due to non-availability of proper D.B. Adjourned. Case to come up for order on 01.02.2019 before D.B.

  
(Ahmad Hassan)  
Member

(M. Hamid Mughal)  
Member

01.02.2019

Due to rush of work, further proceedings in the case in hand could not be conducted. Adjourn. To come up for order on 11.02.2019 before D.B.

Member


  
Member

30.11.2018

Learned counsel for the appellant and Mr. Riaz Paindakheil learned AAG present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 07.01.2019 before D.B.



Member



Member

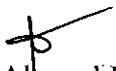
03.08.2018


Appellant Safirullah Khan in person alongwith his counsel Mr. Saadullah Khan Marwat, Advocate present. Mr. Saeed Anwar, SDFO alongwith Mr. Kabriullah Khattak, Addl: AG for respondents present. Written reply on behalf of respondents submitted. Case to come up for counter affidavit/rejoinder and arguments on 26.09.2018 before D.B.

  
Chairman

26.09.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Rejoinder submitted on behalf of the appellant which is placed on file. Case to come up for arguments on 17.10.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

17.10.2018

Junior to counsel for the appellant and Mr. Riaz Ahmed Paindakhel learned Assistant Advocate General for the present. Junior to counsel for the appellant seeks adjournment that his senior counsel is not in attendance. Adjourned. To come up for arguments on 30.11.2018 before D.B.

  
Member

  
Member

07.06.2018

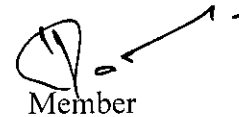
Junior to counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Toraban Khan SDFO for the respondents present and seeks adjournment to furnish reply/comments. Adjourned. To come up for written reply/comments on 28.06.2018 before S.B. Fresh notices be issued to the respondents for the date fixed. Interim relief granted to the appellant on the preceding order sheet dated 25.05.2018 is extended till the next date already fixed.



Member

28.06.2018

Junior counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Rafiullah, CDO for the respondents presents. Written reply not submitted on behalf of respondents. Requested for adjournment. Granted. To come up for written reply/comments on 20.07.2018 before S.B. Interim relief granted to the appellant on the preceding order sheet dated 25.05.2018 is extended till the next date already fixed.



Member

20.07.2018

Learned counsel for the appellant and learned Additional Advocate General alongwith Mr. Aitizaz Mehfooz SDFO for the respondents present. Representative of the respondents requested for time to furnish reply. Granted by way of last chance. To come up for written reply/comments on 03.08.2018 before S.B.



Member



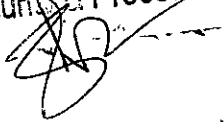
Appeal No. 613/2018  
Sabirullah Khan vs Govt


25.05.2018

Appellant Safir Ullah alongwith his counsel present. Preliminary arguments heard. It was contended by the learned counsel for the appellant that the appellant was serving in Forest Department as Deputy Ranger and during service he was charge sheeted for the allegations mentioned in charge sheet. It was further contended that the appellant also submitted reply to the said charge sheet, however, before finalization of disciplinary proceedings he was retired from service on attaining the age of superannuation on 16.10.2017. It was further contended that the respondent-department are not paying pensionary benefits to the appellant therefore, the appellant filed departmental appeal on 03.11.2017 but the same was not responded hence, the present service appeal. It was further contended that since the disciplinary proceedings was not finalized by the respondent-department before the retirement of the appellant therefore, the disciplinary proceeding was liable to be withheld/abate and the respondent-departments were bound to pay pensionary benefits to the appellant.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 07.06.2018 before S.B. Learned counsel for the appellant also submitted application for issuing the direction to the respondents to pay tentative pension and also withhold of inquiry proceedings. Notice of the same be also issued to the respondents for the date fixed. The inquiry proceedings, if pending against the appellant, the same is suspended till further orders.

Appellant Deposited  
Security & Process Fee

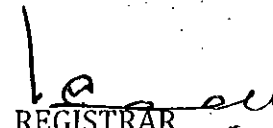



  
(Muhammad Amin Khan Kundi)  
Member

Form-A  
FORM OF ORDERSHEET

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

Case No. 613/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07/05/2018	<p>The appeal of Mr. Safir Ullah Khan resubmitted today by Mr. Saadullah Khan Marwat Advocate 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</p>
2	15/05/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/05/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Safir Ullah Khan son of Malik Mir Dad Khan Ex-Deputy Ranger Forest Bannu received today i.e. on 25.04.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent No. 2 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Copy of departmental appeal mentioned in para- 5 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal:

No. 905 /S.T,

Dt. 26/4 /2018.

  
REGISTRAR 26/4/18  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Sir,

Re-submitted after completion.



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 613 /2018

Safir Ullah Khan

versus

D.F.O & Others

**I N D E X**

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Charge Sheet & Statement of allegations	"A"	4-6
3.	Reply to Charge Sheet dated 03-08-17	"B"	7
4.	Retirement order dated 16-10-2017	"C"	8
5.	Representation dated 20-11-2017	"D"	9
6.	Interim Relief		10-11

Appellant

Through



Saadullah Khan Marwat  
Advocate.

21-A Nasir Mansion,  
Shoba Bazaar, Peshawar.

Ph: 0300-5872676

0311-9266609

Dated.25-04-2018

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 613 /2018

Safir Ullah Khan  
S/O Malik Mir Dad Khan,  
R/o Sero Banda Khel, Bannu,  
Ex-Deputy Ranger, Forest  
Bannu Sub Division, Bannu . . . . . Appellant

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 619

Dated 25/4/2018

**VERSUS**

1. Divisional Forest Officer, Bannu.
2. Chief Conservator <sup>of Forests</sup>, Central.  
Southern Region-I, Peshawar.
3. Secretary, Govt. of KP,  
Environment Department,  
Peshawar. . . . . Respondents

⇄<=>⇄<=>⇄<=>⇄<=>⇄

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974**  
**WHEREBY AFTER RETIREMENT FROM SERVICE,**  
**APPELLANT WAS NOT PAID PENSIONARY AND**  
**OTHER BENEFITS OF SERVICE:**

Filed to-day

⇄<=>⇄<=>⇄<=>⇄<=>⇄

Registrar

**Respectfully Sheweth:**

1. That appellant was initially appointed as Forester B-9 in the year, 1984 and was promoted to the post of Deputy Ranger Forester B-12 in the year 2013.
2. That appellant was served with Charge Sheet and Statement of allegations to the effect of charges contained therein by R. No. 02. (Copy as annex "A")
3. That on 03-08-2017, the said Charge Sheet was replied by explaining the whole truth contained therein. (Copy as annex "B")

Re-submitted to-day  
and filed.

25/4/18

Registrar  
7/5/18

4. That enquiry into the aforesaid allegation was under process when in the meanwhile, appellant reached the age of superannuation and on attaining of the said age, he was retired from service on 16-10-2017 by R. No. 01. (Copy as annex "C")
5. That pensionary papers of the appellant shall have been finalized by the department but the same could not be made due to pendency of enquiry into the aforesaid allegations, so on 20-11-2017, he submitted representation before R. No. 01 for payment of the due pension but in vain. (Copy as annex "D")

Hence this appeal, inter alia, on the following grounds:

**GROUND S:**

- a. That pension is a vested right of a civil servant which cannot be held at any means.
- b. That so called allegations were leveled against appellant for the reason that during the visit of the then DFO Amjad Samad Khan demanded percentage which was refused by appellant on account of active surveillance of the high-ups, so such drama was staged.
- c. That when resistance was shown in the matter, the same got wide publicity, and the then DFO was not only transferred but was also charge sheeted which copies are available with the department.
- d. That enquiry has a very limited scope which was not concluded within the specified period when in the meanwhile, appellant was retired from service on attaining the age of superannuation.
- e. That as per law and judgments of the apex court, retired person is not amenable to any penal action, so the enquiry proceedings, if any, shall be put in a waste box.
- f. That after every 2/3 months, Monitoring Team used to visit / inspect sites. No objection or any discrepancy was ever pointed out, meaning thereby that no mishap was there.
- g. That right of enquiry is by now extinguished by the department as the same was not conducted during service period of appellant. Subsequent proceedings / action is based on malafide.

It is, therefore, most humbly prayed that on acceptance of appeal, respondents be compelled / directed to pay appellant pension and other fringed benefits admissible to him hence forthwith, with such other relief as may be deemed proper and just in circumstances of the case.

It is further prayed that the enquiry proceedings be declared null and void in the circumstances of the case.

2018 PLC CS Note 46



Appellant

Through



Saadullah Khan Marwat



Arbab Saiful Kamal  
Advocates.

Dated 25-04-2018

A

4

CHARGE SHEET

Mr. Muhammad Saddiq Khattak CCF Central Southern Region-I Peshawar as Competent Authority hereby charge sheet you Mr. Safirullah Deputy Ranger Incharge Bannu Forest Sub Division that you have committed the following irregularities while holding the charge of Bannu Forest Sub Division of Bannu Forest Division 35 ha plantation area at Dandi, 60 Ha at Sadda Khel Jazeera (water logged plantation), 221 Ha Sadda Khel Block plantation, 225 Ha Waligai Block plantation, 45Ha Adami-II Block plant and 180 Ha Shagai Block plant areas raised under Billion Tree Afforestation Project where more than 40% to 50% failure have been reported by newly posted SDFO Bannu vide his letter No. 01-3/SDFO-B dated 24-7-2017.


1. Improper maintenance
2. Less watering
3. Lack of interest being incharge of the plantation area
4. Plantation was failed more than 40% to 50%

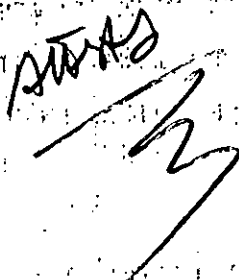
By reasons of the above, you appear to be guilty of (i) IN-EFFICIENCY and (ii) MISCONDUCT under Rule 3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in Rules 4 of the rules ibid.

You are therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the inquiry officer.

Your written defence if any should reach to the inquiry officer 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. Intimate whether you desired to be heard in person.

A statement of allegations is enclosed herewith.

