

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
AT CAMP COURT SWAT.

Service Appeal No. 1078/2022

Date of institution 30.06.2022

Sultanat Khan S/O Abdul Sattar Khan, R/O Village Lahor Besham,
District Shangla.

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Forests and
four others.

O R D E R
04.10.2022

Appellant alongwith his counsel Mr. Imdad Ullah, Advocate present, who submitted fresh Wakalatnama on behalf of the appellant.

Learned counsel for the appellant stated at the bar that appellant wants to withdraw the instant appeal to approach the proper forum. In this respect, he also submitted an application, which is placed on file.

In view of the above, the appeal in hand stands dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
04.10.2022




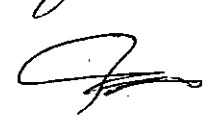
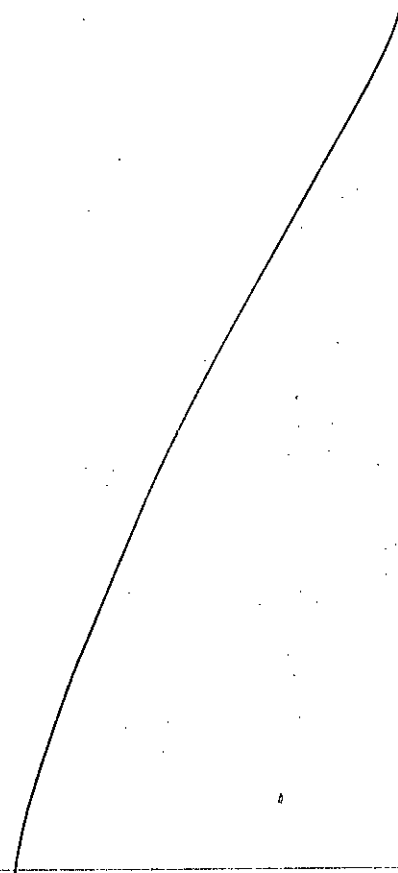
(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT SWAT

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 1078/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/06/2022	<p>The appeal of Mr. Sultanat Khan presented today by Mr. Abid Ayub Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	13-7-22 4-8-22	<p>This case is entrusted to touring Single Bench at Swat for preliminary hearing to be put there on <u>04-08-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">9 CHAIRMAN</p> <p><i>due to summer vacation the date is adjourned to 4-10-22 for the same as before.</i></p>  

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Sultanat Khan vs Court etc

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?		
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?		
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?		
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?		
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?		
15.	Whether numbers of referred cases given are correct?		
16.	Whether appeal contains cuttings/overwriting?		
17.	Whether list of books has been provided at the end of the appeal?		
18.	Whether case relate to this Court?		
19.	Whether requisite number of spare copies attached?		
20.	Whether complete spare copy is filed in separate file cover?		
21.	Whether addresses of parties given are complete?		
22.	Whether index filed?		
23.	Whether index is correct?		
24.	Whether Security and Process Fee deposited? on _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		
26.	Whether copies of comments/reply/rejoinder submitted? on _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: SAAD-UL-MABOOD KHATTAK

Signature: 

Dated: 29/6/2022

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

Service Appeal# 1078 of 2022

Sultanat Khan

...VS...

Govt of Khyber Pakhtunkhwa etc

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4.	Copy of appointment order dated 27/09/1972	A	10
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4.	Copy of Released order dated 13/12/2021	C	12-13
5.	Copy of Dismissal Order dated 10/10/2017	D	14
6.	Copy of Departmental Appeal dated 03/03/2022	E	15-17-A
7.	Copy of Wakalat Nama		18

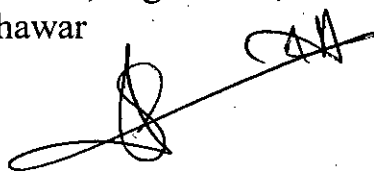
Dated: - 29th June, 2022


Sultanat Khan

(Appellant)

Through


Abid Ayub
Advocate, High Court,
Peshawar


Saad Ul Mabood Khattak
Advocate, High Court,
Peshawar

(11)

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

Service Appeal# 1078 of 2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 580

Dated 30-6-2022

Sultanat Khan s/o Abdul Sattar Khan r/o Village Lahor Besham,
District Shangla.

