

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	01.10.2015	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.1022/2013</p> <p style="text-align: center;">(Syed Muqtada Shah-vs- Govt: of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER:</u></p> <p>Appellant in person and Mr. Muhammad Amjad, SDFO alongwith Mr. Ziaullah.GP for respondents present.</p> <p>2. The appellant filed this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 against the impugned order dated 04.04.2013 received on 18.04.2013 wherein minor penalty of stoppage of two annual increments for a period of three years, was imposed and his departmental appeal where against was not responded by the respondents. He prayed that impugned order dated 04.04.2013 may be set aside and the increments may be restored.</p> <p>3. Brief facts giving rise to the instant appeal are that during the course of posting as SDFO Allai, Battagram, appellant was charge sheeted/ proceeded against departmentally and finally major penalty of "Reduction to the initial stage of basic pay scale" was imposed upon him the said order of penalty was challenged before this Hon'ble Service Tribunal which was decided on 28.6.2011, whereby the case of appellant was remanded back to</p>

the department for *de-novo* proceedings with certain observations. That the departmental authority failed to initiate the department proceedings, within requisite time as per directions contained in the judgment dated 28.6.2011, however appellant received 2<sup>nd</sup> charge sheet coupled with statement of allegations pertaining to the same allegations which were mentioned in the earlier charge sheet for the period when he was posted as SDFO Allai Forest Sub-Division, of Hazara Tribal Forest Division Battagram. That, thereafter an Enquiry was conducted by the Enquiry Officer namely Riaz Khan Mahsood wherein, appellant was exonerated from all the charges by quoting the following findings/conclusions;

“Charge of misconduct does not stand proved”

“Charge of inefficiency stands proved at a lowest level”

That although the Enquiry Officer exonerated the appellant from all the charges even then appellant was served with a show cause notice. That the competent authority on the basis of enquiry report and reply to the show cause notice etc issued warning to the appellant on 26.03.2012. That after a lapse of about 5 months yet another Enquiry Officer, namely Muhammad Kabir Afridi, was appointed to probe into the same charges in which appellant was already warned/ censured. That in consequence of appointment of Enquiry Officer, 3<sup>rd</sup> charge sheet coupled with statement of allegations on similar charges was issued to the appellant. That the Enquiry Officer, illegally and unlawfully conducted the 3<sup>rd</sup> enquiry in pursuance whereof show cause notice was issued to the appellant. That on 04.04.2013 impugned order of penalty was issued whereby appellant was awarded minor penalty of stoppage of two increments for a period of three years, the said order was communicated to the appellant on 18.04.2013. That as per law applicable appellant submitted the departmental representation before the appellate authority on 19.04.2013 which was not responded

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within the statutory period, hence the instant appeal.

4. Appellant argued that impugned order was illegal, unlawful, void and ineffective hence not sustainable in the eyes of law. That competent authority was directed to conclude enquiry proceedings in 25 days as per law which was done in almost 20 months. He further submitted that appellant was put to undue hardship and financial loss as Officers Juniors to the appellant were promoted while depriving the appellant due to pending proceedings. He further argued that after the *de-novo* enquiry in pursuance of Service Tribunal Judgment dated 28.06.2011 Enquiry Officer exonerated the appellant of the charges and accordingly minor penalty of warning /censure was in the field which the competent authority ignored and ordered another *de-novo* enquiry which resulted in the impugned order dated 18.04.2013. He contended that such action of the competent authority tantamount to vexing twice for the same offence and added that the same reflected the bias on the part of the authorities. He prayed that by accepting the appeal the impugned order may be set aside and his withheld two increments may be restored.

5. The learned Government Pleader argued that *de-novo* enquiry was conducted as per rules in pursuance of Judgment of the Service Tribunal dated 28.06.2011 wherein charge of inefficiency was proved against the appellant and minor penalty of withholding of two increments was accordingly imposed by the competent authority. He further argued that on receipt of first *de-novo* enquiry the competent authority did not agree with the findings of enquiry and thus ordered another *de-novo* enquiry though Mr. Kabir Khan Afridi, Deputy Secretary Higher Education Department as a consequence whereof minor penalty of withholding of two increments for three years was imposed on the appellant after fulfillment of all codal

formalities including the requirements of FR-29. He further argued that departmental representation of the appellant was properly disposed of by the appellant authority and result conveyed to the appellant. He submitted that the appellant failed to prove his innocence before the Enquiry Officer and penalty was justifiably imposed on him and prayed that the appeal being devoid of any merits may be dismissed.

6. Arguments of the appellant as well as Government Pleader heard at length and record perused with their assistance.

7. From perusal of the entire record of the case it transpired that initially major penalty of reduction to the initial stage of pay scale was imposed on the appellant which was set aside by the Tribunal vide judgment dated 28.6.2011 with the directions for *de-novo* enquiry in accordance with the law and rules. The Enquiry Officer recommended minor penalty of stoppage of two increments, without cumulative effect w.e.f 1.12.2010 and also recommended issuance of warning to the appellant. The said penalty was however not given effect and competent authority directed for another *de-novo* enquiry through another Enquiry Officer who conducted detailed enquiry and recommended imposition of minor penalty of stoppage of two increments for three years on the appellant and also recommended minor penalty of censure. The Competent Authority after fulfilling necessary codal formalities under the law imposed the said penalty after issuance of final show cause and affording opportunity of personal hearing to the appellant. A close perusal of the record of the case would reveal that barring minor irregularities such as delay in finalization of enquiry and mention of E&D Rules 2011 in certain part of the correspondence, appellant was provided ample opportunity of defense and personal hearing before imposition of the penalties on him. It

also appears that proceedings against the appellant remained transparent and he got adequate relief compared to the original penalty which was a major one. The Tribunal therefore is constrained not to interfere in the case and confirm the impugned order of the competent authority. The appeal being devoid of any merits is dismissed accordingly. Parties are left to bear their own costs. File be consigned to the record.

8. Our this single judgment will also dispose of in the same manner appeal No. 1004/2013 in respect of Umar Sharif where common question of law and facts are involved .



(PIR BAKHSH SHAH)  
MEMBER



(ABDUL LATIF)  
MEMBER

ANNOUNCED  
01.10.2015

10.08.2015

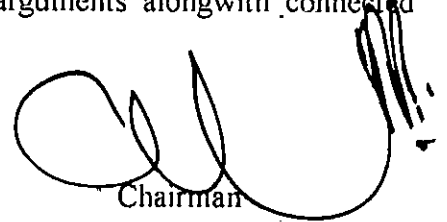
Appellant in person and Mr. Ziaullah, GP for the respondents present. Since the court time is over, therefore, case is adjourned to 01-10-2015 for order.

  
MEMBER

  
MEMBER

01.7.2014

Appellant in person and Mr. Muhammad Amjad, SDFO, Allai Upper Hazara Forest, Mansehra with Mr. Usman Ghani Sr. GP for the respondents present. Reply to application for interim relief has not been received on behalf of the respondents, and learned Sr. GP requested for further time; while the appellant stated that he has already filed rejoinder alongwith his application for interim relief, copy whereof be handed over to the learned Sr. GP for reply to application for interim relief and arguments alongwith connected appeals on 29.12.2014.



Chairman

29.12.2014

No one is present on behalf of the appellant. Mr. Muhammad Amjad, SDFO on behalf of respondents with Mr. Muhammad Adeel Butt, AAG present. The Tribunal is incomplete. To come up for further proceedings alongwith connected appeals on 30.04.2015.



Reader.

30.4.2015

Appellant with counsel and Mr. Ziaullah, GP with Muhammad Amjad, SDFO for the respondents present. Arguments heard. To come up for order on 5.6.2015.



MEMBER



MEMBER

05.6.2015

Appellant in person and Mr. Muhammad Amjad, SDFO for respondents present. The learned Executive Member is on leave, therefore, case is adjourned to 10.08.2015 for order.

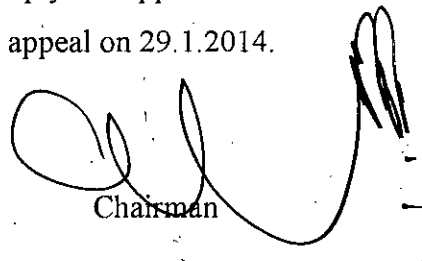


Member

1022/13

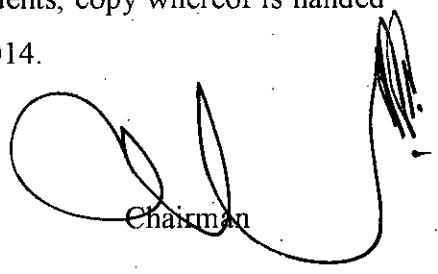
27.11.2013

Appellant in person and Mr. Muhammad Saddique, SDFO Batagram on behalf of respondents with AAG present. The appellant has also moved an application for interim relief in the meantime, copies whereof be handed over to the representative of the respondents as well as learned AAG for reply to application and written reply/comments alongwith connected appeal on 29.1.2014.

  
Chairman

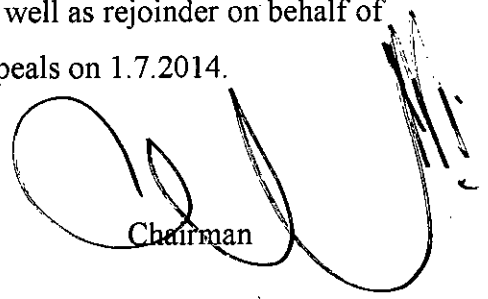
29.01.2014

Appellant in person and Mr. Muhammad Saddique, SDFO on behalf of respondents with AAG present. Written reply/para-wise comments received on behalf of the respondents, copy whereof is handed over to the appellant for rejoinder on 18.4.2014.

  
Chairman

18.4.2014

Appellant in person and Mr. Muhammad Amjad, SDFO on behalf of respondents with Mr. Usman Ghani, Sr. GP present. Rejoinder has not been received, but appellant moved application, copy whereof is handed over to the learned Sr. GP for reply to application and arguments thereon as well as rejoinder on behalf of the appellant alongwith connected appeals on 1.7.2014.

  
Chairman

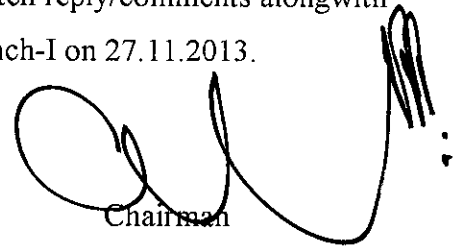


Appeal No. 1022/2013.  
Syed Muqtaada Shah.

3.

24.9.2013

Appellant present in person and heard. The appellant argued that after judgment dated 28.06.2011 by this Tribunal in his appeal No.968/2010, a denovo inquiry was conducted, but beyond the period prescribed by the law and mentioned in the aforementioned judgment of the Tribunal, resulting in warning to him by the authority on the basis of recommendations of the Inquiry Officer. However, a third inquiry was initiated against him, in clear violation of the judgment of the Tribunal as well as law on the subject, and on the basis of recommendations of the third Inquiry Officer, the authority imposed the minor penalty of stoppage of two increments for a period of three years on him. The appellant assailed the third inquiry proceedings on the grounds that not only departmental/inquiry proceedings were conducted against the prescribed provision of law/rules but the authority also had no jurisdiction to order a third inquiry and impose penalty on him, though minor, after culmination of the second inquiry in pursuance of the judgment of the Tribunal and warning to him as a result of second departmental/inquiry proceedings. The appellant further contended that another official namely Umer Sharif, who was also proceeded against alongwith him, has also filed appeal (No.1004/2013), which has been admitted for regular hearing and pending before Bench-I for further proceedings on 27.11.2013. The points raised at the Bar need consideration. Admit. Process fee and security be deposited within 10 days. Thereafter, Notices be issued to the respondents for written reply/comments alongwith the said connected appeal before Bench-I on 27.11.2013.

  
Chairman



Note The appellant Deposited  
security & Process fee Rs 180/-  
Bm & receipt attached on file  
E

10/10/13

Form- A  
FORM OF ORDER SHEET

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

Case No. 1022/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01/07/2013	<p>The appeal of Syed Muqtada Shah presented today by him may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	16-7-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>24-9-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No 1022 / 2013


Syed Muqtada Shah

V/s

Government of KPK etc.

I N D E X

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Appellant

Syed Muqtada Shah

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No 1022 /2013

SYED MUQTADA SHAH

Senior Instructor/SDFO,

C/o Principal, Khyber Pakhtunkhwa Forest School,

Thai, AbbottAbad

**KPK SERVICE TRIBUNAL**  
**PESHAWAR**  
Case No. 1077  
01-7-13

.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa,  
Through Chief Secretary,  
Civil Secretariat, Peshawar.

2. Chief Conservator of Forests,  
KPK, Peshawar.

3. Conservator of Forests,  
Upper Hazara Forest Circle, Mansehra.

..... Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974  
READ WITH SECTION 10 OF THE KPK REMOVAL FROM  
SERVICE (SPECIAL POWER) ORDINANCE, 2000 AGAINST  
ORDER NO SO (Estt.)Envt / 1-50(96) / 2k9 / dated 04 / 04 / 2013  
RECEIVED BY THE APPELLANT ON 18. 04. 2013 WHEREBY  
MINOR PENALTY OF STOPPAGE OF TWO INCREMENTS FOR A  
PERIOD OF THREE YEARS HAS BEEN IMPOSED AND THE  
DEPARTMENTAL APPEAL/ REPRESENTATION DATED  
19.04.2013 HAS NOT BEEN RESPONDED DESPITE LAPSE OF  
REQUISITE 60 DAYS.

**[Redacted]**  
*[Signature]*  
17/7/13

Prayer: that on acceptance of this Service appeal, the impugned penalty order dated 04.04.2013 be set aside as being illegal, unlawful, void and ineffective, moreover Appellant's Increments be restored with such other relief as may deem fit in the circumstances of the case, may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under :-

1. That, during the course of Posting as SDFO Allai, Battagram, Appellant was Charge Sheeted / proceeded against departmentally & Finally major penalty of "Reduction to the initial stage of basic pay scale" was imposed upon him. The said order of Penalty was challenged before this Honourable Service Tribunal & the same was decided on 28-6-2011, whereby the case of Appellant was remanded back to the Department for De-novo proceedings with certain observations, Copy of Judgment dated 28.06.2011 is attached as **Annexure -A**
2. That, the Departmental Authority failed to initiate the Departmental proceedings, with in requisite time, as per directions contained in the Judgment dated 28-6-2011, however Appellant received 2<sup>nd</sup> Charge Sheet coupled with Statement of Allegations pertaining to the same Allegations which were mentioned in the earlier Charge Sheet for the period when he was posted as SDFO Allai Forest Sub-Division, of Hazara Tribal Forest Division Battagram, Copy of the Charge Sheet is attached as **Annexure -B** and Statement of Allegations is attached as **Annexure -C**.
3. That, as the allegations were totally false, incorrect, misleading and manufactured one, therefore, Appellant submitted his detail Reply wherein he denied the charges and clarified his position, copy of the Reply is attached as **Annexure- D**, which may be read as integral part of this Appeal.

4. That, thereafter an Enquiry was conducted by the enquiry Officer namely Riaz Khan Mahsood where in, Appellant was exonerated from all the charges by quoting the following findings/ conclusions;

" Charge of misconduct does not stand proved"

"Charge of inefficiency stands proved at a lowest level."

5. That, although the Enquiry Officer exonerated the Appellant from all the Charges even then Appellant was served with a Show Cause Notice, copy of Show Cause Notice is attached as **Annexure- E**, Reply to Show Cause Notice is attached as **Annexure- F** and Enquiry Report is attached as **Annexure- G**.
6. That, the competent authority , on the basis of Enquiry report and Reply to the Show Cause Notice etc issued warning to the Appellant on 26-03-12 vide order No SO( Estt.)/Envvt/1-50(96)/2k9 863, copy of the same is attached as **Annexure- H**.
7. That, after a lapse of about 5 months yet another Enquiry Officer, namely Muhammad Kabir Afridi, was appointed to probe into the same charges in which Appellant was already warned/ censured, copy of the same is attached as **Annexure- J**.
8. That, in consequent of appointment of Enquiry Officer, 3<sup>rd</sup>. Charge Sheet coupled with Statement of Allegations on similar charges was issued to the Appellant, copy of Charge Sheet coupled with Statement of Allegations are is attached as **Annexure- K,& L** and its reply is attached as **Annexure- M**.
9. That, the Enquiry Officer, illegally and unlawfully conducted the 3<sup>rd</sup>. Enquiry in pursuance whereof show Cause Notice was issued to the Appellant, copy of Show Cause Notice letter, reply to the Show Cause Notice and 3<sup>rd</sup> Enquiry Report are attached as **Annexure- N/1, N/2 & N/3**.

10. That, on 04-04-2013, Impugned Order of penalty was issued whereby Appellant was awarded Minor penalty of Stoppage of Two increments for a period of three years, the said Order was communicated to the Appellant on 18-4-2013. Copy of the Impugned Order and its endorsement to the Appellant is attached as **Annexure-O**.
11. That, as per law applicable, Appellant submitted the departmental Representation before the Appellate authority on 19-04-2013, copy of Departmental Representation is attached as **Annexure- P**.
12. That, despite lapse of mandatory 60 days period, the Representation of the Appellant is still undecided, hence this Service Appeal under Section 10 of the KPK Removal From Service (Special Power) Ordinance, 2000 on the following among other grounds :-

#### GROUNDS

- A. That, the impugned order is illegal, unlawful, void and ineffective, hence not sustainable in the eyes of Law.
- B. That, the same is against the principles of Natural Justice, also.
- C. That, as per directions contained in Judgment dated 28.06.2011, the competent authority was clearly directed to conclude the Enquiry proceedings within 25 days as per law but in the instant case the respondent mala fide took more than 20 months.
- D. That, unlawful delay has caused, in addition to mental torture & Physical fatigue, irreparable financial losses to the Appellant. Officers Junior to the Appellant has been promoted during the same period while deferring the Appellant in violation of clear directives/order issued by Honourable Services Tribunal dated 12-03-2012, copy of order is attached as **Annexure- Q**.
- E. That, in 2<sup>nd</sup>. Enquiry / De-novo Enquiry, the Enquiry Officer exonerated the Appellant from all the charges with clear quotes that "Charges of


misconduct does not stand proved" and Charge of in-efficiency stands proved at a lowest level which can be attributed to unintentional negligence".

- F. That, the 2<sup>nd</sup>. Enquiry / De-novo Enquiry in consequence whereof Appellant was awarded the punishment of Warning / Censure still holds the field and the competent authority willfully ignored the presence of 2<sup>nd</sup>. Enquiry / De-novo Enquiry Proceedings AND Penalty Order of Censure / Warning.
- G. That, no reason, whatsoever, has been mentioned by the Respondents for initiation of 3<sup>rd</sup>. Enquiry or not relying on 2<sup>nd</sup>. / De-novo Enquiry which otherwise has been finalized with the issuance of Warning / Censure.
- H. That, in Notification dated 16-08-2012, wherein Mr. Muhammad Kabir Afridi was appointed as Enquiry Officer, the Competent authority directed Mr. Muhammad Kabir Afridi to initiate the proceedings against the Appellant under Efficiency & Discipline Rules 2011, but rest of the proceedings were conducted under Repeal RSO,2000 which otherwise is patent illegality on the part of Respondents.
- I. That, apparently, after perusing all the Departmental Enquiries, it can easily be said that the Department / Competent Authority / Respondents were biased and bent upon to penalize the Appellant and with help of 3<sup>rd</sup>. Enquiry, the Respondents succeeded in doing the same.
- J. That, as per Article 13 of the Constitution of Islamic Republic of Pakistan 1973, no person should be vexed twice for the same offence in which he has been earlier punished or penalized.
- K. That, the Enquiry Committee did not adopt the proper procedure as required under the Law nor the Appellant was confronted with any documentary evidences to this effect neither any witness against the Appellant was produced before him.



- L. That, the enquiry officer has conceded all the charges unjustified and the action taken by appellant to be legal, appropriate and timely and has concluded that charging the accused for his own legal action is neither judicial nor lawful.
  
- M. That, there is nothing on record nor any thing was produced before the Enquiry Committee that Appellant was directly involved in the alleged allegations or any delay has occurred due to his willful intention or Mensrea.
  
- N. That, the Appellant has performed his duty honestly and efficiently in his entire service career and there is nothing adverse against him. In the instant case Appellant in time initiated the proceedings against the Defaulters/ Accused as well as the delinquent forest official duly acknowledged by the enquiry officer in the report.
  
- O. That, Appellant is innocent and falsely charged with out having any solid evidence/prove that Appellant remained ignorant about the damages for about one month and failed to take legal action.

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

  
**Appellant**

BEFORE KPK SERVICE TRIBUNAL,

PESHAWAR.

Service Appeal No. \_\_\_\_\_/2013

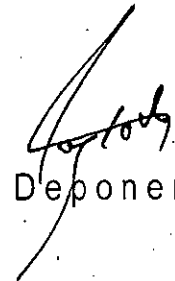
Syed Muqtada Shah

V/s

Government of KPK etc.

A F F I D A V I T

I, **Syed Muqtada Shah**, Instructor / Sub-Divisional Forest Officer, C/o Principal Khyber Pakhtunkhwa Forest School Thai, Abbottabad, Appellant, do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my Knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

  
Deponent

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

Service Appeal No \_\_\_\_\_/2013

Syed Muqtada Shah                      V/s                      Government of KPK etc.

**ADDRESSES OF PARTIES**

**PETITIONER :**

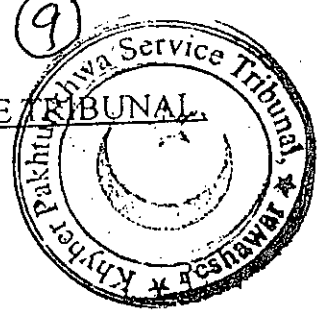
**SYED MUQTADA SHAH**, Senior Instructor/SDFO,  
C/o Principal, Khyber Pakhtunkhwa Forest School, Thai,  
AbbottAbad. ( 0992-391642)

**RESPONDENTS**

1. **GOVERNMENT OF HYBER PAKHTUNKHWA**, Through Chief Secretary, Civil Secretariat, Peshawar.
2. **CHIEF CONSERVATOR OF FORESTS**, KPK, Peshawar.
3. **CONSERVATOR OF FORESTS**, Upper Hazara Forest Circle, Mansehra.

  
Appellant

Annexure - A (9)  
BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.



APPEAL NO. 968/2010

Date of institution ... 13.05.2010  
Date of decision ... 28.06.2011

Syed Muqtada Shah, Sub-Divisional Forest Officer, C/o DFO, Hazara Tribal Forest Division, Batagram..... (Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
  2. Chief Conservator of Forests, Khyber Pakhtunkhwa, Peshawar.
  3. Conservator of Forests, Upper Hazara Forest Circle, Manshra.
- (Respondents)

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNALS ACT 1974 READ WITH SECTION 10 OF THE KPK REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE 2000 AGAINST ORDER NO. SOS(ESTT)/ENV/1-50 (96)/2K9 DATED 29.01.2010 RECEIVED BY THE APPELLANT ON 24.02.2010 WHEREBY MAJOR PENALTY OF REDUCTION TO THE INITIAL STAGE OF HIS BASIC PAY SCALE HAS BEEN IMPOSED AND THE DEPARTMENTAL APPEAL/REPRESENTATION DATED 24.02.2010 HAS NOT BEEN RESPONDED DESPITE LAPSE OF REQUISITE 60 DAYS.

Mr. Bilal Ahmad Kakaiza, Advocate.  
Mr. Sher Afgan Khattak, AAG.

For appellant  
For respondents

Mr. Qalandar Ali Khan  
Mr. Sultan Mehmood Khattak

Chairman  
Member

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN:- Since both the appellants in this appeal, Syed Muqtada Shah, and Umar Sharif, appellant in the connected appeal No. 969/2010, were proceeded against on similar charges and awarded penalty of reduction to the initial stage of their basic pay scale vide separate orders of 29.01.2010, this single judgment is also directed to dispose of the said connected appeal.

2. The appellants were respectively serving the Forest Department as Sub-Divisional Forest Officer and Forester and posted at Allai Forest Sub-Division of Hazara Tribal Forest Division, Batagram, when they were charged for showing negligence in the performance of their duty by not taking legal action against the offenders/JFMC Laam Godipair for illegal cutting of 109 trees and other illegal acts causing damage to the forests in

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ATTESTED  
MVA

*Attested*

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the area of their jurisdiction. They were served with charge sheets and statement, of allegations by the authority i.e. Chief Secretary KPK (Respondent No.1), who also constituted Inquiry Committee under section 5 of the NWFP (Khyber Pakhtunkhwa) Removal from Service (Special Powers) Ordinance, 2000, comprising Mr.Haider Ali Khan, Conservator and Mr.Gul Muhammad, Conservator, which conducted inquiry and submitted its report to the authority thereby recommending the imposition of major penalty of reduction of the appellants to the initial stage of their basic pay scales. The authority, accordingly, served the appellants with show cause notices, and after receipt of replies of the appellants to the show cause notices, the impugned order dated 29.01.2010 was passed, against which, the appellants preferred departmental representations/ appeals to the Chief Minister, NWFP (Khyber Pakhtunkhwa) on the receipt of the impugned order on 24.02.2010, and when no response was received from the departmental/appellate authority within the statutory period, these appeals were lodged, inter-alia, on the grounds that the impugned order was illegal, not sustainable in the eyes of law and was against the principles of natural justice, as not only the appellants had already reached the ceiling of their basic pay scale and the order was in violation of F.R-29, the record also show no negligence in the performance of official duty on the part of the appellants, rather the appellants had performed their duty and reported the matter to the concerned quarter immediately after getting knowledge of illegal damage. The appellants further alleged that the Inquiry Committee did not proceed with the departmental proceedings in accordance with law and did not provide opportunity of defence and hearing to the appellants.

3. The respondents resisted the appeals with several legal and factual objections in their written replies. They defended the impugned order on the ground that the appellants were proceeded against departmentally for showing in-efficiency and mis-conduct and also that there was ample proof proving charges against the appellants. They refuted the allegation that proper procedure was not adopted during inquiry proceedings. The respondents alleged that the competent authority took lenient view and also took into consideration the prolong service rendered by the appellants in the department. They maintained that proper opportunity of hearing and defence was provided to the appellants in accordance with the principle of

**ATTESTED**  
 CHIEF MINISTER  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

*Attested*

law and justice, but they could not prove their innocence, while, on the other hand, charges were proved against them on the basis of evidence brought before the Inquiry Committee.

