

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 888/2019

Date of Institution ... 25.06.2019

Date of Decision ... 25.01.2022

Aurangzeb Ashraf Awan Ex-Central Silviculturist (BS-18) Pakistan Forest Institute
KP.

R/o House No. 339 Street Swan Road G-10/3, Islamabad.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber
Pakhtunkhwa, Civil Secretariat, Peshawar and others. ... (Respondents)

Syed Noman Ali Bukhari,
Advocate

... For Appellant

Naseer-ud-Din Shah,
Assistant Advocate General

... For respondents

AHMAD SULTAN TAREEN
ATIQU-UR-REHMAN WAZIR

...
...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant while serving as Silviculturist BPS 18 in Pakistan Forest Institute Peshawar was proceeded against on the charges of absence from duty and was ultimately removed from service vide order dated 31-12-2018, against which the appellant filed departmental appeal dated 27-02-2019, which was not responded within the statutory period, hence the instant service appeal with prayers that the impugned order dated 31-12-2018 may be set aside and the appellant may be re-instated in service with all back benefits. In the meanwhile, the appellant died during the course of litigation on 08-09-2019 and now his legal heirs are pursuing his case with prayers that the appellant may be considered as

on duty during his death and his legal heirs may be allowed pensionary and other ancillary benefits of the appellant.

02. Learned counsel for the appellant has contended that the impugned order dated 31-12-2018 and not taking action on departmental appeal of the appellant within the statutory period is against law, facts and norms of natural justice, therefore not tenable and liable to be set aside; that the appellant never remained absent and his case was pending before federal service tribunal and he was granted stay on 28-07-2017 and subsequently appeal was dismissed on 28-03-2018 and judgment was received by the appellant on 05-04-2018, against which the appellant filed CPLA in the Supreme Court of Pakistan on 25-04-2018 and the matter is subjudice before the supreme court of pakistan and during the period the appellant properly done his duty at the ministry of climate change government of pakistan; that the appellant was repatriated to respondent No. 3 on 14-03-2017 by respondent No. 1, who was not legally authorized to do so, as the appellant was yet employee of the Federal Government; that the appellant has been condemned unheard and has not been treated in accordance with law; that no regular inquiry and the appellant was not associated with proceedings of such inquiry; that no statement of witnesses were recorded nor the appellant was afforded opportunity to cross-examine such witnesses; that no fair opportunity of defense has been provided to the appellant and ex-parte action has been taken against him; that section 9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 shall not be applicable in case of the appellant as the appellant was in continuous contact with the respondents, further the repatriation order was suspended by the federal service tribunal and the PFI was also a party in that case; that after repatriation order of April 2018, when the joining notice was issued, the appellant properly replied and also submit joining report, so no ground remains to proceed the appellant under Rule-9 of the rules ibid, so the whole proceedings was illegal void ab initio; that after

repatriation, the appellant was issued charge sheet dated 10-12-2015 on the basis of absentia, which was set aside by the director on 10-02-2016 being illegal and void as the order of provincialization of appellant were issued in 2018, how they can proceed on charges of absence from 2015, meaning thereby that the appellant never remained absent; that the appellant has 23 years' service at his credit, so the penalty of removal from service is harsh, which is passed in violation of law and therefore the same is not sustainable in the eye of law; that the appellants legal heirs has been deprived of valuable right of livelihood; that there is no charge of corruption, embezzlement or other misconduct except remaining in courts and seeking justice; that the appellant has requested for joining but was not allowed by the department and there is no fault on part of the appellant and according to the superior courts judgment, an employee cannot be punished for the fault of department; that the penalty imposed upon the appellant is without any basis and liable to be struck down in view of the documentary proof.

03. Learned Assistant Advocate General for the respondents has contended that consequent upon 18th constitutional amendments, PFI was devolved to Government of Khyber Pakhtunkhwa and all its employees including the appellant were transferred on deputation basis on their same basic scale of pay under section 10 of civil servant Act, 1973 with effect from 01-07-2011; that on 13-08-2011, PFI was declared as an attached department of Forestry, Environment and Wildlife Department, Government of Khyber Pakhtunkhwa; that the appellant was transferred and posted as Assistant Inspector General of Forests in the defunct Ministry of Environment, Islamabad vide order dated 30-06-2011 and such notification regarding transfer of the appellant to planning and development division was not received in this department; that notification dated 15-08-2011 issued by the planning commission regarding posting of the appellant as Assistant Inspector General Forests was not received in this department; that notification

dated 10-01-2012 and 09-02-2012 are not available in record of this department; that there is no rule regarding absorption of a deputationists, since the appellant was permanent employee of PFI, therefore all the correspondence related to the appellant were required to be processed through his parent department i.e. PFI, whereas in the instant case no permission was requested by any authority from PFI; that the appellant was on deputation to ministry of environment, hence after expiry of his deputation period, PFI vide letter dated 24-06-2014 directed the appellant to report for duty, but he did not resume his duty, subsequently the Establishment Division on the request of Chief Secretary Khyber Pakhtunkhwa, repatriated the appellant vide order dated 24-02-2015 but the appellant did not comply with the orders and remain absent from duty; that the Federal Government requested for grant of extension in his deputation period for another two years with effect from 30-06-2014 to 29-06-2016, however due to acute shortage of staff, the request of further extension in deputation was regretted vide order dated 15-06-2015; that Ministry of Environment vide order dated 14-03-2017 repatriated the appellant to his parent department, against which the appellant filed service appeal No 3057/2017, which was rejected on 28-03-2018; that the appellant was again directed to report for duty at PFI, but the officer neither resumed the duty nor submitted any reply; that Administrative Department vide order dated 25-06-2018 issued a notice to the appellant to resume his duty at PFI, but again the appellant failed to resume his duty and responded that he had filed CPLA in the supreme court of pakistan against the judgment of Federal Service Tribunal, which is subjudice, therefore the respondent initiated disciplinary proceedings against the appellant under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and while taking ex-parte action against the appellant, the appellant was awarded with major punishment of removal from service.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant joined forest department government of Punjab as Range officer BPS-16 and was later on promoted as sub-divisional forest officer BPS-17. Subsequently the appellant was appointed as Silviculturist BPS-18 in PFI vide order dated 28-12-2010. During the time, PFI was working under the administrative control of federal ministry of environment. In the wake of 18th constitutional amendments dated 29-06-2011, PFI devolved to Provincial Government but status of the appellant was not yet declared as provincial employee. Vide order dated 30-06-2011 the appellant was transferred and posted as Assistant Inspector General of Forests in the Ministry of Environment on deputation basis under section 10 of Civil Servant Act, 1973 and this notification was followed by another notification dated 30-06-2011, whereas the appellant and others were transferred to planning and development division. Vide order dated 10-01-2012 issued by Establishment Division, the appellant was transferred alongwith post and budget from Planning Division to National Disaster Management on deputation basis, followed by another order dated 09-02-2012. The appellant requested for his absorption in the Ministry of Environment (climate change), which however was not acceded to and the appellant was repatriated to PFI vide order dated 24-02-2015. After repatriation, the appellant was issued charge sheet by PFI, which was rescind by Director of the institute on 10-02-2016 as the order of provincialization of appellant were issued in 2018. In the meanwhile lot of correspondence took place between Federal and Provincial Governments on the issue of extension in deputation period and permanent absorption of the appellant in the Ministry of Environment and the appellant remained in the Federal Government until a notification dated 14-03-2017 was issued whereby the appellant was again repatriated to the PFI, against which the appellant filed Service Appeal No. 3057/2017 and the court had suspended the

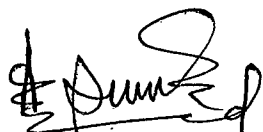
impugned notification dated 14-03-2017 vide order sheet dated 28-07-2017 but finally vide judgment dated 28-03-2018, the appeal of the appellant was dismissed, against which the appellant filed CPLA in the Supreme Court of Pakistan, which is still sub-judice in the supreme court. After rejection of his service appeal, another order of his repatriation dated 16-04-2018 was issued and the appellant was also served with a notice by PFI vide order dated 25-06-2018 for resuming his duty, in response, the appellant submitted reply on 02-07-2018 and submitted arrival but his arrival report was not accepted, as in the meanwhile the appellant was proceeded against under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and was awarded with major punishment of removal from service vide order dated 31-12-2018.


06. We are of the considered opinion that the appellant has not been treated in accordance with law, as the appellant was in contact with the respondents and the respondents were well aware of the fact that the appellant case is already in courts, despite he was proceeded against under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, which was illegal, as the appellant was not willfully absent, rather was fighting a legal battle with the respondents. In a situation, the appellant was deprived of the opportunity to defend his cause. To this effect, the Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 have held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. The appellant has a long un-blemished service and there is no charge of corruption/embezzlement against him, nor the appellant was absent from duty, rather he was performing duty at the Federal Ministry until his repatriation. The appellant was removed from service in an arbitrary manner without adhering to

the method prescribed in law, hence injustice was done to him. The appellant died during the course of litigation and now his legal heirs are contesting his case.

07. In view of the foregoing discussion, the instant appeal is accepted. The impugned order dated 31-12-2018 is set aside and the appellant is considered as on duty at the time of his death on 08-09-2019 and his legal heirs are held entitled to pensionary as well as other ancillary benefits of the service of the appellant. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
25.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


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

25/1/2022 DB. Pesh. (T)

Approved
Person

Aurangzeb: changed order. 31/12/2018
communicated 29/1/2019.

D.A. 27/2/2019.
S.A. 25/6/2019.

Derivation - P110 P111 30-6-2011

P112 30/6/2011 transferred to P2 D Dir

P114 Planning Commission 15/8/2011

His post & budget NDMA. 10/1/2012

P16. NDMA arrival. 9/2/2012. arrival of
appellant.

Request for absorption of appellant.

in climate change ministry.

P119. 26/8/2013. The appellant was not absorbed

P122 - Reappointed to PFI 24/2/2015

P123 - His services were reconstituted by

P124. M/o climate change for extension of
his department from 30.6.2014 to 29/6/2016.

under the 25/5/2015.

P125. Appellant was declared civil servant
by KP govt with order. 9/1/2018

Structure -

2 - Show case with down. 10/2/2016.
PFI 14/3/2017.

M/o climate reappointed to PFI.

order was changed in F.S.T.

deput 28/3/2015. rejected.

reappointed to PFI. 16/4/2018

PFI asked appellant for resuming duty. 25/6/18.
under Rule-9.

Death 8/9/2019

P/47 - 30/7/2018

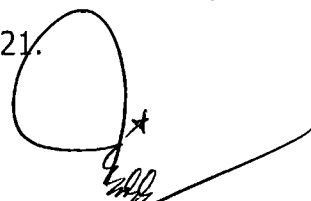
P/52 - Impose order 31/12/2018


Parsons - Burial service death
Applicant be considered as on
duty during death.

13.09.2021

Counsel for the appellant present. Mr. Riaz Khan Paindakheil Assistant Advocate General alongwith Mr. Atta-Ur-Rehman Administration Officer for the respondents present.

Counsel for the appellant requested for adjournment that he has not prepared the brief of the instant appeal. Adjourned. To come up for arguments before the D.B on 12.11.2021.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



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

12.11.2021

Miss Bushra Aurangzeb and Ali Sultan alongwith Syed Noman Ali Bukhari, Advocate present and submitted fresh wakalatnama, which is placed on file. Mr. Atta Ur Rehman, Admin Officer alongwith Mr. Javed Ullah, Assistant Advocate General for the respondents present.

Syed Noman Ali Bukhari, Advocate requested for adjournment on the ground that he will submit wakalatnama on behalf of rest of the appellants on the next date. Adjourned. To come up for submission of wakalatnama on behalf of rest of the appellants as well as arguments before the D.B on 08.12.2021.