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa *through* Secretary Forests.
2. Chief Conservator of Forests, Malakand Forest Region (Region-III) Saidu Sharif Swat.
3. Conservator of Forests, Malakand Circle East, Mingora.
4. Divisional Forest Officer (DFO), Alpuri Forest Division, Alpuri Shangla.
5. Divisional Accountant/Head Clerk, *Alpuri Forest Division, Shangla.*

Respondents

APPEAL under section 4 of the Khyber Pakhtunkhwa Services Tribunal Act-1974 against the order 1015-19/G (office order No. 65) dated 10/10/2017 of Respondent no.4 whereby the appellant was wrongly been dismissed from his service and also the act of respondents was illegal without jurisdiction and against the natural justice and to also have not decided the

Filed to-day

Registrar

30/6/2022

departmental appeal of appellant filed on
03/03/2022.

Prayer:

To set-aside the impugned order dated
10/10/2017 and to reinstate the appellant
with all back benefits.

Any other consequential relief/ remedy
which this Hon'ble Tribunal may deem fit
and proper under the circumstance of the
instant appeal may also be awarded in
favour of the appellant.

Facts of the Case

1. That the appellant was initially appointed as Forest Guard vide order No. 41 dated 27/09/1972 with terms and conditions and the appellant had accordingly joined duty. *(Copy of initial Appointment is Annexure-A)*
2. That since joining his service the appellant worked for the department continuously and from no corner any complaint was received to respondents against the appellant which shows commitment of appellant with duty from core of his heart.
3. That during service appellant was charged in forged, fabricated case in which the appellant was arrested by the local police and after framing of charge the appellant faced trail and during that period the appellant was in judicial

custody and from the conclusion of trial the appellant was convicted, the conviction order was challenged by the appellant and after hearing the conviction order of appellant was modified and only sentenced for 14 years, it is pertinent to mention here that appellant had no excess to engage lawyer of his own choice and due to meager resources appeal was filed from jail through Superintendent Prison, furthermore, the appellant had not contacted his counsel to narrate his true story and in this way the case of the appellant was not pursued properly. *(Copy of FIR is Annexure-B)*

4. That the appellant after modified order of Hon'ble Peshawar High Court, Mingora completed his sentence and after completion was released from jail on 13/12/2021. *(Copy of Release order is Annexure-C)*
5. That the appellant being released approached to the concern department to rejoin his service but he was informed by the respondents that he has been dismissed from his service and dismissal order no. 1015-19/G (office order no.65) dated 10/10/2017 was provided to the appellant. *(Copy of Dismissal Order dated 10/10/2017 is Annexure-D).*
6. That the appellant is feeling aggrieved from dismissal order dated 10/10/2017 of the respondents, the appellant was constrained to file the Departmental Appeal/ representation before the competent authority for his re-instatement & all back benefits. *(Copy of Departmental Appeal is Annexure-E).*

However, after a lapse of 90 days, no reply/decision whatsoever has been communicated to the appellant, therefore, the appellant has no option left except to approach this Hon'ble Forum for redressal.

7. That the impugned dismissal order is illegal, unlawful based on malafide, therefore, is liable to be set aside on the following grounds:

GROUND:

- A. That the impugned order dated 10/10/2017 is against the law, facts norms of natural justice and material on record, hence not tenable in the eye of law, therefore liable to be set aside.
- B. That the appellant has not been treated in accordance with law and rules and as such the respondents have violated Article 4 & 25 of the Constitution of Islamic of Pakistan, 1973, hence is liable to be set aside.
- C. That the impugned order has been passed in utter violation of rules, because the appellant has not been informed about the constitution of any Inquiry Officer/ Inquiry Committee and no proper proceeding of inquiry as provided under the rules has been conducted.
- D. That the impugned order of the respondents is cursory in nature and warrants interference of this Hon'ble Tribunal.
- E. That the show cause notice or charge sheet has not been communicated by the respondents personally to the appellant and the whole proceedings were finalized Ex-parte without

conducting any inquiry, therefore, the impugned dismissal order on this sole point is liable to be set aside.