  
Chief Conservator of Forests  
Central Southern Region-I  
Peshawar  
(COMPETENT AUTHORITY)





DISCIPLINARY ACTION

1. Mr. Muhammad Saddiq Khattak CCF Central Southern Region-I Peshawar as Competent Authority am of the opinion that Safirullah Deputy Ranger Incharge Bannu Forest Sub Division 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 Servant (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- a. The DFO Bannu as well as newly posted as SDFO Bannu during field visit noticed more than 40% to 50% failure in 35 ha plantation area at Dandi , 60 Ha at Sadda Khel Jazeera (water logged plantation , 221 Ha Sadda Khel Block plantation , 225 Ha Waligar Block plantation, 45Ha Adami-II Block plant and 180 Ha Shagai Block plant areas raised under Billion Tree Afforestation Project Phase-II.
- b. An amount of Rs. 1485500/- incurred from Govt. Exchequer on raising and subsequently maintenance of 35 ha Block Plantation of Dandi area vide M/Rolls No. 115,194,260, 314,382,429,461/BU for the months of 9/2016 to 3/2017 but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 40%.
- c. An amount of Rs. 1456500/- incurred from Govt. Exchequer on raising and subsequently maintenance of 60 ha Sadda Khel (Jazeera) waterlogged and saline area plantation vide 356,357,421,447&492, /BU for the months of 01/2017 to 3/2017 but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 50%.
- d. An amount of Rs. 10186000/- claimed on raising & maintenance of 221 Ha Block plant at Sadda Khel-II from 4/2016 to 5/2017 vide M/Roll Nos. 350,401, 432/2015-16, 20, 78,79,80,86,89,90,91,92, 167, 168, 169, 170, 171, 235, 236, 248, 324, 395,372, 385, 386, 425, 428, 491, 499, 502, 528, 530, 578-& 580, but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 50%.

e. An amount of Rs. 1668000/- claimed on raising & maintenance of 45 Ha Block plant at Adamill from 2/2017 to 6/2017 vide M/Roll Nos. 430, 444, 459, 524, 574 & 648/BU for 2016-17, but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 50%.

f. An amount of Rs. 7861600/- claimed on raising & maintenance of 185 Ha Block plant at Shagai area from 11/2016 to 6/2017 vide M/Roll Nos. 238, 239, 240, 241, 242, 243, 290, 291, 292, 293, 360, 423, 489, 532, 584, 603, and 635/BU but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 50%.

g. An amount of Rs. 12344000/- claimed on raising & maintenance of 225 Ha Block plant at Waligai area from 12/2015 to 6/2017 vide M/Roll Nos. 158, 194, 237, 285, 302, 286, 340, 341, 342, 392, 422, 423/2015-16, 26, 58, 59, 60, 82, 112, 113, 114, 192, 193, 258, 259, 312, 313, 380, 381, 427, 460, 526, 571 & 645/BU for 2016-17, but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 40%.

2. For the purpose of inquiry against the said accused with reference to the above-mentioned allegations, Mr. \_\_\_\_\_ is hereby appointed as enquiry officer under rule 10(1) (a) of the ibid rules:

3. The Inquiry Officer shall accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its finding and make within fifteen days (15) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

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

Chief Conservator of Forests  
Central Southern Region-I  
Peshawar  
(COMPETENT AUTHORITY)

*Handwritten signature and initials*

B

(S) Tel. 3-8-17  
7 Reply To Enquiry  
22/6/17

To:

The Divisional Forest Officer  
D I Khan Forest Division

Subject ENQUIRY CHARGE SHEET THEREOF

R/Sir.

Reference your good office letter No. 6903/G dated 22-6-2017.

My submission in connection with charge sheet received with your office letter under reference is furnished as under:-

The survival % age of the plantation was more than 70% upto the end of 31 March 2017, but unfortunately some failure i.e about 30% was occurred instead of 50% 80 & 75% in Dandi, Plantation, Sadda Khel (Jazeera Water Logged and Sadda Khel-II Block plantation due to the following reason :-

- i- Sever temperature i.e upto 47 in the 1<sup>st</sup> week of April 2017 which also reported in various daily news papers in that days.
- ii- Dandi Sadda Khel-II area is part of most dry zone of Bannu District where the water table is deep about 200 to 250 feet.
- iii- Scarcity of water, thus the water arranged for watering on payment from private tube wells.
- iv- Least interest of labour due to nonpayment of their daily wages from February to April 2017 i.e for last three months.
- v- As explained in Para-1 above that the failure was not more as 30% which was accordingly restocked/recouped without incurring extra amount what so ever else which can be verified.
- vi- I have never left a stone unturned in the discharging of my duties neither I thought for negligence and misconduct.

Keeping view the above clarification, it is therefore requested that my explanation may be considered as satisfactory and charge sheet may be kindly filed, please.

Dated 03-8-2017



Safirullah  
Deputy Ranger  
BANNU FOREST DIVISION

OFFICE ORDER NO. 07 DATED THE BANNU 16/10 2017, ISSUED BY SYED LATEEF HUSSAIN DIVISIONAL FOREST OFFICER BANNU FOREST DIVISION BANNU.

On attaining the age of Sixty (60) years on 07/9/2017(After noon), Mr. Safirullah Deputy Ranger of this office is hereby allowed to retire from Government service and to proceed on superannuation pension with effect from 07/9/2017(After noon).

The service record of the official is as under:-

1-	Name	Mr. Safirullah
2-	Father's Name	Mirdad Khan
3-	Rank	Deputy Ranger (BPS-12)
4-	District.	Bannu
5-	Date of Birth.	08/9/1957
6-	Date of 1 <sup>st</sup> entry in service.	04/7/1984
7-	Date of retirement.	07/9/2017
8-	Total length of Service.	33years, 2months and 03days.
9-	Basic Pay on 7-9-2017	39240/-

In accordance with the instructions contained under Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing) Notification No. SO (FR) FD.5-9/2005/Vol-V dated 13/12/2012; received vide Conservator of Forests Southern Circle Peshawar endst: No.5886-90/E-18 dated 7/3/2013, sanction is hereby accorded in favour of Mr. Safirullah Deputy Ranger proceeded on superannuation pension w.e. from 07/9/2017 for the grant of leave encashment equal to 365 days pay in lieu of Leave Preparatory to Retirement, viz Rs.470880/- (Rupees Four hundred seventy thousand, Eight hundred & Eighty, only), in favour of the above named Deputy Ranger as encashment allowance .

Note: - Pension paper etc will be processed after finalization of disciplinary proceeding against the Ex- Deputy Ranger. .

(Syed Lateef Hussain)  
Divisional Forest Officer  
Bannu Forest Division

No. \_\_\_\_\_/G

Copy forwarded to:

- 1- The Conservator of Forests Southern Circle Peshawar for favour of information with reference to his office letter 2568/E dated 9-10-2017, please.
- 2- Sub-Divisional Forest Officer Bannu , for favour of information please.
- 3- Mr. Safirullah Ex- Deputy Ranger for information with reference to his application 18-9-2017
- 4- Head Clerk /Accountant Divisional Office, Bannu.
- 5- Record Keeper.
- 6- Personal File.

  
Divisional Forest Officer  
Bannu Forest Division.



مخدوم صاحب ڈویژنل فارمسٹ آفیسر صادق پٹو

منواری: درخواست برائے آڈیٹنگ مہانہ پنشن حاجی پی فنڈ وغیرہ

مذکورہ منواری کے لئے درخواست کنندہ کی سٹیٹہ اوک سالہ منواری  
ملازمت کی مدت پندرہ سالوں سے زیادہ درخواست دینے  
کے باوجود تا حال کسی قسم کی آڈیٹنگ نہیں ہوئی ہے۔  
یہذا مہربانی جانی کہ مالی اور دیگر امور کے متعلق کو مد نظر رکھ کر  
آڈیٹنگ کے احکامات صادر کر کے جاری فرمائیں۔

شکر گزار رہیوں گا

مورخہ 20/11/2017

حاجی سعید الہ خان

ڈپٹی ڈائریکٹر (سابقہ)  
سربراہ ڈویژن پنشن

Received.

20/11/2017

Attest  
[Signature]



10

5

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

CM. No. \_\_\_\_\_ /2018

Safir Ullah Khan

versus

D.F.O & Others

**APPLICATION FOR DIRECTION TO RESPONDENT:-**

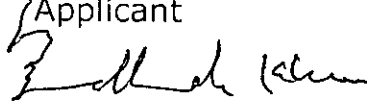
**I. PAYMENT OF TENTATIVE PENSION.**

**II. WITHHOLDING OF ENQUIRY PROCEEDINGS:**

**Respectfully Sheweth:**

1. That applicant filed the subject Appeal before this hon'ble Tribunal today.
2. That after retirement from service the whole family assets is pensionary benefits of appellant which is held for no legal reason.
3. That not only applicant but whole of the family is facing great hardships and children education tuition fees, treatment, rent, etc. which cannot be couped through other means except pensionary benefits.
4. That in similarly circumstances, this hon'ble Tribunal was pleased to direct the department for payment of tentative pension. (Copy attached)

It is, therefore, requested that the application be accepted as prayed for.

Through <sup>Applicant</sup>  
  
(Saadullah Khan Marwat)  
Advocate  
21-A Nasir Mension,  
Shoba Bazar, Peshawar.  
Ph: 0300-5872676

Dated: 25.04.2017

11

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 7/2014

Ghias Uddin S/o Ghulam Mahi Uddin  
R/o H.No. 12, Mushtarqa Colony, Talaab  
Road, Nothia Qadeem, Peshawar, Ex-  
Superintendent, C & W Workshop, Bannu ..... Appellant.

Versus

1. Executive Engineer, Communication & Works Division, Bannu.
2. Superintending Engineer, Bannu Circle, Bannu.
3. Secretary, Govt. of KPK, Works & Services (C & W) Department, Peshawar... Respondents.

7.2.2014.