4. The appellants filed replications/rejoinders to the written replies/comments of the respondents and contested the various pleas raised by the respondents, where-after, arguments of the learned counsel for the appellants and learned AAG heard, and record perused.

5. The appellants were proceeded against under the NWFP (Khyber Pakhtunkhwa) Removal from Service (Special Powers) Ordinance, 2000 for inefficiency and negligence/mis-conduct in checking illegal cutting of trees and damage to the forest while serving in the Allai Forest Sub-Division of Hazara Tribal Forest Division, Batagram, as Sub-Divisional Forest Officer and Forester, respectively; but the departmental proceedings, from the very inception, were marred by illegalities/irregularities. To begin with, out of two members of the inquiry committee, one Gul Muhammad Conservator was not only complainant in the case against the appellants but also the person who prepared the charge sheet and statement of allegations against the appellants. Needless to say that a complainant could not be a member of the inquiry committee. Secondly, despite availability of witnesses, the inquiry committee neither recorded their statements nor, as such, provided opportunity of defence and cross-examination to the appellants. The inquiry report/findings is based on the personal observations of the members of the inquiry committee in the light of record made available to them or question/answers during personal hearing, which, legally, could not be a substitute for recording evidence on oath and providing opportunity of defence and cross-examination to the appellants. Thirdly, the charge sheet and statement of allegations contained two charges of inefficiency and misconduct while in the show cause notice a third allegation of irregularities, was also added, thus traveling beyond the scope of charge sheet and statement of allegations as well as inquiry. Fourthly, the major penalty imposed is 'reduction to the initial stage of basic pay scale' which is nowhere provided as a penalty in the relevant law i.e. Ordinance, 2000. Fifthly, no period has been specified during which the penalty shall remain enforced, in volition of FR-29.

*[Handwritten signature]*

ATTESTED

Khyber Pakhtunkhwa  
Service Commission

*[Handwritten signature]*  
Attested

5. As such, apart from allegations of timely action on the part of the appellants in accordance with law/rules and denial of any inefficiency and mis-conduct on their part, the illegalities/irregularities pointed out above have rendered the departmental proceedings against the appellants a nullity in the eyes of law. Consequently, both the appeals are accepted and while setting-aside the impugned orders dated 29.1.2010, the cases are remanded to the department/authority for denovo departmental proceedings in accordance with law and above observations through a committee of which the complainant in the case is not a member, and which conducts inquiry proceedings strictly in accordance with law/rules by providing opportunity of defence, and cross-examination to the appellants, whereafter, in the light of the report/findings of the inquiry committee, the authority shall pass proper order under the relevant law. The departmental proceedings shall be concluded as early as possible but in no case beyond the period of twenty five days from the receipt of this order, as prescribed in section-5 sub-section (3) of the NWFP (Khyber Pakhtunkhwa) Removal from Service (Special Powers) Ordinance, 2000. Thereafter, the appellants can have recourse to remedy available to them under the law if they are aggrieved of the final order against them. No order as to costs.

ANNOUNCED

28.06.2011 (SULTAN MEHMOOD KHATTAK)  
MEMBER

(QALANDAR ALI KHAN)  
CHAIRMAN

Certified to be true copy A

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 28-6-2011  
 Number of Words 1600  
 Copying Fee 10000  
 Urgent 10000  
 Total 20000  
 Name of Copier 4  
 Date of Completion of Copy 19-7-2011  
 Date of Delivery of Copy 19-7-2011

Attest

**NOTIFICATION**

**No. SO(Estt)Envt/1-50(96)/2k10:** The Competent Authority is pleased to appoint ~~Mr. Riaz Khan Mahsud, PCS EG (BPS-18), Additional Secretary (Admin & Coord), FATA Secretariat,~~ to conduct inquiry against the following officer/official of Forest Department, into the charges/allegations levelled in the enclosed Charge Sheet and Statement of Allegation, under section-5(1) of the Khyber Pakhtunkhwa, Removal from Service (Special Powers) Ordinance 2000.

1. ~~Syed Muqtada Shah,~~
2. ~~Mr. Umar Sharif,~~

SDFO (BPS-17),  
Forester (BPS-09).

2. ~~The Enquiry Officer shall submit its findings within 25 days positively.~~

SECRETARY TO GOVT. OF  
KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT.

Endst: No. SO(Estt)Envt/1-50(96)/2k10

Dated 25<sup>th</sup> Oct, 2011.

Copy alongwith copies of the Charge Sheet/Statement of Allegations, are forwarded to :-

Mr. Riaz Khan Mahsud, PCS EG (BPS-18), Additional Secretary (Admin & Coord), FATA Secretariat.

2. Above officer/official concerned C/O CCF, Khyber Pakhtunkhwa with the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of inquiry proceedings.

SECTION OFFICER (ESTT)

Endst: No. and date even.

Copy is forwarded for information and necessary action to :-

1. Chief Conservator of Forests, Khyber Pakhtunkhwa with the request to detail a departmental representative well conversant with the facts of the case alongwith relevant record to assist the Enquiry Officer during the inquiry proceedings.
2. PS to Secretary Environment Department.
3. Master file.
4. Office order file.

SECTION OFFICER (ESTT)

Dated Peshwar the 01/11/2011.

Copy alongwith its enclosures forwarded for information and necessary action to the Chief Conservator of Forests Upper Hindu Circle Muzeshro. He is also requested to detail a well conversant departmental representative to assist the enquiry committee during the proceedings.

Dir for I&HRD Peshawar.

No. 509 /HRD/Estt

dated 11/2011

Copy forwarded to the Principal SFS Thai Abbottabad for information and further necessary action.

E.c.

*[Handwritten signature]*  
23/12/11

*[Handwritten signature]*  
Director

Institutional & Human Resource Dev  
Peshawar.

*[Handwritten signature]*  
Abbottabad




No. 946 /GE, Dated Thai Abbottabad the 09/11/2012

Copy forwarded to Syed Muqtada Shah SDFO/Instructor Sarhad Forest School Thai, Abbottabad for information and further necessary action.



PRINCIPAL  
SARHAD FOREST SCHOOL  
THAI, ABBOTTABAD.

  
Attested

# CHARGE SHEET.

Annexure B

15

I Capt ® Ghulam Dastgir Akhtar, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you Syed Muqtada Shah, SDFO (BS-17) while posted as Sub-Divisional Forest Officer, Allai Forest Sub Division of Hazara Tribal Forest Division Battagram, as follows. -

- i) That you while posted as SDFO Allai he remained ignorant about the damages and did not take legal action against the offenders/JFMC Laam Godipair under the provision of agreement.
- ii) That 597 Scants=2415-cft timber of Fir species stated to have been apprehended and recovered from Laam Godipair forests under the control of Chairman JFMC Laam Godipair for Laam Compartment No.1 and godipair Compartment NO.1, but you did not make the JFMC responsible for the said damages.
- iii) That the timber so apprehended bearing carving property marks of JFMC Laam Godipair as well as its Hammer Marks clearly show that the timber was illegally obtained by the JFMC Laam Godipair with the intention of its admixture in its legal timber but later on you showed it as timber seized to provide protection to the JFMC for its illegal forest cutting.
- iv) That illegal cutting of 109 No. of Fir/Spruce trees=13954-cft (standing volume) shown below was reported in Godi Pair Guzara Compartment No.1 and Damage Report No.91 & 92/6 dated 29.10.2006 were issued but you did not nominate the Chairman JFMC as accused:

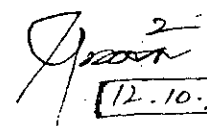
1- Damage Report No.91/6 dated 29.10.2006			
Species	Dia	No. of trees	Standing Volume (cft)
Fir/Spruce	27	06	948
	28	05	840
	29	04	756
	30	02	402
	31	01	262
	16	03	153
	19	04	296
	21	03	279
	22	06	612
	23	03	336
	24	05	620
	25	09	1215
	26	03	438
Total:		54	7157
2- Damage Report No.92/6/10/2006			
Fir/Spruce	26	03	438
	27	05	790
	28	04	672
	29	01	189
	30	01	201
	31	01	212
	33	01	249
	17	02	116
	19	02	92
	20	04	332
	21	04	372
	22	10	1020
	23	05	560
24	06	744	
25	06	810	
Total:		55	6797
G. Total:		109	13954

Attested

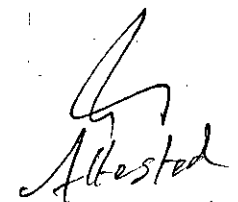
By reason of the above, you appear to be the guilty of In-efficiency and Mis-conduct under section 3 of the NWFP removal from Service (Special Power) Ordinance 2000 and have rendered your self liable to all or any of the penalties specified in section-3 of the said ordinance.

3. You are, therefore, directed to submit your written defensive statement within seven days of the receipt of this charge sheet to the enquiry committee.

4. Your written defensive statement, if any should reach the enquiry committee within the specified period, failing which it shall be presumed that you have nothing to say in your defense and ex-parte action shall follow against you.

  
12.10.2011

(Capt ® Ghulam Dastgir Akhtar)  
Chief Secretary, Khyber Pakhtunkhwa

  
Attested  
16

DISCIPLINARY ACTION.

I Capt ® Ghulam Dastgir Akhtar, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that ~~Syed Muqtada Shah, Sub-Divisional Forest Officer (BS-17)~~ while posted as Sub-Divisional Forest Officer Allai, Forest Sub-Division of Hazara Tribal Forest Division Battagram, has rendered himself liable to be proceeded against him as he committed the following act/omission with the meaning of section-3 of the NWFP removal from service (Special Power) Ordinance 2000.

STATEMENT OF ALLEGATIONS.

That while posted as Sub-Divisional Forest Officer Allai, Forest Sub-Division of Hazara Tribal Forest Division Battagram committed the following irregularities:

- i) That being SDFO Allai he remained ignorant about the damages and did not take legal action against the offenders/JFMC Laam Godipair under the provision of agreement.
- ii) That 597 Scants=2415-cft timber of Fir species stated to have been apprehended and recovered from Laam Godipair forests under the control of Chairman JFMC Laam Godipair for Laam Compartment No.1 and godipair Compartment NO.1, but did not make the JFMC responsible for the said damages.
- iii) That the timber so apprehended bearing carving property marks of JFMC Laam Godipair as well as its Hammer Marks clearly show that the timber was illegally obtained by the JFMC Laam Godipair with the intention of its admixture in its legal timber but later on shown as seized by you to provide protection to the JFMC for its illegal forest cutting.
- iv) That illegal cutting of 109 No. of Fir/Spruce trees=13954-cft (standing volume) shown below was reported in Godi Pair Guzara Compartment No.1 and Damage Report No.91 & 92/6 dated 29.10.2006 were issued by I did not nominate the Chairman JFMC as accused:

1- Damage Report No.91/6 dated 29.10.2006

Species	Dia	No. of trees	Standing Volume (cft)
Fir/Spruce	27	06	948
	28	05	840
	29	04	756
	30	02	402
	34	01	262
	16	03	153
	19	04	296
	21	03	279
	22	06	612
	23	03	336
	24	05	620
	25	09	1215
	26	03	438
	Total:		54

2- Damage Report No.92/6/10/2006

Species	Dia	No. of trees	Standing Volume (cft)
Fir/Spruce	26	03	438
	27	05	790
	28	04	672
	29	01	189
	30	01	201
	31	01	212
	33	01	249
	17	02	116
	19	02	92
	20	04	332
	21	04	372
	22	10	1020
	23	05	560
	24	06	744
25	06	810	
Total:			

Alleged

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an enquiry committee consisting of the following officer is hereby constituted under Section-5 of the above Ordinance:-

Mr. Riaz Khan MAJID AS FATA Sect.

3. The enquiry committee shall in accordance with the provision of the Ordinance provide reasonable opportunity of hearing to the accused, record its findings and make, within 25 days of the receipt of this order, recommendation 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 committee.

(Capt ® Ghulam Dasgir Akhtar)  
Chief Secretary, Khyber Pakhtunkhwa

To,

Annexure - D

(19)

The Enquiry Officer,  
Mr. Riaz Khan Mahsud,  
Additional Secretary (Admin & Coord.) FATA Secretariat  
PESHAWAR

SUBJECT: DISCIPLINARY PROCEEDINGS/ REPLY THEREOFF

Respected Sir, Reference charge sheet and disciplinary action/memo of allegations dated 19-12-2011

The charges leveled against me are baseless, therefore, I rebut the allegations as under:-

- 1: Charge No. (i) is bias and baseless because I have taken the requisite legal action provided under the law/JFMC Agreement clause 7(b) against the Forest Offenders by issuing damage reports No 91/6 & 92/6 dated 29-10-2006. The situation was also properly reported to my higher controlling officer of the department, and additional written directives of the immediate controlling officer issued vide letter No 1052/G dated 01-12-2006 also properly followed and implemented in letter and spirit. The same illegal cutting of 109 F/S trees = 13954 cft standing volume and apprehension of illicit cut 597 scants timber were properly probed initially by the department and offenders produced before the competent trial court of law vide challan No.15-16/06-07, as per sec 96 of Forest Ordinance 2002. Subsequently my immediate first & second controlling officers i.e (Divisional Forest Officer Battagram and the Conservator of Forests, Abbottabad) also investigated these damages. All the three investigations endorsed the legal action initiated by me vide Damage Report No 91/6 and 92/6 dated 29-10-06 under clause 7(b) of the JFMC agreement as APPROPRIATE /PROPER and LEGAL. Furthermore, involvement of JFMC since initiation of legal action by me could not surface anywhere in none of the three departmental investigations.
- 2: Charge No (ii) is baseless because the detail situation report regarding apprehension of 597 scants = 2415 cft F/S timber in JFMC Forest of Lam/ Godipair and my proposed legal action under JFMC agreement clause 7(b) was properly intimated to the higher controlling officers and further course of action was adopted with the due approval of my controlling authority. Also none of the three investigations could prove that JFMC was involved in the illicit cutting of 109 trees and seized 597 scants = 2415 cft F/S timber.
- 3: The charge No (iii) is baseless and bias because none of the prosecution record /investigation reports could prove that at the time of apprehension of illicit 597 scants in forest from the forest offenders, it was affixed with JFMC hammer mark or property carvings
- 4: Charge No (iv) is baseless because action taken against the offenders under clause 7(b) of the JFMC agreement was legitimate, hence nomination of chairman JFMC under the same clause 7(b) was unlawful.

  
Attested

Therefore, based on above exposition, it is crystal clear that the charges leveled against me in the charge sheet are false and without any solid proof. I never remained ignorant about the forest damages and have already taken the requisite legal actions as per law/rules and JFMC agreement against the forest offenders for the illicit damages with the approval of my controlling and supervising officers. Therefore I may be exonerated from all the charges leveled against me please.

*[Signature]* 19/12/11  
SYED MUQTADA SHSH  
SDFO/ Instructor  
Sarhad Forest School,  
Thai Abbottabad

*[Signature]*  
Attested

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT

**SHOW CAUSE NOTICE**

I, Ghulam Dastgir Akhtar, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, under Removal from Service (Special Powers) Ordinance, 2000, do hereby serve you, Syed Muqtada Shah, Sub Divisional Forest Officer (BPS-17) Forest Department, as follows:

1. (i) that consequent upon the completion of enquiry conducted against you by the Enquiry Officer, for which you were given opportunity of hearing vide office communication No.SO(Estt)Envl/1-50(96)/2k10/3247-18 dated 25/10/2011; and
- (ii) on going through the findings and recommendations of the Enquiry Officer, the material on record and other connected papers including your defence before the Enquiry Officer;

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

a. Inefficiency.

2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of Stoppage of 1st grade increments under Section-3 of said Ordinance.

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

4. If no reply to this notice is received within seven days or not more than 15 days of its delivery, it shall be presumed that you have no defence to put in and in that case, an ex-parte action shall be taken against you.

5. A copy of the findings of the Enquiry Officer/Inquiry Committee is enclosed.

*Arrested*

(GHULAM DASTGIR AKHTAR)  
CHIEF SECRETARY,  
KHYBER PAKHTUNKHWA



The Principal,  
Sarhad Forest School,  
Abbottabad at Thai.

Annexure - F (22)

SUBJECT: SHOW CAUSE NOTICE - REPLY THEREOF

Memo:

Reference Environment Department letter No.SO(Estt)/1-50(96)/2012/708, dated  
12-3-2012.

Enclosed herewith please find reply to the Show Cause notice for onward  
submission to the concerned quarters please.

Encl:- As above.

*Accepted 13/3/12*  
(Syed Muqtada Shah)  
SDEO/Instructor,  
Sarhad Forest School  
Abbottabad at Thai.

*Received*  
*13/3/2012*

*Attested*

To,

The Honourable Chief Secretary,  
Govt. of Khyber Pakhtunkhawa,  
PESHAWAR.

Through: PROPER CHANNEL

SUBJECT: SHOWCAUSE NOTICE/ REPLY THEREOF

Respected Sir,

Reference Show cause Notice, received vide Environment Department letter No  
NO-50(ESH) Env/1-50(96)242/708 dated 13/03/2012

It is humbly stated that the learned inquiry officer in his report under **finding** has very clearly mentioned that "the action taken by the undersigned under section 7( b) of JFMC agreement was appropriate at the time of initiation and has concluded as under:-

- " \* Charge of misconduct does not stand proved.
- \* Charge of in-efficiency stands proved at the lowest extent."

Sir,

With due respect to the learned inquiry officer, the **conclusion** of inquiry officer at number 2 above, i.e. in-efficiency is at variance to his own instatement, i.e. in one go, the inquiry officer states and admits that the action initiated by the accused was appropriate at the time of initiation and in the same breath he concludes that in-efficiency stands proved at the lowest extent. It is in contradiction to his own statement.

It is, therefore, submitted that when the enquiry officer has admitted and **concluded** that the action taken by me was appropriate and in-time, than the **recommendations** of the learned inquiry officer are at variance to his own **finding** statement.

Based on the above exposition, it is humbly prayed that I may graciously be exonerated, from all the charges, as the action taken by me has conceded to be timely and appropriate please.

I also wish to be heard in person for further clarifications please.

*Syeda* 13/3/12  
SYED MUQTADA SHAH  
SDFO/ Instructor  
Sarhad Forest School,  
Thai, Abbottabad

*Attest ed*

ENQUIRY REPORT ON CHARGES LEVELLED AGAINST M/S  
MUQTADA SHAH SDFO AND MR. UMAR SHARIF FORESTER

PREAMBLE :-

In Hazara Forest Tribal Division of Battagram District, the Laam Godipair Joint Forest Management Committee (JFMC) was authorized under an agreement to undertake the harvesting of marked trees measuring 287 trees=87562-cft (standing volume).

In the felling coupe of Laam Godipair C-I 109 trees having 13954 cft (standing volume) were illicitly felled as alleged by the local staff and management of the JFMC by four local persons and against them Damage Reports Book No.91/6 dated 29-10-2006 and 92/6 dated 29-10-2006 were issued. (Annex-I).

Against the illicitly felled trees, 597 scants measuring 2415-cft were also apprehended and given in the custody of JFMC. Accused persons apprehended on spot pleaded guilty, but refused to pay fine and compensation etc: as per Forest Department schedule of fine and compensation.

The SDFO Mr. Muqtada Shah, the then incharge Allai Forest Sub-Division vide his letter No.97/Allai dated 23-11-2006 recommended the case to the District Forest Officer Hazara Tribal Forest Division – Battagram for prosecution against the accused persons under agreement clause-7(b) (Annex-II).

The DFO Hazara Tribal Forest Division vide his letter No.1052/G, dated 01-12-2006, allowed prosecution of the case as per recommendation of the Sub Divisional Forest Officer (Annex-III).

However, during transportation of timber the SDFO noticed the JFMC has affixed their property and hammer make on the seized timber in their custody. So immediately explanation of JFMC was called on 02-12-2006 by the SDFO with copy to DFO that the timber is bearing the property mark of the JFMC and that the JFMC has tried to erase the same from the timber (Annex-IV).

*G*  
Attested

On the basis of report of SDFO. Allai against the Chairman JFMC, the DFO Hazara Tribal Forest Division Battagram issued a show cause notice to the chairman JFMC, as to why action may not be taken for violation of agreement (Annex-V). After founding his reply unsatisfactory, the DFO vide his letter No.2382/G dated 08-5-2007 recommended Conservator of Forests for action against JFMC under clause-7(a) of the agreement which is reproduced below:-

*7(a) "That in the event of the JMMC, their agent(s) or labour deliberately felling a tree over 6 inches diameter which they are not entitled to fell under the terms of this agreement, the Conservator of Forests may impose fine not exceeding five times the price of the trees according to the price on the basis of outturn on the prevailing rates in the nearby market. Such an action of Forest Department shall not confer on the JFMC any right of ownership. The illegal timber so obtained will be separately recorded, transported and sold by JFMC in its respective timber market and royalty paid to Forest Department thereof. For a tree under 6 inches diameter, the JFMC shall be liable to pay price at the sale rates plus penalty not exceeding Rs.1000.00 per tree*

*The amount of fine on this account shall be paid by the JFMC within 90-days of the receipt of the order, and in case of default, shall pay 1.2% of compound interest per month on unpaid amount, provided that the case is not sub judice with the designated arbitrator".*

On the recommendation of Divisional Forest Officer Hazara Tribal Battagram, the Conservator of Forest vide his office order No.119 dated 30-6-2007 imposed a fine of Rs.75,12,800/- against the JFMC under the provision of agreement clause-7(a). (Annex-VI).

The DFO also sent charge sheets against Syed Muqtada Shak, SDFO and Mr.Umar Sharif Forester for inter-alia not taking legal action as pre provision of JFMC agreement against JFMC/Forest offenders and also for not nominating the JFMC for the alleged damage in the forest i.e. Laam Godipair Compartment No.1.

The Competent Authority, Chief Secretary, in this case appointed the following Enquiry Committee under Section-5 of Special Power Ordinance 2000, to scrutinize the conduct of the concerned accused officer and official.

*Attested*

1. Mr. Haidar Ali Khan
2. Mr. Gul Muhammad Khan

The committee conducted the inquiry and submitted its findings to the competent authority with the following recommendations (**Annex-VII**).

- i. That M/s Syed Muqtada Shah SDFO and Umar Sharif Forester be brought to the initial of their basic pay scales; and
- ii. That Muhammad Sharif Forest Guard be compulsorily retired from the service

The Competent Authority penalized the accused vide office order No. SO(Estt)/Env/1-50(95)/2k9 dated 29-1-2010 whereby major penalty of reduction to the initial stage of basic pay scale has been imposed on both the accused.

Feeling aggrieved of this order both the accused filed service appeal No.968/10 and 969/10 dated 28-6-2011 in the KP Service Tribunal Peshawar. The KP Service Tribunal Peshawar set aside the impugned order with the directives to the Department for initiating de-novo inquiry (**Annex-VIII**). In compliance with the orders of Service Tribunal, the Competent Authority vide notification No. SO(Estt)/Env/1-50(96)/2k10 dated 25-10-2011 appointed the undersigned as inquiry officer to conduct fresh inquiry (**Annex-IX**).

  
Attested

(A) STATEMENT OF ALLEGATIONS AGAINST SYED MUQTADA SHAH SDFO

That you while posted as SDFO Allai, Forest Sub-Division of Hazara Tribal Forest Division battagram committed the following irregularities

- i). that being SDFO Allai, you remained ignorant about the damages and did not take legal action against the offenders/JFMC Laam Godipair under the provision of agreement.
- ii). That 597 Scants=2415-cft timber of Fir species stated to have been apprehended and recovered from Laam Godipair forests under the control of Chairman JFMC Laam Godipair for Laam Compartment No.I and Godipair Compartment No.I but you did not make the JFMC responsible for the said damages.
- iii). That the timber so apprehended bearing carving property marks of JFMC Laam Godipair as well as its Hammer Marks clearly show that the timber was illegally obtained by the JFMC Laam Godipair with the intention of its admixture in its legal timber but later on shown as seized by you to provide protection to the JFMC for its illegal forest cutting.
- iv). That illegal cutting of 109 No. of Fir/Spruce trees=13954-cft (standing volume) shown below was reported in Godipair Guzara Compartment No.I and Damage Report No. 91 & 92/6 dated 29-10-2006 were issued but you did not nominate the Chairman JFMC as accused.

  
Allisted

1-Damage Report No.91/6 dated 29.10.2006				
Species	Dia	No. of trees	Standing (cft)	Volume
Fir/Spruce	27	06		948
	28	05		840
	29	04		756
	30	02		402
	34	01		262
	16	03		153
	19	04		296
	21	03		279
	22	06		612
	23	03		336
	24	05		620
	25	09		1215
	26	03		438
Total		54		7157
2- Damage Report No.92/6 10/2006				
Species	Dia	No. of trees	Standing (cft)	Volume
	26	03		438
	27	05		790
	28	04		672
	29	01		189
	30	01		201
	31	01		212
	33	01		249
	17	02		116
	19	02		92
	20	04		332
	21	04		372
	22	10		1020
	23	05		560
	24	06		744
	25	06		810
Total		109		13954

*Attested*

(b)

**STATEMENT OF ALLEGATIONS AGAINST MR.UMAR SHARIF FORESTER**

That you while posted as Forester, Allai, Forest Sub Division, during the checking of the forest of block on 15-11-2006, the following irregularities has been noticed.

- i. That you remained ignorant about the damages and did not take legal action against the offenders in time.
- ii. That no Damage Report Book was available with you during checking on 15-11-2006 on spot.
- iii. That no carving of damage report number/Hammer Mark was found affixed with your on old stumps in Kagai Obe C-No-I.  
That no carving of damage report No./affixing of Hammer Mark was found with you in the felling coup of the JFMC Laam Godipair on old stumps and that only No. written by marker found on the stumps of fresh illegally cut trees.
- iv. That no field No. was found with you on stumps of marked/sawn trees of the JFMC.
- v. That illegal cutting of 109 No. of Fir/Spruce trees + 13054=cft (standing volume) shown below was reported in godi pair guzara Cc.mpartment No.I and Damage Report No.91 and 92/6 dated 29-10-2006 were issued but you did not nominate the Chairman JFMC as accused".