- F.** That before passing of the impugned order dated 10/10/2017, the respondents have failed to issue show cause notice/ statement of allegation and even no final show cause notice has been issued to the appellant.
- G.** That the case of the appellant falls under the double jeopardy because the appellant has completed his sentence and the constitution protect his right and the respondents should have not passed the impugned order of dismissal, hence, the order of the respondents is against the fundamental rights which is enshrined in the constitution of Pakistan.
- H.** That the reason for the dismissal from service has not been conveyed to the appellant in black & white which is against the norms of justice nor any opportunity of personal hearing provided to the appellant hence, order of the respondent is not maintainable.
- I.** That the appellant being a regular government servant cannot be dismissed from service in such a harsh manner.
- J.** That the order dated 10/10/2017 is against the Section 24-A of the General Clauses Act and against the spirit of the various judgments of the apex Supreme Court of Pakistan in which it is held that the authority must give reasons while passing orders adversely affected any official. Therefore, the impugned order is liable to be set aside.

- K.** That the appellant was condemned unheard and while passing the impugned order dated 10/10/2017 no chance of personal hearing was provided to the appellant nor any notice was served on the appellant in this respect. Moreover, the impugned order though has been passed by the respondents in routine, however, the same is amounted to be an order of reversion for which the codal formalities have also not been fulfilled by him.
- L.** That the appellant has small kids and he is also aged person and has no source of income to feed children.
- M.** That the order dated 10/10/2017 is against the norm of justice and based on malafide because the appellant remained as Forest Guard for the long period of 42 years without any complaint against him.
- N.** That without any complaint, the order dated 10/10/2014 was passed against the appellant while passing the impugned order dated 10/10/2017 neither any legal procedure was adopted nor any explanation was called from the appellant, which is above the law and seems to be a result of personal grudges with the appellant.
- O.** That the impugned order is totally illegal, without jurisdiction, against the settled rules and appellant having provided with no proper opportunity of being heard has been condemned unheard and hence the impugned order is also

against the natural justice and equity, therefore, calls for interference by this Hon'ble Tribunal.

- P. That at any rate, the order dated 10/10/2017 is not tenable in the eye of law, hence, the appellant seek extra ordinary jurisdiction of this Hon'ble Tribunal.

PRAYER

Keeping in view the above submissions, facts and circumstances of the case, it is most humbly prayed that the impugned dismissal order dated 10/10/2017 being unlawful, illegal based on malafide, and un justice, may graciously be set-aside and the appellant be reinstated in service with all back benefits.

Dated:- 29th June, 2022

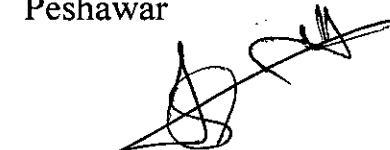


Sultanat Khan
(Appellant)

Through



Abid Ayub
Advocate, High Court,
Peshawar



Saad Ul Mabood Khattak
Advocate, High Court,
Peshawar

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

Service Appeal# _____ of 2022

Sultanat Khan

...VS...

Govt of Khyber Pakhtunkhwa etc

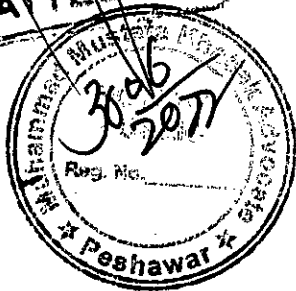
AFFIDAVIT

I, Sultanat Khan son of Abdul Sattar (Appellant), do hereby solemnly affirm and declare on Oath that the contents of appeal are true and correct to the best of my knowledge & belief and nothing has been kept secret from this Hon'ble Court.

Dated: 29th June, 2022

Sultanat Khan
DEPONENT

[Signature]
ATTESTED



N.I.C 15502-3274947-9
Cell. No - 0343-5740260

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

Service Appeal# _____ of 2022

Sultanat Khan

...VS...

Govt of Khyber Pakhtunkhwa etc

ADDRESSES OF THE PARTIES

Address of the Appellant

Sultanat Khan s/o Abdul Sattar Khan r/o Village Lahor Besham,
District Shangla.