Appellant with counsel and Mr. Fazal Nabi, SDO on behalf of respondents No. 1 and 2 with AAG for the respondents present. Neither written reply nor reply to application for payment of provisional pension has been received. In the absence of reply to application for payment of provisional pension, a direction is issued to the respondent-department for payment of provisional pension to the appellant. ~~Another chance is given for written reply comments on~~

No. 2526/29-M  
dt 20/2/14

11-2-2014  
11-2-2014  
11-2-2014  
11-2-2014  
11-2-2014

Atte sbo

Sd/-  
Chairman  
11-2-2014  
20-2-14  
file reply  
immediately  
be made

been  
the direction

یعدالت جناب سرورس ٹریبیونل صوبہ سرحد پشاور

مستجاب اسلٹ  
شعبہ گنڈوانا  
بنام محمد صاحب صاحب  
دعوی اپیل

باعضرت سرورس ٹریبیونل

مستجاب مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکیل کارروائی متعلقہ آن مقام پشاور  
کیس نمبر ۱۰۸۵۱ خان سردتے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب  
موصوف کو مقدمہ کی کارروائی کا کابل اختیار ہو گا نیز وکیل صاحب کو کرنے رضی نامہ و تقرر ثالث و فیصلہ برحلف  
پینے جواب دہی اور اقبال دعوی اور لیسٹ ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور مرضی دعوی اور درخواست  
ہر قسم کی تعلیق اور اس پر دستخط کرانے کا اختیار ہو گا نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی  
اور تصویب یا ڈگری کرنے اپیل نگران و نظارتی و پیروی کرنے کا اختیار ہو گا اور بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہو گا  
اور صاحب مقدمہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور  
قبول ہو گا و دوران مقدمہ میں جو خرچہ و ہر جانہ التوا مقدمہ کے سبب سے ہو گا اس کے مستحق وکیل صاحب  
موصوف ہوں گے نیز بقایا دفر حسبہ کی وصولی کرنے کا بھی اختیار ہو گا اگر کوئی تاریخ پیشی مقام دروہ  
پر ہو یا حد سے باہر ہو تو وکیل صاحب یا بندہ نہ ہوں گے کہ پیروی مذکور کریں۔  
لہذا وکالت نامہ رکھ دیا کہ مستجاب ہے۔

المرقوم  
۲۳ - ۱۸

التعبیر التعبیر التعبیر

ارباب  
ایڈووکیٹ

محمد اللہ خان مرشد  
ایڈووکیٹ

من روپیہ تاجر  
ایڈووکیٹ

کلی



the enquiry officer is authorized to issue a warning to the accused officer if the latter attempts to hamper the progress of the enquiry and finalize the report at his discretion.

2. It has, however, been noticed that some enquiry officers fail to adopt the laid down procedure and delay the submission of the enquiry reports unduly. In certain cases, even Authorized Officers show undue leniency to the enquiry officers. This tendency of the enquiry officers/Authorized Officers is not only against the rules quoted above but also causes undue hardship to the accused officers whose cases of promotion, moreover etc are held up due to pending enquiries. Besides, as also pointed out by the Provincial Public Accounts Committee, recovery of amounts involved in the irregularities committed by the defaulter officer, are not possible on account of their retirement which is mostly due to delay in the finalization of the enquiry reports.

3. It is therefore, requested that all the enquiry officers may be directed to process enquiries as per provisions in the rules and submit the reports by the target dates fixed by the Authorized Officer except in very special cases where the prior permission of the Authorized Officer for extension in the time limit is obtained for submission of the report.

(Authority: Circular letter No. SORII(S&GAD)5(69)/94, dated 3.8.1996)

### **Speedy disposal of disciplinary cases/abatement of enquiry on superannuation of a civil servant.**

Reference FR-54 -A where under it has been laid down:-

"54-A. If a Government Servant, who has been suspended pending inquiry into his conduct attains the age of superannuation before the completion of inquiry, the disciplinary proceedings against him shall abate and such Government Servant shall retire with full pensionary benefits and the period of suspension shall be treated as period spent on duty".

2. The issue has been examined in consultation with the Finance Department and it has been decided that in future all Civil Servants who are under enquiry be excluded from the enquiry proceedings under the E&D Rules after attaining the age of superannuation and they may be allowed full pensionary benefits as provided under the rules. However, it has further been decided that if some pecuniary loss caused to the Government is likely to be proved against a Government Servant who superannuates before decision of the case against him, an FIR should be lodged against him for judicial proceedings immediately after the date of superannuation and exclusion of his name from the departmental enquiry.

3. In view of the above legal position about the enquiry proceedings under the Government Servants E&D Rules, 1973 most of the enquiries on one pretext or other are inordinately delayed and consequently they get abated as such. This state of affairs is neither desirable nor in the public interest. It has therefore been decided that all enquiry officers shall strictly abide by the relevant rules and ensure completion of enquiries and submission of their reports within the stipulated time. In this connection attention of the enquiry officers is drawn to the provision of Rule 6 sub rule (3) and sub Rule (5) of the rules *ibid* where under it has specifically been laid down that:-

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

S.A. No. 613 /2018

Safir Ullah Khan

versus

DFO &amp; Others

**REPLICATION****Respectfully Sheweth,****PRELIMINARY OBJECTIONS:**

All the 06 preliminary objections of respondents are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no locus standi / cause of action, time barred, un clean hands, jurisdiction, mis and non-joinder of necessary parties and estoppels.

**ON FACTS:**

- 1-4. Admitted correct by the respondents, regarding Charge Sheet, reply to Charge Sheet and retirement from service.
5. Not correct. Pension is a vested right and no one can stop the same for any reason after getting retirement from service. Enquiry proceedings, if any, should have been finalized, what so ever the case may be, before retirement. No enquiry could be held after retirement of a servant from service.

**G R O U N D S:**

- a. Not correct. No huge lose is involved in the case and if any, the same should have been finalized before retirement from service as per law, instructions of the government and verdicts of apex court. Pension case was illegally withheld as no recovery could be effected from pensionary benefits of any servant.
- b. Not correct. Allegation if any, should have been dealt with prior to retirement from service and not after his retirement.

- c. Not correct. DFO as admitted by the respondents in the ground that Amjad Samad was Charge Sheeted for various failures in plantation areas and other short comings on his part.

It is pertinent to point out that 1<sup>st</sup> enquiry was finalized having nothing against appellant. Even in initiating of re-enquiry, appellant was not made responsible for any mishap but others.

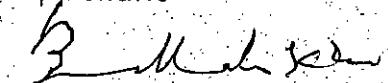
- d. In response to this ground of appeal, it is submitted that enquiry was not conducted as per the mandate of law but self made report was preferred against the incumbents which has no reality with facts. No recovery is allowed by any stretch of means from pension, even some one proved guilty too.
- e. Not correct. The ground of the appeal is correct regarding law and judgments on the subject of retirement from service. To safe guard Govt. interest authority shall take such action well within time and not after retirement from service.
- f. Not correct. Project Director shall inspect sites etc not at the time of retirement of appellant from service but such schemes were initiated prior to the year 2014 and not in 2017.
- g. Correct to the extent of retirement of appellant from service and enquiry should have been not initiated at the final stage of retirement from service. Appellant was retired from service on 07-09-2017 and enquiry was initiated on 15-06-2017 which should have been concluded within the specified time.
- h. More so, appellant was granted stay order to not take any action in the matter but the department gave no importance to the stay order and are doing what they want which is in total disregard of law.

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



Appellant

Through



Saadullah Khan Marwat

Advocate,

Dated: 26-09-2018

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

S.A. No. 613/2018

Safir Ullah Khan

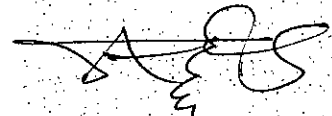
versus

DFO & Others

**AFFIDAVIT**

I, Safir Ullah, appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.



DEPONENT

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA PESHAWAR

SERVICE APPEAL NO.613/2018

BY

Safirullah S/O Malik Mir Dad Khan (Ex-Deputy Range  
of Bannu Forest Division R/O Sero Bada Khel Bannu.

VERSUS.

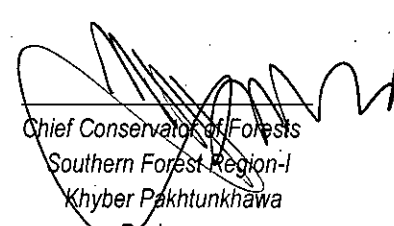
- 1- Divisional Forest Officer Bannu.
  - 2- Chief Conservator of Forests Central Southern Region-I Peshawar.
  - 3- Secretary to Govt: of Khyber Pakhtunkhawa Environment Department  
Peshawar.
- (Respondents)**

COUNTER AFFIDAVT

We undersigned, do hereby solemnly affirm and declare on Oath that the contents of the  
accompanying reply of the Service Appeal No.613/2018 are true and correct to the best of our  
knowledge and belief and nothing has been kept back or concealed from this Honorable Tribunal.

RESPONDENTS. I, II + III

  
Divisional Forest Officer  
Bannu Forest Division

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

\_\_\_\_\_  
Secretary to Govt: of Khyber Pakhtunkhawa  
Environment Department Peshawar

*Malik Mir Dad Khan  
3-2-2018.*

# **BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

## **APPEAL NO.613/2018**

Safirullah S/O Malik Mir Dad Khan (Ex-Deputy Ranger)

At Bannu Forest Division R/O Sero Bada Khel Bannu.

(Appellant)

## **VERSUS**

- 1- Divisional Forest Officer Bannu.
- 2- Chief Conservator of Forests Central Southern Region-I Peshawar.
- 3- Secretary to Govt: of Khyber Pakhtunkhwa Environment Department Peshawar.

(Respondents)

## **REPLY ON BEHALF OF ENVIRONMENT DEPARTMENT (RESPONDENT NO. 1 TO 3).**

Respectfully sheweth:-

### **Preliminary objections:-**

- 1- The appellant has got no locus standi and no cause of action to file the instant appeal.
- 2- The appeal is badly barred by time.
- 3- The appellant has not come to this Honorable court with clear hands.
- 4- This honorable Tribunal has no jurisdiction to entertain the instant appeal.
- 5- That the appeal is liable to be dismissed on the ground of mis-joinder/non-joinder of necessary parties.
- 6- That the appellant is stopped by his own conduct to file the instant appeal.

### **FACTS**

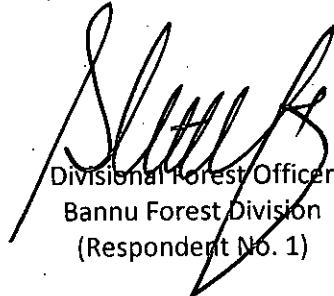
- 1- No comments.
- 2- Correct.
- 3- Pertains to record.
- 4- Correct.
- 5- The delay in submission of pension papers etc of the appellant was due to enquiry proceedings against him on /ac of huge loss sustained to the Government due to the negligence on the part of appellant, thus the payment of pension benefit were withheld so that to adjust the recovery if proved by the enquiry officer from his pension benefits.