*Attested*

*29*



1-Damage Report No.91/6 dated 29.10.2006			
Species	Dia	No. of trees	Standing Volume (cft)
Fir/Spruce	27	06	948
	28	05	840
	29	04	756
	30	02	402
	34	01	262
	16	03	153
	19	04	296
	21	03	279
	22	06	612
	23	03	336
	24	05	620
	25	09	1215
	26	03	438
Total		54	7157
2- Damage Report No.92/6 10/2006			
Species	Dia	No. of trees	Standing Volume (cft)
	26	03	438
	27	05	790
	28	04	672
	29	01	189
	30	01	201
	31	01	212
	33	01	249
	17	02	116
	19	02	92
	20	04	332
	21	04	372
	22	10	1020
	23	05	560
	24	06	744
	25	06	810
Total		109	13954

*Attest*

**SUPPORTING DOCUMENTS**

- Charge sheet against Syed Muqtada Shah Sub Divisional Forest Officer
- Charge sheet against Mr. Umar Sharif Forester
- Fact finding report of Dr. Nasim Javed and Pir Qaim Shah Divisional Forest Officers dated 23-3-2007.
- Reply to the charge sheet of Syed Muqtada Shah SDFO dated 19.12.2011. (Annex-xi)
- Reply of Mr Umar Sharif Forester dated 29-12-2011. (Annex-xii)
- DFO H-Tribal Forest Division letter No.724/G, dated 2-10-1999.
- Damage Report No.91/6 & 92/6 dated 29-10-2006.
- SDFO Allai letter No.97/Allai dated 23-11-2006.
- DFO H-Tribal Forest Division letter No.1052/G, dated 1-12-2006.
- Agreement dated 20-6-2005 between DFO H-Tribal and JFMC.
- Conservator of Forests Hazara Circle Office Order No.119 dated 30-6-2007.
- KP Service Tribunal Peshawar judgement dated 28-6-2011

*Attested*

## PROCEEDINGS/DISCUSSION

The undersigned during the proceedings held personal hearings of both the accused on 19<sup>th</sup>, 29<sup>th</sup> & 30<sup>th</sup> December, 2011. The accused Syed Muqtada Shah SDFO and Mr. Umar Sharif Forester attended the office of the undersigned. Mr. Muhammad Ali Khan Public Relation Officer and his steno Mr. Sultan Muhammad assisted the inquiry officer. The prosecutor, Muhammad Siddique, SDFO Allai of the Forest Department also attended the office and produced official record and recorded his statement. (Annex-X). The accused also submitted their written statements/replies to the charge sheets. (Annex-XI) and (Annex-XII)

During personal hearings the accused Mr. Muqtada Shah defended his action against the Forest damages in JFMC Lam Godipair forest compartments-I under agreement clause-7(b) for illegal cutting of 109 trees and apprehension of 597 scants = 2415 Cft timber. He stated that his action under clause-7(b) of JFMC agreement was legal and relevant as per JFMC agreement provision by providing the following evidences/official record in his support.

- Action against the forest offenders for illegal cutting was initiated on the written report/complaint of Chairman JFMC, as provided under JFMC agreement clause-7.b, reproduced below

*7(b):- In case of accidental or negligent felling of unmarked trees the JFMC will be liable to pay only the sale-value of these trees so felled. For the felling and local damage/loss due to natural hazard, JFMC and its employees, will be bound to report the matter in writing to the DFO concerned immediately for further necessary action under the NWFP Forest Ordinance, 2002. On failure to report such incidents by JFMC clause-7(a) will become applicable.*

- The situation report of the accused (SDFO) Allai) No.97/A dated 23-11-2006 was submitted by him to his immediate controlling officer and endorsement of the same action was also endorsed by DFO Battagram as appropriate, vide letter No. 1052/GB dated 1-12-2006 and he was further guided by DFO Battagram.

*Attested*

- The Court Challans No.15-16/2006-7 dated 8-12-2006 were prepared and submitted in the competent court of law as per forest ordinance 2002, section-96 by the accused (as SDFO Allai), and hence investigation /proceedings against the forest offenders under JFMC agreement clause 7-b were legal, appropriate and as per law (**Annex-XIII**).
- The preliminary investigation report into the damages by DFO Battagram, wherein, it is explained that JFMC was not involved in the said damages was submitted to Conservator of Forest Abbottabad vide DFO Battagram letter No.1463/Gb dated 01-02-2007. (**Annex-XIV**)
- The preliminary investigation report by the fact finding committee constituted by Conservator of Forest Abbottabad vide No.92 dated 12-2-2007 confirming that:- (**Annex-XV**)
  - i). Action initiated by the field staff against the forest offenders is appropriate and under the rules.
  - ii). Involvement of JFMC not transpires from the damages and lawful action already taken and offenders brought to book.

Charge No.iii in respect of Syed Muqtada Shah SDFO could not be proved as the accused officer has referred to the Conservator of Forest office order No.119 dated 30-6-2007 (**Annex-vi**) and DFO Battagram Show Cause Notice No.1418/G dated 25-1-2007 (**Annex-v**), wherein, it has been clearly admitted that during the transportation of confiscated timber of 597 scants=2415 cft, given in Superdari of representative of Chairman JFMC Laam Godipair, it was noticed that the JFMC affixed their Hammer Mark and property mark carving on the confiscated timber. The accused officer further added that in time due cognizance of the same irregularities of JFMC was taken by him and action initiated against the JFMC Laam Godipair. Under clause -20(2) of the Community Participation Rules 2004. (**Annex-XVI**). Explanation of JFMC was called upon and the immediate controlling officer i.e. DFO Battagram was informed vide letter No. NIL dated 2-12-2006 (**Annex-iv**) of SDFO Allai. The accused officer provided copy-of Conservator of Forest Abbottabad of office order No. 119 dated 30-6-2007 wherein legal action against JFMC Laam Godipair was initiated by the accused officer/officials and on the basis of this initiative, the JFMC Laam Godipair has been penalized by the Conservator of

  
Attested

Forests on the recommendation of Hazara Tribal Forest Division for a fine to the tune of Rs.75,12,800/- in addition to confiscation of 9331cft illicit timber. (Annex-vi)

As far as allegations against Mr.Umar Sharif Forester is concerned, it is elucidated that :-

- i. Allegation No.i & v are co-related which have been discussed at length in the foregoing discussions.
- ii. The allegations No. ii & iii do not pertain to the job descriptions of the accused because Forest Guard being the immediate incharge of the Beat is supposed to perform duties as mentioned in these allegations. In the instant case the Forest Guard has already been charged and his disciplinary proceedings have already been disposed off.
- iii. Allegation No.iv does not pertain to the tenure of the accused official as is evident from the charge report of the accused as marking etc of the trees was done in 1999 (DFO letter No.724/G dated 02-10-1999 refers (Annex-XVII)


The undersigned also consulted, through back door channels, the Ex-Chief Conservator of Forest Syed Noor Afzal Shah who opined that the accused officer/official are honest and dedicated workers of the Forest Department.

  
Attested

STATEMENT OF PROSECUTOR /SDFO

All details, cross questioning and authenticity of the documents presented by the two accused were verified and discussed in detail with the Prosecutor (Muhammad Siddique).

Both the co-accused were cross questioned and so was the prosecutor also cross questioned. The Prosecutor came up with the statement that the documents presented by the co-accused are in accordance with the record available in the Department. He further opined that the version of both the accused are correct and carries weight. (Annex-x).

  
Attested  
25

## FINDINGS/CONCLUSION

The above discussion leads to the following conclusion that :-

1. Charge No.i.ii & iv against Syed Muqtada Shah and charge No.i & v against Mr.Umar Sharif Forester are co-related and have been treated conjointly.
2. Action under clause-7(b)-of-the-JFMC-agreement-by-the-accused Syed Muqtada-Shah-SDFO-and-Umar-Sharif-Forester-was appropriate-at-the-time-of-initiation.
3. Similarly, later on, action under clause-7(a).of.agreement ibid was also appropriate at the time of initiation. This led to the imposition of a fine of Rs.75,12,800/- by the Conservator of Forests.

The above findings led to the conclusions that:-

- \* Charge of misconduct does not stand proved
- \* Charge of inefficiency stands proved at the lowest extent and can be attributed towards unintentional-negligence which however, in the first instance, was rectified by the DFO while initiating action under clause-7(a) on the basis of report of SDFO (accused) dated 02-12-2006 (Annex-iv refers)

All details, cross questioning and authenticity of the documents presented by the two accused officer/official were verified and discussed in detail with the Prosecutor/SDFO.

Both the co-accused were cross questioned. The prosecutor was also cross questioned. The Prosecutor came up with the statement that the documents presented by the co-accused are in accordance with the record available in the Department. He further opined that the version of both the accused is correct and carries weight. (Annex-ix refers).

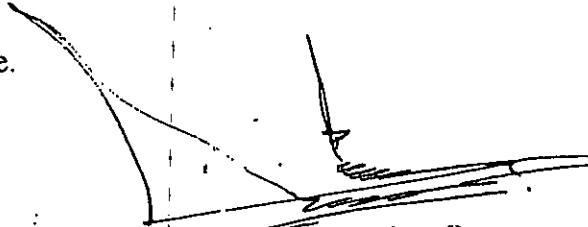
*Attested*


After thorough examination of the related documents provided by the Prosecutor of the Department and the accused officer/official the undersigned is of the firm opinion that there are substantial evidences that there is no mala-fide intention of the accused to proceed the JFMC under clause-7(b) of the agreement and when they came to know that there are sufficient reasons of involvement of JFMC they instantly reported the matter for the initiation of the proceedings under clause-7(a).

### RECOMMENDATIONS

In view of the above discussion, the undersigned recommends to the competent authority that :-

1. Two annual increments of Syed Muqtada Shah, SDFO in his time scale may be stopped without cumulative effect with from 01-12-2010 onwards.
2. Four annual increments of Mr. Umar Sharif, Forester in his time scale may be stopped without cumulative effect with effect from 01-12-2010 onwards.
3. They may be warned to be careful in future.

  
(Riaz Khan Mahsud)  
Additional Secretary (Coordination)  
(Inquiry Officer)

  
Attested



Annexure- H

OFFICE OF THE PRINCIPAL SARHAD FOREST SCHOOL THAI, ABBOTTABAD.

38

To

Syed Muqtada Shah,  
SDFO/Instructor Sarhad Forest School  
Thai, Abbottabad.


No. 1479 /GE, Dated Thai Abbottabad the 03 /04/2012.

Subject

WARNING

Memo:-

Enclosed please find herewith Section Officer (Estt) Govt.  
of Khyber Pakhtunkhwa Environment Department Peshawar letter No.so (Estt)  
Envt/1-50 (96) 2k9/863 dated 26/3/2012 (in Original) for information and further  
necessary action.


  
PRINCIPAL  
SARHAD FOREST SCHOOL  
THAI, ABBOTTABAD.

  
Attested

11-38

Registration

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	<p>GOVERNMENT OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT NO:SO(Estt)Env/1-50(96)2K9-863 Dated Pesh: 26<sup>th</sup> March, 2012.</p>
---	--

To

Syed Muqtada Shah,  
Sub Divisional Forest Officer (BPS-17).

C/O  
Principal Sarhad Forest School Thai,  
Abbottabad.

SUBJECT: **WARNING**

In compliance to the orders passed by Chief Secretary Khyber Pakhtunkhwa, Competent Authority in disciplinary case, you are hereby warned to be careful in future.


  
(ASHEEQ KHAN)  
SECTION OFFICER (ESTT)

Encl: As Above.

Endst: No. and date even.

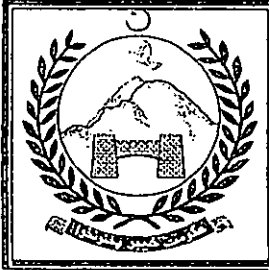
Copy is forwarded to PS to Secretary Environment Department.

E.C.

  
30/3/12.

SECTION OFFICER (ESTT)

  
Attested



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT

Dated Pesh: 16<sup>th</sup> August, 2012

**NOTIFICATION**

No.SO(Estt)Env/1-50(36)/2k6: The Competent Authority is pleased to appoint an Enquiry Officer of Mr. Muhammad Kabir Afridi, PSC.SG..BS-18, Deputy Secretary Higher Education Department to conduct inquiry against Mr. Muqtada Shah, Sub Divisional Forest Officer (BS-17), Forest Department and Mr. Umer Sharif, Forester (BS-09) into the charges/allegations levelled in the enclosed Charge Sheets and Statement of Allegations, under section-5(1) of the Khyber Pakhtunkhwa Efficiency and Disciplinary Rules, 2011

2. The Enquiry Officer shall submit its findings within 30 days positively.

Sd/-  
CHIEF MINISTER  
KHYBER PAKHTUNKHWA

Endst: No. SO(Estt)Env/1-50(36)/2k6: 1059-61/wa Dated 16<sup>th</sup> August, 2012.

Copy alongwith copies of the Charge Sheet/Statement of Allegations, are forwarded to :-

1. Mr. Mr. Muhammad Kabir Afridi, PSC SG. BS-18, Deputy Secretary Higher Education Department
2. Mr. Muqtada Shah, Sub Divisional Forest Officer (BS-17 C/O CCF-I, Khyber Pakhtunkhwa with the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of inquiry proceedings.
3. Mr. Umer Sharif, Forester (BS-09) C/O CCF-I, Khyber Pakhtunkhwa.

(ASHFAQ KHAN)  
SECTION OFFICER (ESTT)

Endst: No.and date even. 1062-65

Copy is forwarded for information and necessary action to:-

1. Chief Conservator of Forests-I, Khyber Pakhtunkhwa with the direction to detail a departmental representative well conversant with the facts of the case alongwith relevant record to assist the Enquiry Officer during the inquiry proceedings.
2. PS to Secretary Environment Department.
3. Master file.
4. Office order file.

SECTION OFFICER (ESTT)

Office of the Chief Conservator of Forests  
Khyber Pakhtunkhwa, Peshawar

Diary No. 192

Date 24/8

D.No-586

24/8/2012

SECTION OFFICER (ESTT)

Attested

**CHARGE SHEET**

I, Ghulam Dastgir, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Syed Muqtada Shah (BS-17), Senior Instructor Sarhad Forest School, Thai Abbottabad, Khyber Pakhtunkhwa Forest Department, as follows:

That you, while posted as SDFO Allai Forest Sub Division of Hazara Tribal Forest Division, Battagram, committed the following irregularities:

- i. That you remained ignorant about the damages in Laam compartment No.1 and Godipir Compartment No.1 and did not take legal action against the offenders/JFMC Laam Godipair under the provisions of the Agreement signed between Forest Department and JFMC and relevant law.
- ii. That 597 Scants=2415cft timber of Fir species stated to have been apprehended and recovered from Laam Godipair forests under the control of Chairman, JFMC Laam Godipair for Laam Compartment No.1 and Godipir Compartment No.1, but you did not hold the JFMC and its management responsible for the said damages.
- iii. That the timber so apprehended bearing carving property marks of JFMC Laam Godipair as well as its Hammer Marks clearly indicated that the timber was illegally obtained by the JFMC Laam Godipair with the intention of its admixture in its legal timber, but later on you showed it as simply seized timber to provide protection to the JFMC for its illegal forest cutting.
- iv. That illegal cutting of 109 No. of Fir/Spruce trees=13954 cft (standing volume) shown below was reported in Godipair Guzara Compartment No.1 and Damage Reports No.91 & 92/6 dated 29.10.2006 were issued by you but you did not nominate the Chairman JFMC as accused in the case:

<b>1-Damage Report No.91/6 dated 29.10.2006</b>			
Species	Dia	No. of trees	Standing Volume(cft)
Fir/Spruce	27	06	948
	28	05	840
	29	05	756
	30	02	402
	34	01	262
	16	03	153
	19	04	296
	21	03	279
	22	06	612
	23	03	336
	24	05	620
	25	09	1215
	26	03	438
	Sub Total		54
<b>2-Damage Report No.92/6 dated 29/10/2006</b>			
Fir/Spruce	26	03	438
	27	05	790
	28	04	672
	29	01	189
	30	01	201
	31	01	212
	33	01	249
	17	02	116
	19	02	092
	20	04	332
	21	04	372
	22	10	1020
	23	05	560
	24	06	744
25	06	810	
Sub Total		55	6797
Total		109	13954

*Attested*

2. By reason of the above, you appear to be guilty of inefficiency and misconduct under rule-3 of Khyber-Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 and have rendered yourself liable to all or any of penalties specified in section-3 of the said Ordinance.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the enquiry officer/enquiry committee, as the case may be.

4. Your written defence, if any, should reach the enquiry officer/enquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.



(GHULAM DASTGIR)  
CHIEF SECRETARY/COMPETENT AUTHORITY

Attested

**DISCIPLINARY ACTION**

I, Ghulam Dastgir, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Syed Muqtada Shah (BS-17), Senior Instructor Sarhad Forest School, Thai Abbottabad, Khyber Pakhtunkhwa Forest Department, while posted as Sub Divisional Forest Officer Allai Forest Sub Division of Hazara Tribal Forest Division Batagram, Forest Department, has rendered himself liable to be proceeded against, as he committed the following acts of omissions and commissions, within the meaning of section-3 of the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000.

**STATEMENT OF ALLEGATIONS**

- i. That he remained ignorant about the damages in Laam compartment No.1 and Godipir Compartment No.1 and did not take legal action against the offenders/JFMC Laam Godipair under the provisions of the Agreement signed between Forest Department and JFMC and relevant law.
- ii. That 597 Scants=2415cft timber of Fir species stated to have been apprehended and recovered from Laam Godipair forests under the control of Chairman, JFMC Laam Godipair for Laam Compartment No.1 and Godipir Compartment No.1, but he did not hold the JFMC and its management responsible for the said damages.
- iii. That the timber so apprehended bearing carving property marks of JFMC Laam Godipair as well as its Hammer Marks clearly indicated that the timber was illegally obtained by the JFMC Laam Godipair with the intention of its admixture in its legal timber, but later on he showed it as simply seized timber to provide protection to the JFMC for its illegal forest cutting.
- iv. That illegal cutting of 109 No. of Fir/Spruce trees=13954 cft (standing volume) shown below was reported in Godipair Guzara Compartment No.1 and Damage Reports No.91 & 92/6 dated 29.10.2006 were issued by him but he did not nominate the Chairman JFMC as accused in the case:

<b>1-Damage Report No.91/6 dated 29.10.2006</b>			
Species	Dia	No. of trees	Standing Volume(cft)
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	33	01	249
	17	02	116
	19	02	092
	20	04	332
	21	04	372
	22	10	1020
	23	05	560
	24	06	744
25	06	810	
Sub Total		55	6797
Total		109	13954

Attested

2. For the purpose of enquiry against the said accused with reference to the above allegations, an enquiry officer/enquiry committee, consisting of the following, is constituted under Section-5 of the above Ordinance.

- i) Mr. Kabir Afridi DS HE JPH
- ii) \_\_\_\_\_

3. The enquiry officer/enquiry committee shall, in accordance with the provisions of the Ordinance ibid, provide reasonable opportunity of hearing to the accused; record its findings and make, within 25-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/enquiry committee.

(GHULAM DASTGIR)  
CHIEF SECRETARY/COMPETENT AUTHORITY

To,

The Enquiry Officer,  
Mr. Muhammad Kabir Afridi,  
Deputy Secretary Higher Education Department,  
PESHAWAR

Annexure - M  
(45)

SUBJECT: DISCIPLINARY PROCEEDINGS/ REPLY THEREOF

Respected Sir, Reference charge sheet and disciplinary action/memo of allegations  
Received dated 03-09-2012

All the charges leveled against me are baseless and bias, therefore I rebut these on the following grounds:-

- 1: Charge No. (i) is bias and baseless because I have taken the requisite legal action provided under the law/JFMC Agreement clause 7(b) against the Forest Offenders by issuing damage reports No 91/6 & 92/6 dated 29-10-2006. The situation was also properly reported to my higher controlling officer of the department, and additional written directives of the immediate controlling officer issued vide letter No 1052/G dated 01-12-2006 also properly followed and implemented in letter and spirit. The same illegal cutting of 109 F/S trees = 13954 cft standing volume and apprehension of illicit cut 597 scants timber were properly probed by the department, the offenders were produced before the competent trial court of law vide challan No.15-16/06-07, as provided under sec 96 of Forest Ordinance 2002. Subsequently my immediate (first & second) controlling officers i.e Divisional Forest Officer Battagram and the Conservator of Forests, Abbottabad, also investigated these damages. All the three investigations endorsed the legal action initiated by me vide Damage Report No 91/6 and 92/6 dated 29-10-06 under clause 7(b) of the JFMC agreement as APPROPRIATE /PROPER and LEGAL. Furthermore, involvement of JFMC since initiation of legal action by me could not surface any where in none of the three departmental investigations.
- 2: Charge No (ii) is baseless because the detail situation report regarding apprehension of 597 scants = 2415 cft F/S timber in JFMC Forest of Lam/ Godipair and my proposed legal action under JFMC agreement clause 7(b) was properly intimated to the higher controlling officers and further course of action was adopted with the due approval of my controlling authority. Also none of the subsequent three investigations into the said damages could prove that JFMC or its management was involved in the illicit cutting of 109 trees and seized timber 597 scants = 2415 cft F/S timber.
- 3: The charge No (iii) is baseless and bias because none of the prosecution record /investigation reports could prove that at the time of apprehension of illicit 597 scants in forest from the forest offenders, it was affixed with JFMC hammer mark or property carvings
- 4: Charge No (iv) is baseless because action taken against the offenders under clause 7(b) of the JFMC agreement was legitimate, hence

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Attest

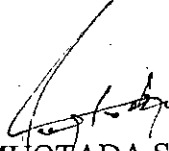
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nomination of chairman JFMC under the same clause 7(b) as accused was unlawful.


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Therefore, based on above exposition, it is crystal clear that the charges leveled against me in the charge sheet are false and without any solid proof. I never remained ignorant about the forest damages and have already taken the requisite legal actions as per law/rules and JFMC agreement against the forest offenders for the illicit damages with the approval of my controlling and supervising officers. Therefore I may be exonerated from all the charges leveled against me please.

  
SYED MUQTADA SHAH  
SDFO/ Instructor  
Sarhad Forest School,  
Thai Abbottabad

  
Attested

46

<b>CHIEF CONSERVATOR OF FORESTS</b> Northern Forest Region-II		Civil Line Forest Offices Abbottabad ☎ 0992-9310410 Fax 0992-9310343 E-mail: <a href="mailto:ccfnorth@gmail.com">ccfnorth@gmail.com</a>
No. /E dated Abbottabad the 15 /01/2013		

To The Director  
 Institution & Human Resource Development  
 Khyber Pakhtunkhwa Forest Department  
 Peshawar

Subject: **SHOW CAUSE NOTICE**

Memo:

Enclosed please find herewith a copy of Section Officer (Establishment) Environment Department Khyber Pakhtunkhwa Peshawar letter No. SO (Estt) Env/I-50(96)/2012/38-40 dated 07.01.2013 alongwith Show Cause Notice as well as enquiry report (in original) meant for Syed Muqtada Shah, SDFO (BPS-17) of your Directorate.

Please handover the same to the concerned officer under proper receipt with the request that on the receiving of reply on the attached document of the accused official, comparative statement with comments of the department may be furnished direct to the quarter concerned through CCF-I within soonest possible under intimation to this office.

Please acknowledge the receipt!

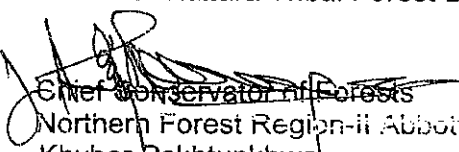
Chief Conservator of Forests  
 Northern Forest Region-II Abbottabad  
 Khyber Pakhtunkhwa


Encl. as above

No. 2081-85/E

Copy forwarded for information and necessary action to the:-

1. Chief Conservator of Forests Central Southern Forest Region-I Peshawar for information.
2. Conservator of Forests Upper Hazara Forest Circle Mansehra
3. Section Officer (Establishment) Environment Department Peshawar with reference to his letters cited above.
4. Principal Sarhad Forest School Thai, Abbottabad
5. DFO Hazara Tribal Forest Division, Battagram for information and necessary action.

  
 Chief Conservator of Forests  
 Northern Forest Region-II Abbottabad  
 Khyber Pakhtunkhwa

  
 Attested

No. 1060 /GE., Dated Abbotabad Thai the 23 /Jan.2013/

Copy forwarded to Syed Muqtada Shah SDFO/Instructor Sarhad Forest School Thai for information and necessary action.

*[Handwritten signature]*

PRINCIPAL  
SARHAD FOREST SCHOOL  
THAI ABBOTTABAD

*[Handwritten signature]*  
Attestad

Annexure - N/2

49

Before

The Honourable Chief Secretary,  
Govt. of Khyber Pakhtunkhawa,  
(Competent Authority).

Through: PROPER CHANNEL

**SUBJECT: SHOWCAUSE NOTICE/REPLY THEREOFF**

Respected Sir,

Reference Show cause Notice, received vide Environment Department letter No SO (Estt) Env/1-50(96)/2012/38-40 dated 07-01-2013, and Principal SFS thal Abbottabad endorsement No 1060/GE dated 23/01/2013

It is humbly submitted that :-

I have been served with a show cause notice on the charges of "in-efficiency" and directed to show cause as to why the proposed penalty i.e "stoppage of two increments for a period of three years should not be imposed".

Sir,

I most humbly deny the charges of "in-efficiency" on the following grounds beside other and request you to kindly exonerate me from the charge of "in-efficiency" and file the case

**Reasons.**

- I - Sir, The learned enquiry officer, in the inferences drawn by him under heading "FINDINGS" at page- 9, para-1, admits that " All these charges are unjustified on the following grounds.
  - a. The action taken against the JFMC under clause 7-b of JFMC agreement was legal, lawful and as per JFMC agreement. All the preliminary investigations by the controlling and supervising higher officers of the department could not prove the involvement of JFMC in these damages at the time of initiation of action by the accused officer, even till compilation of Fact Finding Report dated 13-3-2007. Hence initiation of action under clause 7-a of the JFMC agreement and nomination the JFMC into the said damages at that time was out of question rather unlawful and abuse of official power and authority.
  - b. The accused presented the official record which was not challenged by the prosecution. The evidences produced by the prosecution in support of the charges sheet i.e Damages reports No 9 1/6 and 9 2/6 dated 29-10-2006, the Fact finding report and CFA office order No 119 dated 30-6-2007, also could not substantiate the charges that the action of the accused officer under clause 7-b of the JFMC agreement was against the law/ rules/JFMC agreement because all these evidences supports the plea of the accused officer that he has initiated all these action for the said damages and the same action was proved to be lawful during all the preliminary investigations .Hence charges against the accused are unsupported and could not be supported by the prosecution with cogent evidences.
- II - Similarly at page -10, para- 2, the learned enquiry officer further admits that:-  
"Charge No iv, also could not be substantiated by the prosecution with any solid reasons or evidence. The prosecution produced the Office order No 119 dated 30-6-2007, regarding imposition of Rs 75,12,800/- fine on JFMC under clause 7(a) of the agreement for violation of JFMC agreement. But perusal of the order reveals that the same action has been finalized by CFA on the report initiated by the accused officer against JFMC. Had the action initiated by the accused officer against the JFMC at that

Attested

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occasion was not as per JFMC agreement/ Rules, than the CFA would never had endorsed the same and penalized the JFMC. Thus charging the accused for his own legal action in neither judicial nor lawful.

