


27.06.2022

Learned counsel for the appellant present. Mr. Farhan Ahmad, Superintendent alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 04.10.2022 before the D.B.

(Rozina Rehman)
Member (J)

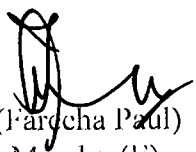

(Salah-ud-Din)
Member (J)

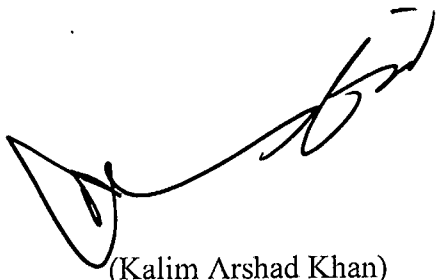
4th Oct, 2022.

1. None present for the appellant. Mr. Naseer Ud Din Shah, Asst: AG alongwith Mr. Atta Ur Rehman, Administrative Officer for respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 4th day of October, 2022.*

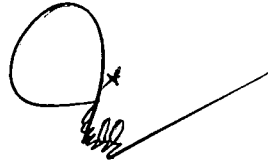

(Farzha Paul)
Member(I)


(Kalim Arshad Khan)
Chairman

05.10.2021

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Farhan Ahmad, Superintendent for the respondents present.

Counsel for the appellant seeks time for preparation. Request is accorded. Case to come up for arguments on 30.11.2021 before the D.B.



(Mian Muhammad)
Member(Executive)



Chairman

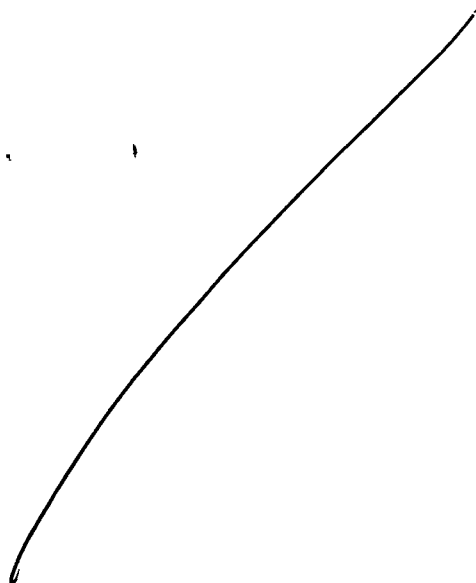
30.11.2021 Due to non-availability of DB, the case is adjourned to 09-03-2022.

Anis
Reader

9-3-22

Due to Retirement of the Hon.ble Chairman the case is adjourned to come up for the Bench as before on 27-6-22

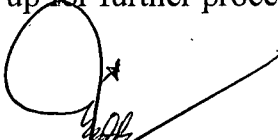
Yasir
Reader



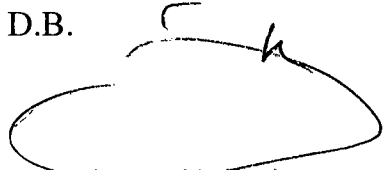
08.02.2021

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

As a result of involvement of question of retrospectivity in the instant appeal we are unable to hear arguments as the issue is pending adjudication in the Larger Bench of this Tribunal constituted for the purpose. Till a judgement is made, the instant appeal is adjourned to 08.04.2021 on which date file to come up for further proceedings before D.B.

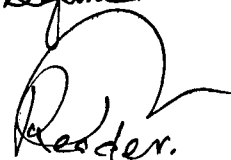


(Mian Muhammad)
Member (E)



(Muhammad Jamal Khan)
Member(J)

08.04.2021 Due to demise of the learned
Chairman, case is adjourned to
27.7.2021 for the same as before.



Reader.

27.07.2021

Miss. Roeda Khan, Advocate, for the appellant present.
Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that she has not met preparation. Adjourned. To come up for arguments before the D.B on 05.10.2021.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

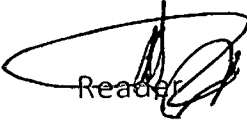


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

13.5 .2020

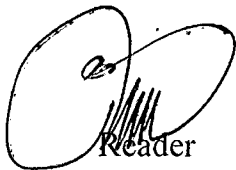
Due to COVID19, the case is adjourned to

5/8 /2020 for the same as before.


Reader

05.08.2020

Due to summer vacation case to come up for the same on
06.10.2020 before D.B.

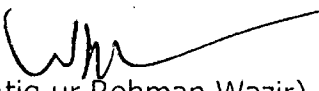

Reader

06.10.2020

Appellant present in person.

Mr. Kabir Ullah Khattak learned Additional Advocate
General for respondents present.


Lawyers are on general strike, therefore, the case is
adjourned to 25.11.2020 for arguments, before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

25.11.2020

Due to non-availability of D.B, the case is adjourned to
08.02.2021 for the same as before.


Reader

28.11.2019

Due to general strike of the Pakistan Bar Council, the case is adjourned. To come up on 23.01.2020 before D.B.


Member


Member

23.01.2020


Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 13.03.2020 for rejoinder and arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

13.03.2020

Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.05.2020 before D.B.


Member


Member

26.06.2019

Learned counsel for the appellant present. Written reply not submitted. Farhan Ahmad Superintendent representative of respondent's department present and requested for time to furnish written reply. Granted. To come up for written reply/comments on 21.08.2019 before S.B.



Member

21.08.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Mumtaz Assistant for the respondents present. Written reply not submitted. Representative of the respondents seeks time to furnish written reply/comments. Last opportunity is granted. Adjourned. To come up for written reply/comments on 19.09.2019 before S.B.


(Hussain Shah)

Member

19.09.2019

Counsel for the appellant and Addl. AG alongwith Farhan Ahmad, Superintendent for respondents present.

Parawise comments on behalf of respondents submitted which are placed on record. The appeal is assigned to D.B for arguments on 28.11.2019. The appellant may submit rejoinder, within a fortnight, if so advised.



Chairman

19.03.2019 Learned counsel for the appellant present. Preliminary arguments heard.

The appellant was removed from service on 23.10.2014 from the date of his absence i.e. 19.10.2012. He submitted departmental appeal on 16.03.2016 against the impugned order of removal from service but no response being given by the respondents department hence the instant service appeal preferred on 14.12.2018.

The learned counsel for the appellant was confronted for explaining the delay. It was argued that the delay was due to the reason that the appellant was mentally sick for long time and lost his memory. After protecting treatment he became fit mentally and thereafter the retrospectivity of the impugned order is the cause of preferring the instant service appeal.