Addresses of the Respondents


1. Government of Khyber Pakhtunkhwa *through* Secretary Forests.
2. Chief Conservator of Forests, Malakand Forest Region (Region-III) Saidu Sharif Swat.
3. Conservator of Forests, Malakand Circle East, Mingora.
4. Divisional Forest Officer (DFO), Alpuri Forest Division, Alpuri Shangla.
5. Divisional Accountant/Head Clerk.

Dated: - 29th June, 2022


Sultanat Khan
(Appellant)

Through


Abid Ayub
Advocate, High Court,
Peshawar


Saad Ul Maboood Khattak
Advocate, High Court,
Peshawar

17-11
Office Order No. 41 dated Mingora, the 27th Sept: 1972, by Sardar
Wazir Muhammad Khan, P.F.S.(I), Divisional Forest Officer, Malakand Forest
Division, Mingora, Swat.

-:-:-

Mr. Sultan Khan s/o Abdul Sattar of
village Lahar District Swat is hereby appointed as
Forest Guard in the time scale of Rs. 100-2-116/3-140 against a temporary
vacancy with effect from the date the individual reports for duty in the
Divisional office at Mingora (not later than 10.10.1972).

His appointment is purely temporary and can be terminated at
any time, with one month's notice without assigning any reasons, at any
time or on the payment of one month's salary in lieu of the notice.

The appointment is subject to the production of the following
certificates:-

1. Medical fitness certificate from the Civil Surgeon, certifying
that the candidate fulfills the physical standards as laid
down in the rules i.e. height 5'-7", chest 33-34 1/2" and eyesight
6/6 (both eyes), on the prescribed form (in duplicate)
2. Character certificate from the Principal/Head Master of
the College/school last attended by the candidate.
3. Character certificate from two responsible persons, not being
the relatives, who are well acquainted with the character and
antecedents of the candidate.

Sd/-(S. Wazir Muhammad Khan),
P.F.S.(I),
DIVISIONAL FOREST OFFICER,
MALAKAND FOREST DIVISION,
MINGORA, SWAT.

NO. 51164 /G, dated Mingora, the 27th Sept: 1972.

Copy forwarded to Mr. Sultan Khan s/o Abdul Sattar of
village Lahar, Tehsil Karula, Distt: Swat for information
and necessary action with reference to his interview, test and examination
etc; held on 8.9.1972. He should produce the above mentioned certificates
alongwith his arrival report. In case he fails to report for duty in this
office on or before 10.10.1972, this appointment order rests cancelled
automatically and the post will then be offered to the next candidate
on the merit list.

ATTESTED

(S. WAZIR MUHAMMAD KHAN)
DIVISIONAL FOREST OFFICER,
MALAKAND FOREST DIVISION,
MINGORA, SWAT.

Annex B 92

(11)

گورنمنٹ پبلس پتھ و چاب نمبر 22286/13 نام نمبر لٹریچر گورنمنٹ لٹریچر ڈیپارٹمنٹ برائے پبلشنگ سروسز 20.06.2011 (نام نمبر جاری) ضمنی نام (پولیس)

فارم نمبر 23-15 (1)

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 152 مجموعہ ضابطہ نو جداری

Handwritten notes and stamps on the left side of the form.

Table with columns for Case No., Date, Time, Location, and other details. Includes entries for 'PPC 302/324' and 'Sl. No. 34'.

Main body of handwritten text describing the incident, including details of the victim, the accused, and the circumstances of the case.

MHCPS-Bezhm 20-10-2019

ATTESTED

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12

Annexure "C"

FORM "A"

FORM OF ORDER SHEET.


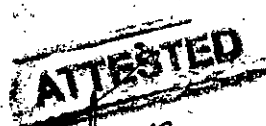
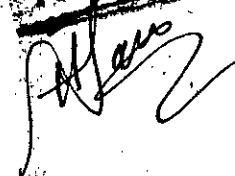
Court of: District & Sessions Judge/Zilla Qazi, Shangla.

State... Versus... Sultanat Khan.