Hence the learned inquiry officer conceded the action taken by me to be legal, and timely and concluded that charging the accused for his own legal action is neither judicial nor lawful.

III - Contrarily the learned inquiry officer, in his recommendations, also recommended stoppage of two annual increments.

IV - The conclusion on page-11, at S.No, "e" drawn by the learned inquiry officer is an inference without any proof that the offenders were committing crime/offence for about one month and, I remained ignorant.

Sir,

The period of one month inferred by the learned inquiry officer is at variance to his own conclusions at Page -11, S.No " b ", where the learned inquiry officer concedes that action was taken as and when JFMC was found involved. Furthermore:-

- The present day felling of trees and sawing is not manual but is mechanical. It takes only a few hours to fell 109 trees and convert it into scants/ logs through power saws. Even manually it does not takes so long (one month).
- The Allai Forest Sub Division extends over an area of about 45000 acres forest, the area being hilly, punctuated by streams, spurs and inspection of which is all on foot. Naturally it takes some time to complete a visit of the whole area.

- Beside, the SDFO/RFO, has to perform many other jobs as is evident from the job description given in the West Pakistan Forest Manual Volume- II, para 2.5. (Photo copy annexed)

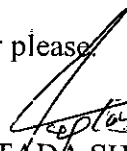
Therefore, In the light of foregoing submissions, it is amply clear that the conclusions drawn by the learned inquiry officer that the forest offenders were committing crime for about one month and I remained ignorant are incorrect and unfounded. The action was very much timely


While recommending the stoppage of two annual increments, the learned inquiry officer negated his own findings and the recommendations are not supported by any cogent reasons.

Therefore, the imposition of the penalty proposed is not only contrary to the findings of the learned inquiry officer but also not supported by any cogent reasons which renders it unjustified.

It is therefore, humbly prayed that I may graciously be exonerated and acquitted honourably.

It is further prayed that I may be allowed personal hearing to explain further please.

  
SYED MUQTADA SHAH  
SDFO/ Instructor  
Sarhad Forest School,  
Thai, Abbottabad

  
Attested

ENQUIRY REPORT INTO THE CHARGES LEVELED AGAINST SYED MUQTADA SHAH—SDFO AND MR. UMAR SHARIF, FORESTER, BATTAGRAM FOREST DIVISION

This should be read with:

1. Charge sheet against Syed Muqtada Shah SDFO (Pg 13-14)
2. Reply to the Charge sheet by Syed Muqtada Shah SDFO (Pg 15-16)
3. Charge sheet against Mr. Umar Sharif, Forester (Pg 17-18)
4. Reply to the Charge sheet by Mr. Umar Sharif, Forester (Pg 19-20)
5. Damage Report No. 91/6 and 92/6 dated 29-10-2006(Pg 21-22)
6. SDFO Allai letter No. 97/Allai dated 23-11-2006(Pg 23-24)
7. DFO Hazara Tribal Forest Division letter No. 1052/ G dated 01-12-2006(Pg 25)
8. Conservator of Forest Hazara Circle office order No. 92 dated 12-02-2007, regarding constitution of Fact Finding committee(Pg 26)
9. Fact finding report of Dr Naseem Javaid and Pir Qaim Shah, Divisional Forest Officers dated 13-03-2007(Pg 27-31)
10. DFO Hazara Tribal Battagram letter No.1418/G dated 25-01-2007(Pg 32)
11. Office order No. 07 dated 12-07-2002 regarding registration of JFMC Laam Gudipair by DFO Battagram for the Joint Mangement of Laam Gudipair Compartments -1 Forests (Pg 33)
12. Agreement Dated 20-06-2005 between DFO Hazara Tribal Battgram and JFMC Laam Gudipair (Pg 34-37)
13. Conservator of Forest Hazara Circle Office Order No. 119 dated 30-06-2007(Pg 38-39)
14. The Enquiry Report conducted by Mr. Haider Ali Khan and Mr. Gul Muhammad Khan(Pg 40-45)
15. The Enquiry report conducted by Mr. Riaz Khan Mehsud(Pg 46-59)

*[Signature]*  
Attested

**BRIEF BACK GROUND OF THE CASE**

In Hazara Tribal Forest Division of Battagram District, the Laam Gudipair JFMC was authorized under an agreement to undertake the Harvesting of Marked 287Nos trees of Fir/ Spruce, measuring 87652Cubic feet ( standing Volume).

During Oct 2006, 109 trees having 1394cft (standing volume) were illicitly cut by four local persons in the forests of Laam Gudipair Compartment No 1. The chairman JFMC reported/complained the same damages to DFO Battagram(Pg 60) and the then SDFO Allai, Syed Muqtada Shah, initiated action against these offenders. Damage report No 91/6 & 92/6 dated 29-10-2006 were issued by the forest staff(Pg 21-22). Against the illicitly felled trees, 597 scants of timber measuring 2415 cft volume was also apprehended, seized from the offenders and given in the custody of JFMC as per JFMC agreement for further transportation by the JFMC to the sale depot.(Pg 61-62)

The four accused persons apprehended on spot, although pleaded guilty but refused to pay value of damages as assessed by the Forest Officers as per Forest Department schedule of compensation.

The SDFO Syed MuqtadaShah, incharge of the Allai Forest Sub Division, after spot inspection and preliminary enquiry, submitted the situation report to his immediate higher controlling and supervising Officer i.e DFO Hazara Ttribal Battagram vide letter No. 97/ Allai dated 23-11-2006 , explaining therein all the ground situation, basis of the proposed action as per spot situation, and proposed action to be initiated under 7(b) of the JFMC agreement.(Pg 23-24)

The DFO Hazara Tribal Battagram, agreeing with the situation report of SDFO Allai and its proposal for action under clause 7(b) of the JFMC agreement, endorsed the proposed action and authorized the SDFO Allai to proceed further

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in the matter in light of directives as contained in his letter No. 1052/ G dated 01-12-2006.(Pg 25)

In the meanwhile, the DFO patrol Squad of Hazara Circle visited/ inspected the Spot for inquiry into the matter and submitted his report to Conservator of Forest Abbotabad (CFA). (Crux of the finding was that the illicit damages have been inflicted with the connivance of JFMC)(Pg 63-65)

Receiving the above report of DFO Circle Patrol squad, the CFA communicated the same to DFO Hazara Tribal Battagram for his necessary action(Pg 66).The DFO Hazara Tribal Forest Division, after personal enquiry into the matter, offered his para wise comments on the report of DFO patrol squad vide his confidential letter bearing No. 1463/ GB dated 01-02-2007 to CFA.(Pg 67-69)

In his comments, the DFO Battagram was of the opinion that the JFMC involvement in these damages is unrealistic at the moment. And the allegation of DFO patrol squad needs to be investigated through a Fact Finding Committee.

On receiving DFO Battagram comments, the CFA constituted a high level Fact Finding Committee vide Office order No. 92 dated 12-02-2007(Pg 26). The Committee, after spot verification and investigations into the damages, compiled their report and submitted to CFA dated 13-03-2007.(Pg 27-31)

In the meanwhile, during transportation of the illicit cut seized timber, as given to the management of JFMC for transportation to the sale depot, the SDFO Allai noticed that the timber lying in the custody of JFMC, has been affixed with JFMC hammer mark and carved with JFMC property marks. Taking cognizance for violation of JFMC agreement by the Chairman JFMC, the SDFO Allai called his explanation under intimation to DFO Battagram(Pg 70). The DFO Battagram, after receiving reply of Chairman JFMC, and finding it unsatisfactory, issued a

*Attested*



show cause notice to chairman JFMC to explain his position regarding violation of JFMC agreement(Pg 32). Consequently after dissatisfaction from the Chairman's reply,the DFO Battagram recommended a case to CFA for imposing penalty on chairman JFMC under clause 7(a) of the JFMC agreement. TheCFA vide Office order No. 119 dated 30-06-2007,imposed a fine of Rs. 751280C/- on JFMC in the said Damages for violation of JFMC agreement, for affixing Hammer mark and property Marks of JFMC on the seized timber of the department (Pg 38-39)

During these proceedings, the CFA submitted his parawise comments on the report of the Fact Finding Committee vide letter dated 09-04-2007 to the Chief Conservator of Forest wherein he directed DFO Battagram to initiate disciplinary proceedings against the SDFO Allai and Forester/ Block Officer.(Pg 71)

The DFO Battgram, than submitted a draft charge sheet against Syed Muqtada Shah,the then SDFO Allai to CFA for onward submission to the competent authority. And the Competent authority, Chief Secretary Khyter Pakhtunkhwa, issued Charge sheet to the accused. The competent authority than appointed enquiry committee comprising Mr. Haider Ali Khan and Mr. Gul Muhammad Khan, Conservators of Forests and the committee submitted its report/recommendations to the competent authority. (Pg 40-45)

*Mirza*

On the basis of recommendations in the enquiry report, the accuseds (SDFO Allai and Forester Allai) were penalized for reduction to the initial stage of their basic pay scale. The accuseds filed an appeal to the Services Tribunal Peshawar, against the penalty order, and the Tribunal after hearing, set aside the penalty order and directed the respondents for conducting Denovo enquiry.

Pursuant to above, another enquiry was ordered and Mr. Riaz Mehsud, (PCS EG, BS 19), Additional Secretary, FATA Secretariat was declared as Enquiry Officer after approval by the Competent Authority.

*Attested*

The Denovo enquiry report was also submitted to the competent authority(Pg 46-59), but now the Competent authority disagreed with the findings/ recommendation and ordered another Denovo enquiry declaring the undersigned as Enquiry Officer vide order dated 16-08-2012(Pg 72). Charge sheets were issued to the accuseds by the Environment Department.

**PROCEEDINGS**

1. Section Officer (Estt), Environment Department, vide letter dated 30-08-2012, was informed to depute a well conversant officer along with the relevant record for assistance.(Pg 73)
2. Present SDFO Allai, Mr. Mr Muhammad Siddique was declared as Prosecutor by the DFO Battagram vide letter dated 05-09-2012.(Pg 74)
3. The charge sheets along with memo of allegation were served upon the accuseds and their written replies received.
4. The prosecution and the accuseds were called for personal hearings/defense on 07-09-2011 and case enquired properly.

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**DISCUSSION**

During personal hearings, the prosecution representative Mr Muhammad Siddique, SDFO Allai along with official record from DFO Battagram's office attended the proceedings.The accuseds attended in person. The prosecution presented the charge sheet against the accuseds with the following supportive evidences/record;-

1. Damage report No. 91/6 and 92/6 dated 29-10-2006, issued for illicit damages of 109 Fir/ Spruce trees and apprehension of 597 scants 2415 cft volume timber.(Pg 21-22)
2. JFMC Agreement between Forest Department and Chairman JFMC for Joint Forest. (Pg 34-37)
3. Management of Laam and Gudipair compartment No-1

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Attested

4. The Fact finding report by Mr Naseem Javaid and Pir Qaim Shah DFOs(Pg 27-31)
5. CFA office order No 119 dated 30-06-2007, regarding imposition of penalty on JFMC amounting to Rs. 7512800/.(Pg 38-39)
6. The Enquiry Report conducted by Mr. Haideri Ali Khan and Mr. Gul Muhammad Khan(Pg 40-45)
7. The Enquiry report conducted by Mr. Riaz Khan Mehsud(Pg 46-59)

During proceedings, the accused Syed Muqtada Shah SDFO, rebutted the charges and defended his action in the Forest Damages of Laam Gudipair Compartment No-1 under agreement clause 7(b) of the JFMC agreement for illicit cutting of 109 trees and apprehension of 597 scants of Fir/Spruce measuring 2415 cubic feet volume as legal, appropriate and relevant as per JFMC Laws/agreement by providing the following evidences/official record:

1. Action against the forest offenders for illegal cutting was initiated on the written report/complaint of Chairman JFMC, as provided under JFMC agreement clause 7(b) reproduced as under:

*"in case of accidental or negligent felling of unmarked trees the JFMC will be liable to pay only the sale-value of these trees so felled. For the felling and local damage/ loss due to natural hazard, JFMC and its employees, will be bound to report the matter in writing to the DFO concerned immediately for further necessary action under the NWFP Forest Ordinance, 2002. On failure to report such incidents by JFMC clause-7(a) will become applicable."*

2. The accused, when posted as SDFO Allai, presented a copy of letter of his period dated 23-11-2006(Pg 23-24) wherein he had submitted the situation report regarding these damages to his immediate controlling officer, and elaborated all the ground realities and the basis for initiating

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the proceedings against the damages under 7( b) of the JFMC agreement. He asked the prosecution that if he was at wrong at the time of initiating the action under 7(b) of the JFMC agreement, than the immediate controlling officer must have not agreed with his situation report and issued directives otherwise. But in fact, the action proposed and initiated by him at that situation was appropriate as per law/rules and JFMC agreement, hence the DFO Battagram agreed with my report and issued further directives, as per JFMC rules/law for further course of action. The accused officer further argued that he implemented the directives of his immediate controlling and supervising officer in letter and spirit, prepared the challan of the case, and produced the accuseds/ offenders before the competent court of law in accordance with provision of Forest Ordinance, 2000 (Sec 96), with the prior approval of immediate controlling and supervising officer.

3. The accused officer also added that after the disputed enquiry report of DFO patrol squad, the action initiated by him under clause 7(b) of the JFMC agreement was investigated by DFO Hazara Tribal Battagram (his controlling officer), and he, in his confidential report No. 1463/ GB dated 01-02-2007(Pg 67-69), was also of the opinion that the charge of involvement of JFMC in these damages are unrealistic.
4. The same plea of the DFO Battagram was further investigated by the second Controlling and supervising officer of the department i.e CFA by constituting a Fact Finding Committee vide Office order No. 92 dated 12-02-2007, and the Fact Finding committee in their report also admitted the following realities;

*("Cases of Damage report No 91/6 & 92/6 dated 29-10-2006 were properly challaned in the court of Judicial Magistrate-I Battagram vide PC NO 15 and 16/ 2006-07 respectively.*

*The field staff had physically seized the said timber and initiated appropriate action against the offenders under the rules.*

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*The above discussion transpires that the forest damages do not happened to be a deliberate impairment to satisfy the ulterior motives of admixture in the genuinely extracted timber. Rather a law full action had already been taken and the offenders brought to book,*

*Moreover, the appeal preferred by the DFO in the court of District and session Judge Battagram may be pursued vigorously")*

All the above observations and findings of the fact finding report support the situation report of the accused officer dated 23-11-2006 and never transpires that the JFMC was ever involved in these damages at the initial stage of proceedings till Fact Finding Report dated 13-03-2007.

Similarly the accused further clarified that he never hesitated to take action against JFMC, whenever and wherever found it involved in any forest damages or irregularity or violation of agreement with the department.

The accused officer referred to the CFA office order No. 119 dated 30-06-2007, whereby the CFA has confiscated 9391 cft illicit timber from JFMC and imposed a fine of Rs.7512800/- on Chairman JFMC for violation of JFMC agreement(Pg 38-39). The same proceedings of CFA are on the basis of report of the accused officer initiated against the same JFMC at an occasion when the JFMC was found involved in affixing of JFMC hammer mark and carving JFMC property Marks on the seized timber. The accused officer, during transportation of seized timber by the JFMC, when noticed the carving of JFMC hammer mark and carving of property mark on the departmental timbertook in time cognizance of the irregularities, called explanation of the JFMC and submitted the report as per clause 20(2) of Community Participatory Rules,2004, to the DFO Battagram, being the competent authority in the instant issue, for further course of action.

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The accused officer further clarified and submitted a copy of the disciplinary action dated 21-11-2006 against the delinquent Forest guard as was initiated by him for his ignorance and lack of interest in the official duties posted on laam Gudipair Forests at the time of occurrence of these damages. (Pg 75-78)

**[FINDINGS]**

The above discussion and defense provided by the accused leads to the following findings:

**SYED MUQTADA SHAH, SDFO**

1. Charge No i, ii and iii against the accused officer are correlated and of similar nature. All these charges are unjustified on the following grounds.
  - a. The Action taken against the JFMC under clause 7-b of the JFMC agreement was legal, lawful and as per JFMC agreement. All the preliminary investigations by the controlling and supervising higher officers of the department could not prove the involvement of JFMC in these damages at the time of initiation of action by the accused officer, even till compilation of fact finding report dated 13-03-2007. Hence initiation of action under clause 7-a of the JFMC agreement and nomination the JFMC into the said damages at that time was out of question rather unlawful and abuse of official power and authority.
  - b. The accused presented the official record which was not challenged by the prosecution. The evidences produced by the prosecution in support of the charges sheet i.e. Damages reports No. 91/6 and 92/6 dated 29-10-2006, the Fact finding report and CFA office order No. 119 dated 30-06-2007, also could not substantiate the charges that the action of the accused officer under clause 7-b of the JFMC agreement was against the law/ rules JFMC agreement because all these evidences supports the plea of the accused officer that he has initiated all these action for the said damages and the same action was proved to be lawful during all the preliminary

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investigations. Hence charges against the accused are unsupported and could not be supported by the prosecution with cogent evidences:

2. Charge No iv, also could not be substantiated by the prosecution with any solid reasons or evidence. The prosecution produced the Office order No. 119 dated 30-06-2007, regarding imposition of Rs. 7512800/- fine on JFMC under clause 7(a) of the agreement for violation of JFMC agreement. But perusal of the order reveals that the same action has been finalized by CFA on the report initiated by the accused officer against JFMC. Had the action initiated by the accused officer against the JFMC at that occasion was not as per JFMC agreement/ Rules, than the CFA would never had endorsed the same and penalized the JFMC. Thus charging the accused for his own legal action is neither judicial nor lawful!

**MR. UMAR SHARIF, FORESTER**

The allegations against the accused are almost same as both the accuseds were posted in the same area. Detailed discussion has been made in the foregoing.

- a) Allegations No. i and v are similar in nature which has been discussed in detail earlier.
- b) In contrary to the allegation No iii, in his written reply, he claimed otherwise that he was having Damage Report Book on the spot.
- c) For allegation No. iv, the job pertains to the Forest Guard against whom the disciplinary proceedings have been initiated and disposed off (Pg 75-78).
- d) As per charge report of the accused, he was posted in 2004 whereas marking of trees was done in 1999. Hence the charge relates to the period when he was not posted there.

However, Block Officer/ Forester is the member JFMC as rep. of Forest Deptt(Pg 33) and the accused, being member, remained unaware of the damages made in the compartments. Besides, cutting of 109 trees, conversion into logs/ scants and then transportation involves about a month period during which the accused

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remained unaware. It is difficult to believe that offenders were operating illegal activities for one month and the official remained unaware. Though the timely action by the accused against the offence and offenders lightens the magnitude of irregularity, yet the damage caused to the forest can't be ignored and held him liable to be penalized.

### CONCLUSION

The above findings lead to the following conclusions:

- a. After thorough examination of the related documents provided by the prosecutor of the department and the accused officer, the undersigned is of the opinion that the action taken against the JFMC under agreement clause 7(b) by the accused officer was legal appropriate and lawful at the time of initiation.
- b. Furthermore the accuseds never hesitated to take action against JFMC under relevant clauses of agreement, as and when they found the JFMC involved in any violation and irregularities.
- c. The accused officer has also initiated disciplinary action against the delinquent Forest Guard for the ignorance and lack of interest in the official duties.
- d. Despite that the serving of charge sheet on accused officials regarding non initiating of action against JFMC at the time of issuing damage reports No. 91/6 and 92/6 dated 29-10-2006 are itself against the realities.
- e. The only shortcoming seems to be the fact that offenders were committing crime/ offence for about one month in the forest and Syed Muqtada Shah, being SDFO, remained ignorant which indicates his lack of control over the staff and area under jurisdiction.
- f. Mr. Umar Sharif, Forester, was also member of JFMC as rep. of the Forest Deptt and was immediate controlling official over the compartments. He remained unaware of the damages made to the compartments despite of all these which transpires his lack of interest in official duties.

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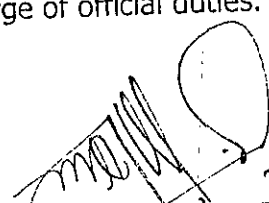
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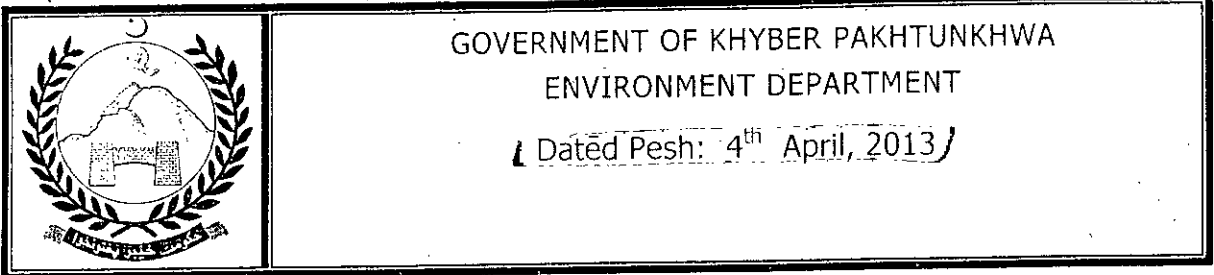
**RECOMMENDATIONS**

Keeping in view the above discussion, findings and conclusions, the undersigned recommends the following penalties.

1. Two annual increments of Syed Muqtada Shah, SDFO, may be stopped for a period of three years w.e.f 01-01-2013. He may be censured.
2. Five annual increments of Mr. Umar Sharif, Forester may be stopped for a period of three years w.e.f 01-01-2013. He may be censured and be warned to be careful in future in discharge of official duties.

  
**MUHAMMAD KABIR AFRIDI**  
 Deputy Secretary (Admn)  
 Higher Education, Archives &  
 Libraries Department, Peshawar

  
Attested



**NOTIFICATION**

No.SO(Estt)Envt/1-50(96)/2k9: WHEREAS, Syed Muqtada Shah, Sub Divisional Forest Officer BS-17, (the then SDFO, Allai Forest Sub Division of Hazara Tribal Forest Division Batgram), was proceeded against under the Khyber Pakhtunkhwa Removal from Service (Special Powers) ordinance, 2000 (as amended from time to time) for the charges as mentioned in the Charge Sheet and Statement of Allegations dated 16/08/2012, served upon the said officer;

2. AND WHEREAS, Enquiry Officer, Mr. Muhammad Kabir Afridi, PCS SG (BS-18), Deputy Secretary, Higher Education Department, was appointed an Enquiry Officer to conduct the inquiry against the said accused officer;

3. AND WHEREAS, the Enquiry Officer, after having examined the charges, evidence on record and explanation of the accused officer, submitted its report, wherein the charges against the officer being of serious nature have been established beyond reasonable doubt;

4. AND WHEREAS, the Competent Authority, after considering the Inquiry Report and other related documents, of the case, served a Show Cause Notice upon the said officer to which he replied, and provided him opportunity of personal hearing.

5. NOW, THEREFORE, the Competent Authority, after having considered the charges, evidence on record, findings of the Enquiry Officer, the explanation of the accused officer, and hearing him in person and exercising his powers under Section-3 read with Section-8 of the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 (as amended from time to time) has been pleased to impose a minor penalty of **"Stoppage of two increments for a period of three years"** upon Syed Muqtada Shah, Sub Divisional Forest Officer(BPS-17), the then SDFO, Allai Forest Sub Division of Hazara Tribal Forest Division Batgram, in supercession of this department Order No.SO(Estt)Envt/1-50(96)/2k9/583-91 dated 29/1/2010, with immediate effect.

CHIEF SECRETARY,  
KHYBER PAKHTUNKHWA  
Dated Pesh: 4<sup>th</sup> April, 2013.

Endst: No. SO(Estt)Envt/1-50(96))/2k9 *2263-80*

Copy is forwarded to:-

- 1) PS to Chief Secretary, Khyber Pakhtunkhwa.
- 2) PS to Secretary Environment Department.
- 3) Chief Conservator of Forests, Central and Southern Forest Region-I, Peshawar.
- 4) Chief Conservator of Forests, Northern Forest Region-II, Civil Line Offices, Abbottabad.
- 5) All Conservators of Forests, Khyber Pakhtunkhwa.
- 6) Director Budget and Accounts Cell, Environment Department.
- 7) Divisional Forest Officer, Hazara Tribal Forest Division, Batgram.
- 8) Syed Muqtada Shah, Sub Divisional Forest Officer C/O Chief Conservator of Forests, Central and Southern Forest Region-I, Peshawar.
- 9) Personal file of the officer concerned.
- 10) Master file.
- 11) Office order file.


*Attested*

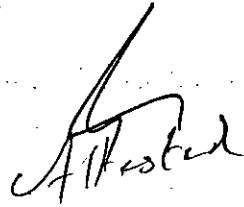
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(FIDA-UL-KARIM)  
SECTION OFFICER (ESTT)

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No. 1507 /GE., Dated Abbottabad Thai the 18 /April:2013.

Copy forwarded to Syed Muqtada Shah SDFO/Instructor Khyber Pakhtunkhwa Forest School Thai for information and necessary action.

  
PRINCIPAL  
KHYBER PAKHTUNKHWA  
FOREST SCHOOLTHAI  
ABBOTTABAD

  
Attested

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<p>DIRECTORATE OF INSTITUTIONAL &amp; HUMAN RESOURCE DEVELOPMENT</p>		<p>KHYBER PAKHTUNKHWA FOREST DEPARTMENT</p>
<p>Shami Road, Peshawar Phone No. (091)9212459. No. <u>          </u> /HRD/Estt dated <u>          </u> /14/2013</p>		

The Chief Conservator of Forest  
Central Southern Region-I  
Peshawar.

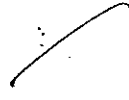
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06-5-13

Subject: DEPARTMENTAL REPRESENTATION/APEAL

Memo: Reference your office endorsement No. 3046-47/E, dated 11.4.2013.