(Atiq Ur Rehman Wazir)
Member (E)


(Salah-ud-Din)
Member (J)

31-12-2020

Due to summer vacation, case is adjourned to 18.3.2021 for the same as before.


Reader

18.03.2021

Counsel for the appellant and Mr. Noor Zaman Khattak, District Attorney alongwith Farhan Ahmad, Assistant for the respondents present.

Representative of respondents has submitted parawise comments on their behalf. Placed on file.

Learned counsel for the appellant has provided copy of order dated 23.12.2020 passed in C.P No. 2717-L of 2015 by the Apex Court. He is of the view that the question regarding impleadment of legal heirs of a civil servant upon his death, as party in a service appeal has been laid to rest through the order *ibid*. A copy of the order has been provided to learned District Attorney as well who requests for time to go through the order and address arguments on the proposition on next date of hearing.

Adjourned to 20.05.2021 before the D.B.



(Salah-ud-Din)
Member (J)


Chairman

20.5.21

Due to COVID 19, The case is adjourned to 13-9-2021 for same.


Reader

29.10.2020

Proper D.B is on Tour, therefore, the case is
adjourned for the same on 31.12.2020 before D.B.


Reader

22.01.2020

Junior to counsel for the appellant, Addl. AG for respondents present.

Respondents have not furnished the requisite reply/comments despite last chance. The matter is posted to D.B for hearing on 01.04.2020.

Chairman



01.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 11.06.2020 for same as before.

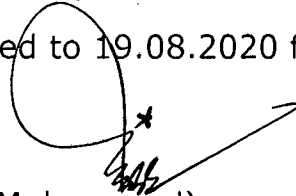
Reader



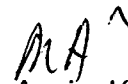
11.06.2020

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 19.08.2020 for arguments before D.B.

(Mian Muhammad)
Member



(M. Amin Khan Kundi)
Member



19.08.2020

Due to summer vacations, the case is adjourned to 29.10.2020 for the same.

Reader



14.11.2019

Counsel for the appellant and Addl. AG alongwith Attaur Rahman, Administrative officer for the respondents present.

Representative of respondents requests for further time to submit the comments/reply. The needful shall be done positively on next date of hearing.

On behalf of the legal heirs of deceased appellant an application for impleadment has been submitted alongwith relevant certificate issued by NADRA. It is stated in the application that the appellant demised on 08.09.2019 and the requisite certificate has been appended.

Without adverting to the justification in submission of instant application the name of legal heirs of appellant as noted in the application are made part of the record subject to all just exceptions. The office shall accordingly insert the names in the memorandum of appeal.

Adjourned to 13.12.2019 before S.B.


Chairman

13.12.2019

Mr. Humayun Ashraf, brother of the appellant present and submitted Power of Attorney. Placed on record. Neither written reply on behalf of respondents submitted nor representative of the department present, therefore, notices be issued to the respondents with the direction to direct the representatives to attend the court and submit written reply on the next date. Adjourned to 22.01.2020 but as a last chance for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

888/19

14.10.2019

Aurangzeb Ashraf vs Govt

Counsel for the appellant present. Nemo for the respondents.

Learned counsel states that the appellant has demised and he requires time to bring on record the list of legal heirs of deceased appellant. May do so on or before next date of hearing.

Adjourned to 14.11.2019. The respondents shall be repeated notices for submission of written reply/comments on next date of hearing.

Chairman



1

19.08.2019

Counsel for the appellant present.

Contends that on the date of issuance of notification dated 29.01.2018 the appellant was serving as Assistant Inspector General (Forests) Ministry of Climate Change, Islamabad and continued as such till the rejection of his appeal by the Federal Service Tribunal on 28.03.2018. Thereafter the appellant performed duty with the Federal Government, however, was issued a letter dated 25.06.2018 whereby he was required to join duty in PFI. Subsequently, departmental proceedings were taken against the appellant which resulted in passing of impugned order dated 31.12.2018 whereby he was imposed upon major penalty of removal from service. In the departmental proceedings no proper enquiry was held against the appellant nor he was provided with an opportunity to defend himself. The impugned order dated 31.12.2018 was, therefore, nullity in the eye of law.

In the light of available record and arguments of learned counsel instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 14.10.2019 before S.B.

Appellant Deposited
Security & Process Fee

19/8/18

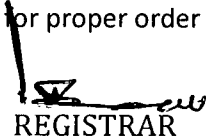

Chairman



Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 888/2019

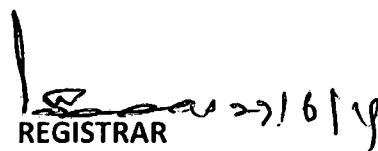
| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 08/07/2019 | <p style="text-align: center;">The appeal of Mr. Aurangzeb Ashraf Awan resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 8/7/19</p> |
| 2- | 09/07/19. | <p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/08/19</u></p> <p style="text-align: right;"> CHAIRMAN</p> |

The appeal of Mr. Aurangzeb Ashraf Awan Ex-Central Silviculturist Pakistan Forest Institute KP received today i.e. on 25.06.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- In the memo of appeal places have been left blank which may be filled up.
- 2- Annexures F and G of the appeal are incomplete which may be completed.
- 3- Copies of notification dated 1.1.2018, CPLA, charge report and service certificate mentioned in para-9, 13, 14 & 21 of the memo of appeal respectively are not attached with the appeal which may be placed on it.
- 4- Letter dated 10.01.2012 and 31.12.2018 are illegible which may be replaced by legible/better one.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1137 /S.T,

Dt. 27-6- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Asif Yousafzai Adv. Pesh.

Six,

All objections were removed & file re-submitted



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 888/2019

Aurangzeb Ashraf Awan

V/S

Govt of KP:

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APPELLANT

Aurangzeb Ashraf Awan

THROUGH:

(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,

(SYED NOMAN ALI BUKHARI)

ADVOCATE HIGH COURT

①

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 888 /2019

Aurangzeb Ashraf Awan Ex-Central Silviculturist (BS-18)
Pakistan Forest Institute KP
R/o House No. 339 Street Swan Road G-10/3, Islamabad.

Khyber Pakhtukhwa
Service Tribunal

Diary No. 894

Dated 25/6/2019

Legal Heirs.

- 24/11/19
- 1) Mrs. Ashraf Awan (Mother)
 - 2) Humayun Ashraf Awan (Brother).....(Appellant)
 - 3) Bushra Aurangzeb (Widow)
 - 4) Ms. Nigar Fatima (Daughter)
 - 5) Ms. Zenab Aurangzeb (Daughter)
 - 6) Muhammad Ali Sultan (Son)
 - 7) Ms. Mahnoor Aurangzeb (Daughter)

VERSUS

1. The Govt: of KP through Chief Secretary, KP, Civil Secretariat, Peshawar.
2. The Chief Secretary, KP, Civil Secretariat, Peshawar.
3. The Secretary to Govt: Of KP, Forestry, Environment and Wild Life Deptt:
Civil Secretariat, Peshawar,

.....(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 31.2.2018 CONVEYED TO APPELLANT ON 29-01-2019 WHEREBY, THE APPELLANT WAS REMOVE FROM THE SERVICE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

Filed to-day
Registrar
25/6/19

PRAYER:

Re-submitted to-day and filed.
Registrar 27/7/19

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 31.2.2018 CONVEYED TO APPELLANT ON 29-01-2019 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That after passing MSC forestry , the appellant joined forest department in government of the Punjab as range officer BS-16. He was then promoted as sub divisional forest officer BS-17.
2. That subsequently the appellant was appointed as Central Silvicultrist BS-18 in the Pakistan Forest Institute ,Peshawar on the recommendation of federal public service commission and a notification dated 28-12-2010 was issued by the Ministry of Environment Government of the Pakistan Islamabad, the said institute was under the administrative control of the ministry of environment being Federal Government's attached department of said ministry. **Copy of order is attached as annexure-A.**
3. That in lieu of 18th amendment in the constitution vide notification dated 29.6.2011 various ministry including Ministry of Environment ceased to exist and was devolved and the Pakistan forest institute went under the control of KP Province but the status of the appellant not yet declare as Provincial Employee or Federal Employee. **Copy of notification is attached as Annexure-B.**
4. That Vide notification dated 30.6.2011 appellant was transferred and posted against vacant post Assistant Inspector General in the Ministry of Environment on deputation basis u/s 10 of the civil servant act 1973 this notification was followed by another notification dated 30.6.2011 whereby the appellant and others were transferred to planning and development division. **Copy of notification is attached as Annexure-C & D.**
5. That another notification dated 15.8.2011 was issued by the planning commission which was duly endorsed by the establishment division whereby the appellant was notified as assistant inspector general forest. **Copy of notification is attached as Annexure-E.**
6. That vide notification dated 10.1.2012 issued by the establishment division , the appellant was transferred along with post and budget from planning division to national disaster management on deputation basis under section 10 of the civil servant act 1973 as Assistant Inspector General Forest as followed by another notification dated. 09.02.2012,

issued by the ministry of national disaster management. **Copy of notifications is attached as Annexure- F & G.**

7. That vide circular dated 13.2.2013 all the officers and staff who working in the M/O climate change on deputation basis were asked to submit consent for absorption in the said ministry .the appellant gave consent on 14.2.2013 for absorption. **Copy of notification and consent are attached as Annexure- H & I.**
8. That in response to this consent, vide notification dated 26.8.2013 all the officers/staff working on deputation in the M/o climate change were absorbed whereby the appellant was discriminated. The appellant again submitted consent for absorption on 19.6.2014. **Copy of notification and consent are attached as Annexure- J & K.**
9. That vide notification dated 24.2.2015 the appellant and others were repatriated to PFI. Ministry of climate change wrote letter to the PFI on 25.5.2015 for issuance of NOC for absorption of appellant as his deputation period was extended by the ministry again vide letter dated 11.9.2015 NOC was asked from PFI for permanent absorption of appellant in the ministry of climate change. It is pertinent to mentioned here that the appellant was not repatriated as per rule also at that time appellant was not declared as employees of the provincial govt of KP which is evident from the letter dated 22.03.2016 and permanent absorption was issued on 01 january 2018, which is evident that till January 2018 the status of the appellant was not confirmed and absorption process was also pending so in the case of appellant lending deptt is Not PFI. **Copy of notification, letter and notification dated 1-1-2018 is attached as Annexure-L,M & M1.**
10. That after repatriation order the appellant was issued charge sheet 10.12.2015 on the basis of absentia, but he same was set aside by the Director on 10. 02.2016 being illegal and void ab initio as the order of provincialization of appellant were issue in 2018 how they can proceed on charge of absence from 2015. **Copy of charge sheet and notification is attached as annexure-N**
11. That On 10.2.2016 the PFI issued NOC for permanent absorption in the ministry climate change Islamabad, the secretary approved but the notification of absorption of the appellant was not issued. **Copy of letter 10.02.2016 is attached as annexure-O.**

12. That to the utter surprise of the appellant the respondent instead of issuing the notification of absorption of the petitioner, notification dated 14.3.2017 was issued whereby the appellant was repatriated to Pakistan Forest Institute. Against this order, the appellant filed departmental appeal through proper channel on 16.3.2017 but it was neither replied nor decided within the stipulated period. **Copy of order and departmental appeal is attached as Annexure-P & Q.**

13. That thereafter, appellant filed the appeal bearing No.3057(R)S-2017 before the federal service tribunal Islamabad, along with miscellaneous application for the suspension of the impugned notification dated 14.03.2017. The federal Service Tribunal, Islamabad while admitting the appeal of appellant suspended the operation of the impugned notification vide order sheet dated 28.07.2017. but finally, vide judgment dated 28.03.2018 the appeal of the appellant was rejected. Against this impugned judgment of FST the appellant filed CP No. 1985/2018 in the Supreme Court of Pakistan on 24.05.2018 in which the appellant also requested for grant of stay order, which is sub-judice before the Honorable Supreme Court of Pakistan **Copy of order, judgment and CPLA is attached as Annexure-R, S & T.**

14. That thereafter, the rejection of Service appeal another repatriation order dated 16.04.2018 was passed, in that days the appellant was busy in filling CPLA. Thereafter, on 25.06.2018 the letter was issued to appellant subject containing report for duty, in response the appellant filed his reply on 02.07.2018 and also came for joining and produce the charge report but the charge report was not accepted by the deptt:. In response the appellant wrote letter to Federal Deptt ministry of climate change in which clearly mentioned that the KP Govt not accepting charge from the appellant. **Copy of the repatriation order, letter, reply, charge report and letter is attached as annexure-U, V, V1, W & X.**

15. That thereafter, directly vide notification dated 21.12.2018 endorsed to the appellant on 29.01.2019 by post, the penalty of removal from service has been imposed upon the appellant, against which the appellant filed review petition on 27.02.2019. The same was not responded by the respondent within statutory period of 90 days. Hence the present services appeal on the following grounds. **Copy of impugned order and deptt: appeal is attached as annexure-Y & Z.**

(S)

GROUNDS.