Case FIR No. 424 dated 20.10.2014 u/s 302,324-PPC P.S Besham.

And

Case FIR No. 425 dated 20.10.2014 u/s 13-AO PPC P.S Besham.

Serial No. of Order or Proceedings	Date of Order or Proceedings.	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1 Office Note	2 02 nd -Dec-2021.	3 Application for release of convict on completion of sentence, filed by Iqbal Hussain Advocate. copy of the proforma, judgement, and wakalatnama is attached. After checking it is found complete. Submitted before the Court.  SUNVEER AHMAD Sessions Judge Shangla.  

State vs. Sultanat Khan, FIR NO. 424
dated, 20/10/2014, 4/5 302, 324, 337 Petitioner

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Annexure-A
DS Besham

Receipt # 125

Book # 1/2020

In the Court of Sessions Judge/Zilla Qazi Shingla.

Receipt from: Iqbal Hussain Qureshi Advocate

S/O: Fathah Khan Caste: Rajput

resident of: Bahari Alpur Shingla the sum of Fifty Six Thousand

Rupees (Rs. 56000/-) on account of a fine imposed upon Council

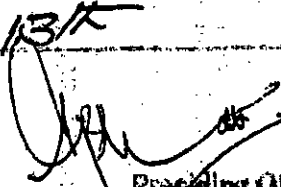
of Council of Iqbal Hussain Advocate.

by Reader on the 13th day

of December 2021

Date: 13/12/2021

280000


AAMER NASSER
Sessions Judge/Zilla Qazi
Muz Shingla.

ATTESTED




(14) Amende D^o
OFFICE ORDER NO. 65 DATED ALPURI THE: 10/10/2017
ISSUED BY MUHAMMAD AMJAD DIVISIONAL FOREST
OFFICER ALPURI FOREST DIVISION
ALPURI DISTRICT SHANGLA

Tel: 0996/850033 Fax: 0996/851008

In light of instruction contained in Sl: No.160 of ESTA code, Mr. Sultanat Khan Forest Guard, having been convicted under section 302/324 of PPC, is hereby dismissed from service.

Sd/-
(MUHAMMAD AMJAD)
DIVISIONAL FOREST OFFICER,
ALPURI FOREST DIVISION,
ALPURI SHANGLA.

No. 1015-18 /G.

Copy forwarded to the: -

1. Chief Conservator of Forests, Malakand Forest Region (Region-III) saidu Sharif Swat
2. Conservator of Forests, Malakand Forest Circle East, Mingora for favour of information please.
3. SDFO Karora
4. ✓ Mr. Sultant Khan S/o Abdul Satar of village Lahor Besham District Shangla
5. Divisional Accountant/Head Clerk.
For information


DIVISIONAL FOREST OFFICER,
ALPURI FOREST DIVISION,
ALPURI SHANGLA.

ATTESTED


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Appendix E

بکھنور جناب چیف کنزرویٹور صاحب آف فارنسٹس، ملائڈ فارسٹ ریجن (ریجن III) سیدو شریف سوات

حکمانہ اپیل بر خلاف حکم نمبر 1015-19/G (آفس آرڈر نمبر 65) مورخہ

10.10.2017 جاریہ DFO صاحب فارسٹ ڈویژن اپوری ضلع شانگلہ

جس کی رو سے سائیل کو فارسٹگارڈ کے ملازمت سے برخاست کیا گیا ہے۔

جناب عالی! اپیل ذیل عرض ہے۔

(1) یہ کہ سائیل دیہہ لاہور بشام تحصیل بشام ضلع شانگلہ کا مستقل باشندہ اور ایک غریب خاندان سے تعلق رکھتا

ہے۔ سب کافی ضعیف العمر اور مختلف بیماریوں میں مبتلا ہے۔

(2) یہ کہ سائیل بروئے حکم نمبر 41 مورخہ 27.9.1972 مگر جنگلات میں بحیثیت فارسٹگارڈ بھرتی ہوا تھا۔

(نقل حکم تعیناتی لف ہے)

(3) یہ کہ سائیل اپنے پیشہ ورانہ فرائض کے دوران کبھی کبھی اپنی پیشہ ورانہ غفلت Mis Behaviour اور غیر اخلاقی