Enclosed please find herewith Departmental Representation/Appeal dated 19.4.2013 along with connected documents (in original) containing page- 1 to 77 preferred by Syed Muqtada Shah SDFO/Instructor, Khyber Pakhtunkhwa Forest School Thai for onward transmission to the quarter concerned for further necessary action.

Encl: As above  
(in original)

  
Director  
I & Human Resource Dev.  
Peshawar


No. 2177 /HRD/Estt  
Copy forwarded to the Principal Khyber Pakhtunkhwa Forest School Thai Abbottabad for information with reference to his letter No. 1508/B&A, dated 19.4.2013

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Director  
I & Human Resource Dev.  
Peshawar

No. 1587 /GE, Dated Abbottabad Thai the 13 /05 /2013.

Copy forwarded to Syed Muqtada Shah SDFO/Instructor Khyber Pakhtunkhwa Forest School Thai Abbottabad for information and necessary action.

  
PRINCIPAL  
KHYBER PAKHTUNKHWA  
FOREST SCHOOL  
THAI ABBOTTABAD

  
Attested

Before,

The Honourable Chief Minister,  
Khyber Pakhtunkhwa (Appellant Authority),  
at Peshawar.

Through: PROPER CHANNEL

**SUBJECT:** DEPARTMENTAL REPRESENTATION / APPEAL UNDER SEC 9 OF THE REMOVAL FROM SERVICE (SPECIAL POWER) ORDINANCE, 2000, FOR SETTING ASIDE THE PENALTY IMPOSED BY CHIEF SECRETARY (AUTHORITY), KHYBER PAKHTUNKHWA, UPON THE APPELLANT, VIDE NOTIFICATION NO SO (Estt.)Envt/ 1-50(96) / 2k9/ 2263-80 dated 04/4/2013.

Prayer: That on acceptance of this appeal, the impugned penalty order dated 4- 4- 2013 be set aside as being illegal, unlawful, void and ineffective. Appellant pay scale be restored to its original stage with such other relief as may deem fit in the circumstances of the case may also be granted.

Respectfully sheweth,

That the short facts giving rise to this departmental appeal, are as under:-

1. The petitioner was punished with the penalty of "Reduction to the initial stage of basic pay scale" vide administrative department Notification No So (Estt.) Evt/1-50(96) 2k9/ 583-91 dated 29-1-2010 (Copy of the order attached as Annexed-A, Page 1).
2. The petitioner challenged the same penalty order in Service Tribunal Peshawar vide Appeal No.968/2010. The said appeal was heard, accepted and set aside on 28-6-2011, with further directions to the department for conducting denovo enquiry proceedings to be concluded as early as possible, but in no case beyond the period of twenty five days from the receipt of the order, as prescribed in section-5, sub section (3) of Khyber Pakhtunkhwa (Former NWFP) Removal from service (special power) Ordinance 2000. (Copy of Judgment attached as Annexed-B, Page 3-9)
3. The respondent department failed to implement with in the stipulated period, the judgment of Honourable Service Tribunal. Now after a lapse of about one years & Nine months, have finalized the denovo enquiry proceedings and final order issued by the competent authority on 04/4/2013, communicated to the appellant on /4/2013.(copy of order attached as Annexed-C, Page-11 ).

*Attested*

10/10/2013  
66

Grounds:-

- A. That, the impugned order is illegal, unlawful, void and ineffective, hence, not maintainable in the eyes of law.
- B. That, the same is against the principals of natural justice, also.
- C. That the impugned order is in violation of Service Tribunal Judgment dated 28/6/2011, hence illegal.
- D. That the impugned order is also against the judgments of the august Supreme court of Pakistan, reported in 2009-P L C (C.S.) 477,(copy of order attached as Annexed-D, Page-13-17) and PLJ. 2004 Tr.C.(Services) 183, (copy of order attached as Annexed-E, Page-19-33). Refer extract is reproduced as under.
  - i) "On examination of the judgment of high court, it clearly transpires that the high court has not debarred the petitioner/bank from conducting the enquiry but has passed directions for completing the enquiry expeditiously preferably with in the period of three months with a further direction to the respondents/employee to cooperate in holding the enquiry. However, since the petitioner/bank could not initiate the enquiry proceedings with in the period of four months stipulated by the Federal Service Tribunal in its judgment, as a consequence thereof, they have been directed to make payments of back benefits to the respondents".(refer extract Annexed-D, page-17 ).
  - ii) "Once a judgment is issued in favour of a civil servant, his term and conditions as infringed by an order of the authority in question stands addressed to the extent as ordained in the judgment concerned. There is, therefore no denying the facts that if the judgment is not implemented and leave to appeal is either not filed or declined, there is no escape route for the department but to implement the judgment in letter and spirit. In the event of the department not complying with the directions contained in a particular judgment after having exhausted the legal remedies available, the department have no other alternative except to implement the judgment in the interest of supremacy of the rule of law".(refer extract Annexed-E, page-29).
- E. On the strength of above two judgments of august Supreme court of Pakistan, the Service Tribunal Khyber Pakhtunkhwa Peshawar has already announced a judgment by accepting appeal No 3080/2010.(copy of order attached as Annexed-F, Page-35-41). Hence the subject impugned order is void and unlawful.

*Attested*

48

F. That the minor punishment of stoppage of two increments, is technically defective because, if at all stoppage of increment is ordered, it is to be done by one step only. (copy from E & D rules attached as Annexed-G, Page-43)

G. That the impugned order is unlawful in the light of august Supreme Court of Pakistan judgment in Civil Petition No. 1252-L of 2002, dated 12-5-2003. (Copy of order attached as Annexed-H, Page 45-49)

H. That the enquiry committee did not adopt the proper procedures as required under the law/rules on the subjects (copy of Enquiry Report attached as Annexed-I, Page 51-73), Hence enquiry report is biased, baseless and unrealistic due to following short comings, hence illegal.

i. The learnt inquiry officer was required to confront the appellant with solid documentary/situational evidences/witnesses and conclude on the basis of such findings of inquiry proceedings, but the enquiry officer has concluded otherwise on the basis of his personal opinion and interpretation of the situation, irrespective of solid evidences. Hence he has over sighted the service Tribunal specific observations of the judgment dated 28/6/2011(refer annexed-B, page 7) and procedure on the subject (refer annexed-J, page 75) by interpreting on his personal opinion & observations, which is illegal.

iv. Although from the findings of the enquiry report, non of the charges leveled against the appellant could be prove, despite that the learnt enquiry officer has recommended the penalty of stoppage of five increments which is non judicious.

v. The recommendations of the enquiry report are itself contradictory to the findings. The learned enquiry officer, in the inferences drawn by him under heading "FINDINGS", has conceded that:-  
(refer extract from findings of enquiry report, annexed-I, Page 67-69)

1. "All these charges are unjustified on the following grounds.

a. The action taken against the JFMC under clause 7-b of JFMC agreement was legal, lawful and as per JFMC agreement. All the preliminary investigations by the controlling and supervising higher officers of the department could not prove the involvement of JFMC in these damages at the time of initiation of action by the accused officer, even till compilation of Fact Finding Report dated 13-3-2007. Hence initiation of action under clause 7-a of the JFMC agreement and nomination the JFMC into the said damages at that time was out of question rather unlawful and abuse of official power and authority.

  
Attested

(69)

b. The accused presented the official record which was not challenged by the prosecution. The evidences produced by the prosecution in support of the charges sheet i.e Damages reports No 91/6 and 92/6 dated 29-10-2006, the Fact finding report and CFA office order No 119 dated 30-6-2007, also could not substantiate the charges that the action of the accused officer under clause 7-b of the JFMC agreement was against the law/ rules/JFMC agreement because all these evidences supports the plea of the accused officer that he has initiated all these action for the said damages and the same action was proved to be lawful during all the preliminary investigations .Hence charges against the accused are unsupported and could not be supported by the prosecution with cogent evidences.

2. Charge No iv, also could not be substantiated by the prosecution with any solid reasons or evidence. The prosecution produced the Office order No 119 dated 30-6-2007, regarding imposition of Rs 75,12,800/- fine on JFMC under clause 7(a) of the agreement for violation of JFMC agreement. But perusal of the order reveals that the same action has been finalized by CFA on the report initiated by the accused officer against JFMC. Had the action initiated by the accused officer against the JFMC at that occasion was not as per JFMC agreement/ Rules, than the CFA would never had endorsed the same and penalized the JFMC. Thus charging the accused for his own legal action in neither judicial nor lawful".

Keeping in view the above findings of the Enquiry report, as the learned Inquiry officer has conceded the action taken by appellant to be legal, appropriate and timely and has opined /concluded that charging the accused for his own legal action is neither judicial nor lawful.

Therefore the recommendations for stoppage of two increments are contradictory to the findings of the enquiry report, hence officer/committee, hence biased, baseless & unrealistic.

1. That there is nothing on record nor any thing was produced before the Enquiry Committee that Appellant was directly involved in the alleged allegations or any delay has occurred due to his willful intention or Mens-rea. Hence the conclusion No "e" of enquiry committee is biased, baseless and beyond the scope of the charge sheet as under:-

The Justification for conclusion (refer to annexed-I, Page 71,at S.No,"e") put forth by the learned inquiry officer i.e "the offenders were committing crime/offence for about one month and, I remained ignorant" is merely an inference of the enquiry officer without any proves.

  
Attested



Sir,

The period of one month inferred by the learned inquiry officer is at variance to his own conclusions (refer to annexed-I, Page 71, S.No "b"), where the learned inquiry officer concedes that action was taken as and when JFMC was found involved. Furthermore:-

- The present day felling of trees and sawing is not manual but is mechanical. It takes only a few hours to fell 109 trees and convert it into scants/ logs through power saws. Even manually it does not take so long (one month).
- The Allai Forest Sub Division extends over an area of about 45000 acres forest, the area being hilly, punctuated by streams, spurs and inspection of which is all on foot. Naturally it takes some time to complete a visit of the whole area.
- Beside, the SDFO/RFO, has to perform many other jobs as is evident from the job description given in the West Pakistan Forest Manual Volume- II, para 2.5. (copy of Job description attached as Annexed- k, Page 77)

J. That the Appellant has performed his duty honestly and efficiently in the entire service carrier and there is nothing adverse against him. In the instant case Appellant in time initiated the proceedings against the Forest offenders as well as the delinquent forest official, duly acknowledge by the enquiry officer in the enquiry report.( refer annex-1, page 71-c)

K. That the appellant is innocent and falsely charged with out having any solid proves that Appellant remained ignorant for about one month regarding forest damages.

Therefore, In the light of foregoing submissions, it is amply clear that the conclusions drawn by the learned inquiry officer that the forest offenders were committing crime for about one month and I remained ignorant, are incorrect and unfounded, not supported by any cogent reasons hence biased, baseless and unjustified.

It is, therefore, requested that Appeal be accepted as prayed for please.

(APPELLANT)

*Syeda*  
19/4/13

SYED MUQTADA SHAH, SDFO/ Instructor,  
Khyber Pakhtunkhwa Forest School,  
Thai Abbottabad.

*Attested*

Annexure Q

71

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR



Implementation Petition No. 308/2011

In Appeal No. 968/2010

1080  
20/12/11

Syed Muqtada Shah,  
Sub-Divisional Forest Officer  
Sarhad Forest School, Thai AbbottAbad

PETITIONER

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Chief Conservator of Forests, Khyber Pakhtunkhwa, Peshawar
3. The Conservator of Forests, Upper Hazara Forest, Circle, Mansehra.

RESPONDENTS

IMPLEMENTATION PETITION FOR DIRECTING THE  
RESPONDENTS TO FILE THE PROCEEDINGS FOR  
NOT COMPLYING WITH THE DIRECTIONS AND TIME  
PERIOD AS GIVEN IN THE JUDGMENT.

12.03.2012 Petitioner with counsel, Qari Abdul Jalil, Assistant for respondent No. 1, Zahoor Jan Assistant for respondent No. 2 and Muhammad Siddique, SDFO for respondent No. 3 with AAG present. The final order on the recommendations of the inquiry committee has not been passed by the competent authority so far, and respondents requested for further time in order to furnish the same. The final order be secured for production of the same for further proceedings on 10.5.2012. With regard to the interim order passed by the learned Members on 14.2.2012, the department is allowed to complete the process of promotion of senior employees but put on hold the final promotion order till such time final order of authority in the case of the petitioner is issued.

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

sd/-  
members

sd/-  
Chairman

Attested

Date of Presentation of Application 5-12-2010  
 Number of copies 400  
 Copying 4-0  
 Urgent 2-0  
 Total 6-0  
 N. 0-0-0  
 Date 5-12-2012  
 Date of 5-12-2012

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No 1022 / 2013

Syed Muqtada Shah

VERSUS

Forest Department

INDIX

S.No	Ducoments	Annexure	Page No
1	Application	--	01-03
2	Seniority List	Ⓢ I	04-07
3	Order/Notification dated 15-11-2012	Ⓢ II	08-09
4	Order dated 12-3-2012	Ⓢ III	10-11
5	Departmental Appeal	Ⓢ IV	12-13

  
APPELLANT  
Syed Muqtada Shah

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No 1022 / 2013

899  
12-11-13

Syed Muqtada Shah

VERSUS

Forest Department

APPLICATION FOR DIRECTING THE RESPONDENT DEPARTMENT  
TO PROMOTE THE APPELLANT FROM BPS-17 TO 18 WITH  
RETROSPECTIVE EFFECT FROM THE DATE, OFFICERS JUNIOR  
TO THE APPELLANT HAVE BEEN PROMOTED FROM BPS-17 TO  
18 WITH ALL BACK BENEFITS

RESPECTFULLY SHEWETH:

1. That the petitioner was punished with penalty of "Reduction to the initial stage" vide order dated 29-01-2010. The petitioner challenged that order in Service Appeal No 968/2010 and the same was decided on 28-6-2011.
2. That this Honourable Tribunal set aside the said penalty order, with the directives to respondent department for denovo enquiry proceedings to be concluded as early as possible but in no case beyond the period 25 days from the receipt of the order. The respondents received the judgment on 21-7-2010, but failed to conclude the denovo enquiry proceedings within stipulated period and have finalized it on 04-04-2013, after laps of about 20 months.
3. That the petitioner has already challenged the said impugned order dated 04-04-2013 vide service appeal No 1022/2013, which after preliminary hearing has been accepted by this Honourable Service Tribunal and fixed for hearing on 27-11-2013.
4. That the appellant has fully facilitated the process/proceeding of the denovo enquiry and the delay in the conclusion is not on behalf of the appellant.

5. That on the hindrance of the said pending Denovo Enquiry proceedings, the promotion of the appellant from BPS-17 to 18 has been deferred twice in the last two consecutive PSB meeting held during November and December 2012, and even the officers Junior to the appellant have been promoted from BPS-17 to 18. Attached Copies of seniority list as **annexure-I** and Promotion Order/Notification dated 15-11-2012 of Nov/2012 PSB meeting as **Annexure II**.
6. That this Honourable Service Tribunal, in appellant Implementation Petition No 302/2011, has also directed the respondents vide order dated 12-03-2012 to put on hold the final promotion order of PSB meeting till such time final order of authority in the case of petitioner in denovo enquiry is issued. Copy of order dated 12-3-2012 attached as **Annexure – III**.
7. That the departmental appeal/ representation dated 24-7-2013 of the appellant was also not responded by the respondents till date. Copy of Departmental appeal attached as **Annexure-IV**.
8. That the respondents have failed in conducting denovo proceedings with in stipulated time period as directed by the August Tribunal and are now morally and legally bound to promote the appellant from BPS-17 to 18 with retrospective effect rather to create hurdles on the basis of laps on their part. Deferment from promotion has caused irreparable loss to the appellant.
9. That the petitioner seeks permission to advance other grounds/ proof at the time of hearing.


It is, therefore, most humbly prayed that the respondents may be directed to promote the appellant from BPS-17 to 18 with retrospective effect and not to use laps on their parts in conducting denovo enquiry proceedings as hindrance in the promotion of the appellant. Any other remedy which this August Tribunal deems fit and appropriate, that may also be awarded in favour of the petitioner.

*Syed Muqtada Shah* 29/10/13  
APPELLANT

Syed Muqtada Shah

AFFIDAVIT

I, **Syed Muqtada Shah**, Sub-Divisional Forest Officer, C/o  
Divisional Forest Officer D.I.Khan Forest Division, Appellant, do hereby on  
oath affirm and declare that the contents of the Application are true and  
correct to the best of my Knowledge and belief and nothing has been kept  
secret from this Honourable Tribunal.

  
Deponent

Annex-A I

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT

**NOTIFICATION**

**NO.SO(ESTT)ENVT:/1-40/2K9:** In pursuance of Section 8(1) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rule-17 Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, the competent authority is pleased to notify/circulate final seniority list of Sub Divisional Forests Officers (BPS-17) Khyber Pakhtunkhwa Forest Department (as it stood on 15/05/2013) for general information.

**FINAL SENIORITY LIST OF SUB DIVISIONAL FOREST OFFICERS (BPS-17) KHYBER PAKHTUNKHWA, FOREST DEPARTMENT  
AS IT STOOD ON 15/05/2013.**

Total Sanctioned posts = 89

#	Name of Officer with academic qualification	Date of Birth and Domicile	Date of first entry into Govt Service	Regular appointment/ promotion to the present post			Remarks
				Date	BPS	Method of recruitment	
1	2	3	4	5	6	7	8
1.	Mr. Saeed Akhtar B.Sc Forestry.	20.11.1953 Abbottabad	7.10.1978 F/Ranger	01.07.2006	17	By promotion	
2.	Mr. Inamullah Khan B.Sc, M.Sc Forestry.	1.1.1959 Dir	19.11.1981 F/Ranger	01.07.2006	17	-do-	
3.	Mr. Saleem Khan B.Sc. Forestry.	25.2.1957 Mkd: Agency	13.10.1983 F/Ranger	01.07.2006	17	-do-	
4.	Mr. Muhammad Arif B.Sc. Forestry/M.A. Rural Sociology	20/9/1961 Mardan	17.10.1984 F/Ranger	01.07.2006	17	-do-	
5.	Mr. Muhammad Tehmasip B.Sc.M.Sc. Forestry.	9.1.1963 Mansehra	8.10.1985 F/Ranger	01.07.2006	17	-do-	
6.	Syed Muqtada Shah B.Sc. M.Sc Forestry.	24.3.1964 Peshawar	8.10.1985 F/Ranger	01.07.2006	17	-do-	
7.	Mr. Kifayatullah B.Sc. Forestry. M.Sc Rural Land Ecology Survey.	24.3.1965 D.I.Khan	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
8.	Mr. Zahid Ali B.Sc. Forestry.	1.9.1962 Nowshera	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
9.	Mr. Shafqat Munir B.Sc. Forestry.	25.3.1961 Kohat	8.10.1985 F/Ranger	01.07.2006	17	-do-	
10.	Mr. Gohar Ali B.Sc. Forestry.	2.2.1963 Peshawar	8.10.1985 F/Ranger	01.07.2006	17	-do-	

*[Handwritten signature]*

11.	Mr. Ali Haider B.Sc Forestry M.Sc. Sustainable Forestry Development.	1.3.1961 Peshawar.	8.10.1985 F/Ranger	01.07.2006	17	-do-	
12.	Mr. Fazal Eiahi B.Sc. Forestry.	4.10.1964 Bannu	8.10.1985 F/Ranger	01.07.2006	17	-do-	
13.	Mr. Ali Akbar B.Sc. Forestry.	7.1.1960 Mkd: Agency	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
14.	Mr. Khurshid Ali B.Sc. Forestry M.Sc. Forestry. M.Sc Rural Dev:	11.4.1965 Bannu	11.10.1986 F/Ranger	01.07.2006	17	-do-	
15.	Mr. Gulzar Rahman B.Sc. Forestry M.Sc. Forestry.	1.4.1963 Mkd: Agency	11/10/86 F/Ranger	01.07.2006	17	-do-	
16.	Mr. Hazrat Mir B.Sc. Forestry M.Sc. Forestry	25.12.1965 Charsada	11.10.1986 F/Ranger	01.07.2006	17	-do-	
17.	Mr. Muhammad Farooq-II B.Sc. Forestry M.Sc Forestry Ext:	7.2.1963 Mardan	11.10.1986 F/Ranger	01.07.2006	17	-do-	
18.	Mr. Muhammad Shoaib B.Sc. Forestry	1.1.1961 Mansehra	3.10.1987 F/Ranger	01.07.2006	17	-do-	
19.	Mr. Ahmed Jalil B.Sc. Forestry	26.1.1967 Mardan	3.10.1987 F/Ranger	01.07.2006	17	-do-	
20.	Mr. Asghar Khan B.Sc. Forestry Master in Social Devlp: & sustainable Livelihoods	10.3.1967 Dir	3.10.1987 F/Ranger	01.07.2006	17	By promotion	
21.	Mr. Farukh Seer B.Sc. Forestry	25.2.1965 Mardan	1/10/1988 F/Ranger	01.07.2006	17	By promotion	
22.	Mr. Muhammad Ismail, B.Sc. Forestry M.Sc Forestry Ext:	30.4.1965 Swat	1/10/1988 F/Ranger	01.07.2006	17	-do-	
23.	Mr. Amjad Samad B.Sc Forestry M. Sc. Forestry	6.7.1965 Peshawar.	1/10/1988 F/Ranger	01.07.2006	17	-do-	
24.	Mr. Muhammad Yousaf, BSc Forestry, MSc Forestry Extension & LLB.	04.08.1964 Dir	01/10/88 F/Ranger	01.07.2006	17	-do-	

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*Handwritten signature*



25.	Mr. Shaukat Fayyaz B.Sc Forestry. M.Sc. Forestry	01.04.1966 Karak	01/10/88 F/Ranger	01.07.2006	17	-do-	
26.	Mr. Mohammad Raad Sher B. Sc. Forestry	1/3/1968 Swat	12/10/89 F/Ranger	01.07.2006	17	-do-	
27.	Mr. Mohammad Saleem Khan B. Sc. Forestry Master of Environment (Australia)	14/4/1967 Bannu	12/10/89 F/Ranger	01.07.2006	17	-do-	
28	Mr. Raees Khan B. Sc. Forestry	1/4/1967 Dir	12/10/89 F/Ranger	01.07.2006	17	-do-	
29	Mr. Abdul Manan B. Sc. Forestry	13/10/1968 D. I. Khan	12/10/89 F/Ranger	01.07.2006	17	-do-	
30	Mr. Abid Mumtaz B. Sc. Forestry M. Sc. Forestry	27/5/1975 Malakand Agency	29/10/96 F/Ranger	01.07.2006	17	-do-	
31	Mr. Farhad Ali B. Sc. Forestry	6/4/1976 Abbottabad	27/10/99 F/Ranger	01.07.2006	17	-do-	
32	Mr. Hayat Ali B. Sc. Forestry Master in Rural Dev: Mgt., Thailand	27/3/1976 Swat	27/10/99 F/Ranger	01.07.2006	17	-do-	
33	Mr. Shahid Noor Khattak B. Sc. Forestry	2/4/1975 Karak	27/10/99 F/Ranger	01.07.2006	17	By promotion	
34	Mr. Shah Hussain B. Sc. Forestry	4/3/1974 Charsadda	27/10/99 F/Ranger	01.07.2006	17	-do-	
35	Mr. Mohammad Siddique B. Sc. Forestry M. Sc. Physics	1/4/1972 Charsadda	27/10/99 F/Ranger	01.07.2006	17	By promotion	
36	Mr. Tariq Khadim M. Sc. Forestry	25/7/1978 Swat	24/7/2009 SDFO	24.07.2009	17	By initial recruitment	
37	Mr. Mazhar Iqbal M. Sc. Forestry	25/4/1979 Karak	24/7/2009 SDFO	24.07.2009	17	-do-	
38	Mr. Taimoor Ilyas M. Sc. Forestry	3/12/1975 Mansehra	24/7/2009 SDFO	24.07.2009	17	-do-	
39	Syed Lateef Husain Shah M. Sc. Forestry	27/6/1983 Charsadda	24/7/2009 SDFO	24.07.2009	17	-do-	
40	Mr. Manzoor Ahmad F. Sc.	1/1/1996 Mansehra	5/12/1978 Forester	28.06.2012	17	By promotion	

*Handwritten signature*

41	Mr. Fazal Habib BA.	19/11/1953 Bajuar Agency	25/2/1977 Forester	28.06.2012	17	-do-	
42	Mr. Mohammad Yar Jan Matric	6/9/1954 Dir	3/8/1975 Forester	28.06.2012	17	-do-	
43	Mr. Jamsher Khan FA	1/10/1958 Mohamand Agency	23/11/76 Forester	28.06.2012	17	-do-	
44	Mr. Ajab Khan Matric	5/4/1961 Mardan	18/10/79 Forester	28.06.2012	17	-do-	
45	Mr. Abdul Hameed Matric	15/2/1965 Kohat	27/7/1982 Forester	28.06.2012	17	-do-	

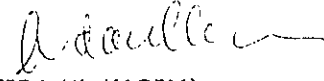
SECRETARY TO GOVT: OF  
KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT.

Endst: No.SO(Estt)Envt/I-40/2k13/2887-2920

Dated Pesh: 15/05/2013

Copy is forwarded to:-

1. Chief Conservator of Forests Centre Southern Forest Region-I, Peshawar.
2. Chief Conservator of Forests Northern Forest Region-II, Abbottabad.
3. Chief Conservator of Forests Malakand Forest Region-III, Mingora-at Swat.
4. Director Budget & Accounts Cell, Environment Department.
5. All Sub Divisional Forest Officers in Khyber Pakhtunkhwa C/O CCF Forest Region-I, Peshawar.
6. Office Order file.
7. Master file.

  
(FIDA-UL-KARIM)  
SECTION OFFICER(Estt)

Govt of Khyber Pakhtunkhwa  
Environment Department

Dated: Peshawar 15 Nov 2012.