Points raised need consideration. The appeal is admitted for regular hearing. Subject to all legal objections including limitation. The appellant is directed to deposit security and process fee within ten (10) days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 06.05.2019 before S.B


Appellant Deposited
Security & Process Fee


Member

06.05.2019

Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Farhan, Superintendent for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further adjournment. Adjourned to 26.06.2019 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

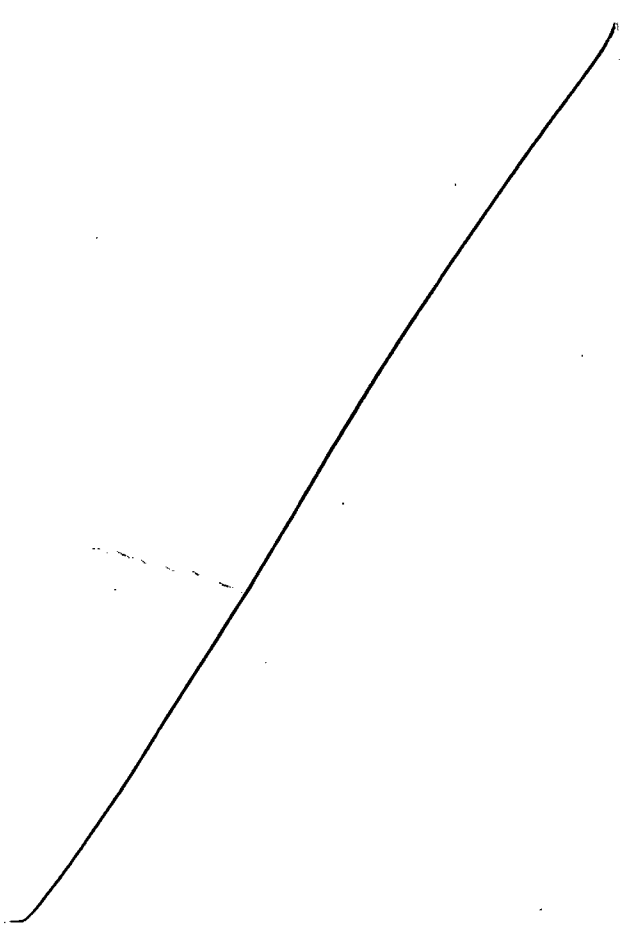
22.02.2019

Counsel for the appellant present.

Learned counsel for the appellant requests for further time to prepare the brief on the point that whether the appellant is a Federal Government employee and on deputation to the Provincial Government of Khyber Pakhtunkhwa or is a Provincial Government employee after the devolution.

Adjourned to 19.03.2019 before S.B.

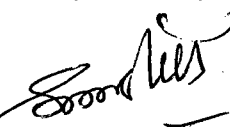


Chairman



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1490/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/12/2018	<p>The appeal of Syed Mohsin Shah presented today by Roeeda Khan 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-	24/12/2018.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/01/2019</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	21.01.2019	<p>Clerk to counsel for the appellant present. Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 22.02.2019 before S.B.</p> <p style="text-align: right;"> Member</p>

27.07.2021

Miss. Roeda Khan, Advocate, for the appellant present.
Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that she has not met preparation. Adjourned. To come up for arguments before the D.B on 05.10.2021.

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

06.10.2020

Appellant present in person.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Lawyers are on general strike, therefore, the case is adjourned to 25.11.2020 for arguments, before D.B.

(Atiq ur Rehman Wazir)
Member (E)

(Rozina Rehman)
Member (J)

08.02.2021

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

As a result of involvement of question of retrospectivity in the instant appeal we are unable to hear arguments as the issue is pending adjudication in the Larger Bench of this Tribunal constituted for the purpose. Till a judgement is made, the instant appeal is adjourned to 08.04.2021 on which date file to come up for further proceedings before D.B.

(Mian Muhammad)
Member (E)

(Muhammad Jamal Khan)
Member(J)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 1490 /2018

Syed Mohsin Shah

VERSUS

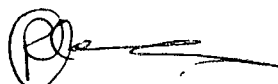
Chief Secretary Government of Khyber Pakhtunkhwa
Peshawar and Others

INDEX

S#	Description of Documents	Annex	Pages
1.	Grounds of Petition.		1-8
2.	Affidavit.		9
3.	Application for Condonation of delay		10-11
4.	Addresses of parties		12
5.	Copies of the appointment order	"A"	
6.	Copy of order	"B"	
7.	Copy of order	"C"	
8.	Copies of the order	"D"	
9.	Copy of order	"E"	
10.	Copy of record of treatment and medical report	"F to F4"	
11.	Copy of removal order	"G"	
12.	Copy of departmental appeal	"H"	
13.	Wakalat Nama		

APPELLANT

Through



Roeda Khan

Advocate, High Court

Peshawar.

Dated: 14/12/2018

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2018

Syed Mohsin S/O Syed Muslim Shah Ex lower
Division clerk BPS-05 Pakistan forest institute.

....Appellant

VERSUS

1. Chief Secretary Government of Khyber
Pakhtunkhwa Peshawar.
2. Secretary Government of Khyber Pakhtunkhwa
Forestry, Environment and Wildlife Department.
3. Director General Forestry, Environment and
Wildlife Department.
4. Deputy Director Pakistan forest institute.

....Respondents

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE ORDER DATED 23/10/2014
COMMUNICATED TO THE APPELLANT ON
19/02/2016 WHERE THE APPELLANT HAS BEEN
REMOVED FROM THE SERVICE AGAINST
WHICH THE DEPARTMENTAL APPEAL OF
THE APPELLANT DATED 16/03/2016 HAS NOT
BEEN DECIDED WITH IN THE STATUTORY
PERIOD

Prayer:-

ON ACCEPTANCE OF THIS APPEAL
THE IMPUGNED ORDER DATED
23/10/2014 MAY KINDLY BE SET ASIDE
AND THE APPELLANT MAY KINDLY BE
REINSTATED IN SERVICE WITH ALL
BACK BENEFITS. ANY OTHER REMEDY
WHICH THIS AUGUST TRIBUNAL
DEEMS FIT THAT MAY ALSO BE
ONWARD TRIBUNAL DEEMS FIT THAT
MAY ALSO BE GRANTED IN FAVOUR
APPELLANT.

Respectfully Sheweth,

1. That the Appellant has been appointed as lower division clerk (BPS-05) on 30/11/2006 in forest department. (Copy of appointment order is annexed as annexure "A").
2. That the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That Pakistan forest institute has been devolved to Government of Khyber Pakhtunkhwa under 18 constitutional amendment with affect from 01/07/2011

through which the Government of Khyber Pakhtunkhwa declared Pakistan forest institute as an attached department and will function under the administrative control of environment department on 13/08/2011. (Copy of order is annexed as annexure "B")

4. That all the employee of Pakistan forest institute were transfer to Government of Khyber Pakhtunkhwa on depotatioin on the same scale of pay with affect from 01/07/2011 vide order dated 30/06/2011. (Copy of order is annexed as annexure "C")

5. That service of the appellat were placed before Respondent department Government of Khyber Pakhtunkhwa Peshawar to work with the director department for completion of relevant record pertaining to the employees of Pakistan forest institute till further order on 03/04/2012. (Copy of order is annexed as annexure "D")

6. That during performing his duty the appellant has been applied for leave for house construction which has been granted by Respondent department. **(Copy of order is annexed as annexure "E")**

7. That during the said granting leave the appellant came into manic and lost his memory sense and has been under treatment for a long period. **(Copy of record of treatment and medical report are annexed as annexure "F to F4")**

8. That due to severe illness of the appellant and father of the appellant due to old age was not able to inform the Respondent department.