فصل کا ارتکب شدہ ہوا ہے۔

(4) یہ کہ بعد ازاں سائیل ایک بے بنیاد فوجداری مقدمہ میں ملوث کر کے جیل سے جیل سے مقدمہ لڑنے سے

لاچار رہے اور باہر مقدمہ انجمن نہ ہونے کی وجہ سے مزاحمت اور سال 2021-22 کو رہا ہو کر مزا کاٹ چکا ہے۔

(5) یہ کہ مقدمہ مذکورہ کی وجہ سے سائیل کو بروئے حکم نمبر 1015-19/G (آفس آرڈر نمبر 65) مورخہ

10.10.2017 جاریہ DFO صاحب فارسٹ ڈویژن اپوری ضلع شانگلہ ملازمت سے برخاست

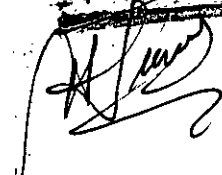
(نقل حکم لف ہے)

(6) یہ کہ سائیل کے خلاف قانون کے مطابق باقاعدہ انکوائری نہ کی گئی ہے اور سائیل کو اپنے صفائی کو موقع بھی

(جاری)

نہیں دیا ہے جو کہ از روئے قانون و شریعت ضروری تھی۔

ATTESTED



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(2)

(7) یہ کہ حکم زیر اپریل 7 2010 10 20 بجوہات ذیل قابل منسوخی اور قابل کالعدمی ہے۔

(i) یہ کہ سائیل کے برخاستگی کا حکم مذکورہ مبنی برزینتی، خلاف قانون، خلا واقعات، خود ساختہ، جعلی، فرضی اور سازش ہے۔

(ii) یہ کہ سائیل نے اپنے ملازمت کے دوران قواعد و ضوابط کے مطابق احسن طریقہ سے اپنے فرائض منصبی سرانجام دی ہے۔

(iii) یہ کہ سائیل نے دوران ملازمت اپنے ذاتی مفاد کے بجائے محکمہ کی مفادات کو ترجیح دی ہیں اور کسی کوشاکایت کا موقع نہیں دیا ہے۔

(iv) یہ کہ سائیل ایک عزیز خاندان سے تعلق رکھتا ہے اور اپنے کنبے کا واحد کفیل ہے اور سائیل کے علاوہ کمانے والا کوئی نہیں کیونکہ بچے چھوٹے ہیں۔

(v) یہ کہ سائیل ارباب کافی ضعیف العمر ہے اور مختلف بیماریوں میں مبتلا ہے اور دوائیاں خریدنے کی طاقت نہیں رکھتا ہے۔

(vi) یہ کہ سائیل نے تقریباً 42 سال محکمہ اور حکومت کی خدمت کی ہے اور اپنی زندگی کا کافی حصہ جنگلات کی تحفظ میں صرف کی ہے۔

(vii) یہ کہ سائیل کو ایک خلاف حقائق فوجداری مقدمہ کی وجہ سے اتنا بڑا سزا دینا سائیل اور سائیل کے بچوں کے ساتھ ظلم و زیادتی کے مترادف ہے۔

(viii) یہ کہ حکم زیر اپریل سے قبل سائیل کو قانون اور ضابطہ کے مطابق اپنے صفائی کو موقع بھی نہیں دیا ہے جو کہ از روئے قانون و شریعت ضروری تھی۔

(ix) یہ کہ ماتحت افسر DFO شانگلہ نے سائیل کا حکم برخاستگی جاری کرنے سے قبل اس نسبت کوئی تحقیق و تفتیش نہیں کی ہے۔

(x) یہ کہ حکم زیر اپریل جاری کرنے سے پہلے قانونی تقاضے پورے نہیں کئے گئے ہیں بلکہ یکطرفہ طور پر سائیل کو ملازمت سے برخاست کیا گیا ہے۔

(جاری)

ATTESTED
[Signature]

(3)