**NOTIFICATION**

No. SO(Env)/Envi/1-2/2k10: The Competent Authority in the representation of the Selection Board is pleased to promote the following Sub Divisional Forest Officer (BPS-17) as Deputy Conservator/Divisional Forest Officers (BPS-18) on deputation charge basis, with immediate effect:

S.No.	Name of Sub Divisional Forest Officer
1-	Mr. Farhatullah Khan
2-	Mr. Usman Ghani
3-	Mr. Muhammad Tehmasip
4-	Mr. Kifayatullah
5-	Mr. Zahid Ali
6-	Mr. Shafqat Munir
7-	Mr. Gohar Ali

Consequent upon their promotion, the following postings/transfers are hereby ordered, in the interest of public service, with immediate effect and until further orders:

#	Name of Officer/ Designation /BS	From	To
1-	Mr. Farhatullah Khan, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer, Kohat Forest Division	Continue as Divisional Forest Officer, Kohat Forest Division
2-	Mr. Usman Ghani, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer-II, Forestry Planning and Monitoring Circle Peshawar	Continue as Divisional Forest Officer-II, Forestry Planning and Monitoring Circle Peshawar
3-	Mr. Muhammad Tehmasip, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Instructor Forest School Thal, Abbottabad	Divisional Forest Officer Kunhar Watershed Division, Mansehra
4-	Mr. Kifayatullah, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Assistant Director, CD, E, GAD Directorate, Forest Department	Divisional Forest Officer-I, FP&M Circle, Peshawar
5-	Mr. Zahid Ali, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Assistant Director, HRD Directorate, Forest Department	Deputy Director, R&D Directorate.
6-	Mr. Shafqat Munir, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer, Dajour Forest Division, FATA	Continue at the disposal of FATA Secretariat
7-	Mr. Gohar Ali, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer, Demarcation Forest Division, Peshawar	Continue as Divisional Forest Officer, Demarcation, Peshawar
8-	Syed Hasnain Abbas, Assistant Director (BS-17)	Deputy Director R&D (in his own pay and scale)	Assistant Director, Research & Development

*[Handwritten Signature]*

9

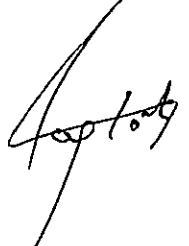
SECRETARY TO GOVT OF  
KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT

Encls: No. SO(ESTT)Envvt/1-2/2k10

Dated Pesh: 15<sup>th</sup> No. 2012

Copy is forwarded to:

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- 2) Director General, Pakistan Forest Institute Peshawar.
- 3) PS to Secretary Establishment Department.
- 4) PS to Minister for Environment Khyber Pakhtunkhwa
- 5) PS to Secretary Environment Department.
- 6) PS to Additional Chief Secretary FATA, Secretariat FATA, Peshawar.
- 7) Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar.
- 8) Chief Conservator of Forests, Northern Forest Region-II, Civil Line Forest Offices, Abbottabad.
- 9) Chief Conservator of Forests, Malakand Forest Region-III, Mingora at Saidu Sharif, Swat.
- 10) Director Budget and Accounts Environment Department.
- 11) All Conservator of Forests/Director ISUs in Khyber Pakhtunkhwa Forest Department.
- 12) Officers concerned.
- 13) Personal files of the officers.
- 14) Master file.
- 15) Officer-order file.

  
SECTION OFFICER (ESTT)

Annexure - III



10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Implementation Petition No. 302/2011

In Appeal No. 968/2010

1080  
29/12/11

Syed Muqtada Shah,  
Sub-Divisional Forest Officer  
Sarhad Forest School, Thai Abbottabad

PETITIONER

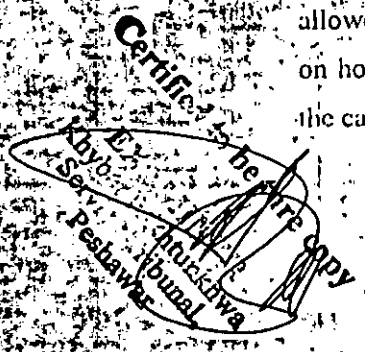
VERSUS

- 1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
- 2. The Chief Conservator of Forests, Khyber Pakhtunkhwa, Peshawar
- 3. The Conservator of Forests, Upper Hazara Forest, Circle, Mansehra.

RESPONDENTS

IMPLEMENTATION PETITION FOR DIRECTING THE  
RESPONDENTS TO FILE THE PROCEEDINGS FOR  
NOT COMPLYING WITH THE DIRECTIONS AND TIME  
PERIOD AS GIVEN IN THE JUDGMENT.

12.03.2012 Petitioner with counsel, Qari Abdul Jalil, Assistant for respondent No. 1, Zahoor Jan Assistant for respondent No. 2 and Muhammad Siddique, SDFO for respondent No. 3 with AAG present. The final order on the recommendations of the inquiry committee has not been passed by the competent authority so far, and respondents requested for further time in order to furnish the same. The final order be secured for production of the same for further proceedings on 10.5.2012. With regard to the interim order passed by the learned Members on 14.2.2012, the department is allowed to complete the process of promotion of senior employees but put on hold the final promotion order till such time final order of authority in the case of the petitioner is issued.



sd/-  
Members  
sd/-  
Chairman

Date of Presentation of Application 5-12-2012  
 Number of Pages 400  
 Copying 4-00  
 Urgent 2-00  
 Total 6-00  
 No. 1080  
 Date 5-12-2012  
 Date of 5-12-2012

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR



Implomtation Potition No. 209/2011

In Appeal No. 968/2010

1080  
29/12/11

Syed Muqtada Shah,  
Sub-Divisional Forest Officer  
Sarhad Forest School, Thai AbbottAbad

PETITIONER

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
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01.8.2012

Petitioner in person and Mr. Muhammad-Siddique, SDFO for respondents with AAG present. The petitioner stated that since the competent authority has ordered de novo inquiry while not agreeing with the findings/recommendations as a result of disciplinary proceedings, this implementation/execution petition has become infructuous.

The implementation/execution petition is disposed of accordingly. File be consigned to the record.

ANNOUNCED

01.8.2012

*[Signature]*  
MEMBER

*[Signature]*  
CHAIRMAN

*[Signature]*

Certified true copy

Khyber Pakhtunkhwa Service Tribunal Peshawar

Date of Presentation of Application 27-8-2012  
 Number of Pages 420  
 Copying Fee 11  
 Page No. 2  
 Name of Copy 6  
 Date of Copy 27.8.2012  
 Date of Delivery of Copy 27.8.2012

To

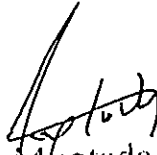
The Principal,  
Khyber Pakhtunkhwa Forest School,  
Thai, Abbottabad.

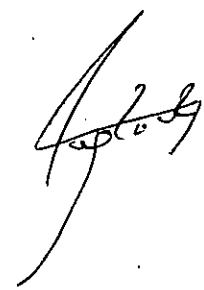
Through: Proper Channel.

Subject: Promotion from (BPS-17 to BPS-18)/  
Application thereof.

Memo:-

Kindly find enclosed herewith subject application for  
onward submission to the concerned quarter please.

  
(Syed Muqtada Shah) 24/7/13  
SDFO/Instructor  
Khyber Pakhtunkhwa  
Forest School Thai  
Abbottabad.



To

The Honourable Chief Secretary,  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.

13

Through: PROPER CHANNEL.

Subject: PROMOTION FROM BPS-17 TO BPS-18.

Respected Sir,

It is humbly submitted that :

1. I am employed as SDFO (BPS-17) in Khyber Pakhtunkhwa Forest Department and posted as Instructor in Khyber Pakhtunkhwa Forest School Thai Abbottabad.
2. My promotion from BPS-17 to 18 was deferred in the last two Provincial Selection Board meetings held during November & December, 2012 due to a pending departmental proceedings enquiry.
3. In light of Service Tribunal, Peshawar Judgment dated 28-6-2011, the enquiry was required to be completed within 25 days as prescribed in the rules.
4. The enquiry could not be completed within the stipulated period and it took about 20 months to finalize.
5. Now, the enquiry is finalized and final order issued by the competent authority on 04-4-2013.
6. Vacancies for regular promotion to BPS-18 are available in the department since 03/2013.
7. Delay in promotion is an irreparable financial loss to the applicant.

It is, therefore, humbly requested that I may be promoted to BPS-18 in light of promotion policy, Para-V(b) with retrospective effect from the time regular vacancies of BPS-18 for promotion are vacant in the department please.

(Syed Muqtada Shah)  
SDFO/Instructor  
Khyber Pakhtunkhwa  
Forest School Thai  
Abbottabad.

24/7/13  
Syed Muqtada Shah



BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No 1022 / 2013

Syed Muqtada Shah

VERSUS

Forest Department

APPLICATION FOR DIRECTING THE RESPONDENT DEPARTMENT  
TO PROMOTE THE APPELLANT FROM BPS-17 TO 18 WITH  
RETROSPECTIVE EFFECT FROM THE DATE, OFFICERS JUNIOR  
TO THE APPELLANT HAVE BEEN PROMOTED FROM BPS-17 TO  
18 WITH ALL BACK BENEFITS

RESPECTFULLY SHEWETH;

1. That the petitioner was punished with penalty of "Reduction to the initial stage" vide order dated 29-01-2010. The petitioner challenged that order in Service Appeal No 968/2010 and the same was decided on 28-6-2011.
2. That this Honourable Tribunal set aside the said penalty order, with the directives to respondent department for denovo enquiry proceedings to be concluded as early as possible but in no case beyond the period 25 days from the receipt of the order. The respondents received the judgment on 21-7-2010, but failed to conclude the denovo enquiry proceedings within stipulated period and have finalized it on 04-04-2013, after laps of about 20 months.
3. That the petitioner has already challenged the said impugned order dated 04-04-2013 vide service appeal No 1022/2013, which after preliminary hearing has been accepted by this Honourable Service Tribunal and fixed for hearing on 27-11-2013.
4. That the appellant has fully facilitated the process/proceeding of the denovo enquiry and the delay in the conclusion is not on behalf of the appellant.

5. That on the hindrance of the said pending Denovo Enquiry proceedings, the promotion of the appellant from BPS-17 to 18 has been deferred twice in the last two consecutive PSB meeting held during November and December 2012, and even the officers Junior to the appellant have been promoted from BPS-17 to 18. Attached Copies of seniority list as **annexure-I** and Promotion Order/Notification dated 15-11-2012 of Nov/2012 PSB meeting as **Annexure II**.
6. That this Honourable Service Tribunal, in appellant Implementation Petition No 302/2011, has also directed the respondents vide order dated 12-03-2012 to put on hold the final promotion order of PSB meeting till such time final order of authority in the case of petitioner in denovo enquiry is issued. Copy of order dated 12-3-2012 attached as **Annexure – III**.
7. That the departmental appeal/ representation dated 24-7-2013 of the appellant was also not responded by the respondents till date. Copy of Departmental appeal attached as **Annexure-IV**.
8. That the respondents have failed in conducting denovo proceedings with in stipulated time period as directed by the August Tribunal and are now morally and legally bound to promote the appellant from BPS-17 to 18 with retrospective effect rather to create hurdles on the basis of laps on their part. Deferment from promotion has caused irreparable loss to the appellant.
9. That the petitioner seeks permission to advance other grounds/ proof at the time of hearing.


It is, therefore, most humbly prayed that the respondents may be directed to promote the appellant from BPS-17 to 18 with retrospective effect and not to use laps on their parts in conducting denovo enquiry proceedings as hindrance in the promotion of the appellant. Any other remedy which this August Tribunal deems fit and appropriate, that may also be awarded in favour of the petitioner.

  
APPELLANT

Syed Muqtada Shah

A F F I D A V I T

I, **Syed Muqtada Shah**, Sub-Divisional Forest Officer, C/o  
Divisional Forest Officer D.I.Khan Forest Division, Appellant, do hereby on  
oath affirm and declare that the contents of the Application are true and  
correct to the best of my Knowledge and belief and nothing has been kept  
secret from this Honourable Tribunal.

  
Deponent

Annex - I

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT

NOTIFICATION

NO.SO(ESTT)ENVT:/1-40/2K9: In pursuance of Section 8(1) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rule-17 Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, the competent authority is pleased to notify/circulate final seniority list of Sub Divisional Forests Officers (BPS-17) Khyber Pakhtunkhwa Forest Department (as it stood on 15/05/2013) for general information.

FINAL SENIORITY LIST OF SUB DIVISIONAL FOREST OFFICERS (BPS-17) KHYBER PAKHTUNKHWA, FOREST DEPARTMENT  
AS IT STOOD ON 15/05/2013.

Total Sanctioned posts = 89

#	Name of Officer with academic qualification	Date of Birth and Domicile	Date of first entry into Govt Service	Regular appointment/ promotion to the present post			Remarks
				Date	BPS	Method of recruitment	
1	2	3	4	5	6	7	8
1.	Mr. Saeed Akhtar B.Sc Forestry.	20.11.1953 Abbottabad	7.10.1978 F/Ranger	01.07.2006	17	By promotion	
2.	Mr. Inamullah Khan B.Sc, M.Sc Forestry.	1.1.1959 Dir	19.11.1981 F/Ranger	01.07.2006	17	-do-	
3.	Mr. Saleem Khan B.Sc. Forestry.	25.2.1957 Mkd: Agency	13.10.1983 F/Ranger	01.07.2006	17	-do-	
4.	Mr. Muhammad Arif B.Sc. Forestry/M.A. Rural Sociology	20/9/1961 Mardan	17.10.1984 F/Ranger	01.07.2006	17	-do-	
5.	Mr. Muhammad Tehmasip B.Sc.M.Sc. Forestry.	9.1.1963 Mansehra	8.10.1985 F/Ranger	01.07.2006	17	-do-	
6.	Syed Muqtada Shah B.Sc. M.Sc Forestry.	24.3.1964 Peshawar	8.10.1985 F/Ranger	01.07.2006	17	-do-	
7.	Mr. Kifayatullah B.Sc. Forestry. M.Sc Rural Land Ecology Survey.	24.3.1965 D.I.Khan	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
8.	Mr. Zahid Ali B.Sc. Forestry.	1.9.1962 Nowshera	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
9.	Mr. Shafqat Munir B.Sc. Forestry.	25.3.1961 Kohat	8.10.1985 F/Ranger	01.07.2006	17	-do-	
10.	Mr. Gohar Ali B.Sc. Forestry.	2.2.1963 Peshawar	8.10.1985 F/Ranger	01.07.2006	17	-do-	

11.	Mr. Ali Haider B.Sc Forestry M.Sc. Sustainable Forestry Development.	1.3.1961 Peshawar.	8.10.1985 F/Ranger	01.07.2006	17	-do-	
12.	Mr. Fazal Elahi B.Sc. Forestry.	4.10.1964 Bannu	8.10.1985 F/Ranger	01.07.2006	17	-do-	
13.	Mr. Ali Akbar B.Sc. Forestry.	7.1.1960 Mkd: Agency	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
14.	Mr. Khurshid Ali B.Sc. Forestry M.Sc. Forestry. M.Sc Rural Dev:	11.4.1965 Bannu	11.10.1986 F/Ranger	01.07.2006	17	-do-	
15.	Mr. Gulzar Rahman B.Sc. Forestry M.Sc. Forestry.	1.4.1963 Mkd: Agency	11/10/86 F/Ranger	01.07.2006	17	-do-	
16.	Mr. Hazrat Mir B.Sc. Forestry M.Sc. Forestry	25.12.1965 Charsada	11.10.1986 F/Ranger	01.07.2006	17	-do-	
17.	Mr. Muhammad Farooq-II B.Sc. Forestry M.Sc Forestry Ext:	7.2.1963 Mardan	11.10.1986 F/Ranger	01.07.2006	17	-do-	
18.	Mr. Muhammad Shoaib B.Sc. Forestry	1.1.1961 Mansehra	3.10.1987 F/Ranger	01.07.2006	17	-do-	
19.	Mr. Ahmed Jalil B.Sc. Forestry	26.1.1967 Mardan	3.10.1987 F/Ranger	01.07.2006	17	-do-	
20.	Mr. Asghar Khan B.Sc. Forestry Master in Social Devlp: & sustainable Livelihoods	10.3.1967 Dir	3.10.1987 F/Ranger	01.07.2006	17	By promotion	
21.	Mr. Farukh Seer B.Sc. Forestry	25.2.1965 Mardan	1/10/1988 F/Ranger	01.07.2006	17	By promotion	
22.	Mr. Muhammad Ismail, B.Sc. Forestry M.Sc Forestry Ext:	30.4.1965 Swat	1/10/1988 F/Ranger	01.07.2006	17	-do-	
23.	Mr. Amjad Samad B.Sc Forestry M. Sc. Forestry	6.7.1965 Peshawar.	1/10/1988 F/Ranger	01.07.2006	17	-do-	
24.	Mr. Muhammad Yousaf, BSc Forestry, MSc Forestry Extension & LLB.	04.08.1964 Dir	01/10/88 F/Ranger	01.07.2006	17	-do-	

*[Handwritten signature]*

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25.	Mr. Shaukat Fayyaz B.Sc Forestry. M.Sc. Forestry	01.04.1966 Karak	01/10/88 F/Ranger	01.07.2006	17	-do-	
26.	Mr. Mohammad Raad Sher B. Sc. Forestry	1/3/1968 Swat	12/10/89 F/Ranger	01.07.2006	17	-do-	
27.	Mr. Mohammad Saleem Khan B. Sc. Forestry Master of Environment (Australia)	14/4/1967 Bannu	12/10/89 F/Ranger	01.07.2006	17	-do-	
28	Mr. Raees Khan B. Sc. Forestry	1/4/1967 Dir	12/10/89 F/Ranger	01.07.2006	17	-do-	
29	Mr. Abdul Manan B. Sc. Forestry	13/10/1968 D. I. Khan	12/10/89 F/Ranger	01.07.2006	17	-do-	
30	Mr. Abid Mumtaz B. Sc. Forestry M. Sc. Forestry	27/5/1975 Malakand Agency	29/10/96 F/Ranger	01.07.2006	17	-do-	
31	Mr. Farhad Ali B. Sc. Forestry	6/4/1976 Abbottabad	27/10/99 F/Ranger	01.07.2006	17	-do-	
32	Mr. Hayat Ali B. Sc. Forestry Master in Rural.Dev: Mgt., Thailand	27/3/1976 Swat	27/10/99 F/Ranger	01.07.2006	17	-do-	
33	Mr. Shahid Noor Khattak B. Sc. Forestry	2/4/1975 Karak	27/10/99 F/Ranger	01.07.2006	17	By promotion	
34	Mr. Shah Hussain B. Sc. Forestry	4/3/1974 Charsadda	27/10/99 F/Ranger	01.07.2006	17	-do-	
35	Mr. Mohammad Siddique B. Sc. Forestry M. Sc. Physics	1/4/1972 Charsadda	27/10/99 F/Ranger	01.07.2006	17	By promotion	
36	Mr. Tariq Khadim M. Sc. Forestry	25/7/1978 Swat	24/7/2009 SDFO	24.07.2009	17	By initial recruitment	
37	Mr. Mazhar Iqbal M. Sc. Forestry	25/4/1979 Karak	24/7/2009 SDFO	24.07.2009	17	-do-	
38	Mr. Taimoor Ilyas M. Sc. Forestry	3/12/1975 Mansehra	24/7/2009 SDFO	24.07.2009	17	-do-	
39	Syed Lateef Husain Shah M. Sc. Forestry	27/6/1983 Charsadda	24/7/2009 SDFO	24.07.2009	17	-do-	
40	Mr. Manzoor Ahmad F. Sc.	1/1/1996 Mansehra	5/12/1978 Forester	28.06.2012	17	By promotion	

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41	Mr. Fazal Habib BA	19/11/1953 Bajuar Agency	25/2/1977 Forester	28.06.2012	17	-do-	
42	Mr. Mohammad Yar Jan Matric	6/9/1954 Dir	3/8/1975 Forester	28.06.2012	17	-do-	
43	Mr. Jamsheer Khan FA	1/10/1958 Mohamand Agency	23/11/76 Forester	28.06.2012	17	-do-	
44	Mr. Ajab Khan Matric	5/4/1961 Mardan	18/10/79 Forester	28.06.2012	17	-do-	
45	Mr. Abdul Hameed Matric	15/2/1965 Kohat	27/7/1982 Forester	28.06.2012	17	-do-	

SECRETARY TO GOVT: OF  
KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT.

Endst: No.SO(Estt)Envt/I-40/2k13/2887-2920

Dated Pesh: 15 /05/2013

Copy is forwarded to:-

1. Chief Conservator of Forests Centre Southern Forest Region-I, Peshawar.
2. Chief Conservator of Forests Northern Forest Region-II, Abbottabad.
3. Chief Conservator of Forests Malakand Forest Region-III, Mingora at Swat.
4. Director Budget & Accounts Cell, Environment Department.
5. All Sub Divisional Forest Officers in Khyber Pakhtunkhwa C/O CCF Forest Region-I, Peshawar.
6. Office Order file.
7. Master file.

*Fida-ul-Karim*  
(FIDA-UL-KARIM)  
SECTION OFFICER(Estt)

Govt of Khyber Pakhtunkhwa  
Environment Department

Dated: Peshawar 15 Nov 2012.

**NOTIFICATION**

No. SO(Env)/1-2/2k10: The Competent Authority on the recommendation of the Selection Board is pleased to promote the following Sub Divisional Forest Officers (BS-17) as Deputy Conservator/Divisional Forest Officers (BS-18) operating charge basis, with immediate effect:

S.No.	Name of Sub Divisional Forest Officer
1-	Mr. Farhatullah Khan
2-	Mr. Usman Ghani
3-	Mr. Muhammad Tehmasip
4-	Mr. Kifayatullah
5-	Mr. Zahid Ali
6-	Mr. Shafqat Munir
7-	Mr. Gohar Ali

Consequent upon their promotion, the following postings/transfers are hereby ordered, in the interest of public service, with immediate effect and until further orders

#	Name of Officer/ Designation /BS	From	To
1-	Mr. Farhatullah Khan, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer, Kohat Forest Division	Continue as Divisional Forest Officer, Kohat Forest Division
2-	Mr. Usman Ghani, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer-II, Forestry Planning and Monitoring Circle Peshawar	Continue as Divisional Forest Officer-II, Forestry Planning and Monitoring Circle Peshawar
3-	Mr. Muhammad Tehmasip, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Instructor Forest School Thal, Abbottabad	Divisional Forest Officer Kunhar Watershed Division, Mansehra
4-	Mr. Kifayatullah, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Assistant Director, CD,E,GAD Directorate, Forest Department	Divisional Forest Officer-I, FP&M Circle, Peshawar
5-	Mr. Zahid Ali, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Assistant Director, HRD Directorate, Forest Department	Deputy Director, R&D Directorate.
6-	Mr. Shafqat Munir, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer, Bajour Forest Division, FATA	Continue at the disposal of FATA Secretariat
7-	Mr. Gohar Ali, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer, Demarcation Forest Division, Peshawar	Continue as Divisional Forest Officer, Demarcation, Peshawar
8-	Syed Hasnain Abbas, Assistant Director (BS-17)	Deputy Director R&D (in his own pay and scale)	Assistant Director, Research & Development

*[Signature]*



9

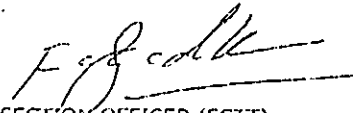

SECRETARY TO GOVT OF  
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ENVIRONMENT DEPARTMENT

Encls: No. SO(ESTT)Envy/1-2/2810

Dated Pesh: 15<sup>th</sup> No. 2012

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SECTION OFFICER (ESTT)

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order passed by the learned Members on 14.2.2012, the department is  
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the case of the petitioner is issued.

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

sd/-  
Members

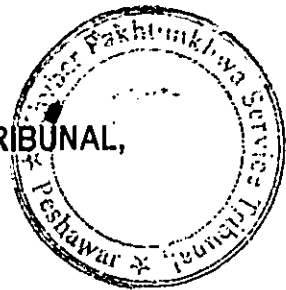
sd/-  
Chairman

Date of Presentation of Application 5-12-2012  
Number of copies 400  
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Total 6  
N. [Signature]  
Date 5-12-2012  
Date of 5-12-2012

JNAN

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR



11

Implomantation Potition No <sup>209</sup>...../2011

In Appeal No. 968/2010

1080  
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01.8.2012

Petitioner in person and Mr. Muhammad-Siddique, SDFO for respondents with AAG present. The petitioner stated that since the competent authority has ordered denovo inquiry while not agreeing with the findings/recommendations as a result of disciplinary proceedings, this implementation/execution petition has become infructuous.

The implementation/execution petition is disposed of accordingly. File be consigned to the record.

ANNOUNCED

01.8.2012

CHAIRMAN

Khyber Pakhtunkhwa Service Tribunal  
Peshawar  
Certified Copy  
Date of Presentation of Application 27-8-2012  
Date of Delivery of Copy 27-8-2012

Annex - IV

(12)

To

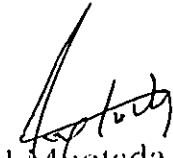
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Khyber Pakhtunkhwa Forest School,  
Thai, Abbottabad.

Through: Proper Channel.

Subject: Promotion from (BPS-17 to BPS-18)/  
Application thereof.

Memo:-

Kindly find enclosed herewith subject application for  
onward submission to the concerned quarter please.

  
(Syed Muqtada Shah) 24/7/13  
SDFO/Instructor  
Khyber Pakhtunkhwa  
Forest School Thai  
Abbottabad.



To

The Honourable Chief Secretary,  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.

13

Through: PROPER CHANNEL.

Subject: PROMOTION FROM BPS-17 TO BPS-18.

Respected Sir,

It is humbly submitted that :

1. I am employed as SDFO (BPS-17) in Khyber Pakhtunkhwa Forest Department and posted as Instructor in Khyber Pakhtunkhwa Forest School Thai Abbottabad.
2. My promotion from BPS-17 to 18 was deferred in the last two Provincial Selection Board meetings held during November & December, 2012 due to a pending departmental proceedings enquiry.
3. In light of Service Tribunal Peshawar Judgment dated 28-6-2011, the enquiry was required to be completed within 25 days as prescribed in the rules.
4. The enquiry could not be completed within the stipulated period and it took about 20 months to finalize.
5. Now, the enquiry is finalized and final order issued by the competent authority on 04-4-2013.
6. Vacancies for regular promotion to BPS-18 are available in the department since 03/2013.
7. Delay in promotion is an irreparable financial loss to the applicant.

It is, therefore, humbly requested that I may be promoted to BPS-18 in light of promotion policy, Para-V(b) with retrospective effect from the time regular vacancies of BPS-18 for promotion are vacant in the department please.

(Syed Muqtada Shah) 24/7/13  
SDFO/Instructor  
Khyber Pakhtunkhwa  
Forest School Thai  
Abbottabad.