9. That after full recovery of the appellant from severe illness the appellant visited to the office of Respondent department for joining his duty on 19/02/2016 where the appellant came to know that the

Respondent department has been removed from service on 23/10/2014 from the date of his absence i.e. 19/10/2012. (Copy of removal order is annexed as annexure "G")

10. That the appellant submitted a departmental appeal on 16/03/2016 against the impugned order dated 23/10/2014 to the Respondent department but no response has been given by the Respondent department. (Copy of the departmental appeal is annexed as annexure "H")

11. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUNDS:-

A. That the impugned order 23/10/2014 is void and ab initio order because it has been

passed from retrospective affects which is a void order in this respect the appellant relied upon a judgment of this Hon'ble Service Tribunal Service appeal No. 542/2014 decided on 01/01/2018 and reported SCMR 1985 page:1178 so in the light of judgment of this Hon'ble Tribunal and Supreme Court no limitation has been run against the vide order.

B. That no charge sheet has been served or communicate to the appellant in this respect the appellant relied upon a judgment reported on 2009 SCMR page:615

C. That no regular inquiry has been conducted by the Respondent department and no chance of personal hearing has been provided to the appellant in this respect the appellant relied upon the judgment dated 2008 SCMR Page:1369.

D. That no final show cause notice has been issued by Respondent department before imposing the major penalty in this respect the appellant relied upon a judgment reported on 2009 PLC (CS) 176.

E. It is a well settled maxim no one can be condemned unheard because it is against the natural justice of law in this respect the appellant relied upon a judgment reported on 2008 SCMR page:678.

F. That no statement of witnesses has been recorded by the inquiry officer.

G. That no opportunity of cross examination has been provided to the appellant.

H. That the punishment has been given by the Respondent department is harsh one.

I. That the Respondent department without fulfilling the codal formality passed the impugned order which is void and illegal.

J. That there is no mention in the impugned order that under which rules the punishment has been given to the appellant

K. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

It is therefore, most humbly prayed that on acceptance of this appeal the impugned order dated 23/10/2014 may kindly be set aside and the appellant be reinstated in service with all back benefits. any other remedy which this august tribunal deems fit that may also be onward tribunal deems fit that may also be granted in favour appellant

Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

APPELLANT

Through

Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 14/12/2018

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

Advocate.

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2018

Syed Mohsin Shah

VERSUS

Chief Secretary Government of Khyber Pakhtunkhwa
Peshawar and Others

AFFIDAVIT

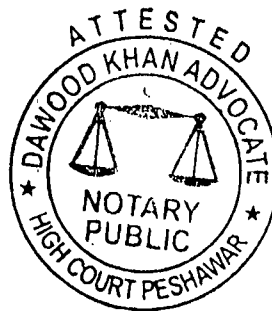
I, Syed Mohsin Shah S/O Syed Muslim Shah Ex lower Division clerk BPS-05 Pakistan forest institute, do hereby solemnly affirm and declare that all the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

DEPONENT

CNIC

Identified by:

Roeeda Khan
Advocate High Court
Peshawar.



14 DEC 2018

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2018

Syed Mohsin Shah

VERSUS

Chief Secretary Government of Khyber Pakhtunkhwa
Peshawar and Others

ADDRESSES OF PARTIES

PETITIONER.

Syed Mohsin Shah S/O Syed Muslim Shah Ex
lower Division clerk BPS-05 Pakistan forest
institute.

ADDRESSES OF RESPONDENTS

1. Chief Secretary Government of Khyber
Pakhtunkhwa Peshawar.
2. Secretary Government of Khyber Pakhtunkhwa
Forestry, Environment and Wildlife Department.
3. Director General Forestry, Environment and
Wildlife Department.
4. Deputy Director Pakistan forest institute.

APPELLANT

Through

Roeda Khan
Advocate, High Court
Peshawar.

Dated: 14/12/2018

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2018

Syed Mohsin Shah

VERSUS

Chief Secretary Government of Khyber Pakhtunkhwa
Peshawar and Others

APPLICATION FOR CONDONATION OF DELAY (IF ANY)

Respectfully Sheweth,

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That the final impugned order was communicated to the appellant after recovery of the appellant from severe illness on 19/02/2016.

Grounds:

- A. That the impugned orders are void order and no limitation run against the void orders because the impugned order has been passed

from retrospective affect and according to the judgment of superior Court as well as this Hon'ble court that no limitation run against vide order in this respect relied upon the judgment of Superior court reported SCMR 1985 Pate1178

- B. That the final impugned order was communicated to the appellant on 19/02/2016.
- C. That due to severe illness the appellant was not able to inform the Respondent department
- D. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.

It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.

APPELLANT

Through

Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 14/12/2018

Ann "A"

(Annex - A)

P.F.

Office Order No. 329
Government of Pakistan
Pakistan Forest Institute

Peshawar

30-11-2006

In the recommendation of the Departmental Selection Committee and with the

approval of the Competent Authority, Mr.

Syed Mehsin Shah

Syed Mehsin Shah

Whose particulars are given in the margin is

appointed to officiate against the post of

31-11-1985

Lower Division clerk in
BPS-5 (Rs. 24,150-15-5865)

173-F-1547-11-7

plus usual allowances in the Pakistan Forest
Institute, Peshawar on the terms and

Qualification: B.A.

conditions incorporated in this office letter


Address: P.O. Box 1199

No. 4384/F.VI(2)-Estt. dt. 2-11-06

Director General

with effect from 4-11-2006 (F.H.)

Kashmir


Director General
Pakistan Forest Institute

5307-09

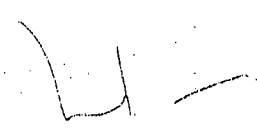
(P. VI(2)-Estt. dated the

30-11-2006.

A copy is forwarded to:-

The Administrative Officer (B&A) P.F.I.

Official Concerned


Director General
Pakistan Forest Institute



"B" on pag

GOVT. OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 13th August, 2011

2-4
B

NOTIFICATION

No. SO (O&M)/E&AD/2-7/2007: Consequent upon devolution of Pakistan Forest Institute (PFI), Peshawar to Government of Khyber Pakhtunkhwa, w.e.f. 1st July, 2011, vide Government of Pakistan, Cabinet Secretariat, Cabinet Division No. 4-9/2011-Min.I, dated 29th June, 2011 the Provincial Government is pleased to notify that Pakistan Forest Institute (PFI), Peshawar shall have the same status and working, mutatis and mutandis, as was on 30-05-2011, and will function as an Attached Department under the administrative control of Environment Department, Government of Khyber Pakhtunkhwa, until further orders.

2. The estate, building and physical assets shall be the property of the Environment Department and shall not be transferred to any other organization except for the official requirement of the attached formations of the Environment Department.

CHIEF SECRETARY,
GOVT. OF KHYBER PAKHTUNKHWA

Endst: No. & Date Even

Copy to:

1. Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
2. Additional Chief Secretary, PATA.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. The Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. All Heads of Attached Departments, Khyber Pakhtunkhwa.
8. Director Information, Khyber Pakhtunkhwa.
9. Accountant General, Khyber Pakhtunkhwa.
10. Registrar Peshawar High Court, Peshawar.
11. Registrar Service Tribunal, Khyber Pakhtunkhwa Peshawar.
12. Secretary Public Service Commission, Khyber Pakhtunkhwa Peshawar.
13. Private Secretary to Governor, Khyber Pakhtunkhwa.
14. Private Secretary to Chief Minister, Khyber Pakhtunkhwa.
15. All PSs to Provincial Ministers in Khyber Pakhtunkhwa.
16. PS to Chief Secretary, Khyber Pakhtunkhwa.
17. Controller, Government Printing Press Peshawar.