- (xi) یہ کہ سائیل غریب شخص اور اپنے کنبہ کا واحد کنبہ ہے نیز سائیل کے چھوٹے چھوٹے بچے ہیں جبکہ حکم زیر اپیل کی رو سے سائیل کے ساتھ ساتھ سائیل کے بچے بھی متاثر ہو رہے ہیں۔
- (xii) یہ کہ سائیل کا کوئی ذریعہ معاش نہیں ہے اور سائیل کا تمام تر انحصار ملازمت کے تنخواہ، فنڈ اور پنشن پر تھا لیکن حکم زیر اپیل سے سائیل اپنے محنت کے صلہ سے محروم ہو رہا ہے۔
- (xiii) یہ کہ اگر سائیل کے درخواست پر ہمدردانہ غور نہ کیا گیا اور سائیل کو دادرسی نہ دی گئی تو سائیل کو ناقابل تلافی نقصان ہوگا۔

لہذا استدعا ہے کہ بمنظوری اپیل ہذا سائیل کو محکمہ فارسٹ میں فارسٹ گارڈ کی اسامی پر بحال کر کے مراعات عطا کرنے کا حکم صادر فرمایا جائے۔

محمد ابراہیم

3.3.2022

سائیل سلطنت خان ولد عبدالستار ساکن لاہور بشام تحصیل بشام ضلع شانگلہ۔

کاپی برائے اطلاع و ضروری کارروائی۔

- (1) جناب کنزرویٹو آف فارسٹس، ملاکنڈ فارسٹ سرکل ایسٹ، بینگورہ۔
- (2) جناب ڈویژنل فارسٹ آفیسر صاحب، فارسٹ ڈویژن الپورٹی ضلع شانگلہ۔
- (3) SDFO، گروڑہ ریج ضلع شانگلہ۔

ATTESTED

محمد ابراہیم

17-A

Sultanat Ichan

Lahor Beslam

Departmental Appeal

CFME No-7193/E

23 dated: 03/3/2022

02 (0946 9260281)

0

بعد الت حناك مسوس نذير نل KP سعاور



29 جوف 2022 منجاب ريل نل

سلطنت حات نام كلوه و نل

مورخه
مقدمه
دعوى 22 / Appeal
جرم

باعث تحریر آنک

مقدمه مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ
آن مقام سعاور کیلئے عابد الحق سے مسودہ جمعہ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
کیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر این پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے
سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔
کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

29 ماہ جوف 2022ء

واہ العبد
سعاور کے لئے منظور ہے۔

Signature
Saad-ul-Mahood Khalaf
Advocate
High Court, Peshawar
0310-9577795
تقام

العبد
0343-5740260
سلطنت حات
15502-3274947-9
N.I.C.

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. 1078 of 2022

Sultanat Khan Appellant

VERSUS

Govt of KPK and others Respondents

APPLICATION FOR WITHDRAWAL OF THE APPEAL
WITH PERMISSION TO APPROACH THE PROPER
FORUM.

Respectfully Sheweth;

- 1) That the above titled is appeal is pending adjudication before this Honorable Court, which is fixed for today.
- 2) That the Appellant / Applicant wants to pursue his case regarding his General Provident Fund, Pension, Gratuity, for which the Appellant wants to approach the proper forum.
- 3) That to pursue to above issue, a proper departmental representation / appeal is mandatory, therefore this instant appeal may kindly be permitted to be withdrawn in order to pursue the case regarding financial issues.

It is therefore very respectfully prayed that on acceptance of this application, the instant appeal may very kindly allowed to be withdrawn and the Appellant allowed to initiate fresh departmental proceedings for the grant of financial benefits due.

Applicant / Appellant

In person



Sultanat Khan

Through

Charities

4/10/202

سید محمد سعید

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of:-

Imdad Ullah Appellant

VERSUS

Imdad Ullah Respondent

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

To be the advocate for the Imdad Ullah in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 4 day of 10 2022

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671

(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat

Cell No. 0333 929 7746

2002 S C M R 1691

Conviction

[Supreme Court of Pakistan]

Present: Nazim Hussain Siddiqui and Muhammad Nawaz Abbasi, JJ**GHULAM HUSSAIN ---Petitioner**

versus

CHAIRMAN, P.O.F. BOARD, WAH CANTT and another---Respondents

Civil Petition No. 2650 of 2001, decided on 28th June, 2002.