*[Handwritten signature]*

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No 1022 / 2013

Syed Muqtada Shah

VERSUS

Forest Department

**APPLICATION FOR DIRECTING THE RESPONDENT DEPARTMENT  
TO PROMOTE THE APPELLANT FROM BPS-17 TO 18 WITH  
RETROSPECTIVE EFFECT FROM THE DATE, OFFICERS JUNIOR  
TO THE APPELLANT HAVE BEEN PROMOTED FROM BPS-17 TO  
18 WITH ALL BACK BENEFITS**

RESPECTFULLY SHEWETH:

1. That the petitioner was punished with penalty of "Reduction to the initial stage" vide order dated 29-01-2010. The petitioner challenged that order in Service Appeal No 968/2010 and the same was decided on 28-6-2011.
2. That this Honourable Tribunal set aside the said penalty order, with the directives to respondent department for denovo enquiry proceedings to be concluded as early as possible but in no case beyond the period 25 days from the receipt of the order. The respondents received the judgment on 21-7-2010, but failed to conclude the denovo enquiry proceedings within stipulated period and have finalized it on 04-04-2013, after laps of about 20 months.
3. That the petitioner has already challenged the said impugned order dated 04-04-2013 vide service appeal No 1022/2013, which after preliminary hearing has been accepted by this Honourable Service Tribunal and fixed for hearing on 27-11-2013.
4. That the appellant has fully facilitated the process/proceeding of the denovo enquiry and the delay in the conclusion is not on behalf of the appellant.


5. That on the hindrance of the said pending Denovo Enquiry proceedings, the promotion of the appellant from BPS-17 to 18 has been deferred twice in the last two consecutive PSB meeting held during November and December 2012, and even the officers Junior to the appellant have been promoted from BPS-17 to 18. Attached Copies of seniority list as **annexure-I** and Promotion Order/Notification dated 15-11-2012 of Nov/2012 PSB meeting as **Annexure II**.
6. That this Honourable Service Tribunal, in appellant Implementation Petition No 302/2011, has also directed the respondents vide order dated 12-03-2012 to put on hold the final promotion order of PSB meeting till such time final order of authority in the case of petitioner in denovo enquiry is issued. Copy of order dated 12-3-2012 attached as **Annexure – III**.
7. That the departmental appeal/ representation dated 24-7-2013 of the appellant was also not responded by the respondents till date. Copy of Departmental appeal attached as **Annexure-IV**.
8. That the respondents have failed in conducting denovo proceedings with in stipulated time period as directed by the August Tribunal and are now morally and legally bound to promote the appellant from BPS-17 to 18 with retrospective effect rather to create hurdles on the basis of laps on their part. Deferment from promotion has caused irreparable loss to the appellant.
9. That the petitioner seeks permission to advance other grounds/ proof at the time of hearing.

It is, therefore, most humbly prayed that the respondents may be directed to promote the appellant from BPS-17 to 18 with retrospective effect and not to use laps on their parts in conducting denovo enquiry proceedings as hindrance in the promotion of the appellant. Any other remedy which this August Tribunal deems fit and appropriate, that may also be awarded in favour of the petitioner.

  
A P P E L L A N T  
Syed Muqtada Shah

A F F I D A V I T

I, **Syed Muqtada Shah**, Sub-Divisional Forest Officer, C/o  
Divisional Forest Officer D.I.Khan Forest Division, Appellant, do hereby on  
oath affirm and declare that the contents of the Application are true and  
correct to the best of my Knowledge and belief and nothing has been kept  
secret from this Honourable Tribunal.

  
Deponent



4

Annexure-I

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT

**NOTIFICATION**

**NO.SO(ESTT)ENVT:/1-40/2K9:** In pursuance of Section 8(1) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rule-17 Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, the competent authority is pleased to notify/circulate final seniority list of Sub Divisional Forests Officers (BPS-17) Khyber Pakhtunkhwa Forest Department (as it stood on 15/05/2013) for general information.

**FINAL SENIORITY LIST OF SUB DIVISIONAL FOREST OFFICERS (BPS-17) KHYBER PAKHTUNKHWA, FOREST DEPARTMENT  
AS IT STOOD ON 15/05/2013:**

Total Sanctioned posts = 89

#	Name of Officer with academic qualification	Date of Birth and Domicile	Date of first entry into Govt Service	Regular appointment/ promotion to the present post			Remarks
				Date	BPS	Method of recruitment	
1	2	3	4	5	6	7	8
1.	Mr. Saeed Akhtar B.Sc Forestry.	20.11.1953 Abbottabad	7.10.1978 F/Ranger	01.07.2006	17	By promotion	
2.	Mr. Inamullah Khan B.Sc. M.Sc Forestry.	1.1.1959 Dir	19.11.1981 F/Ranger	01.07.2006	17	-do-	
3.	Mr. Saieem Khan B.Sc. Forestry.	25.2.1957 Mkd: Agency	13.10.1983 F/Ranger	01.07.2006	17	-do-	
4.	Mr. Muhammad Arif B.Sc. Forestry/M.A. Rural Sociology	20/9/1961 Mardan	17.10.1984 F/Ranger	01.07.2006	17	-do-	
5.	Mr. Muhammad Tehmasip B.Sc.M.Sc. Forestry.	9.1.1963 Mansehra	8.10.1985 F/Ranger	01.07.2006	17	-do-	
6.	Syed Muqtada Shah B.Sc. M.Sc Forestry.	24.3.1964 Peshawar	8.10.1985 F/Ranger	01.07.2006	17	-do-	
7.	Mr. Kifayatullah B.Sc. Forestry. M.Sc Rural Land Ecology Survey.	24.3.1965 D.I.Khan	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
8.	Mr. Zahid Ali B.Sc. Forestry.	1.9.1962 Nowshera	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
9.	Mr. Shafqat Munir B.Sc. Forestry.	25.3.1961 Kohat	8.10.1985 F/Ranger	01.07.2006	17	-do-	
10.	Mr. Gohar Ali B.Sc. Forestry.	2.2.1963 Peshawar	8.10.1985 F/Ranger	01.07.2006	17	-do-	

11.	Mr. Ali Haider B.Sc Forestry M.Sc. Sustainable Forestry Development.	1.3.1961 Peshawar.	8.10.1985 F/Ranger	01.07.2006	17	-do-	
12.	Mr. Fazal Elahi B.Sc. Forestry.	4.10.1964 Bannu	8.10.1985 F/Ranger	01.07.2006	17	-do-	
13.	Mr. Ali Akbar B.Sc. Forestry.	7.1.1960 Mkd: Agency	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
14.	Mr. Khurshid Ali B.Sc. Forestry M.Sc. Forestry. M.Sc Rural Dev:	11.4.1965 Bannu	11.10.1986 F/Ranger	01.07.2006	17	-do-	
15.	Mr. Gulzar Rahman B.Sc. Forestry M.Sc. Forestry.	1.4.1963 Mkd: Agency	11/10/86 F/Ranger	01.07.2006	17	-do-	
16.	Mr. Hazrat Mir B.Sc. Forestry M.Sc. Forestry	25.12.1965 Charsada	11.10.1986 F/Ranger	01.07.2006	17	-do-	
17.	Mr. Muhammad Farooq-II B.Sc. Forestry M.Sc Forestry Ext:	7.2.1963 Mardan	11.10.1986 F/Ranger	01.07.2006	17	-do-	
18.	Mr. Muhammad Shoaib B.Sc. Forestry	1.1.1961 Mansehra	3.10.1987 F/Ranger	01.07.2006	17	-do-	
19.	Mr. Ahmed Jalil B.Sc. Forestry	26.1.1967 Mardan	3.10.1987 F/Ranger	01.07.2006	17	-do-	
20.	Mr. Asghar Khan B.Sc. Forestry Master in Social Devlp: & sustainable Livelihoods	10.3.1967 Dir	3.10.1987 F/Ranger	01.07.2006	17	By promotion	
21.	Mr. Farukh Seer B.Sc. Forestry	25.2.1965 Mardan	1/10/1988 F/Ranger	01.07.2006	17	By promotion	
22.	Mr. Muhammad Ismail, B.Sc. Forestry M.Sc Forestry Ext:	30.4.1965 Swat	1/10/1988 F/Ranger	01.07.2006	17	-do-	
23.	Mr. Amjad Samad B.Sc Forestry M. Sc. Forestry	6.7.1965 Peshawar.	1/10/1988 F/Ranger	01.07.2006	17	-do-	
24.	Mr. Muhammad Yousaf, BSc Forestry, MSc Forestry Extension & LLB.	04.08.1964 Dir	01/10/88 F/Ranger	01.07.2006	17	-do-	

5

*[Handwritten signature]*

25.	Mr. Shaukat Fayyaz B.Sc Forestry. M.Sc. Forestry	01.04.1966 Karak	01/10/88 F/Ranger	01.07.2006	17	-do-	
26.	Mr. Mohammad Raad Sher B. Sc. Forestry	1/3/1968 Swat	12/10/89 F/Ranger	01.07.2006	17	-do-	
27.	Mr. Mohammad Saleem Khan B. Sc. Forestry Master of Environment (Australia)	14/4/1967 Bannu	12/10/89 F/Ranger	01.07.2006	17	-do-	
28	Mr. Raees Khan B. Sc. Forestry	1/4/1967 Dir	12/10/89 F/Ranger	01.07.2006	17	-do-	
29	Mr. Abdul Manan B. Sc. Forestry	13/10/1968 D. I. Khan	12/10/89 F/Ranger	01.07.2006	17	-do-	
30	Mr. Abid Mumtaz B. Sc. Forestry M. Sc. Forestry	27/5/1975 Malakand Agency	29/10/96 F/Ranger	01.07.2006	17	-do-	
31	Mr. Farhad Ali B. Sc. Forestry	6/4/1976 Abbottabad	27/10/99 F/Ranger	01.07.2006	17	-do-	
32	Mr. Hayat Ali B. Sc. Forestry Master in Rural Dev: Mgt., Thailand	27/3/1976 Swat	27/10/99 F/Ranger	01.07.2006	17	-do-	
33	Mr. Shahid Noor Khattak B. Sc. Forestry	2/4/1975 Karak	27/10/99 F/Ranger	01.07.2006	17	By promotion	
34	Mr. Shah Hussain B. Sc. Forestry	4/3/1974 Charsadda	27/10/99 F/Ranger	01.07.2006	17	-do-	
35	Mr. Mohammad Siddique B. Sc. Forestry M. Sc. Physics	1/4/1972 Charsadda	27/10/99 F/Ranger	01.07.2006	17	By promotion	
36	Mr. Tariq Khadim M. Sc. Forestry	25/7/1978 Swat	24/7/2009 SDFO	24.07.2009	17	By initial recruitment	
37	Mr. Mazhar Iqbal M. Sc. Forestry	25/4/1979 Karak	24/7/2009 SDFO	24.07.2009	17	-do-	
38	Mr. Taimoor Ilyas M. Sc. Forestry	3/12/1975 Mansehra	24/7/2009 SDFO	24.07.2009	17	-do-	
39	Syed Lateef Husain Shah M. Sc. Forestry	27/6/1983 Charsadda	24/7/2009 SDFO	24.07.2009	17	-do-	
40	Mr. Manzoor Ahmad F. Sc.	1/1/1996 Mansehra	5/12/1978 Forester	28.06.2012	17	By promotion	

*Handwritten signature*

41	Mr. Fazal Habib BA.	19/11/1953 Bajuar Agency	25/2/1977 Forester	28.06.2012	17	-do-	
42	Mr. Mohammad Yar Jan Matric	6/9/1954 Dir	3/8/1975 Forester	28.06.2012	17	-do-	
43	Mr. Jamsher Khan FA	1/10/1958 Mohamand Agency	23/11/76 Forester	28.06.2012	17	-do-	
44	Mr. Ajab Khan Matric	5/4/1961 Mardan	18/10/79 Forester	28.06.2012	17	-do-	
45	Mr. Abdul Hameed Matric	15/2/1965 Kohat	27/7/1982 Forester	28.06.2012	17	-do-	

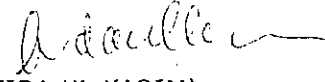
SECRETARY TO GOVT: OF  
KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT.

Endst: No.SO(Estt)Envt/I-40/2k13/2887-2920

Dated Pesh: 15/05/2013

Copy is forwarded to:-

1. Chief Conservator of Forests Centre Southern Forest Region-I, Peshawar.
2. Chief Conservator of Forests Northern Forest Region-II, Abbottabad.
3. Chief Conservator of Forests Malakand Forest Region-III, Mingora at Swat.
4. Director Budget & Accounts Cell, Environment Department.
5. All Sub Divisional Forest Officers in Khyber Pakhtunkhwa C/O CCF Forest Region-I, Peshawar.
6. Office Order file.
7. Master file.

  
(FIDA-UL-KARIM)  
SECTION OFFICER(Estt)

Govt of Khyber Pakhtunkhwa  
Environment Department

Dated: Peshawar 15 Nov 2012.

**NOTIFICATION**

No. SO (Est) Env/1-2/2k10: The Competent Authority on the recommendation of the members of Selection Board is pleased to promote the following Sub Divisional Forest Officers (BPS-17) as Deputy Conservator/Divisional Forest Officers (BPS-18) on a temporary charge basis, with immediate effect:

S.No.	Name of Sub Divisional Forest Officer
1-	Mr. Farhatullah Khan
2-	Mr. Usman Ghani
3-	Mr. Muhammad Tehmasip
4-	Mr. Kifayatullah
5-	Mr. Zahid Ali
6-	Mr. Shafqat Munir
7-	Mr. Gohar Ali

Consequent upon their promotion, the following postings/transfers are hereby ordered, in the interest of public service, with immediate effect and until further orders:

#	Name of Officer/ Designation /BS	From	To
1-	Mr. Farhatullah Khan, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer, Kohat Forest Division	Continue as Divisional Forest Officer, Kohat Forest Division
2-	Mr. Usman Ghani, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer-II, Planning and Monitoring Circle Peshawar	Continue as Divisional Forest Officer-II, Forestry Planning and Monitoring Circle Peshawar
3-	Mr. Muhammad Tehmasip, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Instructor Forest School Thal, Abbottabad	Divisional Forest Officer Kunhar Watershed Division, Mansehra
4-	Mr. Kifayatullah, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Assistant Director, CD, F, GAD Directorate, Forest Department	Divisional Forest Officer-I, FP&M Circle, Peshawar
5-	Mr. Zahid Ali, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Assistant Director, HRD Directorate, Forest Department	Deputy Director, R&D Directorate.
6-	Mr. Shafqat Munir, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer, Bajour Forest Division, FATA	Continue at the disposal of FATA Secretariat
7-	Mr. Gohar Ali, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer, Demarcation Forest Division, Peshawar	Continue as Divisional Forest Officer, Demarcation, Peshawar
8-	Syed Hasnain Abbas, Assistant Director (BS-17)	Deputy Director R&D (in his own pay and scale)	Assistant Director, Research & Development

*[Handwritten Signature]*

9


SECRETARY TO GOVT OF  
KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT

Endsr: No. SO(ESTT)Envvt/1-2/2810

Dated Pesh: 15<sup>th</sup> No. 2012

Copy is forwarded to:-

- 1) PSO to Chief Secretary Khyber Pakhtunkhwa.
- 2) Director General, Pakistan Forest Institute Peshawar.
- 3) PS to Secretary Establishment Department.
- 4) PS to Minister for Environment Khyber Pakhtunkhwa
- 5) PS to Secretary Environment Department.
- 6) PS to Additional Chief Secretary FATA, Secretariat FATA, Peshawar.
- 7) Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar.
- 8) Chief Conservator of Forests, Northern Forest Region-II, Civil Line Forest Offices, Abbottabad.
- 9) Chief Conservator of Forests, Malakand Forest Region-III, Mingora at Saidu Sharif, Swat.
- 10) Director Budget and Accounts Environment Department.
- 11) All Conservator of Forests/Director ISUs in Khyber Pakhtunkhwa Forest Department.
- 12) Officers concerned.
- 13) Personal files of the officers.
- 14) Master file.
- 15) Officer-order file.

  
SECTION OFFICER (ESTT)

*Annexure - III*



10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Implementation Petition No. *302* /2011

In Appeal No. 968/2010

*1080*  
*29/12/11*

Syed Muqtada Shah,  
Sub-Divisional Forest Officer  
Samad Forest School, Thal Abbottabad

PETITIONER

VERSUS

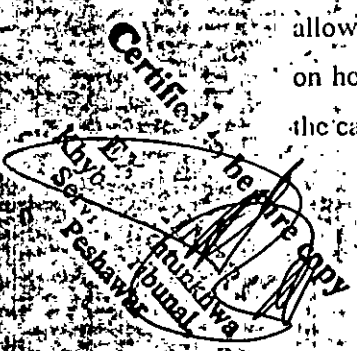
1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Chief Conservator of Forests, Khyber Pakhtunkhwa, Peshawar
3. The Conservator of Forests, Upper Hazara Forest, Circle, Mansehra.

RESPONDENTS

IMPLEMENTATION PETITION FOR DIRECTING THE  
RESPONDENTS TO FILE THE PROCEEDINGS FOR  
NOT COMPLYING WITH THE DIRECTIONS AND TIME  
PERIOD AS GIVEN IN THE JUDGMENT.

12.03.2012

Petitioner with counsel, Qari Abdul Jalil, Assistant for respondent No. 1, Zahoór Jan Assistant for respondent No. 2 and Muhammad Siddique, SDFO for respondent No. 3 with AAG present. The final order on the recommendations of the inquiry committee has not been passed by the competent authority so far, and respondents requested for further time in order to furnish the same. The final order be secured for production of the same for further proceedings on 10.5.2012. With regard to the interim order passed by the learned Members on 14.2.2012, the department is allowed to complete the process of promotion of senior employees but put on hold the final promotion order till such time final order of authority in the case of the petitioner is issued.



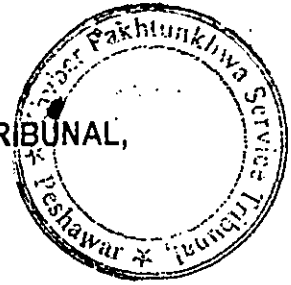
*sd/-*  
*Members*

*sd/-*  
*Chairman*

Date of Presentation of Application *5-12-2012*  
 Number of Pages *400*  
 Copies *4*  
 Urgent *2*  
 Total *6*  
 No. *1080*  
 Date *5-12-2012*  
 Date of receipt *5-12-2012*

*[Handwritten signature]*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.



Implomentation Petition No. 309 /2011

In Appeal No. 968/2010

1080  
27/12/11

Syed Muqtada Shah,  
Sub-Divisional Forest Officer  
Sarnad Forest School, Thai AbbottAbad

PETITIONER

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Chief Conservator of Forests, Khyber Pakhtunkhwa, Peshawar
3. The Conservator of Forests, Upper Hazara Forest, Circle, Mansehra.

RESPONDENTS

IMPLEMENTATION PETITION FOR DIRECTING THE  
RESPONDENTS TO FILE THE PROCEEDINGS FOR  
NOT COMPLYING WITH THE DIRECTIONS AND TIME  
PERIOD AS GIVEN IN THE JUDGMENT.

01.8.2012

Petitioner in person and Mr. Muhammad-Siddique, SDFO for respondents with AAG present. The petitioner stated that since the competent authority has ordered denovo inquiry while not agreeing with the findings/recommendations as a result of disciplinary proceedings, this implementation/execution petition has become infructuous.

The implementation/execution petition is disposed of accordingly. File be consigned to the record.

ANNOUNCED

01.8.2012

*[Signatures]*  
MEMBER  
CHAIRMAN

*[Signature]*

Certified true copy  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

Date of Presentation of Application 27-8-2012  
Number of Copies 4  
Filing Fee 2  
Fees 6  
Name of Copy 27-8-2012  
Date of Copy 27-8-2012  
Date of Delivery of Copy 27-8-2012



To

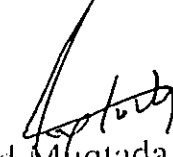
The Principal,  
Khyber Pakhtunkhwa Forest School,  
Thai, Abbottabad.

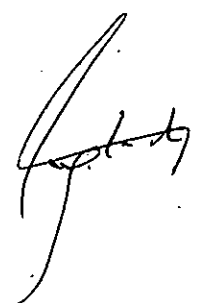
Through: Proper Channel.

Subject: Promotion from (BPS-17 to BPS-18)/  
Application thereof.

Memo:-

Kindly find enclosed herewith subject application for  
onward submission to the concerned quarter please.

  
(Syed Muqtada Shah)  
SDFO/Instructor  
Khyber Pakhtunkhwa  
Forest School Thai  
Abbottabad.



To

The Honourable Chief Secretary,  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.

13

Through: PROPER CHANNEL.

Subject: PROMOTION FROM BPS-17 TO BPS-18.

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It is humbly submitted that :

1. I am employed as SDFO (BPS-17) in Khyber Pakhtunkhwa Forest Department and posted as Instructor in Khyber Pakhtunkhwa Forest School Thai Abbottabad.
2. My promotion from BPS-17 to 18 was deferred in the last two Provincial Selection Board meetings held during November & December, 2012 due to a pending departmental proceedings enquiry.
3. In light of Service Tribunal, Peshawar Judgment dated 28-6-2011, the enquiry was required to be completed within 25 days as prescribed in the rules.
4. The enquiry could not be completed within the stipulated period and it took about 20 months to finalize.
5. Now, the enquiry is finalized and final order issued by the competent authority on 04-4-2013.
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7. Delay in promotion is an irreparable financial loss to the applicant.

It is, therefore, humbly requested that I may be promoted to BPS-18 in light of promotion policy, Para-V(b) with retrospective effect from the time regular vacancies of BPS-18 for promotion are vacant in the department please.

(Syed Muqtada Shah) 24/7/13  
SDFO/Instructor  
Khyber Pakhtunkhwa  
Forest School Thai  
Abbottabad.

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No 1022 / 2013

Syed Muqtada Shah

VERSUS

Forest Department

INDIX

S.No	Ducoments	Annexure	Page No
1	Application	--	01-03
2	Seniority List	I	4-7
3	Order/Notification dated 15-11-2012	II	8-9
4	Order dated 12-3-2012	III	10-11
5	Departmental Appeal	IV	12-13

  
29/10/13  
APPELLANT

Syed Muqtada Shah

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No 1022 / 2013

Syed Muqtada Shah

V E R S U S

Forest Department

APPLICATION FOR DIRECTING THE RESPONDENT DEPARTMENT  
TO PROMOTE THE APPELLANT FROM BPS-17 TO 18 WITH  
RETROSPECTIVE EFFECT FROM THE DATE, OFFICERS JUNIOR  
TO THE APPELLANT HAVE BEEN PROMOTED FROM BPS-17 TO  
18 WITH ALL BACK BENEFITS

RESPECTFULLY SHEWETH;

1. That the petitioner was punished with penalty of "Reduction to the initial stage" vide order dated 29-01-2010. The petitioner challenged that order in Service Appeal No 968/2010 and the same was decided on 28-6-2011.
2. That this Honourable Tribunal set aside the said penalty order, with the directives to respondent department for denovo enquiry proceedings to be concluded as early as possible but in no case beyond the period 25 days from the receipt of the order. The respondents received the judgment on 21-7-2010, but failed to conclude the denovo enquiry proceedings within stipulated period and have finalized it on 04-04-2013, after laps of about 20 months.
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4. That the appellant has fully facilitated the process/proceeding of the denovo enquiry and the delay in the conclusion is not on behalf of the appellant.

5. That on the hindrance of the said pending Denovo Enquiry proceedings, the promotion of the appellant from BPS-17 to 18 has been deferred twice in the last two consecutive PSB meeting held during November and December 2012, and even the officers Junior to the appellant have been promoted from BPS-17 to 18. Attached Copies of seniority list as **annexure-I** and Promotion Order/Notification dated 15-11-2012 of Nov/2012 PSB meeting as **Annexure II**.
6. That this Honourable Service Tribunal, in appellant Implementation Petition No 302/2011, has also directed the respondents vide order dated 12-03-2012 to put on hold the final promotion order of PSB meeting till such time final order of authority in the case of petitioner in denovo enquiry is issued. Copy of order dated 12-3-2012 attached as **Annexure – III**.
7. That the departmental appeal/ representation dated 24-7-2013 of the appellant was also not responded by the respondents till date. Copy of Departmental appeal attached as **Annexure-IV**.
8. That the respondents have failed in conducting denovo proceedings with in stipulated time period as directed by the August Tribunal and are now morally and legally bound to promote the appellant from BPS-17 to 18 with retrospective effect rather to create hurdles on the basis of laps on their part. Deferment from promotion has caused irreparable loss to the appellant.
9. That the petitioner seeks permission to advance other grounds/ proof at the time of hearing.


It is, therefore, most humbly prayed that the respondents may be directed to promote the appellant from BPS-17 to 18 with retrospective effect and not to use laps on their parts in conducting denovo enquiry proceedings as hindrance in the promotion of the appellant. Any other remedy which this August Tribunal deems fit and appropriate, that may also be awarded in favour of the petitioner.

APPELLANT

Syed Muqtada Shah

A F F I D A V I T

I, **Syed Muqtada Shah**, Sub-Divisional Forest Officer, C/o  
Divisional Forest Officer D.I.Khan Forest Division, Appellant, do hereby on  
oath affirm and declare that the contents of the Application are true and  
correct to the best of my Knowledge and belief and nothing has been kept  
secret from this Honourable Tribunal.

  
Deponent

Annex - I

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT

**NOTIFICATION**

**NO.SO(ESTT)ENVT:/1-40/2K9:** In pursuance of Section 8(1) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rule-17 Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, the competent authority is pleased to notify/circulate final seniority list of Sub Divisional Forests Officers (BPS-17) Khyber Pakhtunkhwa Forest Department (as it stood on 15/05/2013) for general information.