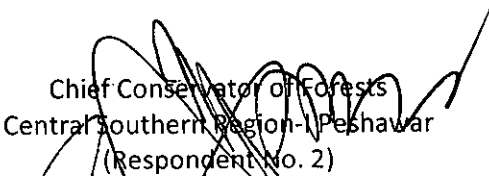
### **GROUND**

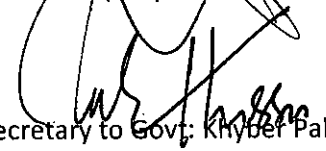
- a- Incorrect there was involved a huge loss sustained to the Government treasury as reflected in the charge sheet and memo of allegations, therefore in order to safe guard the Government interest , the pension case was withheld so that to recover/adjust the loss as already proved by the Enquiry officer against the appellant.
- b- Incorrect. The allegations what so ever levelled against the appellant were due to failure/shortage in the plantation areas as reflected in the charge sheet (Annexure-A ) and proved by the inquiry officer (Annexure-B)
- c- Incorrect. The then DFO Mr. Amjad Samad was charge sheeted for various failures in plantation areas and other negligence on the part of the DFO, however the enquiry is still under process against him alongwith others.

- d- The DFO D.I. Khan (Enquiry Officer) has finalized the enquiry proceedings against him and submitted the enquiry reports vide his office letter No. 8348/G dated 11-5-2018, 8350/G dated 11-5-2018, & 8982/G dated 11-6-2018 (Annexure-B), on receipt of the recommendations of the enquiry officer, Mr. Safirullah Ex-Deputy Ranger was directed through DFO Bannu vide office letter No. 2030/G dated 14-6-2018 to deposit the amount of Rs. 6959700/- on account of recovery imposed by the inquiry officer which has accordingly been acknowledged by him on 19-6-2018 (Annexure-C), The pension papers will be processed after remittance of recovery, entry to this effect will also be shown /recorded in his service book.
- e- The enquiry was initiated against the appellant before his retirement, however there is involved huge loss sustained to Government viz Rs. 6959700/- which is recoverable from him, therefore in order to safeguard the Government interest, the recovery should have to be made good from the person at fault/proved either in service or retired.
- f- The Project Director Billion Trees vide his office letter No. 1742/BTAP dated 18-4-2017 submitted the list of all short comings in the areas fallen in Bannu Forest Division which were accordingly been endorsed to the concerned SDFOs for rectification vide DFO Bannu office letter endst: No. 3119-20/G dated 30-6-2018 (Annexure-D).
- g- The appellant was retired from Government service on superannuation with effect from 7-9-2017 vide DFO Bannu office order No. 07 dated 16-10-2017, while the inquiry was initiated against him vide DFO Bannu office order No. 61 dated 15-6-2017 well before his retirement. (Annexure-E)

In view of the above explanation, it is therefore requested that the instant appeal may graciously be dismissed and the appellant may also be directed to deposit the recoverable amount so that to process the pension documents for release of his pension etc.

  
Divisional Forest Officer  
Bannu Forest Division  
(Respondent No. 1)

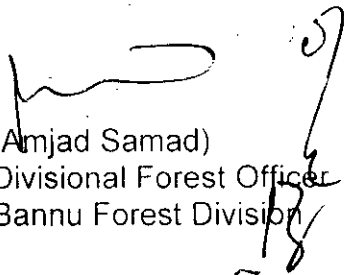
  
Chief Conservator of Forests  
Central Southern Region-I Peshawar  
(Respondent No. 2)

  
Secretary to Govt: Khyber Pakhtunkhwa  
Forestry Wildlife and Environment Deptt:  
(Respondent No. 3)

OFFICE ORDER NO 61 DATED THE BANNU 15/6 /2017, ISSUED BY AMJAD SAMAD  
DIVISIONAL FOREST OFFICER BANNU FOREST DIVISION BANNU.

The undersigned paid visit to Dandi, plantation, Sadda Khel Jazeera Water logged Afforestation Area and Sadda Khel-I Block plantation raised under Billion Trees Tsunami Afforestation Project. During visit the undersigned observed that the plantation was failed more than 50%, 80 & 75%.


Mr. Abid Mumtaz DFO D.I Khan Forest Division is hereby appointed as inquiry Officer to probe into matter and fix responsibility against M/S Safirullah D/Ranger incharge Bannu Forest Sub Division and Ismail Khan Forest Guard incharge of Sadda Khel plantation and submit the enquiry report as early as possible.

  
(Amjad Samad)  
Divisional Forest Officer  
Bannu Forest Division

No. 3021-24 IG

Copy forwarded for information and necessary action to:

- 1- The Conservator of Forests Southern Circle Peshawar for favour of information, please.
- 2- Divisional Forest Officer, D.I. Khan for information and necessary action. The Statement of allegation and charge sheets are enclosed for further course of action.
- 3- SDFO Bannu..
- 4- Divisional Accountant.

  
15/06  
Divisional Forest Officer  
Bannu Forest Division



CHARGE SHEET

Annexure-A-2

I, Mr. Amjad Smad DFO Bannu as Competent Authority, hereby charge sheet you Mr. Safirullah Deputy Ranger Incharge Bannu Forest Sub Division that you have committed the following irregularities while holding the charge of Bannu Forest Sub Division of Bannu Forest Division 35 ha plantation area at Dandi, 60 Ha at Sadda Khel Jazeera (water logged plantation and 221 Ha Sadda Khel Block plantation where more than 50%, 80% and 75% failure respectively raised under Billion Tree Afforestation Project

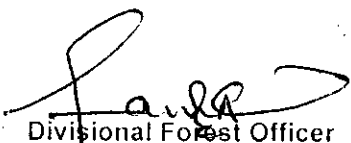
1. Improper maintenance
2. Less watering
3. Lack of interest being incharge of the plantation area
4. Plantation was failed more than 50% , 80% and 75%

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

You are therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the inquiry officer.

Your written defence if any should reach to the inquiry officer 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. Intimate whether you desired to be heard in person.

A statement of allegations is enclosed herewith.

  
Divisional Forest Officer  
Bannu Forest Division  
(COMPETENT AUTHORITY)

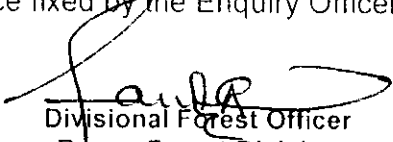
1. Mr. Amjad Samad as Competent Authority, am of the opinion that Safirullah Deputy Ranger Incharge Bannu Forest Sub Division rendered himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011.

**STATEMENT OF ALLEGATIONS**

- a. The DFO Bannu during field visit noticed more than 50% failure of Dandi plantation, 80% failure in Sadda Khel Jazeera water logged and 75% failure in Sadda Khel-II Block raised under Billion Tree Afforestation Project Phase-II.
  - b. An amount of Rs. 1485500/- incurred from Govt. Exchequer on raising and subsequently maintenance of 35 ha Block Plantation of Dandi area vide M/Rolls No. 115,194,260, 314,382,429,461/BU for the months of 9/2016 to 3/2017 but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 50%.
  - c. An amount of Rs. 1456500/- incurred from Govt. Exchequer on raising and subsequently maintenance of 60 ha Sadda Khel (Jazeera) waterlogged and saline area plantation vide 356,357,421.447&492, /BU for the months of 01/2017 to 3/2017 but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 80%.
  - d. An amount of Rs. 10186000/- claimed on raising & maintenance of 221 Ha Block plant: at Sadda Khel-II from 4/2016 to 5/2017 vide M/Roll Nos. 350,401, 432/2015-16, 20, 78,79,80,86,89,90,91,92, 167, 168, 169, 170, 171, 235, 236, 248, 324, 395, 372, 385, 386, 425, 428, 491, 499, 502, 528, 530, 578 & 580, but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 75%.
2. For the purpose of inquiry against the said accused with reference to the above-mentioned allegations, Mr. Abid Mumtaz DFO D.I. Khan is hereby appointed as enquiry officer under rule 10(1) (a) of the ibid rules:

The Inquiry Officer shall accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its finding and make within fifteen days (15) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

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

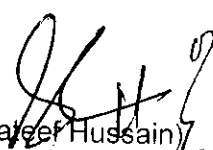
  
Divisional Forest Officer  
Bannu Forest Division  
(COMPETENT AUTHORITY)

Annexure-A5

OFFICE ORDER NO. 08 DATED 25 /10/2017 BANNU THE ISSUED BY SYED LATEEF HUSSAIN DIVISIONAL FOREST OFFICER BANNU FOREST DIVISION

In pursuance of Chief Conservator of Forests Central Southern Region-I Peshawar letter No. 879/E dated 04-10-2017 received vide Conservator of Forests Southern Circle Peshawar letter endst: No. 2809/E dated 12-10-2017, Mr. Abid Mumtaz Divisional Forest Officer D.I. Khan is hereby appointed as enquiry Officer to probe into the matter and fix the responsibility against the following officials of Bannu Forest Division and submit his finding within stipulated period.

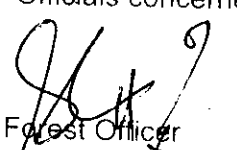
S#	Name and Rank of officials	Name of Area
1-	Safirullah Ex- Deputy Ranger incharge Bannu Forest Sub Divn:	Shagai, Waligai and Adami-II
2-	Mr. Akber Niaz Forester	Shagai
3-	Mr. Ismail Khan Forest Guard	Sadda Khel-II and Shagai
4-	Mr. Sher Alam Forest Guard	Waligai
5-	Mr. Yousaf Khan Forst Guard	Adami-II

  
(Syed Lateef Hussain)  
Divisional Forest Officer  
Bannu Forest Division

No. 557-60/G

Copy forwarded to:-

- 1- The Conservator of Forests Southern Circle Peshawar for favour of information with reference to his office letter No. 2809/E dated 17-10-2017, please.
- 2- Mr. Abid Mumtaz Divisional Forest Officer D.I. Khan Forest Division. The statement of allegation and charge sheet of the above officials are enclosed for further course of action, please.
- 3- Divisional Accountant/official concerned
- 4- Officials concerned

  
Divisional Forest Officer  
Bannu Forest Division

CHARGE SHEET

Annexure-A-6

I, Syed Lateef Hussain DFO Bannu as Competent Authority, hereby charge sheet you Mr. Safirullah Ex- Deputy Ranger Incharge Bannu Forest Sub Division that you have committed the following irregularities while holding the charge of Bannu Forest Sub Division of Bannu Forest Division, 60 Ha at Sadda Khel Jazeera (water logged plantation), 225 Ha Waligai Block plantation, 45Ha Adami-II Block plant: and 180 Ha Shagai Block plant: areas raised under Billion Tree Afforestation Project where more than 40% to 50% failure have been reported by newly posted SDFO Bannu vide his letter No. 01-3/SDFO-B dated 24-7-2017.

1. Improper maintenance
2. Less watering
3. Lack of interest being incharge of the plantation area
4. Plantation was failed more than 40% to 50%

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

You are therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the inquiry officer.