15/8/11
15/8/11
Ato (G.)

Attested
Private Officer
Peshawar Institute

(Tabassum)
SECTION OFFICER (O&M)

AMU "C" 14-3
TO BE PUBLISHED IN THE NEXT ISSUE
OF GAZETTE OF PAKISTAN PART-I

No. 3-45/2011-Admn-I
GOVERNMENT OF PAKISTAN
MINISTRY OF ENVIRONMENT

Islamabad, the 30th June, 2011.

NOTIFICATION

On reorganization of Federal Secretariat in pursuance of Constitution (Eighteenth Amendment) Act, 2010 (Act No.X of 2010), the following office / organization alongwith employees (list attached) under the **Ministry of Environment** is transferred to the **Government of Khyber Pakhtunkhwa** on deputation under Section 10 of the Civil Servants Act, 1973 on their existing posts in the same Basic Scales of pay:-

1. Pakistan Forests Institute (PFI), Peshawar

(Akhtar Saeed)
Section Officer

The Manager,
Gazette of Pakistan
Printing Corporation Pakistan Press,
Karachi

CC: -

1. Secretary, Inter Provincial Coordination Division, Islamabad.
2. Secretary, Finance Division, Islamabad.
3. Secretary, Cabinet Division, Islamabad.
4. Secretary, Establishment Division, Islamabad.
5. Chief Secretary, Government of Khyber Pakhtoonkhwa, Peshawar
- ✓ 6. Director General (PFI), Peshawar
7. Mr. Attique Hussain Khokhar, Director General M.S Wing, Establishment Division, Islamabad.
8. Officer / Official concerned
9. Office Copy.

Per. up to
5/7/11

5/7/11
Au(G.)

Akhtar Saeed
(Akhtar Saeed)
Section Officer



GOVERNMENT OF KHYBER PAKHTUNKHWA
 Environment Department
 Pakistan Forest Institute, Peshawar
 Ph: +92-91-9216123, Fax: +92-91-9216203



Annex - A

Dated

3rd April, 2012

OFFICE ORDER

The services of Syed Mohsin Shah, LDC (BS-07), PFI, are hereby placed at the disposal of Environment Department, Government of Khyber Pakhtunkhwa, Peshawar to work under the Director (B&A), Environment Department, for completing the relevant record pertaining to employees of PFI with immediate effect and until further orders. He will draw his salary from the PFI and will remain on the strength of PFI.

Director General
 Pakistan Forest Institute,
 Peshawar

3rd April, 2012

429

/F.VI (02)-Estt

dated

Copy is forwarded to:-

- 1- PS to Secretary, Environment Department, Government of Khyber Pakhtunkhwa, Peshawar.
- 1- Director (Budget & Accounts), Environment Department, Government of Khyber Pakhtunkhwa, Peshawar, with reference to his letter No. B&A/Acct-B/11-12/2748-50, dated 05-03-2012.
- 1- Section Officer (Estt), Environment Department, Government of Khyber Pakhtunkhwa, Peshawar.
- 1- Administrative Officer (B&A), PFI, Peshawar.
- 1- The above named official.
- 1- Personal File.

Director General
 Pakistan Forest Institute,
 Peshawar

Am E



GOVERNMENT OF KHYBER PAKHTUNKHWA
Environment Department
Pakistan Forest Institute, Peshawar

Ph: +92-91-9216123, Fax: +92-91-9216203



Dated 8/16/2012

No. 77

Office Order

Syed Mohsin Shah, Lower Division Clerk (BS-07), Pakistan Forest Institute, Peshawar is granted leave as under:

- i. 11-06-2012 to 23-08-2012 (74 days) on **half** average pay
- ii. 24-08-2012 to 08-10-2012 (46 days) **without** pay.

The official is likely to return to the same post and station after expiry of his leave.

Deputy Director (Tech)
Pakistan Forest Institute,
Peshawar

No. 763 /F. III (Per)-Estt

dated

8-6-2012

A copy is forwarded to:-

1. The Administrative Officer (B&A) Pakistan Forest Institute, Peshawar.
2. Budget & Accounts Officer, Environment Department, Khyber Pakhtunkhwa w/r to his letter No.B&A/11-12/Bud/PFI/102, dated.07-06-2012
3. Syed Mohsin Shah, Lower Division Clerk (BS-07), PFI, Peshawar

Deputy Director (Tech)
Pakistan Forest Institute,
Peshawar

ADVANCED NEUROLOGY CENTER



Digital EMG/NCs
EVOKED POTENTIALS

Annex - 33
Ann F

Dr. Anwar-ul-haq

MD, MRCP (UK)
Diplomate American Board of Psychiatry and
Neurology, Certified in Clinical Neurophysiology
Clinical Assistant Professor
Department of Neurology
University of Texas Southwestern Medical School
Dallas, Texas, USA.

Patient's Name Eyed Mubshir
Date 24/5/12 Age — Sex M

Hedek, Ab-Pai, Bodiyark, Nangra.

6/11
12/25
Zed
99°

Depression

M. Zed: ED/10/1.

9.6 V.A.1.
Zed: Kander

9.0 11/11
Zed: Engdha. Bany.

11/11
Zed: Perizote.

11/11
Zed: Baradul Extra

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11/11

Clinic: Aman Hospital, Dabgarl Gardens, Peshawar
091-2570321-8 ext. 3021; Fax: 091-2570329 Mobile: 0300-5954197
E-mail: Bah368@yahoo.com

ADVANCED NEUROLOGY CENTER



Digital EMG/NCs
EVOKED POTENTIALS

Ami F1 336

Dr. Anwar-ul-haq

MD, MRCP (UK)
Diplomate American Board of Psychiatry and
Neurology, Certified in Clinical Neurophysiology
Clinical Assistant Professor
Department of Neurology
University of Texas Southwestern Medical School
Dallas, Texas, USA.

Patient's Name Oyed Akbar

Date 7/11/12 Age — Sex M

Hedden
Abraham
Bodysark
Hansen

Handwritten notes in Urdu script, likely describing symptoms or findings.

B.P. 125/20

Lab: E.P. 1+1

Lab: ALP
Cup: Syngub
1+1

Lab: E.P. —————

Lab: Cereb.
1+1

Handwritten signature.

Clinic: Aman Hospital, Dabgari Gardens, Peshawar
091-2570321-8 ext. 3021; Fax: 091-2570329 Mobile: 0300-5954197
E-mail: Bah368@yahoo.com

ADVANCED NEUROLOGY CENTER



Digital EMG/NCS
EVOKED POTENTIALS

F2 217

Dr. Anwar-ul-haq

MD, MRCP (UK)
Diplomate American Board of Psychiatry and
Neurology, Certified in Clinical Neurophysiology
Clinical Assistant Professor
Department of Neurology
University of Texas Southwestern Medical School
Dallas, Texas, USA.

Patient's Name Mahsin.

Date 10/5/13 Age — Sex M.

Handwritten notes:
Painful Body
Head
worry
Smell
Sweating

Handwritten notes:
Subacute
Dantrolene
Preparation
E.P. test.