1. That the impugned order dated 31.12.2018 and not responded the deptt appeal within statutory period of 90 days is against the law, rules, norms of justice and void ab initio.
2. That the appellant never remained absent, his case was pending before the Federal Service Tribunal and stay was granted on 28.07.2017 and subsequently appeal was dismissed on 28.03.2018 and judgment was received by the appellant on 05.04.2018, against which the appellant filed CPLA in the Supreme Court of Pakistan on 25.04.2018 and the matter is still sub-judice before the honorable Supreme Court of Pakistan. During that period the appellant properly done his duties at Ministry of climate change Government of Pakistan.
3. That appellant was entitled for absorption and department was bound to issue notification of the appellant's absorption in the Ministry of climate change as Inspector General (Forest) BS-18 as the appellant possesses matching qualification and experience and no right of any individual will be affected. The appellant continued to serve in the Ministry of Climate change.
4. The respondents instead of issuing the notification of absorption of the petitioner in the respondent issued a notification dated 14.03.2017 whereby the petitioner repatriated to the respondent No.3. it was surprised to the petitioner as legally the respondent No.1 has no authority to repatriate the petitioner as the petitioner was from the very first day appointed as federal government employee and till its last remained as an officer of federal government of Pakistan ,especially when the petitioner's services were transferred to the respondent (Federal Govt:) along with posts & budget from planning and development division to the respondent (Federal Govt:).
5. That the appellant has been condemned unheard and has not been treated according to law and rules.
6. That no proper regular inquiry was conducted if any then the appellant not associated with the inquiry, neither the statement recorded in presence of appellant nor was the chance of cross examination provided to the appellant and also not provided the inquiry report to the appellant

6

and without final show cause notice the impugned order was passed which is against the law and rules and norms of justice.

7. That no fair opportunity of fair defense has been afforded to the appellant. An ex Parte decision has been taken. Further it is added that Section-9 of the E&D rules shall not be applicable to the case of the appellant. Because the appellant never remained absent. Further it is added that the repatriation order 2017 was suspended by the Federal Service Tribunal and the PFI was also party. The after repatriation order of April 2018, when the joining notice was issued the appellant the appellant properly replied and also submit joining report. So no grounds remained to proceed against the appellant under rule 9 of E&D rules. So, the whole proceeding was illegal and void ab initio.
8. That Basically there are two notification of even dated 30.06.2011 issued by ministry of environment government of Pakistan. in one notification it reflect that the office /organization along with employees under the ministry of environment is transferred to the govt. of KPK on deputation under section 10 of the civil servants act ,1973 on their existing posts but at the same day a notification No.1(60)/2010-A-3-PFI reflect that the services of the petitioner is transferred and posted against the vacant post of the assistant inspector general in the ministry of environment on deputation basis under section 10 of civil servant act .The petitioner joined the ministry of environment as assistant inspector general (forests) in pursuance of the above stated notification .it is pertinent to mention here that the services of the petitioner were transferred under section 10 of the civil servants act,1973 not as a deputation . SO the Appellant Working in Ministry Of Environment Govt of Pakistan and never remained absent.
9. That the petitioner ,was appointment through federal public service commission as a federal government employee and it is settled law that federal government employees 'services cannot be placed to the provincial government without the consent and due process of law. It is pertinent to mention here that the petitioner was absorbed by operation of law being a federal government employee of the develop ministry in pursuance of the promulgation of ordinance titled "The civil servants (amendment) ordinance, 2013" dated 24.05.2013, which only empowers the federal government to transfer a civil servant. Section 3 of the ordinance , 2013 is being reproduced as under:

“(3)The federal government may transfer a civil servant of a devolved ministry or division , working in an attached department of subordinate office situated in a province , to the province concerned ,in consequence of the devolution of functions pursuant to the constitution (Eighteenth Amendment)act,2010(x of 2010)and thereby he shall become the civil servant of the respective province ,on the same term and conditions of service as were applicable to him before such transfer.”

The petitioner was never transferred by the federal government during the subsistence of the ordinance and the petitioner remained working as a federal government employee in the ministries governed by the federal government. So the showing appellant absent against the law and rules.

10. That after repatriation order the appellant was issued charge sheet 10.12.2015 on the basis of absentia, but he same was set aside by the Director on 10. 02.2016 being illegal and void ab initio as the order of provincialization of appellant were issue in 2018 how they can proceed on charge of absence from 2015. Meaning thereby the appellant never remained absent.
11. That the opportunity of personal hearing and personal defense was not provided to the appellant. Which is against the law hence the impugned order is void.
12. That the appellant has 23 years service on his credit, so the penalty of removal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law
13. The appellant has been deprived of valuable right of earning livelihood for himself, his family including 4 college going children.
14. That there is no charge of corruption, embezzlement or other misconduct except remaining in court and seeking justice.
15. That the appellant has requested for joining but was not allowed by the department. So there is no fault on the part of the appellant and according to the superior court judgment the employee cannot be punished for the fault of deptt:. Further it is added that the appellant is quite Efficient

officer and at the same time handed over the charge of different post being competent and efficient officer. And in the whole service carrier no single complaint was file against the appellant.

16. That penalty imposed against the appellant is without any basis and liable to be struck down in view of the documentary proof.

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


APPELLANT

Aurangzeb Ashraf Awan

THROUGH:


(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,


(SYED NOMAN ALI BUKHARI)

ADVOCATE HIGH COURT

TO BE PUBLISHED IN THE NEXT ISSUE
OF THE GAZETTE OF PAKISTAN

GOVERNMENT OF PAKISTAN
MINISTRY OF ENVIRONMENT

Islamabad, the 28th December, 2010

NOTIFICATION

F.No.1(60)/2010-Admn-III. On the recommendation of Federal Public Service Commission and with the approval of appointing authority, MR. AURANGZEB ASHRAF AWAN, S/o Muhamamd Ashraf Awan, is appointed as Central Silviculturist (BS-18) (12910-930-31510) in Pakistan Forest Institute, (PFI), Peshawar on temporary basis.

2. He will be on probation for a period of one year, extendable by a further period not exceeding 12 months; provided that, if no order is made on the expiry of the first year of probation period, the same will be deemed to have been extended for another one year.

3. MR. AURANGZEB ASHRAF AWAN assumed charge of the post of Central Silviculturist (BS-18) in Pakistan Forestry Institute, Peshawar w.e.f. 09-08-2010.

(Muhammad Bashir)
Section Officer (Admn-III)
051-9245673

The Manager,
Gazette of Pakistan
Printing Corporation of Pakistan Press,
University Road,
Karachi.


Copy to:

1. The AGPR, Sub-Officer Peshawar.
2. Director General (PFI), Peshawar.
3. Forest, Wildlife & Fisheries Department, (Mr. Falak Sher Bhatti, Section Officer (Estt-1) w.r. to their order No.S.O (E-1)333-1/02 dated 06-08-2010 for information.
4. P.S to Minister for Environment.
5. P.S to Secretary, Ministry of Environment.
6. P.S to Additional Secretary, Ministry of Environment.
7. Officer concerned.
8. Confidential Section.

Section Officer (Admn-III)

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TO BE PUBLISHED IN THE GAZETTE OF PAKISTAN, EXTRAORDINARY

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
CABINET DIVISION

Islamabad, the 20th June, 2011

NOTIFICATION

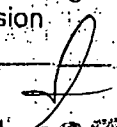
No. 4-9/2011-Min.I: Consequent upon the deliberations / decisions of the Implementation Commission, constituted under clause (9) of Article 270AA of the Constitution and with the approval of the Cabinet, the following Federal Ministries, alongwith all their Divisions / components, shall cease to exist with effect from 1st July 2011:

- i. Ministry of Environment,
- ii. Ministry of Food and Agriculture,
- iii. Ministry of Health,
- iv. Ministry of Labour and Manpower,
- v. Ministry of Minorities Affairs,
- vi. Ministry of Sports and
- vii. Ministry of Women Development

2. The following functions, earlier allocated to these Ministries/Divisions, shall stand devolved to the Provinces, or relocated to the Ministries/ Divisions mentioned against each, w.e.f. 1st July 2011:

MINISTRY OF ENVIRONMENT

| SUBJECTS/ENTRIES | DECISION |
|--|---|
| 1. National policy, plans, strategies and programmes regarding: a) Environmental pollution, ecology, forestry, wildlife, biodiversity, climate change and desertification; b) Improvement in environmental conditions of air, water and land; c) Incorporation of environmental concerns in development schemes; and d) energy conservation; | Assigned to the Planning and Development Division Devolved Devolved Devolved |
| 2. Coordination, monitoring and implementation of environmental agreements with other countries, international agencies and forums | Assigned to the Planning and Development Division |
| 3. Forestry training, education and research | Devolved |
| 4. Survey and research in flora and fauna | Devolved |
| 5. Secretariat of Pakistan Environmental Protection Council established under the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997) | Assigned to the IPC Division |
| 6. Pakistan Environmental Planning and Architectural Consultants Limited (PEI-AC) | Assigned to the Planning and Development Division for winding up. |


ATTESTED

10.

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TO BE PUBLISHED IN PART-I
OF THE GAZETTE OF PAKISTAN

GOVERNMENT OF PAKISTAN
MINISTRY OF ENVIRONMENT

Islamabad, the 30th June, 2011

NOTIFICATION

No.1(60)/2010-A-III-PFI Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18) Pakistan Forest Institute, Peshawar (PFI) is transferred and posted against the vacant post of Assistant Inspector General, in the Ministry of Environment on deputation basis under Section 10 of the Civil Servants, Act, 1973.

2. This issues with the approval of the Secretary, Ministry of Environment.

(Muhammad Bashir)
Section Officer (Admn-III)

The Manager,
Gazette of Pakistan
Printing Corporation of Pakistan Press,
KARACHI.

1. Director General, Pakistan Forest Institute, Peshawar.
2. AGPR, Sub Office Peshawar.
3. Superintendent (B&C), PFI, Peshawar.
4. Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18), PFI, Peshawar.
5. Personal File.