Your written defence if any should reach to the inquiry officer 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. Intimate whether you desired to be heard in person.

A statement of allegations is enclosed herewith.

  
Divisional Forest Officer  
Bannu Forest Division  
(COMPETENT AUTHORITY)

## DISCIPLINARY ACTION

Annexure-A-7

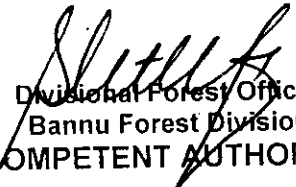
I, Syed Lateef Hussain DFO Bannu as Competent Authority, am of the opinion that Safirullah Ex- Deputy Ranger Incharge Bannu Forest Sub Division rendered himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011.



### STATEMENT OF ALLEGATIONS

- a. The DFO Bannu as well as newly posted as SDFO Bannu during field visit noticed more than 40% to 50% failure in 225 Ha Waligai Block plantation, 45Ha Adami-II Block plant: and 180 Ha Shagai Block plant: areas raised under Billion Tree Afforestation Project Phase-II.
  - b. An amount of Rs. 1668000/- claimed on raising & maintenance of 45 Ha Block plant: at Adami-II from 2/2017 to 6/2017 vide M/Roll Nos. 430, 444, 459, 524, 574, & 648/BU for 2016-17, but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 50%.
  - c. An amount of Rs. 7861600/- claimed on raising & maintenance of 185 Ha Block plant: at Shagai area from 11/2016 to 6/2017 vide M/Roll Nos. 238, 239, 240, 241, 242, 243, 290, 291, 292, 293, 360, 423, 489, 532, 584, 603, and 635/BU, but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 50%.
  - d. An amount of Rs. 12344000/- claimed on raising & maintenance of 225 Ha Block plant: at Waligai area from 12/2015 to 6/2017 vide M/Roll Nos. 158, 194, 237, 285, 302, 286, 340, 341, 342, 392, 422, 423/2015-16, 26, 58, 59, 60, 82, 112, 113, 114, 192, 193, 258, 259, 312, 313, 380,, 381, 427, 460, 526, 571 & 645/BU for 2016-17 but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 40%.
2. For the purpose of inquiry against the said accused with reference to the above-mentioned allegations, Mr. Abid Mumtaz DFO D.I. Khan is hereby appointed as enquiry officer under rule 10(1) (a) of the ibid rules:

3. The Inquiry Officer shall accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its finding and make within fifteen days (15) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

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

  
Divisional Forest Officer  
Bannu Forest Division  
(COMPETENT AUTHORITY)

	<p><b>Abid Mumtaz</b> Divisional Forest Officer D.I.Khan Forest Division</p>	<p>Bungalow # 20 - Allama Iqbal road D.I.Khan Cantt. Phone # 0966-9280181 Fax # 0966-9280481</p>	
No. <u>7342/G</u>		Dated D.I.Khan the <u>11</u> May 2018	

To

The Divisional Forest Officer,  
Bannu Forest Division, Bannu

**SUBJECT: INITIATION OF INQUIRY AGAINST THE STAFF OF BANNU FOREST DIVISION / INQUIRY REPORT THEREOF**

Reference. Your office order letter No. 1699/G dated 09/04/2018

The failure and total short fall has clearly been reflected in the inquiry report which is again reproduced as under;

- i. Total area raised / claimed 68 hectare
- ii. Total failed area = 54.68 hectare (80%)
- iii. Balance available area on spot = 13.52 hectare (20%) which is 75 to 80% survived

Further being custodian of record and competent authority in the case, it is requested to calculate the amount / expenditure incurred on raising and maintenance of plantation and distribute the losses sustained to the public exchequers as per designation wise responsibility.

The inquiry report along with connected documents received with your letter noted above containing from page No. 1 to 24 is returned herewith for information and further necessary action.

Acknowledge the receipt

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

No. /G,

Copy forwarded to the Conservator of Forests Southern Circle Peshawar for favour of information and necessary action with reference to the DFO, Bannu endorsement letter No. 1700/G dated 09/04/2018, please.

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



ENQUIRY REPORT IN RESPECT OF M/S. AKBAR NIAZ FORESTER AND ISMAIL FOREST GUARD OF  
BANNU FOREST DIVISION

Read with

1. Divisional Forest Officer, Bannu Forest Division office order No. 59 dated 26/05/2017 circulated vide endorsement letter No. 2814-18/G of even date.
2. Divisional Forest Officer, D.I. Khan office letter No. 6789-90/G dated 15/06/2017
3. Replies furnished by Akbar Niaz Forester dated 28/07/2017.
4. Reply of Mr. Ismail Khan Forest Guard is still awaited

Discussion

The Divisional Forest Officer, Bannu Forest Division paid visit to Sada Khel (Jazeera) saline & water logged area plantation over an area of 60 hectare raised under Billion Trees Afforestation Project on 24/05/2017 and observed that more than 80% plantation was failed due to the following reasons;

1. Improper maintenance
2. Less watering
3. Lack of interest being incharge of the plantation area.

Due to negligence, inefficiency and lack of interest the Government sustained huge loss of Rs. 1456500/- incurred on account raising and subsequent maintenance vide Muster Rolls Nos. 356, 357, 421, 447 & 492/BU for the month of January 2017, February 2017 and March 2017.

The under signed was appointed as Inquiry Officer vide DFO Bannu office order No. 59 dated 26/05/2017. The charge sheet and statement of allegations were framed against the accused officials by the Divisional Forest Officer, Bannu Forest Division and was accordingly served upon the accused vide DFO, D.I. Khan Forest Division (Enquiry Officer) letter No. 6789-90/G dated 15/06/2017. The accused officials submitted reply to the charge sheet and statement of allegations and defended the charges / allegation framed against them

Proceedings

The undersigned in the capacity of Enquiry officer examined replies furnished by the accused officials and also crossed questioned but they failed to quote the cogent reasons & shifted all the responsibilities of failure of plantation on harsh weather condition, scarcity of water and late payment of wages to the labours employed for the maintenance of plantations. Plantation sites were inspected on 27/07/2017 accompanied with the DFO, Bannu, SDFO Bannu & accused officials and found that condition of plantations were very poor. The accused officials were asked on spot to beat-up the failure within least possible time.

From 08/03/2018 to 16/03/2018, the Monitoring Officer, Billion Trees Afforestation Project South Region checked the plantations and found that no improvements in the area were made. Personal hearing was conducted and checked all the relevant record in the office of DFO, Bannu Forest Division.

The observations during the inspection by the Monitoring Officer and on request intimated the results of sites to the undersigned which shows that out of total 60 hectare area claimed and charged by the accused officials 68.20 hectare area was measured but 54.68 (80%) hectare area was totally failed while 13.52 hectare plantation was existed on ground and the survival percentage of plantation was 75-80% (20%).

Findings



Keeping in view the above discussion and ground reality and consultation of record and personal hearing and crossed examination / questions of the accused officials, the undersigned reached to the conclusion that charges leveled against the accused officials have been proved beyond any doubt and the plantation noted above raised under Billion Trees Afforestation Project were failed due to negligence, inefficiency Improper maintenance, less watering and lack of interest by the incharge Forester and Forest Guard incharge of the plantation area.

### Recommendations

The undersigned recommend that the charges of inefficiency, misconduct and corruption have been proved against the accused officials, therefore, the undersigned propose / recommend the following punishment to be imposed upon Mr. Akbar Niaz forester and Ismail Khan forest guard who are responsible for the damage / failure of the plantations that **besides recovery of expenditures incurred** on the raising and subsequent maintenance of failed and shortfall in the Sada Khaal (Jazeera) plantation area, the **major penalty** as defined in the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 may be imposed upon the above named accused forester and forest guard.

*(Abid Mumtaz)*

DIVISIONAL FOREST OFFICER  
ENQUIRY OFFICER

	<p><b>Abid Mumtaz</b> Divisional Forest Officer D.I.Khan Forest Division</p>	<p>Bungalow # 20 - Allama Iqbal road D.I.Khan Cantt. Phone # 0966-9280181 Fax # 0966-9280481</p>	

To

The Divisional Forest Officer,  
Bannu Forest Division, Bannu

**SUBJECT: INITIATION OF INQUIRY AGAINST THE STAFF OF BANNU FOREST DIVISION / INQUIRY REPORT THEREOF**

Reference. Your office order letter No. 1697/G dated 09/04/2018

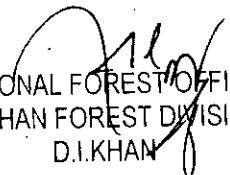
The failure and total short fall has clearly been reflected in the inquiry report which is again reproduced as under;

S. #	Name of area	Area charged (Ha)	Area measured through GPS (Ha)	Excess area (Ha)	Shortfall	Survival / failure %age
1.	Adami - II plantation	45 (10 x 5)	54.04	9.04	--	82% of area is 60% <del>failed</del> <i>survived</i> and 18% of area is totally failed
2.	Shagai plantation	180	77.55	--	102.45	Part-I (5x5) = 26.68 ha 20-30% success
						Part-II (5x5) = 4.95 ha 20-30% success
						Part-III (5x5) = 23.24 ha 40-50% success
						Part-IV (10x5) = 10.30 ha 25-35% success
						Part-V (5x5) = 12.52 ha 75-80% success
3.	Waligai	225	234.68	9.68	--	110.75 ha = 70-80% success
						123.93 ha = 5% success

Further being custodian of record and competent authority in the case, it is requested to calculate the amount / expenditure incurred on raising and maintenance of plantation and distribute the losses sustained to the public exchequers as per designation wise responsibility.

The inquiry report along with connected documents received with your letter noted above containing from page No. 1 to 64 is returned herewith for information and further necessary action.

Acknowledge the receipt

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

No. IG,  
Copy forwarded to the Conservator of Forests Southern Circle Peshawar for favour of information and necessary action with reference to the DFO, Bannu endorsement letter No. 1698/G dated 09/04/2018, please.