**FINAL SENIORITY LIST OF SUB DIVISIONAL FOREST OFFICERS (BPS-17) KHYBER PAKHTUNKHWA, FOREST DEPARTMENT  
AS IT STOOD ON 15/05/2013.**

Total Sanctioned posts = 89

#	Name of Officer with academic qualification	Date of Birth and Domicile	Date of first entry into Govt Service	Regular appointment/ promotion to the present post			Remarks
				Date	BPS	Method of recruitment	
1	2	3	4	5	6	7	8
1.	Mr. Saeed Akhtar B.Sc Forestry.	20.11.1953 Abbottabad	7.10.1978 F/Ranger	01.07.2006	17	By promotion	
2.	Mr. Inamullah Khan B.Sc. M.Sc Forestry.	1.1.1959 Dir	19.11.1981 F/Ranger	01.07.2006	17	-do-	
3.	Mr. Saleem Khan B.Sc. Forestry.	25.2.1957 Mkd: Agency	13.10.1983 F/Ranger	01.07.2006	17	-do-	
4.	Mr. Muhammad Arif B.Sc. Forestry/M.A. Rural Sociology	20/9/1961 Mardan	17.10.1984 F/Ranger	01.07.2006	17	-do-	
5.	Mr. Muhammad Tehmasip B.Sc.M.Sc. Forestry.	9.1.1963 Mansehra	8.10.1985 F/Ranger	01.07.2006	17	-do-	
6.	Syed Muqtada Shah B.Sc. M.Sc Forestry.	24.3.1964 Peshawar	8.10.1985 F/Ranger	01.07.2006	17	-do-	
7.	Mr. Kifayatullah B.Sc. Forestry. M.Sc Rural Land Ecology Survey.	24.3.1965 D.I.Khan	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
8.	Mr. Zahid Ali B.Sc. Forestry.	1.9.1962 Nowshera	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
9.	Mr. Shafqat Munir B.Sc. Forestry.	25.3.1961 Kohat	8.10.1985 F/Ranger	01.07.2006	17	-do-	
10.	Mr. Gohar Ali B.Sc. Forestry.	2.2.1963 Peshawar	8.10.1985 F/Ranger	01.07.2006	17	-do-	

11.	Mr. Ali Haider B.Sc Forestry M.Sc. Sustainable Forestry Development.	1.3.1961 Peshawar.	8.10.1985 F/Ranger	01.07.2006	17	-do-	
12.	Mr. Fazal Elahi B.Sc. Forestry.	4.10.1964 Bannu	8.10.1985 F/Ranger	01.07.2006	17	-do-	
13.	Mr. Ali Akbar B.Sc. Forestry.	7.1.1960 Mkd: Agency	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
14.	Mr. Khurshid Ali B.Sc. Forestry M.Sc. Forestry. M.Sc Rural Dev:	11.4.1965 Bannu	11.10.1986 F/Ranger	01.07.2006	17	-do-	
15.	Mr. Gulzar Rahman B.Sc. Forestry M.Sc. Forestry.	1.4.1963 Mkd: Agency	11/10/86 F/Ranger	01.07.2006	17	-do-	
16.	Mr. Hazrat Mir B.Sc. Forestry M.Sc. Forestry	25.12.1965 Charsada	11.10.1986 F/Ranger	01.07.2006	17	-do-	
17.	Mr. Muhammad Farooq-II B.Sc. Forestry M.Sc Forestry Ext:	7.2.1963 Mardan	11.10.1986 F/Ranger	01.07.2006	17	-do-	
18.	Mr. Muhammad Shoaib B.Sc. Forestry	1.1.1961 Mansehra	3.10.1987 F/Ranger	01.07.2006	17	-do-	
19.	Mr. Ahmed Jalil B.Sc. Forestry	26.1.1967 Mardan	3.10.1987 F/Ranger	01.07.2006	17	-do-	
20.	Mr. Asghar Khan B.Sc. Forestry Master in Social Devlp: & sustainable Livelihoods	10.3.1967 Dir	3.10.1987 F/Ranger	01.07.2006	17	By promotion	
21.	Mr. Farukh Seer B.Sc. Forestry	25.2.1965 Mardan	1/10/1988 F/Ranger	01.07.2006	17	By promotion	
22.	Mr. Muhammad Ismail, B.Sc. Forestry M.Sc Forestry Ext:	30.4.1965 Swat	1/10/1988 F/Ranger	01.07.2006	17	-do-	
23.	Mr. Anjad Samad B.Sc Forestry M. Sc. Forestry	6.7.1965 Peshawar.	1/10/1988 F/Ranger	01.07.2006	17	-do-	
24.	Mr. Muhammad Yousaf, BSc Forestry, MSc Forestry Extension & LLB.	04.08.1964 Dir	01/10/88 F/Ranger	01.07.2006	17	-do-	

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25.	Mr. Shaukat Fayyaz B.Sc Forestry. M.Sc. Forestry	01.04.1966 Karak	01/10/88 F/Ranger	01.07.2006	17	-do-	
26.	Mr. Mohammad Raad Sher B. Sc. Forestry	1/3/1968 Swat	12/10/89 F/Ranger	01.07.2006	17	-do-	
27.	Mr. Mohammad Saleem Khan B. Sc. Forestry Master of Environment (Australia)	14/4/1967 Bannu	12/10/89 F/Ranger	01.07.2006	17	-do-	
28.	Mr. Raees Khan B. Sc. Forestry	1/4/1967 Dir	12/10/89 F/Ranger	01.07.2006	17	-do-	
29.	Mr. Abdul Manan B. Sc. Forestry	13/10/1968 D. I. Khan	12/10/89 F/Ranger	01.07.2006	17	-do-	
30.	Mr. Abid Mumtaz B. Sc. Forestry M. Sc. Forestry	27/5/1975 Malakand Agency	29/10/96 F/Ranger	01.07.2006	17	-do-	
31.	Mr. Farhad Ali B. Sc. Forestry	6/4/1976 Abbottabad	27/10/99 F/Ranger	01.07.2006	17	-do-	
32.	Mr. Hayat Ali B. Sc. Forestry Master in Rural Dev: Mgt., Thailand	27/3/1976 Swat	27/10/99 F/Ranger	01.07.2006	17	-do-	
33.	Mr. Shahid Noor Khattak B. Sc. Forestry	2/4/1975 Karak	27/10/99 F/Ranger	01.07.2006	17	By promotion.	
34.	Mr. Shah Hussain B. Sc. Forestry	4/3/1974 Charsadda	27/10/99 F/Ranger	01.07.2006	17	-do-	
35.	Mr. Mohammad Siddique B. Sc. Forestry M. Sc. Physics	1/4/1972 Charsadda	27/10/99 F/Ranger	01.07.2006	17	By promotion.	
36.	Mr. Tariq Khadim M. Sc. Forestry	25/7/1978 Swat	24/7/2009 SDFO	24.07.2009	17	By initial recruitment	
37.	Mr. Mazhar Iqbal M. Sc. Forestry	25/4/1979 Karak	24/7/2009 SDFO	24.07.2009	17	-do-	
38.	Mr. Taimoor Ilyas M. Sc. Forestry	3/12/1975 Mansehra	24/7/2009 SDFO	24.07.2009	17	-do-	
39.	Syed Lateef Husain Shah M. Sc. Forestry	27/6/1983 Charsadda	24/7/2009 SDFO	24.07.2009	17	-do-	
40.	Mr. Manzoor Ahmad F. Sc.	1/1/1996 Mansehra	5/12/1978 Forester	28.06.2012	17	By promotion	

41	Mr. Fazal Habib BA	19/11/1953 Bajuar Agency	25/2/1977 Forester	28.06.2012	17	-do-	
42	Mr. Mohammad Yar Jan Matric	6/9/1954 Dir	3/8/1975 Forester	28.06.2012	17	-do-	
43	Mr. Jamsher Khan FA	1/10/1958 Mohamand Agency	23/11/76 Forester	28.06.2012	17	-do-	
44	Mr. Ajab Khan Matric	5/4/1961 Mardan	18/10/79 Forester	28.06.2012	17	-do-	
45	Mr. Abdul Hameed Matric	15/2/1965 Kohat	27/7/1982 Forester	28.06.2012	17	-do-	

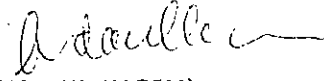
SECRETARY TO GOVT: OF  
KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT.

Endst: No.SO(Estt)Envt/I-40/2k13/2887-2920

Dated Pesh: 15 /05/2013

Copy is forwarded to:-

1. Chief Conservator of Forests Centre Southern Forest Region-I, Peshawar.
2. Chief Conservator of Forests Northern Forest Region-II, Abbottabad.
3. Chief Conservator of Forests Malakand Forest Region-III, Mingora at Swat.
4. Director Budget & Accounts Cell, Environment Department.
5. All Sub Divisional Forest Officers in Khyber Pakhtunkhwa C/O CCF Forest Region-I, Peshawar.
6. Office Order file.
7. Master file.

  
(FIDA-UL-KARIM)  
SECTION OFFICER(Estt)

Govt of Khyber Pakhtunkhwa  
Environment Department

Dated Peshawar 15 Nov 2012.

**NOTIFICATION**

No. SO (ENV) / DM / 1-277R10: The Government of Khyber Pakhtunkhwa Environment Department Selection Board is pleased to promote the following Sub-Divisional Forest Officers (BS-17) as Deputy Conservator/Divisional Forest Officers (BS-18) on a charge basis, with immediate effect:

S.No.	Name of Sub-Divisional Forest Officer
1-	Mr. Farhatullah Khan
2-	Mr. Usman Ghani
3-	Mr. Muhammad Tehmasip
4-	Mr. Kifayatullah
5-	Mr. Zahid Ali
6-	Mr. Shafqat Munir
7-	Mr. Gohar Ali

Consequent upon their promotion, the following postings/transfers are hereby ordered, in the interest of public service, with immediate effect and until further orders:

#	Name of Officer/ Designation /BS	From	To
1-	Mr. Farhatullah Khan, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer, Kohat Forest Division	Continue as Divisional Forest Officer, Kohat Forest Division
2-	Mr. Usman Ghani, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer-II, Planning and Monitoring Peshawar	Continue as Divisional Forest Officer-II, Forestry Planning and Monitoring Circle Peshawar
3-	Mr. Muhammad Tehmasip, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Instructor Forest School Thal, Abbottabad	Divisional Forest Officer Kunhar Watershed Division, Masehra
4-	Mr. Kifayatullah, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Assistant Director, CD, F, GAD Directorate, Forest Department	Divisional Forest Officer-I, FP&M Circle, Peshawar
5-	Mr. Zahid Ali, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Assistant Director, HRD Directorate, Forest Department	Deputy Director, R&D Directorate.
6-	Mr. Shafqat Munir, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer, Bajour Forest Division, FATA	Continue at the disposal of FATA Secretariat
7-	Mr. Gohar Ali, Deputy Conservator of Forests/ Divisional Forest Officer (BS-18)	Divisional Forest Officer, Demarcation Forest Division, Peshawar	Continue as Divisional Forest Officer, Demarcation, Peshawar
8-	Syed Hasnain Abbas, Assistant Director (BS-17)	Deputy Director (in his own pay and scale)	Assistant Director, Research & Development

*[Handwritten Signature]*

9


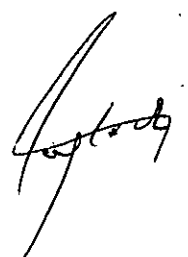
SECRETARY TO GOVT OF  
KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT

Encls: No. SO(Envt)Envmt/1-2/2810

Dated Pesh: 15<sup>th</sup> No. 2012

Copy is forwarded to:-

- 1) PSO to Chief Secretary Khyber Pakhtunkhwa.
- 2) Director General, Pakistan Forest Institute Peshawar.
- 3) PS to Secretary Establishment Department.
- 4) PS to Minister for Environment Khyber Pakhtunkhwa
- 5) PS to Secretary Environment Department.
- 6) PS to Additional Chief Secretary FATA, Secretariat FATA, Peshawar.
- 7) Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar.
- 8) Chief Conservator of Forests, Northern Forest Region-II, Civil Line Forest Offices, Abbottabad.
- 9) Chief Conservator of Forests, Malakand Forest Region-III, Mingora at Saidu Sharif, Swat.
- 10) Director Budget and Accounts Environment Department.
- 11) All Conservator of Forests/Director ISUs in Khyber Pakhtunkhwa Forest Department.
- 12) Officers concerned.
- 13) Personal files of the officers.
- 14) Master file.
- 15) Officer-order file.

  
SECTION OFFICER (ESTT)

Amendment III



60

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Implementation Petition No. 302/2011

In Appeal No. 968/2010

1080  
29/12/11

Syed Muqtada Shah,  
Sub-Divisional Forest Officer  
Sarnad Forest School, Thal Abbottabad

PETITIONER

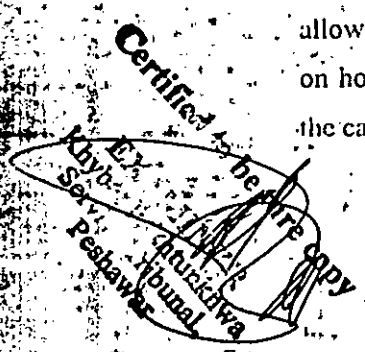
VERSUS

- 1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
- 2. The Chief Conservator of Forests, Khyber Pakhtunkhwa, Peshawar
- 3. The Conservator of Forests, Upper Hazara Forest, Circle, Mansehra.

RESPONDENTS

IMPLEMENTATION PETITION FOR DIRECTING THE RESPONDENTS TO FILE THE PROCEEDINGS FOR NOT COMPLYING WITH THE DIRECTIONS AND TIME PERIOD AS GIVEN IN THE JUDGMENT.

12.03.2012 Petitioner with counsel, Qari Abdul Jalil. Assistant for respondent No. 1, Zahoor Jan Assistant for respondent No. 2 and Muhammad Siddique. SDFO for respondent No. 3 with AAG present. The final order on the recommendations of the inquiry committee has not been passed by the competent authority so far, and respondents requested for further time in order to furnish the same. The final order be secured for production of the same for further proceedings on 10.5.2012. With regard to the interim order passed by the learned Members on 14.2.2012, the department is allowed to complete the process of promotion of senior employees but put on hold the final promotion order till such time final order of authority in the case of the petitioner is issued.



sd/-  
Members

sd/-  
Chairman

Date of Presentation of Application 5-12-2011

Number of Pages 400

Copying 4

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Total 6

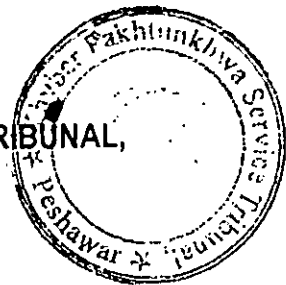
Date of 5-12-2012

Date of 5-12-2012

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UNANIMOUS

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR



11

Implomtation Potition No. 309 /2011

In Appeal No. 968/2010

1080  
29/12/11

Syed Muqtada Shah,  
Sub-Divisional Forest Officer  
Sarhad Forest School, Thai AbbottAbad

PETITIONER

VERSUS

1. The Chief Secretary, Government of Khyber-Pakhtunkhwa, Peshawar.
2. The Chief Conservator of Forests, Khyber Pakhtunkhwa, Peshawar
3. The Conservator of Forests, Upper Hazara Forest, Circle, Mansehra.

RESPONDENTS

IMPLEMENTATION PETITION FOR DIRECTING THE  
RESPONDENTS TO FILE THE PROCEEDINGS FOR  
NOT COMPLYING WITH THE DIRECTIONS AND TIME  
PERIOD AS GIVEN IN THE JUDGMENT.

01.8.2012

Petitioner in person and Mr. Muhammad-Siddique, SDFO for respondents with AAG present. The petitioner stated that since the competent authority has ordered denovo inquiry while not agreeing with the findings/recommendations as a result of disciplinary proceedings, this implementation/execution petition has become infructuous.

The implementation/execution petition is disposed of accordingly. File be consigned to the record.

ANNOUNCED

01.8.2012

Certified True Copy

Khyber Pakhtunkhwa Service Tribunal  
Peshawar

Date of Presentation of Application 27-8-2012

Number of Pages 4

Number of Copies 6

Name of Copy 27-8-2012

Date of Delivery of Copy 27-8-2012

Annexure-IV

(12)

To

The Principal,  
Khyber Pakhtunkhwa Forest School,  
Thai, Abbottabad.

Through: Proper Channel.

Subject: Promotion from (BPS-17 to BPS-18)/  
Application thereof.

Memo:-

Kindly find enclosed herewith subject application for  
onward submission to the concerned quarter please.

(Syed Muqtada Shah)

SDFO/Instructor  
Khyber Pakhtunkhwa  
Forest School Thai  
Abbottabad.

*[Handwritten signature]*

To

The Honourable Chief Secretary,  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.

13

Through: PROPER CHANNEL.

Subject: PROMOTION FROM BPS-17 TO BPS-18.

Respected Sir,

It is humbly submitted that :

1. I am employed as SDFO (BPS-17) in Khyber Pakhtunkhwa Forest Department and posted as Instructor in Khyber Pakhtunkhwa Forest School Thai Abbottabad.
2. My promotion from BPS-17 to 18 was deferred in the last two Provincial Selection Board meetings held during November & December, 2012 due to a pending departmental proceedings enquiry.
3. In light of Service Tribunal, Peshawar Judgment dated 28-6-2011, the enquiry was required to be completed within 25 days as prescribed in the rules.
4. The enquiry could not be completed within the stipulated period and it took about 20 months to finalize.
5. Now, the enquiry is finalized and final order issued by the competent authority on 04-4-2013.
6. Vacancies for regular promotion to BPS-18 are available in the department since 03/2013.
7. Delay in promotion is an irreparable financial loss to the applicant.

It is, therefore, humbly requested that I may be promoted to BPS-18 in light of promotion policy, Para-V(b) with retrospective effect from the time regular vacancies of BPS-18 for promotion are vacant in the department please.

(Syed Muqtada Shah) 24/7/13  
SDFO Instructor  
Khyber Pakhtunkhwa  
Forest School Thai  
Abbottabad.

24/7/13



PAKHTUNKHWA PROVINCE SERVICE TRIBUNAL PESHAWAR

BEFORE KHYT

APPEAL NO. 1022/ 2013

da Shah SDFO C/O DFO, Hazara Tribal Forest Division

Appellant

Versus

1- Chief Secretary  
Govt: of Khyber Pakhtunkhwa  
Province, Peshawar.

2- Chief Conservator of Forests,  
Khyber Pakhtunkhawa  
Province, Peshawar,

3- Conservator of Forests,  
Upper Hazara Forest Circle,  
Mansehra

Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth

Preliminary Objection:

- 1)The appeal is not maintainable in the present form.
- 2)The applicant has got no locus standi to bring the present appeal.
- 3)The appellant estopped by his own conduct to bring the present appeal.
- 4)The appeal is bad on account of non- joinder of necessary parties.
- 5)The instant appeal is time barred

### FACTS

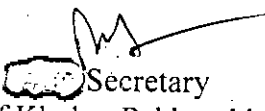
- 1- Pertains to record, hence needs no comments.
- 2- Incorrect. The Departmental Authority initiated the De novo enquiry in compliance to the order dated 28/06/2011 in accordance with the rules. When charges were established / proved by the enquiry Committee, the competent authority agreed and as per procedure finalized the proceedings.
- 3- Reply was not found satisfactory and the charges were proved against him.
- 4- Correct
- 5- Denied as drafted. The charge of in-efficiency was proved and resultantly the imposition of penalty of stoppage of two increments was imposed upon him.
- 6- Denied. The Enquiry Officer Mr. Riaz Khan Mahsud PCS, EG(BPS-18) Additional Secretary (Admn Coord) FATA Secretariat finalized the de-novo enquiry proceedings, but the competent authority (Chief Secretary K.P) not agreed with his findings, warned the petitioner and further de-novo the enquiry by appointing another Enquiry Officer Mr. Muhammad Kabir Afridi PSC SG(BPS-18) Deputy Secretary Higher Education Department. As the warning is not a penalty and the Competent Authority (Chief Secretary K.P) awarded the penalty of stoppage of two annual increments for three years of the petitioners vide Notification No. SO(Estt)Envvt/1-50(96)/2K9 2263-80 dated 4/4/2013 on the basis of Enquiry proceedings conducted by Mr. Muhammad Kabir Afridi (Enquiry Officer).
- 7- Correct to the extent that the competent authority not agreed with the findings of previous Committee (Riaz Khan Mahsood) re-de-novo the enquiry and entrusted to another Enquiry Officer (Mohammad Kabir Khan Afridi)
- 8- Correct.
- 9- In-correct. The enquiry officer conducted the enquiry in pursuance to Rules/ procedure and the competent authority finalized the proceedings accordingly.
- 10- Correct
- 11- Correct to the extent of filling the Departmental appeal.
- 12- In correct. Departmental appeal was properly rejected by the appellant authority and intimated to the petitioner through Government of Khyber Pakhtunkhwa Environment Department No. SO(Estt) Envvt/1-50(96)/2k12/3415 dated 26/06/2013.


### GROUNDS

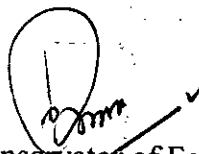
- A) In- correct. The requirements of F.R -29 have been fulfilled. The appellant / petitioner was incharge of Biari Block of Allai Forest Sub- Division and large scale irregularities were detected there- in for which he was responsible. Hence he has to suffer for that and therefore the order of competent authority is in accordance to the Law on the subject.
- B) In- correct. The order of the competent authority is in accordance with the Principles of natural Justice and is a result of fair enquiry conducted by the impartial enquiry Committee under the prevalent rules.
- C) The enquiry proceedings conducted in accordance to procedure on the subject and the delay was accrued due to completion of all Legal steps/ formalities and not melafidely, hence the Para is in correct.
- D) In correct. De-novo enquiry was not finalized by the competent authority and the same was re-de-novo for further proceedings.

- E) In correct. As stated in Para "D" above.
- F) In correct. The 2<sup>nd</sup> enquiry was not finalized by the competent authority as stated in Para-D above.
- G) In correct. The competent authority not agreed with the finding of enquiry officer of 2<sup>nd</sup> de-novo enquiry and initiated 3<sup>rd</sup> de-novo enquiry.
- H) In correct. The competent authority rightly penalized the appellant in accordance to the rules/ procedure on the subject.
- I) In correct as stated in Para-"H" above.
- J) In correct. All coddle formalities were fulfilled and there is no illegality.
- K) In correct.
- L) In correct..
- M) In correct. According to the available record which was exhibited in the enquiry report the charges were established/ proved by the enquiry Committee against the appellant.
- N) In correct. The illicit damage has been took place with the connivance of appellant and the charges were proved/ established by the Enquiry Committee against the petitioner.
- O) The appellant could not provide sufficient material / ground to prove his innocence.

The appellant has not come to the Honorable Service Tribunal with clean hands, therefore it is humbly prayed that the appeal may be dismissed with cost.

  
 Secretary  
 Govt of Khyber Pakhtunkhwa  
 Environment Department Peshawar

  
 Chief Conservator of Forests,  
 Northern Forest Region-II  
 Abbottabad

  
 Conservator of Forests,  
 Upper Hazara Forest circle  
 Mansehra

Please see the attached version in light with the forensic done vetting  
 GP-7-1-2014  
 Addl: Advocate General  
 (Service Tribunal) K.P.K  
 Peshawar.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1022/2013

SYED MUQTADA SHAH VS FOREST DEPARTMENT

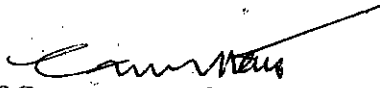
Para wise comments of application on behalf of respondents

- 1- Correct
- 2- In correct. The enquiry proceedings conducted in accordance to the procedure on the subject and the delay was occurred due to completion of all legal steps/formalities hence the Para is in-correct.
- 3- Correct.
- 4- Subject to proof. Hence denied.
- 5- In correct. When enquiry proceedings is in progress/ pending the promotion case can not be considered in accordance to clause-V(a)(ii) of promotion policy 2009.
- 6- No comments
- 7- No comments
- 8- In correct. The de-novo enquiry has been conducted in accordance to the procedure on the subject and the delay was occurred due to completion of all legal formalities
- 9- No comments

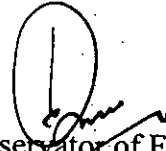
The applicant has not come to the Honorable Service Tribunal Khyber Pakhtunkhwa with clean hands, hence the application may be rejected.



Secretary  
Govt of Khyber Pakhtunkhwa  
Environment Department Peshawar



Chief Conservator of Forests,  
Northern Forest Region-II  
Abbottabad



Conservator of Forests,  
Upper Hazara Forest circle  
Mansehra

*ADG*  
*Phase will be*  
*same.*  
*7-1-2014*  
*S.P.I.*  
Addl. Advocate General  
(Service Tribunal) K.P.K  
Peshawar.

BEFORE KPK SERVICE TRIBUNAL  
PESHAWAR.

Service Appeal No. 1022/2013.

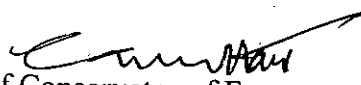
Syed Muqtada Shah V/S Government of KPK etc

AFFIDAVIT

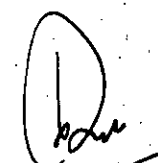
We Respondents solemnly affirm and declares on oath that contents of the reply is correct to the best of our knowledge and belief and nothing conceded from the Honorable Service Tribunal.



Secretary  
Govt of Khyber Pakhtunkhwa  
Environment Department Peshawar



Chief Conservator of Forests,  
Northern Forest Region-II  
Abbottabad



Conservator of Forests,  
Upper Hazara Forest circle  
Mansehra

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No 1022 / 2013

Syed Muqtada Shah

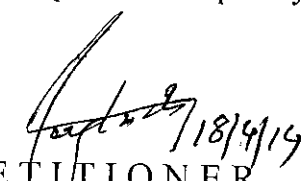
VERSUS

Forest Department

APPLICATION FOR DIRECTING THE RESPONDENT DEPARTMENT  
TO PROMOTE THE APPELLANT FROM BPS-17 TO 18 WITH  
RETROSPECTIVE EFFECT FROM THE DATE OFFICERS JUNIOR  
TO THE APPELLANT HAVE BEEN PROMOTED FROM BPS-17 TO  
18 WITH ALL BACK BENIFITS

REJOINDER:

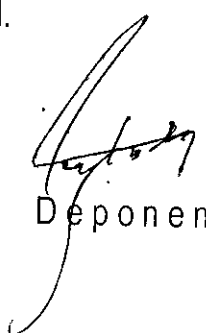
Respectfully sheweth that despite completion of enquiry proceedings and issuance of impugned penalty order dated 04-04-2013, the respondents delayed the promotion of the appellant till 07-2-2014 for about one year which is against the clause V(b) of the promotion policy 2009 (promotion order attached).

  
18/4/14  
PETITIONER

Syed Muqtada Shah

A F F I D A V I T

I, **Syed Muqtada Shah**, D FO Working Plan Unit- IV Abbottabad, Appellant, do hereby on oath affirm and declare that the contents of this rejoinder are true and correct to the best of my Knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

  
Deponent

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 1607 /ST

Dated 19 /10 /2015


To

The Chief Conservator of Forests,  
KPK Peshawar.

Subject: - Judgement.

I am directed to forward herewith certified copy of Judgement dated 1.10.2015 passed by this Tribunal on subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.