SECTION OFFICER (ADMN-III)

X
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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, 30th June, 2011

NOTIFICATION

In continuation of this Ministry Notification of even number dated 30-06-2011, on transfer of relevant functions / business of Ministry of Environment to the Planning & Development Division, Islamabad upon reorganization of Federal Secretariat in pursuance of Constitution (Eighteenth Amendment) Act, 2010 (Act No. X of 2010), the employees of Ministry of Environment (as per list attached) are transferred to the Planning & Development Division.

(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. Secretary, Planning & Development Division, Islamabad
6. I.G (Forests) / D.G (Environment) / J.S (IC)
7. Mr. Attique Hussain Khokhar, Director General M.S Wing, Establishment Division, Islamabad.
8. A.G.P.R, Islamabad
9. Officers / officials concerned.
10. Office Copy.

Akhtar Saeed
(Akhtar Saeed)
Section Officer

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ATTESTED



FORESTRY WING

| S.No. | Name | Designation | Pay scale |
|-------|---------------------------------|---|-----------|
| 1. | Syed Mahmood Nasir | Inspector General (Forest) | 21 |
| 2. | Mr. Muhammad Habib | PS to I.G (Forest) | 18 |
| 3. | Dr. Shahzad Jahangir | Deputy Inspector General | 19 |
| 4. | Mr. Abdul Munaf Qaimkhani | Deputy Inspector General | 19 |
| 5. | Mr. Naeem Ashraf Raja | Director (Biodiversity) | 19 |
| 6. | Mr. Muhammad Arif Chaudhry | Section Officer (F-I) (on deputation from Pakistan Forest Institute, Peshawar) | 18 |
| 7. | Mr. Rizwan Irshad | Technical Officer (Biology) (on ex-Pakistan EOL leave w.e.f. 24-06-2011 for a period of five years) | 18 |
| 8. | Dr. Mamoona Wali Muhammad | Technical Officer (Biology) (on deputation from PFI, Peshawar against DTL vacancy of Mr. Rizwan Irshad) | 18 |
| 9. | Mr. Aurangzeb Ashraf Awan | Assistant Inspector General (Forest) (on deputation from PFI, Peshawar) | 18 |
| 10. | Mr. Umeed Khlid, | Conservator (Wildlife) On two years EOL leave w.e.f. 08-01-2011 | 19 |
| 11. | Mr. Muhammad Hafiz-ur-Rehman | Deputy Conservator (W.I) | 18 |
| 12. | Mian Muhammad Shafiq | Deputy Conservator (W.M) | 18 |
| 13. | Mr. Muhammad Samar Hussain Khan | Assistant Secretary (Wildlife) | 17 |
| 14. | Mr. Liaquat Ali | Superintendent | 16 |
| 15. | Mr. Muhammad Hussain | Stenographer | 15 |
| 16. | Mr. Muhammad Jaafar Hussain, | Stenographer | 15 |
| 17. | Mr. Tuffail Akhtar, | Stenographer | 15 |
| 18. | Mr. Khilaid Mehmood Khokahr, | Assistant on LPR w.e.f 02-02-2011 | 15 |
| 19. | Mr. Maqsood Ahmed, | Assistant | 14 |
| 20. | Syed Gul Muhammad Shah | Assistant | 14 |
| 21. | Mr. Abdul Khaliq Rabbani | Assistant | 14 |
| 22. | Mr. Karimullah | Statistical Assistant | 14 |
| 23. | Syed Waqas Ali Shah | Stenotypist | 12 |
| 24. | Mr. Muhammad Yasin | Stenotypist | 12 |
| 25. | Mr. Hayat Ali Shah | Stenotypist | 12 |
| 26. | Mr. Muhammad Imran, | Stenotypist | 12 |
| 27. | Mr. Naveed Ahmed Abbasi, | Stenotypist | 12 |
| 28. | Mr. Ameer Hamza | Stenotypist | 12 |
| 29. | Mr. Affan Ali | Stenotypist | 12 |
| 30. | Miss. Sabah Pervez, | UDC | 09 |
| 31. | Mr. Zahid Ahmed, | LDC | 07 |
| 32. | Mr. Akhtar Abbas | LDC (on deputation to Ministry of Housing & Works, Islamabad) | 07 |
| 33. | Mr. Naseer Ahmed | LDC (on deputation to Ministry | 07 |

ATTESTED

AKHTAR SAJJAD
Section Officer
Ministry of Environment
Government of Pakistan

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TO BE PUBLISHED IN THE NEXT ISSUE OF GAZETTE OF PAKISTAN PART-I

Government of Pakistan
Planning Commission
Planning and Development Division
(Admn-VIII Section)

Islamabad, the 15th August, 2011

NOTIFICATION

No.8(1)2011/Environment/Admn-VIII. In continuation of this Division's Notification of even number dated 04-08-2011, the following officers of defunct M/o Environment have been transferred to Planning & Development Division w.e.f. 01-07-2011 vide defunct M/o Environment Notification No. 3-45/2011-Admn-I dated 30-06-2011, duly endorsed by Establishment Division vide their O.M. No. F-3(13)/2011-MSW-V dated 09-08-2011 as per following details :-

Forestry Wing

| S. No. | Name | Designation | BPS | Remarks |
|--------|----------------------------|--------------------------------------|-----|---|
| 1. | Dr. Mamoona Wali Muhammad; | Technical Officer (Biology) | 18 | On deputation from Pakistan Forest Institute, Peshawar against DTL vacancy of Mr. Rizwan Irshad |
| 2. ✓ | Mr. Aurangzeb Ashraf Awan, | Assistant Inspector General (Forest) | 18 | On deputation from Pakistan Forest Institute, Peshawar |

(Nadeem Akhtar)
Section Officer (Admn-VIII)

The Manager,
Printing Corporation of Pakistan Press,
University Road,
Karachi

Copy to:-

1. Secretary, Planning and Development Division, Islamabad
2. Secretary, Cabinet Division, Islamabad
3. Secretary, Establishment Division, Islamabad.
4. Secretary, Finance Division, *with the request to transfer budget involved in the (financial implications) in respect of transfer of above mentioned officers of the devolved M/o Environment.*
5. Accountant General Pakistan Revenue, Islamabad.
6. PSO to Deputy Chairman, Planning Commission, Islamabad
7. Inspector General, Forestry Wing, P&D Division, Islamabad
8. Chief (Environment), Planning Commission, Islamabad
9. Deputy Secretary (Admn-I), Planning & Development Division, Islamabad
10. Section Officer (Admn-I, II & VII), Planning & Development Division, Islamabad
11. Accounts Officer (A&B), Planning and Development Division, Islamabad
12. ✓ Officers concerned
13. Office Copy

ATTESTED

15/8/11
Section Officer (Admn-VIII)

TO BE PUBLISHED IN THE NEXT ISSUE
OF GAZETTE OF PAKISTAN (PART-II)

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION
MANAGEMENT SERVICES WING

Islamabad the 10th January 2012

NOTIFICATION

No.3(13)/2011-MSW-V On the reorganization of the Federal Secretariat, in pursuance of Constitution (Eighteenth Amendment) Act, 2010 (Act No.X of 2010) and constitution of Ministry of National Disaster Management, the following employees of the devolved Ministry of Environment are transferred along with posts & budget from Planning & Development Division to National Disaster Management on deputation basis under Section-10 of the Civil Servants Act, 1973, in the same Basic Scale of pay with immediate effect:-

| Sl.No. | Name of Officer | Designation | BPS | Remarks |
|--------|------------------------------|---------------------------------------|-----|--|
| 1. | Syed Mahmood Nasir | Inspector General (Forests) | 21 | |
| 2. | Mr. Jawed Ali Khan | Director General (Forests) | 20 | |
| 3. | Mr. Irfan Tariq | Co-Project Manager | 19 | |
| 4. | Dr. Shalizat Jahangir | Deputy Inspector General | 19 | |
| 5. | Mr. Abdul Manaf Qaimkhani | Deputy Inspector General | 19 | |
| 6. | Mr. Naeem Ashraf Raja | Director (Biodiversity) | 19 | |
| 7. | Mr. Ummed Khalid | Conservator (Wildlife) | 19 | On two years EOL w.e.f.08-01-2011. |
| 8. | Dr. Mamoona Wali Muhammad | Technical Officer (Biology) | 18 | On deputation from PFI, Peshawar against DTL vacancy of Mr. Rizwan Irshad. |
| 9. | Mr. Rizwan Irshad | Technical Officer | 18 | On ex-Pakistan Leave w.e.f. 24-06-2011 for a period of five years. |
| 10. | Mr. Aurangzeb Ashtaf Awan | Assistant Inspector General (Forests) | 18 | On deputation from PFI, Peshawar. |
| 11. | Mr. Muhammad Hafiz-ur-Rehman | Deputy Conservator (W.I) | 18 | |
| 12. | Mian Muhammad Shafiq | Deputy Conservator (W.M) | 18 | |
| 13. | Mr. Muhammad Habib | PS to I.G (Forests) | 18 | |
| 14. | Mr. Zaigham Abbas | Technical Officer (Chemical) | 18 | |
| 15. | Syed Ali Raza Zaidi | Technical Officer (Legal) | 18 | |
| 16. | Mr. Muhammad Latif | Civil Engineer | 18 | |
| 17. | Mr. Azizullah Chandio | Urban Planner | 18 | |
| 18. | Mr. Zahidullah Khan | Architect | 18 | On deputation from Govt. of Balochistan. |
| 19. | Mr. Muhammad Azeem Khoso | Regional Planner | 18 | |

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Government of Pakistan
Ministry of National Disaster Management

Islamabad, the 9th February, 2012

NOTIFICATION

No.F.1(1)/DMD/2011-Admn: In pursuance of Planning and Development Division's Notification No.8(1)/2011/Environment/Admn.VIII dated 23rd January, 2012, the following officers have joined their duties 'on deputation basis' under Section 10 of Civil Service Act 1973 in the Ministry of National Disaster Management on the same Pay Scale w.e.f. 23rd January, 2012.:-

| S.No. | Name of Officers | Designation | BPS |
|-------|---------------------------------|--|-----|
| 1. | Syed Mahmood Nasir | Inspector General (Forests) | 21 |
| 2. | Mr. Jawed Ali Khan | Director General (Env.) | 20 |
| 3. | Mr. M. Irfan Tariq | Co-Project Manager/Director | 19 |
| 4. | Dr. Shahzad Jehngir | Deputy Inspector General (Forests) | 19 |
| 5. | Mr. Abdul Munaf Qaimkhani | Deputy Inspector General (Forests) | 19 |
| 6. | Mr. Naeem Ashraf Raja | Director (Biodiversity) | 19 |
| 7. | Mr. Umeed Khalid | Conservator | 19 |
| 8. | Dr. Mamoona Wali Muhammad | Technical Officer (Bio) | 18 |
| 9. | Mr. Aurangzeb Ashraf Awan | A. I.G (Forests) | 18 |
| 10. | Mr. Muhammad Hafiz-ur-Rehman | Deputy Conservator (W.I) | 18 |
| 11. | Mian Muhammad Shafiq | Deputy Conservator (W.I) | 18 |
| 12. | Mr. Muhammad Habib | P. S to I.G. (Forests) | 18 |
| 13. | Mr. Zaigham Abbas | Technical Officer (Chemical) | 18 |
| 14. | Syed Ali Raza Zaidi | Technical Officer (Legal) | 18 |
| 15. | Mr. Muhammad Latif | Civil Engineer | 18 |
| 16. | Mr. Azizullah Chandio | Urban Planner | 18 |
| 17. | Mr. Zahidullah Khan | Architect | 18 |
| 18. | Mr. M. Azeem Khoso | Regional Planner | 18 |
| 19. | Mr. Imran Khan | Assistant Director (Database Management) | 17 |
| 20. | Mr. Muhammad Samar Hussain Khan | Assistant Director (Wildlife) | 17 |
| 21. | Mr. Muhammad Bashir | Administrative Officer | 16 |
| 22. | Mr. Liaquat Ali | Superintendent | 16 |

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E (17)
Government of Pakistan
Ministry of Climate Change

No.F.1(1)/2012-Admn/CC

Islamabad, the 13th February, 2013

CIRCULAR

Subject: ABSORPTION OF DEPUTATIONISTS IN THE MINISTRY OF CLIMATE CHANGE ON PERMANENT BASIS

All the ex-cadre officers and ministerial staff, who were appointed by the defunct Ministry of Environment, presently working in the M/o Climate Change on deputation basis, are requested to give their consent, if so desired, through their respective Wings, for absorption in this Ministry on permanent basis latest by 20.2.2013 on the following format:-

| Name | Designation with BPS | Date of initial appointment & designation | Date of appointment on the present post | Date of transfer to this Ministry | Name of organization from where transferred |
|------|----------------------|---|---|-----------------------------------|---|
| | | | | | |

2. The absorption of employees will take place after approval by the competent forum(s) and thereafter the seniority of the said officers and staff in their respective cadres/groups will be caused by this Ministry in accordance with the Civil Servants (Seniority) Rules, 1993.