Handwritten notes:
BP
ESR
Cervical
Phenobarbital
AKI - Phen
HB

Handwritten note:
My sub: Iqritol.

Handwritten notes:
Sub: 141.
Sub: 141.
Sub: 141.
Sub: 141.

Clinic: Aman Hospital, Dabgari Gardens, Peshawar
091-2570321-8 ext. 3021; Fax: 091-2570329 Mobile: 0300-5954197
E-mail: Bah368@yahoo.com

ADVANCED NEUROLOGY CENTER



Digital EMG/NCS
EVOKED POTENTIALS

F3 2/18

Dr. Anwar-ul-haq

MD, MRCP (UK)
Diplomate American Board of Psychiatry and
Neurology, Certified in Clinical Neurophysiology
Clinical Assistant Professor
Department of Neurology
University of Texas Southwestern Medical School
Dallas, Texas, USA.

Patient's Name Mahmud Shah

Date 11/7/14 Age — Sex M

*in
psychomotor
depression*

↑ ↑

*BP
120/70*

*98
ECG*

*ESR
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anti hi*

*9.7
Hic. Du
154*

Rf

*Lab: Creatinine
0.8 mg/dl
Lab: ESR
111*

cup: ESR 90

Lab: Subred 2

[Signature]

Clinic: Aman Hospital, Dabgari Gardens, Peshawar
091-2570321-8 ext. 3021; Fax: 091-2570329 Mobile: 0300-5954197
E-mail: Bah368@yahoo.com

ADVANCED NEUROLOGY CENTER

F4 351



Digital EMG/NCS
EVOKED POTENTIALS

Dr. Anwar ul-haq

MD, MRCP (UK)
Diplomate American Board of Psychiatry and
Neurology, Certified in Clinical Neurophysiology
Clinical Assistant Professor
Department of Neurology
University of Texas Southwestern Medical School
Dallas, Texas, USA.

Patient's Name Mubari Shah
Date 9/7/15 Age — Sex M

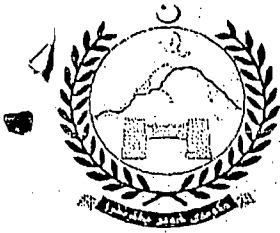
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Lab: donek.
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Lab: 200gub.
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Sub. Nuberal A.
1+1
CP: ESSO w.

[Handwritten signature]

Clinic: Aman Hospital, Dabgar, Gardens, Peshawar
091-2570321-8 Ext. 3021 Fax: 091-2570329 Mobile: 0300-5954197
E-mail: Bah368@yahoo.com



ANUC'E'
GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR

Ph: +92 91 9216123, 9216995. Fax: +92 91 9216203



No. 187

Dated

23rd
October, 2014

OFFICE ORDER

Syed Mohsin Shah, LDC (BS-07), PFI, Peshawar, has been absent from duty since 09-10-2012 till date. He was directed vide PFI letter No. 1282 /F.III(Per)-Estt, dated 15-10-2012 to join duty at PFI, followed by reminders dated 01-11-2012, 27-11-2012, and 24-12-2012 but he failed to join his duty till date. A Show Cause Notice was served to him vide Cabinet Division (Devolution Cell), No. 1(1)/2013-Devo. Cell /MoE, dated 12-02-2014, through registered mail on his home address as well as published in newspapers on 05-04-2014 and 08-04-2014, but he neither submit his written reply of Show Cause Notice within the stipulated time nor appeared in person.

Syed Mohsin Shah, LDC (BS-07), PFI is therefore, found guilty of misconduct and is awarded a major penalty of 'Removal from Service' w.e.f. the date of his absence from duty i.e. 09-10-2012, in pursuance of Government of Pakistan, Cabinet Division (Devolution Cell) letter No. 1(1)/2013-Devo. Cell/MoE, dated 13th October 2014.

1504
No. / F.III (Per)-Estt

Dated

23rd
October, 2014

A copy forwarded to.

1. PS to Secretary, Forestry Environment & Wildlife Department, Peshawar.
2. Section Officer (Devolution Cell), Cabinet Division, Devolution Cell, Government of Pakistan, Worker Welfare Fund Building, Super Market, Islamabad, with reference to his letter-No-referred-to-above.
3. Section Officer (ESTT), Forestry Environment & Wildlife Department, Peshawar.
4. The Administrative Officer (B&A) PFI, Peshawar.
5. Syed Mohsin Shah, LDC, 94 Quaid Abad Colony No. 2, Kakshal Peshawar City, Peshawar.

Director General

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Environment Department
Govt. of Khyber Pakhtunkhwa
Secy. I
Dated: 16/3/2016

P-7

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Forestry, Environment & Wildlife Department

Subject: APPEAL / REPRESENTATION

Honorable Sir,

It is submitted that I was working in Pakistan Forest Institute (PFI), Peshawar as Lower Division Clerk.(BS-07). I was performed my duty efficiently and due to my competency, I was deputed at the disposal of Environment Department, Government of Khyber Pakhtunkhwa, to work with Director (Budget & Accounts), Environment Department, deal the pensions, budgetary and other cases of PFI employees (Annex-A). During my duty in Environment Department I had been granted 120 days w.e.f.11-06-2012 upto 08-10 2012, I have vide PFI office order No.77, dated 08-06-2013, for the purpose of construction of house (Annex-B),

During the leave, I came into manic, lost my memories/sense, and had been under treatment for a long period. The record of my treatment and medicine are attached (Annex-C). Thus-I could-not-informed my office timely.

After some recoveries when intended to resume my duty I had been informed about my removal from service, which further put me in mentally agonies sickness and again continued treatment. Now I am fully recovered and able to work in any condition.

In view of the above, it is requested I may kindly be reinstated on humanitarian grounds because I have no other job or resources and belongs to a poor family. I have the responsibility to supporting my young brothers and sister education.

At the same time, I give assurance that such a mishap will not appear or committed again, I also beg for pardon and excuse. My case may very kindly be given a favorable consideration and reinstate me in service.

Dated: 16/03/2016

383
24-3-2016

Sincerely Yours,
[Signature]
Syed Mohsin Shah
S/o Syed Muslim Shah
Ex-Lower Division Clerk

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
SERVICE APPEAL NO. 1490/2018**

Syed Mohsin Shah S/o Muslim Shah
Ex- Lower Division Clerk (BPS-05), Pakistan Forest Institute, Peshawar

.....**APPELLANT**

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar
2. Secretary, Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa, Peshawar
3. The Director General, Pakistan Forest Institute, University Campus, Peshawar
4. Deputy Director, Pakistan Forest Institute, University Campus, Peshawar

.....**RESPONDENTS**

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No. 2 & 3

Respectfully Sheweth:

Preliminary Objections:

1. That the appellant has not got legitimate cause of action.
2. That the appellant has not come to this Hon'ble Court with clean hands.
3. That the appeal is not maintainable.
4. That the appeal suffers from mis-joinder and non-joinder.
5. That appeal is barred by law.