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

**ENQUIRY REPORT IN RESPECT OF M/S SAFEERULLAH DEPUTY RANGER I/C SDFO BANNU, AKBAR NIAZ FORESTER, ISMAIL KHAN FOREST GUARD, SHER ALAM FOREST GUARD AND YOISAF KHAN FOREST GUARD OF BANNU FOREST DIVISION**

Read with

1. Divisional Forest Officer, Bannu Forest Division office order No. 08 dated 25/10/2017 circulated vide endorsement letter No. 557-60/G of even date.
2. Divisional Forest Officer, D.I.Khan office letter No. 3193-95/G dated 01/11/2017, No. 3196-98/G dated 01/11/2017, No. 3199-3201/G dated 01/11/2017 No. 3202-3204/G dated 01/11/2017 and No. 3205-07/G dated 01/11/2017.
3. Reply dated 17/11/2017 furnished by Mr. Safeerullah Deputy Ranger (Retired) the then incharge SDFO, Bannu
4. Reply dated 13/11/2017 furnished by Mr. Akbar Niaz Forester I/C Shagai Block Plantation.
5. Reply dated 17/11/2017 furnished by Mr. Sher Alam Forest Guard I/C Wlaigai Block Plantation
6. Reply dated 14/11/2017 furnished by Mr. Yousaf Khan Forest Guard I/C Adami Block Plantation
7. Mr. Muhammad Ismail Forest Guard I/C Shagai has not yet submitted reply to the Charge Sheet and statement of allegation

Discussion

The Divisional Forest Officers, Bannu Forest Division in the company of newly posted SDFO, Bannu during filed visit to various plantation areas noticed failure in the plantation raised under Billion Trees Afforestation Project due to improper maintenance, less watering and lack of interest by the then SDFO Bannu, incharge Forester and Forest Guards of the plantation areas. The area wise observations of the aforementioned officers were as under;

S. #	Name of area	Total area claimed (Ha)	Failure noticed by the officers	Muster Roll Nos. under which the expenditures were incurred	Total amount incurred (Rs.)	Name of officer / official posted at plantation sites
1.	Adami - II Block Plantation	45	50%	No. 430, 444, 459, 524, 574 & 648/BU from February 2016 to June 2016	1668000	Safirullah Dy. Ranger I/C SDFO, Bannu Yousaf Khan Forest guard
2.	Shagai Block plantation	185	50%	No. 238, 239, 240, 241, 242, 243, 290, 291, 292, 293, 360, 423, 489, 532, 584, 603 & 635/BU	7861600	Safirullah Dy. Ranger I/C SDFO, Bannu Akbar Niaz Forester Ismail Khan Forest Guard
3.	Waligai Block plantation	225	40%	No.158, 194, 237, 285, 302, 286, 340, 341, 342, 392, 422, 423 / 2015-16 and No. 26, 58, 59, 60, 82,112, 113,114,192,193, 258, 259, 312, 313, 80, 381, 427, 460, 526, 571 & 645 /2016-17	12344000	Safirullah Dy. Ranger I/C SDFO, Bannu Mr. Sher Alam Forest Guard

In order to proper enquire in to the matter and knowing the ground realities and fixing responsibilities, the undersigned was appointed as enquiry officer vide DFO, Bannu office order No. 08 dated 25/10/2017. The charge sheet and statement of allegations were framed against the accused officials by the Divisional

Forest Officer, Bannu Forest Division which were accordingly served upon the accused officials vide DFO, D.I.Khan Forest Division (Enquiry Officer) letter noted against each as per detail given under;

S. #	Name and Rank of accused officer / official	Letter No. & date through which the charge sheet & statement of allegation served
1.	Safirullah Deputy Ranger I/C SDFO Bannu Forest Sub Division	letter No. 3193-95/G dated 01/11/2017,
2.	Akbar Niaz Forest Guard incharge Shagai Block plantation	No. 3196-98/G dated 01/11/2017,
3.	Mr. Ismail Khan Forest Guard I/C Shagai Block plantation	No. 3199-3201/G dated 01/11/2017
4.	Mr. Sher Alam Forest Guard I/C Waligai Block plantation	No. 3202-3204/G dated 01/11/2017
5.	Mr. Yousaf Khan Forest Guard I/C Adami - II Block plantation	No. 3205-07/G dated 01/11/2017.

The accused officials submitted reply to the charge sheet and statement of allegations and defended the charges / allegation framed against them.

**Proceedings**

The undersigned in the capacity of Enquiry officer examined replies furnished by the accused officials and also crossed questioned but they failed to quote the cogent reasons & shifted all the responsibilities of failure of plantation on harsh weather condition and termite attack etc. Plantation sites were inspected on 27/07/2018 accompanied with the DFO, Bannu, SDFO Bannu and accused officials and found that condition of plantations were very poor. The accused officials were asked on spot to beat-up the failure within least possible time.

From 08/03/2018 to 16/03/2018 the Monitoring Officer, Billion Trees Afforestation Project South Region checked the plantations and found that no improvements in the area were made. Personal hearing was conducted and checked all the relevant record in the office of DFO, Bannu Forest Division.

The observations during the inspection by the Monitoring Officer and on request intimated the results of sites to the undersigned which are elaborated as under;

S. #	Name of area	Area charged (Ha)	Area measured through GPS (Ha)	Excess area (Ha)	Shortfall	Survival %age
1.	Adami - II plantation	45 (10 x 5)	54.04	9.04	--	82% of area is 60% <del>failed</del> & <i>Survived and</i> 18% of area is totally failed
2.	Shagai plantation	180	77.55	--	102.45	Part-I (5x5) = 26.68 ha 20-30%
						Part-II (5x5) = 4.95 ha 20-30%
						Part-III (5x5) = 23.24 ha 40-50%
						Part-IV (10x5) = 10.30 ha 25-35%
						Part-V (5x5) = 12.52 ha 75-80%
3.	Waligai	225	234.68	9.68	--	110.75 ha = 70-80%
						123.93 ha = 5%

**Findings**

Keeping in view the above discussion and ground reality and consultation of record and personal hearing and crossed examination / questions of the accused officials, the undersigned reached to the conclusion that charges leveled against the accused officials have been proved beyond any doubt and the plantation

labulated above raised under Billion Trees Afforestation Project were failed due to negligence, inefficiency, improper maintenance, less watering and lack of interest by the SDFO, Forester and Forest Guards incharge of the plantation area.



#### Recommendations

The undersigned recommend that the charges of inefficiency, misconduct and corruption have been proved against the accused officials, therefore, the undersigned propose / recommend the following punishment to be imposed upon the accused officials;

1. Mr. Saferullah Deputy Ranger in the capacity of i/c SDFO Baanu Forest Sub Division was responsible for the damage done as he was supervising all the plantations carried out in Bannu Forest Sub Division from 16/05/2016 to 30/06/2017. As he has been retired from service therefore, all the expenditure incurred on all the three (3) plantations, **failed portions** on account of initial plantation and their subsequent maintenance may be calculated and recovered from the pension / gratuity of Mr. Saferullah Deputy Ranger (Retired) the then incharge SDFO, Bannu.
2. The remaining staff i.e. foresters and forest guards are fully responsible for the damage / failure of the plantations therefore, it is recommended that **besides recovery of expenditures incurred** on the raising and subsequent maintenance of failed and shortfall areas according to their posting, the **major penalty** as defined in the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 may be imposed upon all the accused official i.e. incharge foresters and forest guards



DIVISIONAL FOREST OFFICER  
ENQUIRY OFFICER

	<p><b>Abid Mumtaz</b> Divisional Forest Officer D.I.Khan Forest Division</p>	<p>Bungalow # 20 - Allama Iqbal road D.I.Khan Cantt. Phone # 0966-9280181 Fax # 0966-9280481</p>	
No. <u>8982</u> /G		Dated D.I.Khan the <u>11/06/2018</u>	

To

The Divisional Forest Officer,  
Bannu Forest Division, Bannu

**SUBJECT: INITIATION OF INQUIRY AGAINST THE STAFF OF BANNU FOREST DIVISION / INQUIRY REPORT THEREOF**

Reference. Your office order No. 57 dated 25/05/2017 vide endorsement letter No. 2825-29/G of even date & office order No. 61 dated 15/06/2017 vide endorsement letter No. 3021-24/G of even date

Enclosed please inquiry report initiated against the following staff of Bannu Forest Division along with connected documents containing file from page No. 1 to ~~48~~ <sup>48</sup> for information and further necessary action;

1. Mr. Saferullah Deputy Ranger (Retired) the then incharge SDFO, Bannu
2. Mr. Muhammad Ismail Forest Guard I/C Shagai
3. Mr. Sher Alam Forest Guard I/C Block Officer/I/C Dandi Plantation
4. Mr. Yousaf Khan Forest Guard I/C Dandi Plantation

Acknowledge the receipt

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

No.        /G,

Copy forwarded to the Conservator of Forests Southern Circle Peshawar for favour of information and necessary action.

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

**ENQUIRY REPORT IN RESPECT OF M/S SAFEERULLAH DEPUTY RANGER I/C SDFO BANNU, AND ISMAIL KHAN FOREST GUARD OF BANNU FOREST DIVISION**

**Read with**

1. Divisional Forest Officer, Bannu Forest Division office order No. 57 dated 25/05/2017 circulated vide endorsement letter No. 2825-29/G of even date.
2. Divisional Forest Officer, Bannu Forest Division office order No. 61 dated 15/06/2017 circulated vide endorsement letter No. 3021-24/G of even date.
3. Divisional Forest Officer, D.I.Khan office letter No. 6903/G dated 22/06/2017.
4. Divisional Forest Officer D.I.Khan Forest Division letter No. 6883/G dated 21/06/017
5. Reply dated 03/08/2017 furnished by Mr. Safeerullah Deputy Ranger (Retired) the then incharge SDFO, Bannu
6. Reply of Sher Alam & Yousaf Khan Forest Guard I/C Dandai plantation
7. Reply of Mr. Muhammad Ismail Forest Guard I/C Sadda Khel Block Plantation

**Discussion**

The Divisional Forest Officers, Bannu Forest Division during filed visit to Dandai Block plantation, Sadda Khel – Jazeera water logged plantation and Sadda Khel – II Block plantation raised under Billion Trees Afforestation Project and noticed that plantations were failed up to 50%, 80% and 75 % respectively due to Improper maintenance, less watering and lack of interest by the SDFO Bannu, and incharge Forest Guard of the plantation area. The observations of the aforementioned officers were as under;

S. #	Name of area	Total area claimed (Ha)	Failure noticed by the officers	Muster Roll Nos.	Total amount incurred (Rs.)	Name of officer / official posted at plantation sites
1.	Dandi Block Plantation	35	50%	No. 115, 194, 260, 314, 382, 429 & 461/BU for the month from September 2016 to March 2017	1485500/-	Safirullah Dy. Ranger I/C SDFO, Bannu
2.	Sadda Khel Jazeera waterlogged plantation	60	80%	No. 356, 357, 421, 447, & 492/BU for the month of January 2017 to March 2017	1456500/-	Safirullah Dy. Ranger I/C SDFO, Bannu
3.	Sadda Khel – II Block plantation	221	75%	No. 350, 401, 432/2015-16 No. 20, 78, 79, 80, 86, 89, 90, 91, 92, 167, 168, 169, 170, 171, 235, 236, 248, 324, 395, 372, 385, 386, 425, 428, 491, 499, 502, 528, 530, 578 & 580/ for the month from April 2016 to May 2017	10186000/	Safirullah Dy. Ranger I/C SDFO, and Ismail Khan Forest guard Bannu

In order to proper enquire in to the matter and knowing the ground realities and fixing responsibilities, the undersigned was appointed as enquiry officer vide DFO, Bannu office order No. 57 dated 25/05/2017 and office order No. 61 dated 15/06/2017. The charge sheet and statement of allegations were framed against the accused officials by the Divisional Forest Officer, Bannu Forest Division and was accordingly served upon the accused vide DFO, D.I.Khan Forest Division (Enquiry Officer) letter No. 6883/G dated 21/06/2017 and No. 6903-10/G dated 22/06/2017.