Wasim Akhtar
(Wasim Akhtar)
Section Officer (Admn-I)

- 1/2
1. IG (Forests)
 2. JS (Admn)
 3. JS (Dev)
 4. JS (IC)
 5. DG (Env)

Copy for information to:

1. PS to Federal Minister
2. PS to Secretary

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Government of Pakistan
Ministry of Climate Change

Subject: - ABSORPTION OF DEPUTATIONISTS IN THE MINISTRY OF CLIMATE CHANGE ON PERMANENT BASIS

Reference Section Officer (Admn-I) No F.1 (1)/2012-Admn/CC
Dated 13-2-2013 on the subject noted above; I do hereby submit my consent for
absorption in the ministry of climate change on permanent basis and as desired
the requisite information, in the format given in the above referred letter, is as
follows:

| Name | Designation with BPS | Date of initial appointment & Designation | Date of appointment on the present post | Date of transfer to this ministry | Name and organization from where transferred |
|-----------------------|---|--|---|---|--|
| Aurangzeb Ashraf Awan | Assistant Inspector General (Forests) BPS-18. | 09-08-2010 Central Silviculturist Ministry of Environment (vide Notification Ministry of Environment. Notification Dated 28-12-2010) copy enclosed Flag A | 30-06-2011 (Vide Ministry of Environment Notification Dated 30-06-2011) copy enclosed Flag B | 04-08-2011 (Vide Ministry of Planning Commission Notification Dated 15-08-2011) copy enclosed Flag C | Ministry of Environment |

IG (Forest)

Aurangzeb Ashraf Awan
(Aurangzeb Ashraf Awan)
AIG (Forests)
14-02-2013

Aurangzeb
ATTESTED

TO BE PUBLISHED IN THE NEXT ISSUE
OF THE GAZETTE OF PAKISTAN PART-I

GOVERNMENT OF PAKISTAN
CABINET DIVISION
CLIMATE CHANGE DIVISION

<<<<<<<<<<

Islamabad, the 26th August, 2013

NOTIFICATION

No.2(45)/2013-CC (min-I) In terms of Ordinance No.V of 2013 dated 24.05.2013 the following officers posted on deputing basis under Section 10 of the Civil Servants Act, 1973 in the Climate Change Division are absorbed/appointed with immediate effect against the post mentioned against each.

| Sr.# | Name of Employee | Designation & BPS |
|------|---------------------------------|---|
| 1. | Mr. Muhammad Irfan Tariq | Director (Urban Affairs) (BS-19) |
| 2. | Dr. Shahzad Jahangir | Deputy Inspector General (Forests) (BS-19) |
| 3. | Mr. Abdul Munaf Qaimkhani | Deputy Inspector General (Forests) (BS-19) |
| 4. | Mr. Naeem Ashraf Raja | Director (Biodiversity) (BS-19) |
| 5. | Mr. Umeed Khalid | Conservator (BS-19) |
| 6. | Mr. Muhammad Habib | Senior Private Secretary (BS-19) |
| 7. | Mr. Mansoor Ahmad | Senior Private Secretary (BS-19) |
| 8. | Mr. Zaigham Abbas | Deputy Director (Chemical) (BS-18) |
| 9. | Syed Ali Raza Zaidi | Deputy Director (Law) (BS-18) |
| 10. | Mr. Azizullah Chandio | Deputy Director (Urban Planning) (BS-18) |
| 11. | Mr. Muhammad Azim Khoso | Deputy Director (Regional Planning) (BS-18) |
| 12. | Mr. Muhammad Hafiz-ur-Rehman | Deputy Conservator (Wildlife) (BS-18) |
| 13. | Hafiz Muhammad Ali Khosa | Deputy Director (Admin & Finance) (BS-18) |
| 14. | Mr. Muhammad Saleem Sheikh | Deputy Director (Media Communication) (BS-18) |
| 15. | Mr. Muhammad Asif Sahibzada | Deputy Director (Project Planning & Monitoring) (BS-18) |
| 16. | Mr. Rizwan Irshad | Deputy Director (Biology) (BS-18) |
| 17. | Mian Muhammad Shafiq | Deputy Conservator (BS-18) |
| 18. | Mr. Imran Khan | Assistant Director (Database Management) (BS-17) |
| 19. | Mr. Muhammad Samar Hussain Khan | Assistant Secretary (Wildlife) (BS-17) |

ATTESTED

20 17.

28

Absorption was to be made in this Notification

(28)

TO BE PUBLISHED IN THE NEXT ISSUE
OF THE GAZETTE OF PAKISTAN PART-I

GOVERNMENT OF PAKISTAN
(CABINET SECRETARIAT)
CLIMATE CHANGE DIVISION

Islamabad, the 28th August, 2013

NOTIFICATION

No.2(45)/2013-CC-Admin-I. In supersession of this Division's Notification of even number dated 26th August, 2013, in terms of Ordinance No.V of 2013 dated 24.05.2013 the following officers posted on deputation basis under Section 10 of the Civil Servants Act, 1973 in the Climate Change Division are absorbed/appointed with immediate effect against the post mentioned against each.

| Sr.# | Name of Employee | Designation & BPS |
|------|---------------------------------|---|
| 1. | Mr. Muhammad Irfan Tariq | Director (Urban Affairs) (BS-19) |
| 2. | Dr. Shahzad Jahangir | Deputy Inspector General (Forests) (BS-19) |
| 3. | Mr. Abdul Munaf Qaimkhani | Deputy Inspector General (Forests) (BS-19) |
| 4. | Mr. Naeem Ashraf Raja | Director (Biodiversity) (BS-19) |
| 5. | Mr. Umeed Khalid | Conservator (BS-19) |
| 6. | Mr. Muhammad Habib | Senior Private Secretary (BS-19) |
| 7. | Mr. Mansoor Ahmad | Senior Private Secretary (BS-19) |
| 8. | Mr. Zaigham Abbas | Deputy Director (Chemical) (BS-18) |
| 9. | Syed Ali Raza Zaidi | Deputy Director (Law) (BS-18) |
| 10. | Mr. Azizullah Chandio | Deputy Director (Urban Planning) (BS-18) |
| 11. | Mr. Muhammad Azim Khoso | Deputy Director (Regional Planning) (BS-18) |
| 12. | Mr. Muhammad Hafiz-ur-Rehman | Deputy Conservator (Wildlife) (BS-18) |
| 13. | Hafiz Muhammad Ali Khosa | Deputy Director (Admin & Finance) (BS-18) |
| 14. | Mr. Muhammad Saleem Sheikh | Deputy Director (Media Communication) (BS-18) |
| 15. | Mr. Muhammad Asif Sahibzada | Deputy Director (Project Planning & Monitoring) (BS-18) |
| 16. | Mr. Rizwan Irshad | Deputy Director (Biology) (BS-18) |
| 17. | Mian Muhammad Shafiq | Deputy Conservator (BS-18) |
| 18. | Mr. Imran Khan | Assistant Director (Database Management) (BS-17) |
| 19. | Mr. Muhammad Samar Hussain Khan | Assistant Secretary (Wildlife) (BS-17) |
| 20. | Mr. Muhammad Bashir | Administrative Officer (BS-16) |
| 21. | Mr. Manzar Bashir | Superintendent (BS-16) |

ATTESTED

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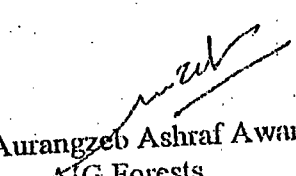
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Government of Pakistan
Cabinet Secretariat
Climate Change Division

Subject: ABSORPTION OF MR. AURANGZEB ASHRAF AWAN, CENTRAL SILVICULTURIST (BS-18) TO THE POST OF ASSISTANT INSPECTOR GENERAL (FORESTS), IN THE CLIMATE CHANGE DIVISION, CABINET SECRETARIAT, ISLAMABAD

Reference Section Officer (Admn-I) No.F.1(1)/2012-Admn/CC dated 13-2-2013 on the subject noted above, I do here by submit my consent for permanent absorption as Assistant Inspector General of Forests (BPS-18) in Climate Change Division


Aurangzeb Ashraf Awan,
AIG Forests

Section Officer (Admn-I), Climate Change Division
U.O. No. F. 2-10/2005-AIG F, dated June 19, 2014

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ATTESTED

TO BE PUBLISHED IN THE GAZETTE
PAKISTAN PART-II

No. 3(4)/DG-I/MSW/2011
GOVERNMENT OF PAKISTAN
ESTABLISHMENT DIVISION
(MANAGEMENT SERVICES WING)

Islamabad, the 24th February, 2015

NOTIFICATION

On the reorganization of the Federal Secretariat, in pursuance of Constitution (Eighteenth Amendment) Act, 2010 (Act No.X of 2010) and transfer of Pakistan Forest Institute (PFI), Peshawar to the Government of Khyber Pakhtunkhwa w.e.f. 01-07-2011, the following employees are repatriated to Pakistan Forest Institute (PFI), Peshawar with immediate effect:

| S.# | Employee | Designation | BPS | Present posting |
|-----|---------------------------|----------------------------------|-----|---|
| 1. | Mr. Aurangzeb Ashraf Awan | Central Silviculturist | 18 | Assistant Inspector General of Forest, Climate Change Division, Islamabad |
| 2. | Mr. Zahid Mahmood | Executive Officer | 17 | Section Officer, Textile Industry Division |
| 3. | Mr. Nowsherwan Zarif | Assistant Silviculturist | 17 | Section Officer, Capital Administration & Development Division |
| 4. | Mr. Ghansham Das | Assistant Composite Wood Officer | 17 | Section Officer, Information Technology and Telecommunications Division, Islamabad |
| 5. | Mr. Naeemullah Qazi | Research Assistant | 16 | Carcinologist, Marine Biological Research Laboratory(MBRL), Ports & Shipping Division, Ports & Shipping Wing, Karachi |

M. A. /
(Muhammad Ayaz)
Section Officer

The Manager,
Printing Corporation of Pakistan Press,
University Road, Karachi

Copy to:

1. The Secretary, Cabinet Division, Islamabad,
2. The Secretary, Establishment Division, Islamabad.
3. The Secretary, Climate Change Division, Islamabad
4. The Secretary, Textile Industry Division, Islamabad
5. The Secretary, Information Technology & Telecommunications Division, Islamabad
6. The Secretary, Capital Administration & Development Division, Islamabad
7. The Secretary, Ports & Shipping Division, Islamabad
8. The AGPR, Islamabad
9. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar with refer to d.o. No.1739/F.I(Per)-Estt/272 WFA dated 06-01-2015-addressed to the Cabinet Secretary, Islamabad.
10. The Secretary, Environment Department, Government of Khyber Pakhtunkhwa, Peshawar
11. The Director General, Pakistan Forest Institute, Peshawar.
12. The Joint Secretary (Admn), Establishment Division, Islamabad
13. The Director General-IV, MS Wing, Establishment Division, Islamabad.
14. The Section Officer (OMG-I), Establishment Division, Islamabad
15. The Section Officer (OMG-II), Establishment Division, Islamabad
16. The Section Officer (Devolution Cell of defunct M/o Environment) Cabinet Division, Islamabad
17. Officers concerned through Devolution Cell.