FACTS

1. Pertains to record hence, no comments.
2. Pertains to record hence, no comments.
3. Pertains to record hence, no comments.
4. Pertains to record hence, no comments.
5. Pertains to record hence, no comments.
6. That the appellant had applied for 120 days earned leave for construction of house w.e.f. 11-06-2012 vide application dated 31-05-2012, duly forwarded by B&A Officer, Environment (now Forestry, Environment & Wildlife) Department, Government of Khyber Pakhtunkhwa vide letter dated 07-06-2012. Consequently, the 120 days earned leave w.e.f. 11-06-2012 to 08-10-2012 was granted to him vide office order dated 08-06-2012 (**Annex-I**). The appellant was required to join his duty on 09-06-2012, but he did not report back for duty at Pakistan Forest Institute (PFI), Peshawar and remained absent from duty without any information. In this regard, this office vide letter dated 15-10-2012 directed the appellant to report for duty and explain his position for his willful absence (**Annex-II**). However, the appellant did not comply with the order and continue to remain absent from duty. Subsequently, this office consulted Administrative Department with the request to approach Joint Secretary (Devolution Cell), Cabinet Division,

Islamabad for initiating disciplinary proceedings against the appellant (**Annex-III**). Hence, the Administrative Department vide letter dated 14-03-2011 took up the case with Devolution Cell for initiating disciplinary proceeding against the appellant. In response SO(Devolution Cell) Cabinet Division, Islamabad vide letter dated 18-04-2013 requested to provide draft charge sheet and personal file of the appellant (**Annex-IV**). Furthermore, the final show cause notice on account of willful absence of the applicant was issued and delivered at his home address through registered mail vide this office letter No. 290/F.III(Per)-Estt, dated 28-04-2014 (**Annex-V**) and the same show cause notice was also got published in daily newspapers dated 05-04-2014 and 08-04-2014, wherein he was directed to show cause as to why not any of penalty (s), including the major penalty of "**Dismissal from Service**" under government servant (E&D) Rules 1973 be imposed upon him (**Annex-VI**). Despite of that, the appellant neither submitted any reply nor resumed his duty at PFI. Consequently, after completion of all the codal formalities in the case, the competent authority imposed upon him major penalty of "Removal from Service" vide office order dated 23-10-2014 (**Annex-VII**).

7. The medical reports submitted by the appellant are only private clinical prescriptions which was neither authenticated nor verified by any recommended Government Doctor / Hospital. Therefore, this office was unable to consider / review his removal order mere on the basis of submission of medical chits of a private doctor.
8. As explained above.
9. As explained in para-6 above.
10. Incorrect. That his departmental appeal has already considered and rejected being timebarred (**Annex-VIII**).
11. The appellant has got no cause of action to file instant appeal.

GROUND

- A. Incorrect. As explained in para No. 6 of the facts.
- B. Incorrect. As explained in Para No.6 of the facts.
- C. Incorrect. As explained in Para No.6 of the facts.
- D. Incorrect. As explained in Para No.6 of the facts.
- E. Incorrect. As explained in Para No.6 of the facts.
- F. As explained in Para No.6 of the facts.
- G. Incorrect. Before removal of the appellant from his service, all the codal formalities had been completed and final show cause notice was issued and published in the concerned News Papers for informing him to submit his written reply within a prescribed period of 14 days. Thereupon, the completion

of the requisite period, it was presumed that the appellant had no defense to the offer, therefore, an ex-parte action was taken against him as per rules **(Annex-VII)**.

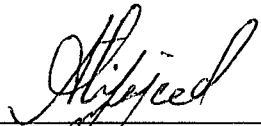
H. As explained in Para No.6 of the facts and para-G of the ground.

I. Incorrect. As explained in Para No.6 of the facts.

J. Incorrect. That the removal order of the appellant had made on the directions of the Cabinet Division (Devolution Cell) Islamabad vide their letter No. F.1(1)2013-Devo-Cell/ MoE dated 13-10-2014 **(Annex-IX)**.

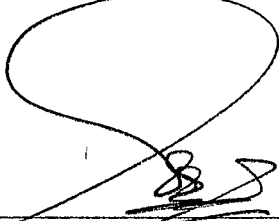
K. The respondents seek leave to raise additional grounds at the time of arguments.

In view of the above, the appeal being devoid of merit, may kindly be dismissed with cost.



Deputy Director (Tech)
Pakistan Forest Institute,
Peshawar

Respondent No.4



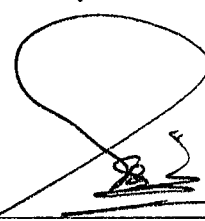
Secretary,
Forestry, Environment &
Wildlife Department
Govt. of KP

Respondent No.2



Director General,
Pakistan Forest Institute,
Peshawar

Respondent No.3



Chief Secretary
Govt. of Khyber
Pakhtunkhwa

Respondent No.1

Annex-1
/28



GOVERNMENT OF KHYBER PAKHTUNKHWA
Environment Department
Pakistan Forest Institute, Peshawar

Ph: +92-91-9216123, Fax: +92-91-9216203



Dated 8/10/2012

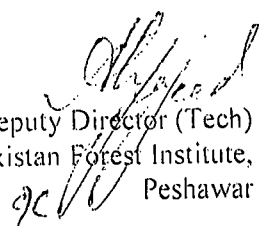
No. 77

Office Order

Syed Mohsin Shah, Lower Division Clerk (BS-07), Pakistan Forest Institute, Peshawar is granted leave as under:

- i. 11-06-2012 to 23-08-2012 (74 days) on half average pay
- ii. 24-08-2012 to 08-10-2012 (46 days) without pay.

The official is likely to return to the same post and station after expiry of his leave.

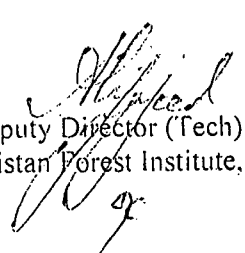

Deputy Director (Tech)
Pakistan Forest Institute,
Peshawar

No. 763 /F. III (Per)-Estt

dated 8-6-2012

A copy is forwarded to:-

1. The Administrative Officer (B&A) Pakistan Forest Institute, Peshawar.
2. Budget & Accounts Officer, Environment Department, Khyber Pakhtunkhwa w/r to his letter No.B&A/11-12/Bud/PFI/102, dated 07-06-2012
3. Syed Mohsin Shah, Lower Division Clerk (BS-07), PFI, Peshawar


Deputy Director (Tech)
Pakistan Forest Institute,



GOVERNMENT OF KHYBER PAKHTUNKHWA
Environment Department
Pakistan Forest Institute, Peshawar
Ph: +92 91 9216123 , Fax: +92 91 9216203



No. 1282 /F.III(Per)-Estt

Dated 15/10/2012

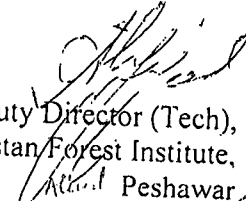
To

Syed Mohsin Shah
S/o Syed Muslim Shah,
Lower Division Clerk,
94 Quaid Abad Colony No.2,
Kakshal Peshawar City,
Peshawar

Subject: **ABSENCE FROM DUTY**

You were granted 120 days earned leave vide office order No. 77. dated 08-06-2012, which was expired on 08-10-2012. You were required to join your duty on 09-10-2012. But, you did not report back for duty at PFI till date, and has been absent from duty without any information.