Mr. Saferullah Deputy Ranger I/C SDFO, Bannu and other accused officials namely Sher Alam, Yousaf Khan and Ismail Khan Forest Guards submitted their replies to the charge sheets and statement of allegations and defended the charges / allegation framed against them but their replies.

### Proceedings

The undersigned in the capacity of Enquiry officer examined replies furnished by the accused officials and also crossed questioned but they failed to quote the cogent reasons & shifted all the responsibilities of failure of plantation on harsh weather condition and termite attack etc. Plantation sites were inspected on 27/07/2017 accompanied with the DFO, Bannu, SDFO Bannu and accused official and found that condition of plantations were very poor. The accused officials were asked on spot to beat-up the failure within least possible time. Again on 15/03/2018 and 16/03/2018 the plantation sites were inspected accompanied with the DFO, Bannu, SDFO Bannu and accused officials and found that condition of plantations was still unattended.

From 08/03/2018 to 16/03/2018 the Monitoring Officer, Billion Trees Afforestation Project South Region checked the plantations and found that no improvements in the area were made. Personal hearing was conducted and checked all the relevant record in the office of DFO, Bannu Forest Division.

The observations during the inspection by the Monitoring Officer and on request intimated the results of sites to the undersigned which are elaborated as under;

S. #	Name of area	Area charged (Ha)	Area measured through GPS (Ha)	Excess area (Ha)	Shortfall (ha)	Survival %age
1.	Dandi Block Plantation	35	29.97	0	5.03	85 to 90 % Very Good condition
2.	Sadda Khel Jazeera waterlogged plantation	60	68.20	8.20	0	20% area 75-80% survived while the remaining 80% area is totally failed
3.	Sadda Khel - II Block plantation	221	171.22	0	49.78	60% survived. The condition of the plantation is in poor condition

### Findings

Keeping in view the above discussion and ground reality and consultation of record and personal hearing and crossed examination / questions of the accused officials, the undersigned reached to the conclusion that charges leveled against the accused officials have been proved beyond any doubt and the plantation tabulated above raised under Billion Trees Afforestation Project were failed due to negligence, inefficiency Improper maintenance, less watering and lack of interest by the SDFO, Forester and Forest Guards incharge of the plantation area.

### Recommendations

The undersigned recommend that the charges of inefficiency, misconduct and corruption have been proved against the accused officials, therefore, the undersigned propose / recommend the following punishment to be imposed upon the accused officials;


1. Although as per monitoring report the condition of Dandai plantation is very good condition and the survival %age reported as 90 to 95% but however, 5.0 hectare planation is shortfall, therefore it is

recommended that either the shortfall area may be treated or recovery to this effect may be made good from the accused officials on equal share basis.

2. As already recommended in another similar enquiry case that recovery of losses sustained to Government along with major penalty should be imposed upon the accused on account of failure of Sada Khel Jazeera plantation.
3. Recovery of shortfall plantation area should be affected from the accused officials on equal share basis besides imposing of major penalty on account of shortfall and failure in Sada Kel – II plantation area.

*(Abid Mumtaz)*  
DIVISIONAL FOREST OFFICER  
ENQUIRY OFFICER

Amman-8

Syed Lateef Hussain DIVISIONAL FOREST OFFICER BANNU		Miranshah Road Tappi Killa Bannu ☎0928-9270042    ☎0928-620145
No. <u>2030</u> IG		Dated Bannu <u>14/6/2018</u>

To

Mr. Safirullah Ex Deputy Ranger

Subject: - **INITIATION OF INQUIRY AGAINST THE STAFF OF BANNU FOREST DIVISION**

Memorandum:-

The Divisional Forest Officer D.I. Khan Forest Division in the capacity of inquiry officer finalized the inquiries proceedings against you and other staff involved in the said inquiries and submitted his findings vide his office letter No. 8348/G dated 11-5-2018, 8350/G dated 11-5-2018 & No.8992/G dated 13-6-2018 after thorough calculation of the recoverable amount an amount of Rs. 6959700/- is comes in the share of you as per detail given below:-

S#	Name of area	Total Amount of loss sustain to Government	Name of official involved	Amount of recovery from each official
1-	Shagai Plantation	6092700	1- Safeerullah Ex D/Ranger	2030900
			2- Akber Niaz Forester	2030900
			3- Ismail Khan Forest Guard	2030900
			<b>Total</b>	<b>6092700</b>
2-	Waligai Plantation	5709000	1- Safirullah Ex D/Ranger	2854500
			2- Sher Alam Forest Guard	2854500
			<b>Total</b>	<b>5709000</b>
3-	Sadda Khel( Jazeera)	771900	1- Safeerullah Ex D/Ranger	257300
			2- Akber Niaz Forester	257300
			3- Ismail Khan Forest Guard	257300
			<b>Total</b>	<b>771900</b>
4-	Sadda Khel-II	5451000	1- Safeerullah Ex- D/Ranger	1817000
			2- Akber Niaz Forester	1817000
			3- Ismail Khan Forest Guard	1817000
			<b>Total</b>	<b>5451000</b>

You are therefore directed to immediately remit the amount of recovery in Government treasury shown above against you on a/c of loss sustains to Government so that to process your pension case to the quarter concerned.

  
 Divisional Forest Officer  
 Bannu Forest Division

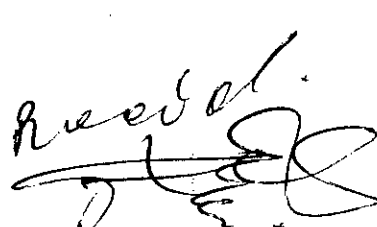
No. 2031-32 IG

Copy forwarded to:-


- 1- The Conservator of Forests Southern Circle Peshawar for favour of information, please.
- 2- Divisional Forest Officer D.I. Khan Forest Division D.I. Khan

  
 Divisional Forest Officer  
 Bannu Forest Division

E/Estt./General

  
 Recd.  
 19/6/2018

*Amman 01*

<p><b>SHABIR HUSSAIN</b> Project Director</p>		<p><b>BILLION-TREE AFFORESTATION PROJECT IN KHYBER PAKHTUNKHWA</b> Palosi Road Aman Abad Opposite Pakistan Forest Institute Peshawar URL: <a href="http://billiontreeproject.kp.gov.pk">billiontreeproject.kp.gov.pk</a> FB: @billiontreetsunami Email: <a href="mailto:btap2015@gmail.com">btap2015@gmail.com</a> Phone # 091-9221178 Fax # 091-9221179</p> <p>No. <u>1742</u> /BTAP Dated. <u>18/04/2017</u></p>
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To  
Chief Conservator of Forest  
Southern Forest Region I, Peshawar.

Subject: RECORDED DETAIL OF ACTIVITIES CARRIED OUT IN BANNU FORESTS DIVISION DURING PHASE II.

The detailed coordinates and area calculated by GIS Section of this project regarding Bannu Forest Division is enclosed herewith.

The data reveals that 48 number of block and 29 number of saline & waterlog plantations have been analyzed so far in the Division. The area claimed is 6953 ha, whereas the area measured and worked out by GIS is 3486.35 ha. Thus there is a net shortfall of 3486.65 ha in the measured plantations.

It is further added that according to the fortnightly progress report of 31-03-2017, received through CF South 7878 ha plantations (all Categories) have been carried out. While, the plantations list provided by DFO Bannu office to GIS team depict it as 6953 ha. Thus the list has a shortfall of 925 ha plantation areas could not provide so far.

You are therefore requested to direct the DFO concerned to rectify the shortfall under intimation to this office and to provide the list of 925 ha plantation, so that GIS team could check the return.

The information is sent for your perusal and appropriate action to obviate over charging to the project.  
Enclosure as above.

*[Signature]*  
Project Director  
No. 1743-45 /BTAP Dated Peshawar 18/04/2017

- Copy forwarded to the;
1. PS to Secretary Govt. of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department.
  2. Deputy Director Planning, Forestry, Environment and Wildlife Department.
  3. Monitoring & Evaluation Officer Southern Forest Region-I for information and necessary action.