ATTESTED

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(23)

GOVERNMENT OF PAKISTAN
MINISTRY OF CLIMATE CHANGE

◇◇◇◇◇◇◇◇◇◇

F. No.1(52)/Admn-I/CC/2013

Islamabad, the 25th May, 2015

The Deputy Director (Tech),
Pakistan Forest Institute,
Environment Department,
Government of Khyber Pakhtunkhwa,
Peshawar



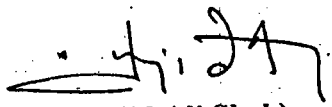
Subject: EXTENSION IN DEPUTATION PERIOD OF MR. AURANGZEB
ASHRAF AWAN, CENTRAL SULVICULTURIST (BS-18) WORKING ON
DEPUTATION BASIS IN THE MINISTRY OF CLIMATE CHANGE AS
ASSISTANT INSPECTOR GENERAL FOREST (BS-18)

Dear Sir,


I am directed to refer to the subject noted above and to state that Mr. Aurangzeb Ashraf Awan, Central Sulviculturist an officer of Government of Khyber Pakhtunkhwa was posted in Ministry of Climate Change on deputation basis against the vacant post of Assistant Inspector General Forest w.e.f. 30.06.2011 for a period of three years which was completed on 29.06.2014. The Competent Authority i.e. Secretary, Ministry of Climate Change has been pleased to extend deputation period of the above named officer for further period of two (02) years.

2. Keeping in view knowledge, qualification and experience of Mr. Aurangzeb Ashraf Awan, (Central Sulviculturist BS-18 officer of PFI) it is therefore, requested to kindly issue NOC in favour of the above officer for extension in his deputation period for another two years w.e.f. 30.06.2014 to 29.06.2016 enabling this Ministry to proceed further in the matter.

Yours faithfully,


(Syed Wajid Ali Shahi)
Section Officer (Admn-I)

✓
Copy to Mr. Aurangzeb Ashraf Awan, AIG (F), Ministry of Climate Change, Islamabad


ATTESTED

(24) 23

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GOVERNMENT OF PAKISTAN
MINISTRY OF CLIMATE CHANGE
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Islamabad, the 11th September, 2015

F.No.1(52)/2013-A-I/CC

Subject: ABSORPTION OF MR. AURANGZEB ASHRAF AWAN, CENTRAL SILVICULTURIST WORKING ON DEPUTATION UNDER SECTION 10 OF CIVIL SERVANTS ACT, 1973 IN THE M/O CLIMATE CHANGE AS ASSISTANT INSPECTOR GENERAL (FORESTS) (BS-18)

I am directed to refer to the subject cited above and to state that case of Mr. Aurangzeb Ashraf Awan for absorption in the Ministry of Climate Change is under process.

2. It is requested that Pakistan Forest Institute (PFI) may convey its NOC for permanent absorption of the officer in M/o Climate Change and also forward service record i.e. personal file and ACR Dossiers etc. of the officer.

Director General
Pakistan Forest Institute (PFI)
Peshawar

P-185/CCR

(Muhammad Salim Khattak)
Section Officer (Admn-I)

Copy to Deputy Director (Technical), Pakistan Forest Institute (PFI), Peshawar

11/9/15

ATTESTED

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT**

Dated Peshawar, 09th January, 2018

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(25)

NOTIFICATION

No: SO (Estt)FE&WD/VI-1/PFI/2k17:

In pursuance of section 11B of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the following devolved employees of the Federal Government, holding various posts in Federal Government entitles, on regular basis, before the commencement of the Eighteenth Constitution (Amendment) Act, 2010 (Act No. X of 2010) shall be deemed to be civil servants of the Province for all intents and purposes under the Act ibid:

| # | Name | Designation | BPS |
|----|---------------------------|-----------------------------------|-----|
| 1 | Hakim Shah | Additional Director General | 20 |
| 2 | Dr. Nasar Iqbal | Director, BSRD | 19 |
| 3 | Dr. Ainul Hussain | Incharge Medical Officer | 18 |
| 4 | Mr. Tanveer Ahmed Qureshi | Forest Chemist | 18 |
| 5 | Mr. Ghayas Ahmed | Assistant Professor of Forestry | 18 |
| 6 | Mr. Ghulam Mustafa Nasir | Logging Officer | 18 |
| 7 | Dr. Ghulam Ali Bajwa | Senior Research Officer | 18 |
| 8 | Dr. Memoona Wali Muhammad | Assistant Professor of Forestry | 18 |
| 9 | Mr. Muhammad Muslim | Wildlife Management Specialist | 18 |
| 10 | Mr. Ayaz Khan Marwat | Senior Research Officer | 18 |
| 11 | Mr. Ashar Farooq | Range Management Officer | 18 |
| 12 | Muhammad Atif Majeed | Deputy Director (Tech) | 18 |
| 13 | Muhammad Bilal Zia | Forest Geneticist | 18 |
| 14 | Mr. Aurangzeb Ashraf Awan | Central Silviculturist | 18 |
| 15 | Mr. Anwar Ali | Forest Mensuration Officer | 18 |
| 16 | Mr. Saz Muhammad | Assistant Forest Economist | 17 |
| 17 | Mst. Sanam Zarif | Bio Chemist | 17 |
| 18 | Mst. Qudsia Khanum | Lady Medical Officer | 17 |
| 19 | Mr. Nowsherwan Zarif | Assistant Silviculturist | 17 |
| 20 | Mr. Zahid Mahmood | Executive Officer | 17 |
| 21 | Mr. Tanveer Hussain | Assistant Wood Technologist | 17 |
| 22 | Dr. Muhammad Nawaz Rajpar | Lecturer in Forestry | 17 |
| 23 | Mr. Naveed Ahmed | Assistant Forest Entomologist | 17 |
| 24 | Mr. Ghansham Das | Assistant Composite Wood Officer | 17 |
| 25 | Mr. Zahid Rauf | Assistant Wood Seasoning Officer | 17 |
| 26 | Mr. Khalid Hussain | Assistant Wood Technology Officer | 17 |
| 27 | Mr. Ahmed Zamir | Lecturer in Forestry | 17 |
| 28 | Mr. Shaoib Ahmad | Lecturer in Forestry | 17 |
| 29 | Mr. Atta-ur-Rehman | Superintendent | 17 |
| 30 | Mr. Yousaf Shah | Superintendent | 17 |

Secretary Climate Change

Dy. No: 1726

Date: 12-01-2018

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE
DEPARTMENT**

Endst: No: SO (Estt) FE&WD/VI-1/PFI/2k17:

Dated Peshawar the, 09th January, 2018

Copy is forwarded to:-

- Secretary to Govt: of Pakistan, Climate Change Division, Islamabad w/r to his Notification No: 3-45/2011-Admn-I, dated 30th June, 2011.
- Secretary to Govt: of Pakistan Information Technology & Telecommunication Division, Islamabad.

They are requested to kindly direct the officers at S. No: 14 & 24 above namely Mr. Aurangzeb Ashraf Awan, presently working as Assistant Inspector General of Forest, Ministry of Climate Change Division, Islamabad & Mr. Ghansham Das, presently working as Section Officer in Ministry of Information Technology & Telecommunication Division,

ATTESTED

D/GF
A/GF
25/1/18
14/1

Islamabad to immediately report/join their duties in Pakistan Forest Institute, Peshawar for actualization their Provincialization.

3. Secretary to Govt: of Pakistan Cabinet Secretariat (Cabinet Division), Islamabad.
4. Secretary to Govt: of Pakistan Inter Provincial Coordination Division, Islamabad.
5. Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department.
6. Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department.
7. Secretary to Govt: of Khyber Pakhtunkhwa, Law Department.
8. Secretary to Govt: of Khyber Pakhtunkhwa Inter Provincial Coordination Department.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. Director General, Pakistan Forest Institute, Peshawar w/r to his letter No: 1503/F.VI (200)-Estt, dated 19th December, 2017. He is directed that Provincialization orders in respect of the employees upto BPS-16 and below in PFI may be issued on prescribed format, being appointing authority under the rules.

Moreover, the Provincialization orders in respect of the Officers at S. No: 02, 14 & 24 above may also send to the officers concerned through TCS on their Official/home addresses under intimation to this Department. In case of failure to join duty in PFI within stipulated period, necessary action may be taken under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

11. Chief Conservator of Forests, Central and Southern Forest Region-I, Peshawar.
12. Director Budget & Accounts Cell, Forestry, Environment & Wildlife Department.
13. Programmer, B&A Cell of FE&W Department.
14. PS to Secretary FE&W Department, Khyber Pakhtunkhwa.
15. All Officers concerned C/o DG PFI.
16. Personal file of the officers concerned.
17. Master file.
18. Office order file.


(TARIQ JAMAL)
SECTION OFFICER (ESTT)

ATTESTED



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

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



No. 178

Dated 10 / 12 / 2015

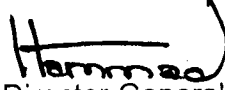
ORDER OF APPOINTMENT OF INQUIRY OFFICER / COMMITTEE

ORDER

In pursuance of the provisions contained in Rule 10(1) (a) of the Government Servants (Efficiency & Discipline) Rules, 2011, an Inquiry Officer / Inquiry Committee comprising of members listed below, are hereby appointed to conduct Inquiry against Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18), PFI, Peshawar.

- 1) Mr. Ghulam Mustafa Nasir, Director, Forest Products Research Division, PFI
- 2) Mr. Muhammad Muslim, Wildlife Management Specialist, PFI

2. The inquiry shall be conducted in accordance with the provisions of the Government Servants (Efficiency & Discipline) Rules, 2011 and the Report shall be submitted to the Competent Authority within 30 days of the receipt of order of appointment as such.


Director General PFI /
Additional Chief Secretary,
Khyber Pakhtunkhwa

No. 1483/FI(Pes)-Est#

dt 10-12-2015

1. Member of Inquiry Committee, PFI, Peshawar. Copies of Charge Sheet & Statement of Allegations of Mr. Aurangzeb Ashraf Awan, Central Silviculturist, are enclosed herewith.
- ✓ 2. Mr. Aurangzeb Ashraf Awan, Central Silviculturist, PFI / Assistant Inspector General Forest, Government of Pakistan, Ministry of Climate Change, Islamabad.