You are, therefore, directed to report for duty, and explain your position for remaining absent within 03 days after the receipt of this letter.


Deputy Director (Tech),
Pakistan Forest Institute,
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
ENVIRONMENT DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR



Ph: +92-91-9216123 Fax: +92-91-9216203

No. 258 /F.III(Per)-Estt

Dated 6-3-2013

To

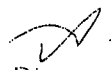
The Section Officer (Estt),
Environment Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: INITIATION OF DISCIPLINARY PROCEEDING AGAINST SYED MOHSIN SHAH, LDC (BS-07), PAKISTAN FOREST INSTITUTE, PESHAWAR

Syed Mohsin Shah, LDC (BS-07), on his request, was granted 120 days earned leave w.e.f. 11-06-2012 vide this office order No. 77, dated 08-06-2012, which was expired on 08-10-2012. He was due to join back duty on 09-10-2012, but he did not report for duty at PFI till date and has been absent from duty since then.

2. He was directed vide this office letter No. 1282/F.III(Per)-Estt, dated 15-10-2012, to join duty immediately at PFI, followed by reminders No. 1355/F.III(Per)-Estt, dated 01-11-2012, No.1460/F.III(Per)-Estt, dated 27-11-2012, and No.1575/F.III(Per)-Estt, dated 24-12-2012, but he has been failed to join duty at PFI till date.

3. It is therefore, requested that Joint Secretary (Devolution Cell), Cabinet Division, Islamabad, may please be approached to initiate disciplinary proceedings against him. Draft Charge Sheet alongwith Statement of Allegation is enclosed herewith for the purpose.


Deputy Director (Technical)
Pakistan Forest Institute
Peshawar

g/c

NOTICE (1) - The Post Office is not responsible for inland registered

Annex-V Keyll



GOVERNMENT OF KHYBER PAKHTUNKHWA
ENVIRONMENT DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR

Ph: +92 91 9216123, Fax: +92 91 9216203



No. 290 /F.III (Per)-Estt

Dated 28/2 February, 2014

To

Syed Mohsin Shah,
LDC (BS-07),
94-Quaid Abad Colony No. 2,
Kakshal, Peshawar City,
Peshawar.

Through: Registered Post

SUBJECT: SHOW CAUSE NOTICE

With reference to S.O. (Devolution Cell) letter No. 1(1)/2013-Devo. Cell/MoE, dated 13th February, 2014, a copy of the show cause notice issued by Joint Secretary (Devolution Cell), Government of Pakistan, Islamabad, is sent herewith.

Deputy Director (Technical)
Pakistan Forest Institute,
Peshawar

Cc:

1. PS to Joint Secretary (Admn), Cabinet Division, Islamabad.
2. Section Officer (Devolution Cell), Government of Pakistan, Cabinet Division, Devolution Cell, Worker Welfare Fund Building, Super Market, Islamabad.
3. Section Officer (ESTT), Environment Department, Peshawar.

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SHOW CAUSE NOTICE

Whereas, you syed Mohsin Shah, LDC (BS-07) Pakistan Forest Institute (PFI) Peshawar have been absent from duty, which constitute misconduct under Government Servants (Efficiency & Discipline) Rules 1973. You were Granted 120 days earned leave w.e.f 11-06-2012. You were supposed to join duty on 09-10-2012, but you did not report to duty at PFI till date and have been absent from duty since then. You have been directed vide this office letter No. 1282/1(Fii(per)-Estt, dated 15-10-2012, to join your duty Given address. You have been also issued a show cause Notice, through registered mail, on your home address vide this office letter No. 290 dated 28-02-2014, but you failed to join duty at PFI till date, and thus have been absent from duty since 09-10-2012.

2. Now therefore, you are family directed through this last notice to join duty within 14 days of publication of this notice. You are also hereby called upon to show cause as to why not any of the penalty(S), including the major penalty of "dismissal from service" under Government (E&D) Rules 1973, be imposed on you on the above grounds.

3. Your written reply to this show cause Notice should reach the undersigned within 14 days, of its publication, failing which it would be presumed that you have no defence to offer, and ex-parte decision would be taken against you.

4. You may also state whether you want to be heard in person.

Director General INF(P)1265
Pakistan Forest Institute Peshawar
Ph No: 091-921612, Fax No: 091-921671

1- سہ ماہیہ راجت لی بی بیہ 2- ولی اللہ خان 3- نجیب اللہ خان کھیا لے پیران 4- سہ ماہیہ دگر خان 5- ایاب سہ ماہیہ خان دختران سعید اللہ خان ستونی سالیان 3-5 برنات، والدہ بانا خان سہ ماہیہ راجت لی بی سالیان شیخ خان لادن مراد (سالیان) بیام محرم الناس اور خواست برادر عطا علی شونگٹ جانشینی

مقدمہ عنوان بالا میں ساکنان بالا نے درخواست برائے حصول شونگٹ جانشینی کی عدالت ہذا میں گزار دی ہے لہذا بذریعہ اخبار اشتہار محرم الناس دہر غاس و عام کو مطلع کیا جاتا ہے کہ اگر نسبت درخواست کوئی نظر ہو تو تاریخ 7/14/14 حاضر عدالت ہو کر اپنے حق کو ثابت کریں بصورت دیگر ان کے خلاف یکطرفہ قانونی کارروائی عمل میں لائی جائے گی۔ آج تاریخ 14/14 کو ریشٹ دختلا دہر عدالت سے جاری شدہ۔

1- سہ ماہیہ بخت بیہ 2- لائق زمان 3- صادق زمان 4- طارق زمان 5- شائق زمان 6- شارب باہل پیران 7- مسلمان 8- محمد دختران حیدر زمان ساکنان خطہ شیل سبکو کاؤں رسم تحصیل و ضلع مراد سالیان 5-16 بانان برنات، والدہ خور سالیہ بیہ 1 بیام محرم الناس اور خواست برادر عطا علی شونگٹ جانشینی

مقدمہ عنوان بالا میں ساکنان بالا نے درخواست برائے حصول شونگٹ جانشینی کی عدالت ہذا میں گزار دی ہے لہذا بذریعہ اخبار اشتہار محرم الناس دہر غاس و عام کو مطلع کیا جاتا ہے کہ اگر نسبت درخواست کوئی نظر ہو تو تاریخ 12/14/14 حاضر عدالت ہو کر اپنے حق کو ثابت کریں بصورت دیگر ان کے خلاف یکطرفہ قانونی کارروائی عمل میں لائی جائے گی۔ آج تاریخ 14/14 کو ریشٹ دختلا دہر عدالت سے جاری شدہ۔

نمبر مقدمہ 388/1 رجسٹرڈ 711113 زمرہ 25/14/14

سہ ماہیہ راجت لی بی بیہ کھیا لے پیران (مدعیہ) بیام شریف گل وغیرہ (مدعیہ)

اشتہار نام: 1- شریف گل 2- معان گل 3- زریہ گل پیران صاحب گل ساکنان ہوتی مراد مقدمہ عنوان بالا میں مدعیہ بیہ کی جیل معمولی طریقے سے ہوتی مشکل ہے مدعیہ بیہ کو بذریعہ اخبار اشتہار مطلع کیا جاتا ہے کہ وہ تاریخ مقررہ 25/14/14 کو عدالت ہذا میں حاضر عدالت ہو کر مقدمہ کی جبری کرے بصورت غیر معاضری مدعیہ بیہ کے خلاف یکطرفہ کارروائی عمل میں لائی جائے گی۔