*[Signature]*  
Project Director

*3119-20/G dt 30/6/2017*  
*Copy forwarded to SDR Bannu & other for for up. They are rectify the short comi and report employees*

*[Signature]*  
DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION

Annex-D-2

Billion Tree Afforestation Project Activities, Southern Forest Region I									
Plantations Activities of Bannu Forest Division 2015-16 (Phase-II)									
S.No	Sub Division	Location name	Activity Type	X Coordinate	Y Coordinate	GPS Calculated Area	Area Claim by Deptt	Difference	Remarks
1	Bannu	Kashoo II	Departmental, Planatation	3007992	969549	120.81	106	14.81	
2		Kashoo Saline	Waterlog and Saline Area	3008140	970296	28.09	20	8.09	
3		Adami Peran Block I	Departmental, Planatation	3000267	977521	9.67	13	-1.19	
4		Adami Peran Block II	Departmental, Planatation	2999842	967447	2.14			
5		Sadal Khel I	Departmental, Planatation	3005216	968404	318.61	330	-11.39	
6		Sadal Khel II	Departmental, Planatation	3003736	963488	157.51	221	-63.49	
7		Painada Khel	Departmental, Planatation	3005368	969062	240.31	325	-84.69	
8		Tochi Block I	Departmental, Planatation	2993998	954171	21	73	-16.82	
9		Tochi Block I	Departmental, Planatation	2993311	954298	10.94			
10		Tochi Block II	Departmental, Planatation	2993612	955845	7.11			
11		Tochi Ext	Departmental, Planatation			17.13			
12		Woligai I	Departmental, Planatation	3009159	971803	191.45	225	-33.55	
13		Adami	Departmental, Planatation	2998648	970897	27.1	87	-59.9	
14		Barati Machin Khel	Departmental, Planatation	3013692	956074	179.25	247	-67.75	
15		Hawed	Departmental, Planatation	2998768	955219	15.92	28	-12.08	
16		Rak Sarkar I	Departmental Planatation	3001660	961266	52.48	213	-113.61	
17		Rak Sarkar II	Departmental Planatation	3003051	960342	46.91			
18		Raksarkar	Waterlog and Saline Area	2979151	960963	18.87	80	-61.13	
19		Szabaz Azmat Khel	Departmental Planatation	2994329	968578	127.96	346	-218.04	
20		Narai Dar Dareez	Waterlog and Saline Area	70.590216	32.876620	54.1	199	-144.9	
21		Mama Khel	Departmental Planatation	70.629419	32.903058	13.65	24	-10.35	
22		Mir Mali	Departmental Planatation	70.699515	32.960168	36.79	162	-125.21	
23		Dandi	Departmental Planatation	70.945384	32.922876	29.84	30	-0.16	
24		Adami II	Waterlog and Saline Area	2999988	968963	24.66	24	0.66	
25		Domail	Departmental	3002262	974785	32.88	50	-17.12	

Annex - 0-3

Billion Tree Afforestation Project Activities, Southern Forest Region I										
Plantations Activities of Bannu Forest Division 2015-16 (Phase-II)										
S.No	Sub Division	Location name	Activity Type	X Coordinate	Y Coordinate	GPS Calculated Area	Area Claim by Deptt	Difference	Remarks	
				2993456	970368	25.5	104	-78.4		
26	Bannu	Jando Khel	Waterlog and Saline Area	2993456	970368	25.5	104	-78.4		
27		Shagai	Block/ Waterlog and Saline Area	299733411	32.93146	61.14	290	-228.86		
28		Terkhoba	Departmental Plantation	3003592	968208	8.33	20	-11.67		
29		Patel Khel	Departmental Plantation	3007898	971666	17.5	200	-25		
30		Nara Bridge	Waterlog and Saline Area	2994009	965664	9.42	40	-30.58		
31		Sadal Khel	Waterlog and Saline Area	3000585	965964	18.15	60	-41.82		
32		Univeristy Block	Departmental Plantation					0		
33		Bannu D.I Khan Road	Road and Canal Side Plantation				2082.85	3517	-1434.15	
Total						61.15	61	0.15		
34	Laki Marwat	Amir Wanda	Departmental Plantation	3027906	925264	61.15	61	0.15		
35		Eshram Khel	Departmental Plantation	2983755	926198	94.79	117	14	only Tranches	
36		Berram Khel Ext	Departmental Plantation	2983755	926198	36.47				
37		Dadiwal I	Departmental Plantation	3011275	951986	10.68	25	0.15		
38		Dadiwal II	Departmental Plantation	3012099	951747	14.47				
39		Gard Machen Khel	Departmental Plantation	3013511	940476	32.65	35	-2.35		
40		Gard Machen Khel	Waterlog and Saline Area	70.885766	32.703438	47.79	130	-82.21		
41		Gambila (A)	Departmental Plantation	3003815	937466	52.47				
42		Gambila II	Departmental Plantation	3000819	938772	15.36	90	-24.1		
43		Gambila I (B)	Departmental Plantation	3002623	937987	18.25				
44		Gambila III	Waterlog and Saline Area	Overlay on Departmental Plantation				122		
45		Gambila IV	Waterlog and Saline Area	70.725871	32.701683	7.91				
46		Kotka Hayat Ullah	Departmental Plantation	3000388	939637	47.36	50	-2.64	Overlapped on Kotka Hayat Ullah BP	
47		Kotka Hayat Ullah	Waterlog and Saline Area							
48		Machin Khel I	Departmental Plantation	3013927	956060	32.43	35	6.6		
49		Machin Khel II	Departmental Plantation	3012967	955952	9.17				
50		Mama Khel	Departmental Plantation	3005537	956082	42.13	45	-2.87		
51		Mughal Khel I	Departmental Plantation	3002883	958752	37.28	37	0.57		

Annex-5-4

Billion Tree Afforestation Project Activities, Southern Forest Region I									
Plantations Activities of Bannu Forest Division 2015-16 (Phase-I)									
S.No	Sub Division	Location name	Activity Type	X Coordinate	Y Coordinate	GPS Calculated Area	Area Claim by Deptt	Difference	Remarks
52	Laki Marwat	Tortala I	Departmental Planatation	3011539	940944	11.76	25	-2.44	
53		Tortala II	Departmental Planatation	3010815	941355	4.67			
54		Tortala III	Departmental Planatation	3040773	942168	11.01			
55		Tortala IV	Waterlog and Saline Area	70.874829	32.727801	102.05	400	-297.94	
56		Wanda Sher Dil	Waterlog and Saline Area	3010276	953258	58.99	213	-159.01	
57		Yasin Manjiwala I	Departmental Planatation	3009868	945557	58.48	50	5.71	
58		Yasin Manjiwala II	Departmental Planatation	3010406	945833	7.23			
59		Yasin Manjiwala	Waterlog and Saline Area	70.863018	32.753328	22.57	20	-67.43	
60		Bannu D.I.Khan Road	Road and Canal Side Plantation					0	
61		Takhti khel Dabona	Waterlog and Saline Area	70.708235	32.805264	21.7	35	-13.3	
62		Tap Takhti Khel Kas	Waterlog and Saline Area	70.677338	32.803666	14.98	50	-41.5	
63		Tap Takhti Khel Kas	Waterlog and Saline Area			3.52			
64		Chal Kot Kashmir	Waterlog and Saline Area	70.713738	32.700144	19.51	60	-50.49	
65		Kotka Hakim Khan	Waterlog and Saline Area	70.740185	32.699152	20.17	60	-59.83	
66		Kotka Nawab Khan	Waterlog and Saline Area	70.745111	32.75558	28.27	60	-51.73	
67		Kotka Dilawar Khan	Waterlog and Saline Area	70.781972	32.667701	19.18	100	-80.82	
68		Shahab Khel	Departmental Planatation	71.020486	32.71667	48.09	50	-1.91	
69		Dabak Mandra Khel	Waterlog and Saline Area	70.963461	32.613971	24.88	100	-75.12	
70		Alam Takhti Khel	Waterlog and Saline Area	70.691617	32.784799	13.89	66	-52.11	
71		Khoidad Khel	Waterlog and Saline Area	32.784799	32.608588	21.77	85	-53.23	
72		Wanda Mir Alam	Departmental Planatation	71.220883	32.568787	58.15	95	-35.85	
73		Wanda Mir Alam	Waterlog and Saline Area	71.200647	32.592214	135.22	550	-414.78	
74		Kaka Khel	Departmental Planatation	70.789721	32.577366	8.69	25	-16.31	
75		Phar Khel	Waterlog and Saline Area	70.903995	32.621142	29.66	125	-55.34	
76		Azeem Abad	Waterlog and Saline Area	3033734	931351	32.52	120	-67.48	

Annex-D-5

Billion Tree Afforestation Project Activities, Southern Forest Region I									
Plantations Activities of Bannu Forest Division 2015-16 (Phase-II)									
S.No	Sub Division	Location name	Activity Type	X Coordinate	Y Coordinate	GPS Calculated Area	Area Claim by Deptt	Difference	Remarks
77	Laki Marwat	Dara Tang	Waterlog and Saline Area	3038101	931360	24.33	65	-70.67	
78		Dabona	Waterlog and Saline Area	2996577	951522	5.81	65	-59.19	
79		Tajori	Waterlog and Saline Area	2981186	929958	16.01	65	-68.99	
Total						1383.5	3435	-1958.58	
G Total						3466.35	6953	-3392.73	

arded to the

Secretary



OFFICE ORDER NO. 07 DATED THE BANNU 16/10/2017, ISSUED BY SYED LATEEF HUSSAIN DIVISIONAL FOREST OFFICER BANNU FOREST DIVISION BANNU.


On attaining the age of Sixty (60) years on 07/9/2017(After noon), Mr. Safirullah Deputy Ranger of this office is hereby allowed to retire from Government service and to proceed on superannuation pension with effect from 07/9/2017(After noon).

The service record of the official is as under:-

1-	Name	Mr. Safirullah
2-	Father's Name	Mirdad Khan
3-	Rank	Deputy Ranger (BPS-12)
4-	District.	Bannu
5-	Date of Birth.	08/9/1957
6-	Date of 1 <sup>st</sup> entry in service.	04/7/1984
7-	Date of retirement.	07/9/2017
8-	Total length of Service.	33years, 2months and 03days.
9-	Basic Pay on 7-9-2017	39240/-

In accordance with the instructions contained under Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing) Notification No. SO (FR) FD.5-9/2005/Vol-V dated 13/12/2012, received vide Conservator of Forests Southern Circle Peshawar endst: No.5886-90/E-18 dated 7/3/2013, sanction is hereby accorded in favour of Mr. Safirullah Deputy Ranger proceeded on superannuation pension w.e. from 07/9/2017 for the grant of leave encashment equal to 365 days pay in lieu of Leave Preparatory to Retirement, viz **Rs.470880/-** (Rupees Four hundred seventy thousand, Eight hundred & Eighty, only), in favour of the above named Deputy Ranger as encashment allowance.

Note: - Pension paper etc will be processed after finalization of disciplinary proceeding against the Ex- Deputy Ranger.

  
(Syed Lateef Hussain)  
Divisional Forest Officer  
Bannu Forest Division

No. 512-17 IG

Copy forwarded to:

- 1- The Conservator of Forests Southern Circle Peshawar for favour of information with reference to his office letter 2568/E dated 9-10-2017, please.
- 2- Sub-Divisional Forest Officer Bannu, for favour of information please.
- 3- Mr. Safirullah Ex- Deputy Ranger for information with reference to his application 18-9-2017
- 4- Head Clerk /Accountant Divisional Office, Bannu.
- 5- Record Keeper.
- 6- Personal File

Divisional Forest Officer  
Bannu Forest Division.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 369 /ST

Dated 6-3-2019

To


The Divisional Forest Officer,  
Government of Khyber Pakhtunkhwa,  
Bannu.

Subject: -

JUDGMENT IN APPEAL NO. 613/2018, MR. SAFIR ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 11.0.2.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
ADDITIONAL REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.