ATTESTED

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CHARGE SHEET

I, Dr. Hammad Uwais Agha, Director General, Pakistan Forest Institute (PFI) / Additional Chief Secretary, Khyber Pakhtunkhwa, as competent authority, hereby charge you, Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18) as follows:

That you, while posted as Central Silviculturist (BS-18), committed the following irregularities:

- a) Your services were placed at the disposal of Ministry of Environment (now defunct) on deputation basis as Assistant Inspector General Forest (BS-18), vide MoE Notification No. 1(60)/2010-A-III-PFI, dated 30-06-2011. Your deputation period has expired on 29-06-2014. You were due to join back duty at PFI on 30-06-2014, but you failed to do so. You were directed vide PFI letter No. 941 /F.I(Per)-Estt, dated 24-06-2014 to report for duty on 30-06-2014 at PFI, followed by reminder No. 1165 /F.I(Per)-Estt, dated 21-08-2014, with the direction for resuming duty at PFI, but you failed to join and has been absent from duty since 30-06-2014 till date.
- b) On the request of PFI / Government of Khyber Pakhtunkhwa, you have been repatriated to PFI, Peshawar, vide Establishment Division (Management Services Wing), Government of Pakistan's Notification No. 3(4)/DG-I/MSW/2011, dated 24th February 2015, but you failed to report for duty at PFI till date. You were directed to join duty at PFI, vide this office reminders No. 304 /F.V(10)-Estt, dated 26th March 2015, and No. 400 /F.V(10)-Estt, dated 13th April 2015, but you failed to report back for duty at PFI till date.
- c) Section Officer (Admn-I), Ministry of Climate Change, Government of Pakistan, Islamabad vide your letter No. 1(52)/2013-A-I/CC, dated 11th September 2015, requested for grant of Your NOC which was regretted by Director General, PFI / Additional Chief Secretary, Khyber Pakhtunkhwa, vide PFI letter No. 1302 /F.I (Per)-Estt, dated 30-10-2015. In spite that you did not report back for duty at PFI till date.

2. By reason of the above, you appear to be guilty of misconduct under rule 3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules,


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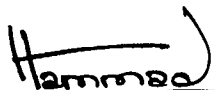
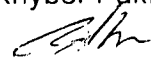
2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules *ibid*.


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

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

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

6. A statement of allegations is enclosed.


Director General, PFI /
Additional Chief Secretary,
Khyber Pakhtunkhwa



ATTESTED

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DISCIPLINARY ACTION

I, Dr. Hammad Uwais Agha, Director General, Pakistan Forest Institute (PFI) / Additional Chief Secretary, Khyber Pakhtunkhwa, as competent authority, am of the opinion that Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18), has rendered himself liable to be proceeded against, as he committed the following acts / omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. His services were placed at the disposal of Ministry of Environment (now defunct) on deputation basis as Assistant Inspector General Forest (BS-18), vide MoE Notification No. 1(60)/2010-A-III-PFI, dated 30-06-2011. His deputation period has expired on 29-06-2014. He was due to join back duty at PFI on 30-06-2014, but he failed to do so. He was directed vide PFI letter No. 941 /F.I(Per)-Estt, dated 24-06-2014, to report for duty on 30-06-2014 at PFI, followed by reminder No. 1165 /F.I(Per)-Estt, dated 21-08-2014, with the direction for resuming duty at PFI, but he failed to report back for duty at PFI and has been absent from duty since 30-06-2014 till date.
- ii. On the request of PFI / Government of Khyber Pakhtunkhwa, he has been repatriated to PFI, Peshawar, vide Establishment Division (Management Services Wing), Government of Pakistan's Notification No. 3(4)/DG-I/MSW/2011, dated 24th February 2015, but he failed to report for duty at PFI till date. He was directed to join duty at PFI, vide this office reminders No. 304 /F.V(10)-Estt, dated 26th March 2015, and No. 400 /F.V(10)-Estt, dated 13th April 2015, but he failed to report back for duty at PFI till date.
- iii. Section Officer (Admn-I), Ministry of Climate Change, Government of Pakistan, Islamabad vide his letter No. 1(52)/2013-A-I/CC, dated 11th September 2015, requested for grant of his NOC which was regretted by Director General, PFI / Additional Chief Secretary, Khyber Pakhtunkhwa, vide PFI letter No. 1302 /F.I (Per)-Estt, dated 30-10-2015. In spite of that he did not report back for duty at PFI till date.


ATTESTED

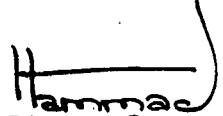
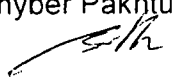
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2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer / inquiry committee, consisting of the following, is constituted under rule 10(1)(a) of the ibid rules:

- i. Mr. Ghulam Mustafa Nasir, Director, Forest Products Research Division, PFI
- ii. Mr. Muhammad Muslim, Wildlife Management Specialist, PFI

3. The inquiry officer / inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer / inquiry committee.


Director General, PFI/
Additional Chief Secretary,
Khyber Pakhtunkhwa



ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
Forestry, Environment & Wildlife Department
PAKISTAN FOREST INSTITUTE, PESHAWAR

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

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Dated 10th February 2016

NOTIFICATION

No. 221 /F.I(Per)-Estt. Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18), PFI, Peshawar was transferred and posted against the vacant post of Assistant Inspector General, in the Ministry of Environment on deputation basis vide Ministry of Environment, Government of Pakistan notification No.1(60)/2010-A-III-PFI, dated 30-06-2011. Consequent upon the 18th Amendment, PFI has been devolved to Government of Khyber Pakhtunkhwa and all its employees have been transferred to the Government of Khyber Pakhtunkhwa on deputation basis, under Section-10 of the Civil Servants Act 1973, on their existing posts in the same Basic Pay Scales of pay. Government of Khyber Pakhtunkhwa, in consultation with Federal Government, vide letter No. SO(O&M)/E&AD/1-9/2010-Vol-IV, dated 13-12-2011, clarified that since the employees of PFI are on deputation, therefore, rules & regulations pertaining to their service are governed by rules and regulations of the Federal Government.

Consequent upon the above factual position, the office order No.178, dated 10-12-2015, is hereby withdrawn with immediate effect, for being illegal, irregular, ultra vires and void abinitio.

Director General

No. 222 /F.I(Per)-Estt.

Dated 10th February 2016

A copy is forwarded to:

1. Secretary, Government of Khyber Pakhtunkhwa, Forestry, Environment & Wildlife Department, Peshawar.
2. Mr. Aurangzeb Ashraf Awan, Assistant Inspector General Forest, Government of Pakistan, Ministry of Climate Change, Islamabad

Director General

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
Forestry, Environment & Wildlife Department
PAKISTAN FOREST INSTITUTE, PESHAWAR

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



No. 223 /F.I(Per)-Estt

Dated 10/2 February 2016

To

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


SUBJECT ABSORPTION OF MR. AURANGZEB ASHRAF AWAN, CENTRAL SILVICULTURIST (BS-18) WORKING ON DEPUTATION UNDER SECTION 10 OF CIVIL SERVANTS ACT, 1973, IN THE MINISTRY OF CLIMATE CHANGE AS ASSISTANT INSPECTOR GENERAL (FORESTS) (BS-18)

Dear Sir,

Kindly refer to Section Officer (Admin-I), Government of Pakistan, Ministry of Climate Change letter No.1(52)/2013-A-I/CC, dated 11-09-2015 (copy enclosed), on above mentioned subject and to state that this office has no objection on the absorption of Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18), PFI, Peshawar at Ministry of Climate Change, Government of Pakistan.

It is, therefore, requested that further action in the matter may please be taken accordingly.

Yours sincerely,


Director General

CC:

✓ Mr. Muhammad Salim Khattak, Section Officer (Admin-I), Government of Pakistan, Ministry of Climate Change


ATTESTED

TO BE PUBLISHED IN NEXT ISSUE
OF GAZETTEE OF PAKISTAN PART-I

GOVERNMENT OF PAKISTAN
MINISTRY OF CLIMATE CHANGE
◊◊◊◊◊◊

Islamabad the 14th March, 2017

NOTIFICATION

No.F.1(52)/2013-Admn-I/CC. The services of Mr. Aurangzeb Ashraf Awan a BS-18 officer of Pakistan Forest Institute Pakistan, presently working as Assistant Inspector General (Forest) on deputation basis in this Ministry are hereby repatriated to his parent department i.e. Pakistan Forest Institute (PFI, Peshawar) with immediate effect.

(Muhammad Irfan Khan Jadoon)
Deputy Secretary (Admn-I)

The Manager,
Printing Corporation of Pakistan Press,
University Road,
Karachi

Copy to:-

- SPS to Secretary, Climate Change Division, Islamabad
- APS to Joint Secretary (Admin), Climate Change Division, Islamabad
- Inspector General (Forests), Climate Change Division, Islamabad
- Director General (PFI), Peshawar
- AGPR, Islamabad
- AGPR, Sub-Office, Peshawar
- Administrative Officer (B&A), PFI, Peshawar
- SO (B&C), Climate Change Division, Islamabad
- Officer concerned
- Personal file

(Dr. Usman Ghani Khattak)
Section Officer (Admn-I)

ATTESTED

(2) (35)

The Secretary,
Ministry of Climate Change,
Islamabad

Subject: APPEAL TO THE SECRETARY

Reference Notification No.F.1(52)/2013-Admn-I/CC, dated 14.3.2017

Dear Sir,

It is respectfully submitted that the services of the undersigned have been repatriated to Pakistan Forest Institute, Peshawar, Government of Khyber Pakhtunkhwa.

2. In this connection, following is submitted:-

- i) That the undersigned was transferred and posted on 30.6.2011 from PFI, Peshawar to the post of AIG (BS-18) in the Ministry of Environment on deputation basis under Section 10 of the Civil Servants Act (CSA), 1973 (Annex-I).
- ii) In the wake of Constitution (Eighteenth Amendment) Act, 2010 (Act No.X of 2010) in 2011, the officer was transferred to Planning & Development Division under Section 10 (Annex-II).
- iii) On re-organization of the Federal Secretariat, MS Wing of Establishment Division transferred the undersigned alongwith posts & budget from P&D Division to M/o National Disaster Management (now M/o Climate Change) on 23.1.2012.
- iv) M/o NDM notified my joining on 9.2.2012 on deputation basis under Section 10 of the CSA, 1973 including (Annex-III).
- v) The case referred to DD (Law), MoCC for expert opinion. DD (Law) has advised at paras 182-184/N that Admn Wing may proceed further to process the absorption case of Mr. Aurangzeb Ashraf Awan in order to avoid any litigation from court of law.
- vi) In compliance with the directions/orders of the Islamabad High Court in Writ Petition No.1442/2012, Ordinance No.V of 2013 was promulgated on 24.5.2013.
- vii) In pursuance of the Ordinance *ibid*, Establishment Division (MS Wing) issued O.M. on 3.7.2013 for permanent absorption of the employees placed on deputation under Section 10 of CSA, 1973. The MoCC, then permanently absorbed the employees in the MoCC vide Notification No.2(45)/2013-Admn-I dated 28.8.2013 except the undersigned on the grounds that I am the employee of provincial government of Khyber Pakhtunkhwa.

3. It is submitted that the status of employees of PFI, Peshawar has not yet been declared as employees of the provincial Government of Khyber Pakhtunkhwa as conveyed by Forestry, Environment and Wildlife Department, Government of Khyber Pakhtunkhwa vide their letter No.SO(G)ED/5-18/2016 dated 22.3.2016 (Annex-IV) and therefore, the said employees are still working under Section 10 of the CSA, 1973. In this way, the lending department in my case is not the provincial government of Khyber Pakhtunkhwa. Moreover, MS Wing of Establishment Division vide their O.M. dated 8.3.2017 reiterated that '*all Ministries/Divisions are requested to recheck and ensure that none of the employees of the devolved Ministries/Divisions remain unabsorbed in their main secretariats as well as in the Departments/Offices under their administrative control to avoid any untoward situation, as this Division will not take any responsibility in the matter in future*' (AnnexV)

4. In view of the foregoing, it is requested that the undersigned may be absorbed permanently to the post of Assistant Inspector General (Forest) (BS-18) in the MoCC in accordance with the Ordinance 2013 and Establishment Division's directions contained in O.M. dated 3.7.2013 and Notification No.F.1(52)/2013-Admn-I/CC, dated 14.3.2017 may be withdrawn.