(On appeal from the judgment dated 5-7-2001 of Federal Service Tribunal, Islamabad passed in Appeal No. 1932(R) of 1999).

(a) Civil service---

---- Pensionary benefits, claim of---Civil servant, who was convicted and sentenced to suffer imprisonment for five years for charge of murder was dismissed from service---Civil servant had contended that expression "moral turpitude" was not properly appreciated by the Departmental Authority and the Service Tribunal and that murder or attempt to murder, affrays, causing hurt to another under an emotional outburst of temper, did not come within the ambit of "moral turpitude" as only offences like fraud, cheating, rape kidnapping, abduction etc. fell under the scope of expression "moral turpitude"---Validity---Anything which was done contrary to the good principles of morality was within the circuit of the expression "moral turpitude" ---Any act which ran contrary to justice, honesty, good moral values, established judicial norms of a society, fell within the scope of this expression---Offence of murder or attempt to murder was definitely against the well-recognized principles of a society---Narrow interpretation to the extent as provided by the civil servant was not only unrealistic but also contrary to law---Service Tribunal therefore correctly reached the conclusion that the civil servant was not entitled to the pensionary benefits in circumstances.

Words and Phrases, Permanent Edn. 27-A and Legal Terms and Phrases (Judicially defined) by M. Ilyas Khan, Advocate ref.

(b) Words and phrases---

-----Moral turpitude" ---Connotation.

Words and Phrases, Permanent Edn. 27-A and Legal Terms and Phrases (Judicially defined) by M. Ilyas Khan, Advocate ref.

Fazal Ellahi Siddiqui, Advocate Supreme Court and M.S. Khattak, Advocate-on-Record for Petitioner.

Nemo for Respondents.

Date of hearing: 28th June, 2002.

JUDGMENT

NAZIM HUSSAIN SIDDIQUI, J. ---Petitioner, Ghulam Hussain, has impugned the judgment, dated 5-7-2001 of learned Federal Service Tribunal, Islamabad, whereby his Appeal No.1932(R)/1999 claiming the pensionary benefits was dismissed.

2. The petitioner was appointed as Lower Division Clerk in Pakistan Ordnance Factories, Wah Cantt. in 1957. In the year 1977 a criminal case under sections 307/34, P.P.C. was registered against him and he was convicted and sentenced to suffer imprisonment for five years. Thereafter, he was dismissed from service against which he had filed an Appeal No.167(R) of 1998 and the same was dismissed in limine. This order was challenged before this Court through Civil Petition No.666 of 1998, which was disposed of, vide order dated 11-5-1999, in the following terms:--

"Learned counsel for the petitioner states that he will not press this petition and will instead approach the respondent No. 1 with a request for grant of pensionary benefits including gratuity and G.P. Fund etc. He may do so. If such an application is moved by him we are sure that the respondent shall consider and dispose of the same in accordance with law."

3. After above order, the petitioner again approached Chairman, P. O. F. for grant of pension and gratuity, etc. but his request was turned down by order dated 30-8-1999.

4. The petitioner still aggrieved, approached the Tribunal, but without any success.

5. It is contended on behalf of the petitioner that the expression "moral turpitude" was not properly appreciated by the departmental authority and the Tribunal as well. According to learned counsel, murder or attempt to murder affrays, causing hurt to another under an emotional outburst of temper, do not come within the ambit of above expression. Learned counsel also argued that only offences like fraud, cheating, rape, kidnapping, abduction etc. fall under the scope of above expression.

6. The expression "moral turpitude" has been explained in Words and Phrases, Permanent Edition 27-A, which is as follows:--

"In determining whether crime is one involving "moral turpitude", the test is whether the act denounced by the statute offend generally accepted moral code of mankind."

"Moral turpitude" is a vague term, and its meaning depends to some extent on the state of public morals; it is anything that is done contrary to justice, honesty, principle, or good morals; and act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man; it implies something immoral in itself, regardless of fact whether it is punishable by law."

Above expression has also been explained in Legal Terms and Phrases (Judicially defined) by M.