مطلوب کیا جائے گا۔ وزارت پر دو رقم و قدرتی وسائل کے ذرائع کے۔ تاہم اس طرح کے منصوبہ، باج کے مختلف علاقوں بالخصوص سالک ریج میں بھی شروع کیے جائیں گے جن پر 4 کروڑ روپے سے زائد لاکھ آئے گی۔ ان منصوبوں سے ملک کی پڑتی ہوئی توانائی کی ضروریات پوری کرنے اور ملک سے کھلی کھلا پیداوار بھانسنے کے لئے انسانی و فنانسی ریفائٹ میں مدد ملے گی۔

قائم کانسٹیبل۔

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR

Ph: +92 91 9216123, 9216995 Fax: +92 91 9216203



Annex - VII

No

187

Dated

23/10

October, 2014

OFFICE ORDER

Syed Mohsin Shah, LDC (BS-07), PFI, Peshawar, has been absent from duty since 09-10-2012 till date. He was directed vide PFI letter No. 1282 /F.III(Per)-Estt, dated 15-10-2012 to join duty at PFI, followed by reminders dated 01-11-2012, 27-11-2012, and 24-12-2012 but he failed to join his duty till date. A Show Cause Notice was served to him vide Cabinet Division (Devolution Cell), No. 1(1)/2013-Devo. Cell /MoE, dated 12-02-2014, through registered mail on his home address as well as published in newspapers on 05-04-2014 and 08-04-2014, but he neither submit his written reply of Show Cause Notice within the stipulated time nor appeared in person.

Syed Mohsin Shah, LDC (BS-07), PFI is therefore, found guilty of misconduct and is awarded a major penalty of 'Removal from Service' w.e.f. the date of his absence from duty i.e. 09-10-2012, in pursuance of Government of Pakistan, Cabinet Division (Devolution Cell) letter No. 1(1)/2013-Devo. Cell/MoE, dated 13th October 2014.

Director General

No.

1509 / F.III (Per)-Estt

Dated


23/10

October, 2014

A copy forwarded to:

1. PS to Secretary, Forestry Environment & Wildlife Department, Peshawar.
2. Section Officer (Devolution Cell), Cabinet Division, Devolution Cell, Government of Pakistan, Worker Welfare Fund Building, Super Market, Islamabad, with reference to his letter No. referred to above.
3. Section Officer (ESTT), Forestry Environment & Wildlife Department, Peshawar.
4. The Administrative Officer (B&A) PFI, Peshawar.
5. Syed Mohsin Shah, LDC, 94 Quaid Abad Colony No. 2, Kakshal Peshawar City, Peshawar.

Director General

	<p align="center">GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT</p> <p align="center">NO.SO(Estt)/FE&WD/V-13/2012/PF Dated Peshawar the, 13th November, 2017 3985</p>
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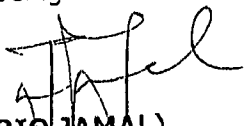
To

The Director General,
Pakistan Forest Institute,
Khyber Pakhtunkhwa,
Peshawar.

Date: 25/2
Date: 30/11/17
Section: ...
FEI Peshawar

Subject: - APPEAL/REPRESENTATION



I am directed to refer to your letter No: 824/F.III (Per)-Estt, dated 22nd June, 2017 on the subject captioned above and to say that the appeal in respect of Mr. Mohsin Shah, Ex-LDC, Pakistan Forest Institute, Peshawar, being time barred, has already been filed by the competent authority.


(TARIQ JAMAL)
 SECTION OFFICER (ESTT)

Endst: No: & date ever:

Copy is forwarded for information to PS to Secretary Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa.

SECTION OFFICER (ESTT)



 Ad(S-2) 29/11/17
 29/11/17

F.No.1(1)/2013-Devo-Cell/MoE
Government of Pakistan
Cabinet Division
(Devolution Cell)

Date: _____

Section: _____

P.F.I. Peshawar

Islamabad, the 13th October, 2014.

The Secretary,
Environment Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:- **INITIATION OF DISCIPLINARY ACTION AGAINST
SYED MOHSIN ALI SHAH, LDC(BS-7), PAKISTAN FOREST
INSTITUTE, PESHAWAR.**

Dear Sir,

I am directed to refer to Environment Department, Government of Khyber Pakhtunkhwa letter No.SO(Estt)/EnvtV-13/2K12/2851 dated 8-5-2013 enclosing therewith PFI, Peshawar letter No.725/F.III(Per)-Estt dated 31-5-2013 and draft Show Cause Notice regarding the subject matter.

2 On the complaint/request of PFI, Peshawar, the Joint Secretary (Devolution), Cabinet Division, being the competent authority issued a Show Cause Notice to Syed Mohsin Ali Shah, LDC (BS-7), Pakistan Forest Institute, Peshawar, vide Cabinet Division (Devolution Cell) No.1(1)/2013-Devo-Cell/MoE dated 12-2-2014 for committing following acts of misconduct under the rules 2(4)3(b) of the Government Servant (E&D) Rules, 1973:-

- i. He was granted 120 days earned leave w.e.f. 11-6-2012, vide office order No.77 dated 8-6-2012, which expired on 8-10-2012. He was supposed to join duty on 9-10-2012, but he did not report for duty at PFI till date and remained absent from duty since then.
- ii. He was directed, vide PFI letter No.1282/F.III(Per)-Estt, dated 15-10-2012, to join his duty immediately, following by reminders dated 1-11-2012, 27-11-2012 and 24-12-2012 at his given address. but he failed to join duty at PFI till date.

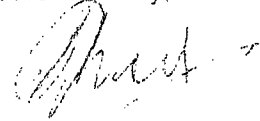
3. Syed Mohsin Ali Shah, LDC neither submitted his written reply of Show Cause within the stipulated time of 14 days nor desired to appear or appeared to be heard in person.

4. In view of the above, the competent authority has found Syed Mohsin Ali Shah, LDC, guilty of misconduct and imposed a major penalty of "Removal from Service" under the rules w.e.f. the date of his absence from duty i.e. 9-10-2012.

5. Pakistan Forest Institute, Peshawar may make recovery from Syed Mohsin Ali Shah, if any.

6. It is requested that Pakistan Forest Institute, Peshawar may kindly be directed to issue necessary office order under intimation to the Cabinet Division (Devolution Cell).




Yours faithfully,



(Khalid Hanif)

Section Officer (Environment)

Copy for information to Director General, Pakistan Forest Institute, Peshawar, with the request to depute an official to collect the personal file of Syed Mohsin Ali Shah, LDC from the office personally/by hand.

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ایڈوکیٹ: _____	بار کونسل ایسوسی ایشن نمبر: _____	
رابطہ نمبر: 03330265906	پشاور بار ایسوسی ایشن، خیبر پختونخوا	

بعدالت جناب: _____

منجانب: ابدانیت	دعویٰ:
	علت نمبر:
سید محمد اسحاق اپنام کو دعوت	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 14-12-18

_____ واہ شد _____

مقام _____ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