Yours sincerely

(Aurangzeb Ashraf Awan)
AIG (F), MoCC, Islamabad
16.3.2017

16/3/17

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Order Sheet
IN THE FEDERAL SERVICE TRIBUNAL, ISLAMABAD.

Appeal No.3057(R)CS/2017

Aurangzeb Ashraf Awan

vs.

M/o Climate Change

28.07.2017 BEFORE: **Mr. Ishtiaq Ahmed, and
Mr. Muhammad Javed Iqbal Kasi, Members.**

Present: Mr. M. Bashid Khan, Counsel for the appellants,

The learned counsel for the appellant states that the appellant was appointed as Central Silviculturist (BS-18) in Pakistan Forest Institute, Peshawar on the recommendations of the FPSC in 2010. The said institute was controlled by M/o Environment which devolved on KPK Province, pursuant to the 18th amendment in constitution. That the appellant has been working on deputation in the Ministry of Climate Change in the Federal Government. The process of absorption in the said Ministry was going on as evinced from the letter dated 11.9.2015 and the NOC issued by Pakistan Forest Institute, Peshawar on 10.2.2016. That all of a sudden, the notification was issued by the said Ministry of Climate Change on 14.3.2017 for repatriation of the appellant to his parent department. That so far even his departmental appeal has not been decided which was submitted on 16.3.2017. The appellant has submitted a copy of the pay-slip for June, 2017, showing him an officer of M/o Climate Change. It is stated that there is absolutely no reason for denying the request of absorption made by the appellant despite NOC from the lending department. In view of the submissions, we **admit** this appeal for regular hearing, subject to all just and legal exceptions, including limitation. Order accordingly. Security and Cost of Service be deposited by the appellant within 7 days. Notice be issued to the respondents to file written objections and the written reply on the stay application. In the meanwhile the order dated 14.3.2017 is suspended till the next date of hearing.

Adjourned to 6.9.2017.

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MEMBER

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sd/ =
MEMBER



ATTESTED
[Signature]
Assistant Registrar
Federal Service Tribunal
Islamabad

S (37)

IN THE FEDERAL SERVICE TRIBUNAL, 47-ATTATURK AVENUE,
SECTOR. G-5/2, ISLAMABAD.

D. No. 3130

Dated 05 APR 2018

Subject:- ORDER PASSED IN APPEAL NO.3057(R)CS-2017 with
1941-17 & 3019-17 FILED BY MR. AURANGZEB ASHRAF AWAN VS
M/O CLIMATE CHANGE ETC.

A certified copy of the judgment passed by this Honourable Tribunal in the appeal noted in the subject is sent herewith for your information/compliance.

By Order


REGISTRAR

To,

1. Mr. Aurangzeb Ashraf Awan, Assistant Inspector General (Forest) M/o Climate Change, Islamabad.
2. The Secretary, M/o Climate Change, Government of Pakistan, Islamabad.
3. The Deputy Secretary (Admn), M/o Climate Change, Government of Pakistan, Islamabad.
4. Director General, Pakistan Forest Institute, Peshawar.
5. The Secretary, Establishment Division, Government of Pakistan, Islamabad.
6. The Solicitor, Law & Justice Division, Islamabad.


ATTESTED

Judgment Sheet
IN THE FEDERAL SERVICE TRIBUNAL, ISLAMABAD

Appeal No. 3057(R)CS/2017 with M.Ps. No. 1941/2017 & 3019/2017

| | |
|---------------------|------------|
| Date of Institution | 14.07.2017 |
| Date of Hearing | 28.03.2018 |
| Date of Judgment | 28.03.2018 |

APPELLANT: **Aurangzeb Ashraf Awan**, Assistant Inspector General (Forest), Ministry of Climate Change, Islamabad.

- RESPONDENTS: 1. **The Secretary**, Ministry of Climate Change, Government of Pakistan, Islamabad.
2. **Deputy Secretary (Admn)**, Ministry of Climate Change, Government of Pakistan, Islamabad.
3. **Director General**, Pakistan Forest Institute, Peshawar.

BEFORE: **Mr. Muhammad Jahangir Mir and Mr. Muhammad Humayun**, Members.

PRESENT: Appellant with **Mr. Muhammad Bashir Khan**, advocate.

Ms. Shaista Tabasum Khan, learned Assistant Attorney-General for the respondents with **Syed Ali Raza Zaidi**, Deputy Director, M/o Climate and **Mr. Farhan Ahmed**, Supdt. PFI as D.Rs. **Malik Akhtar Hussain Awan**, Advocate General KPK.

.....
J U D G M E N T

MUHAMMAD HUMAYUN, MEMBER: The instant appeal has been filed by the appellant under Section 4 of the Service Tribunal Act, 1973 feeling aggrieved by the impugned order dated 14.03.2017 whereby the appellant was repatriated to his parent department i.e. Pakistan Forest Institute (PFI, Peshawar). The appellant preferred departmental appeal dated 16.03.2017 which has not been responded.

2. Briefly stated the facts of the case as disclosed in the memo of appeal are that the appellant was appointed as Central Silviculturist (BPS-18) in the Pakistan Forest Institute, Peshawar on the recommendation of Federal Public Service Commission and a Notification dated 28.12.2010 was issued by the Ministry of

ATTESTED
M. Humayun
Registrar
Federal Service Tribunal
Islamabad

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Environment, Government of Pakistan, Islamabad. The said Institute was under the Administrative Control of the Ministry of Environment Islamabad. The learned counsel for the appellant contended that after the 18th Amendment in the Constitution, vide notification dated 29.06.2011, various Ministries including Ministry of Environment ceased to exist and was devolved and the Pakistan Forest Institute went under the control of KPK Government. Vide notification dated 30.06.2011 the appellant was transferred and posted against vacant post of Assistant Inspector General in the Ministry of Environment on deputation basis under Section 10 of the Civil Servant Act, 1973. Later on Vide notification dated 10.01.2012 issued by the Establishment Division, the appellant was transferred alongwith post and budget from Planning Division to National Disaster Management on deputation basis under Section 10 of the Civil Servant Act, 1973 as AIG Forest. Ministry of Climate Change wrote letter to the PFI on 25.05.2015 for issuance of NOC for absorption of appellant. Vide letter dated 11.09.2015, NOC was asked from PFI for permanent absorption of appellant in the Ministry of Climate Change. In the meanwhile another notification dated 14.03.2017 was issued whereby the appellant was repatriated to the Pakistan Forest Institute. Against this order, the appellant filed appeal through proper channel on 16.03.2017 but neither it was forwarded to the concerned authority nor any reply has been received hence this appeal. The learned counsel for the appellant prayed that notification No. F.1(52)/2013-Admn-I/CC dated 14.03.2017 may be set aside and notification of absorption of the appellant as AIG (Forest) BPS-18 may be issued.

3. The learned AAG and AG KPK contended that the appellant assumed charge of the Silviculturist (BPS-18) in PFI on 09.08.2010 and the services of the appellant were requisitioned for deputation with the approval of the Secretary Ministry of Environment. They contended that on 30.06.2011 the services of the appellant were placed at the disposal of Ministry of Environment (Defunct) on deputation. However in violation of rules his notification was issued on deputation under Section 10 of the Civil

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[Signature]
Registrar
Federal Service Tribunal
Islamabad

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Servants Act, 1973. On expiry of three years normal deputation period a request was made by the Ministry of Climate Change to the Government of KPK to accord approval for two years extension in deputation of the officer alongwith request of NOC to absorb the appellant in the Ministry of Climate Change. The Government of KPK did not approve further two years extension for the deputation of the appellant and issued a notification dated 14.03.2017 for the repatriation of the appellant to his parent department i.e. the PFI. The appellant has completed already 05 years deputation period, therefore his parent department i.e. the PFI has ordered for his repatriation to his parent department. The learned AAG and AG of KPK further contended that a notification of Government of KPK, Forestry, Environment & Wildlife Department was also issued on 09.01.2018 in which the appellant is at Sr. No. 14 reproduced as under;

"No: SO (Estt) FE & WD/VI-1/PFI/2k17 in pursuance of section 11B of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the following devolved employees of the Federal Government, holding various posts in Federal Government entitles, on regular basis, before the commencement of the Eighteenth Constitution (Amendment) Act, 2010 (Act No. X of 2010) shall be deemed to be civil servants of the province for all intents and purposes under the Act ibid:"

4. Moreover, the terms and conditions of the deputationists are settled by mutual consultation of the borrowing and the lending department. In the instant case the lending department has refused to give NOC for further extension of two years therefore, his repatriation orders were issued by the borrowing department i.e. PFI on 14.03.2017. Moreover, the appellant is continuously working in the Ministry of Climate Change w.e.f. 10.01.2012 till date. As per directives of the Hon'ble Supreme Court of Pakistan contained in the order, in Criminal Misc. Application No. 486 of 2013 dated 18.11.2003 that no officer shall be allowed extension in deputation beyond 03 years.

5. Arguments from both sides heard and file perused.

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Registrar
Federal Service Tribunal
Islamabad

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6. According to the Civil Servants Act, 1973 and Rules made thereunder there are three specific method of appointment viz by initial appointment, by promotion and by transfer in accordance with provisions of Recruitment Rules framed under sub-rule (2) of rule 3 of the Civil Servants (Appointment, promotion & Transfer) Rules, 1973 in consultation with Establishment Division and FPSC under FPSC Ordinance, 1977.

7. Rules regarding deputation are available at Sr. No. 8.1 page 415 to 416 of the Estacode 2015: -

"8.1 Deputation of Government Servants - period of Deputation

Maximum Period of Deputation:- In continuation of Establishment Division's circular D.O. letter No. 4/1/84-R.I (A) dated 20.11.1986 (Annex), conveying the directives of the Prim Minister requiring the period of appointment to be clearly specified in each case of contract, secondment or deputation, the following policy is laid down for deputation of government servants:

- (i). The normal period of deputation for all categories of government servants would be three years. This would be extendable by two years with the prior approval of the competent authority.
- (iv). On completion of the maximum period of five years, both the borrowing and the lending organizations should ensure immediate repatriation of the deputationist."

↙

8. The long and short of the above is that the appellant was transferred and posted on deputation on 30.06.2011. On expiry of 03 years normal deputation period, government of KPK was requested for further extension in the deputation of the officer which was not acceded to by the PFI, government of KPK. It is evident that the appellant has been continuously on deputation from 30.06.2011 till date in the Ministry of Climate Change, therefore, a notification dated 14.03.2017 was issued by PFI, government of KPK for repatriation of the appellant to his parent department i.e. the PFI. During this whole period the status of the officer being deputationist has not changed. Keeping in view, the rulings of the Hon'ble Supreme Court of Pakistan as well as Rules framed in the Estacode

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Registrar
Federal Service Tribunal
Islamabad

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2015 regarding deputationist, the instant appeal alongwith M.Ps are without merits and hence rejected.

9. No order as to costs.

10. Parties be informed.

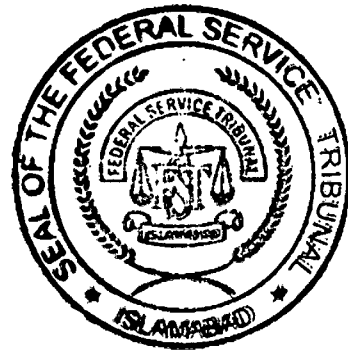
Islamabad
Dated 28.03.2018.
'M. Riaz'

Sd-
MEMBER

Sd-
MEMBER

CERTIFIED TRUE COPY

M. Riaz
Registrar
Federal Service Tribunal
Islamabad



M. Riaz
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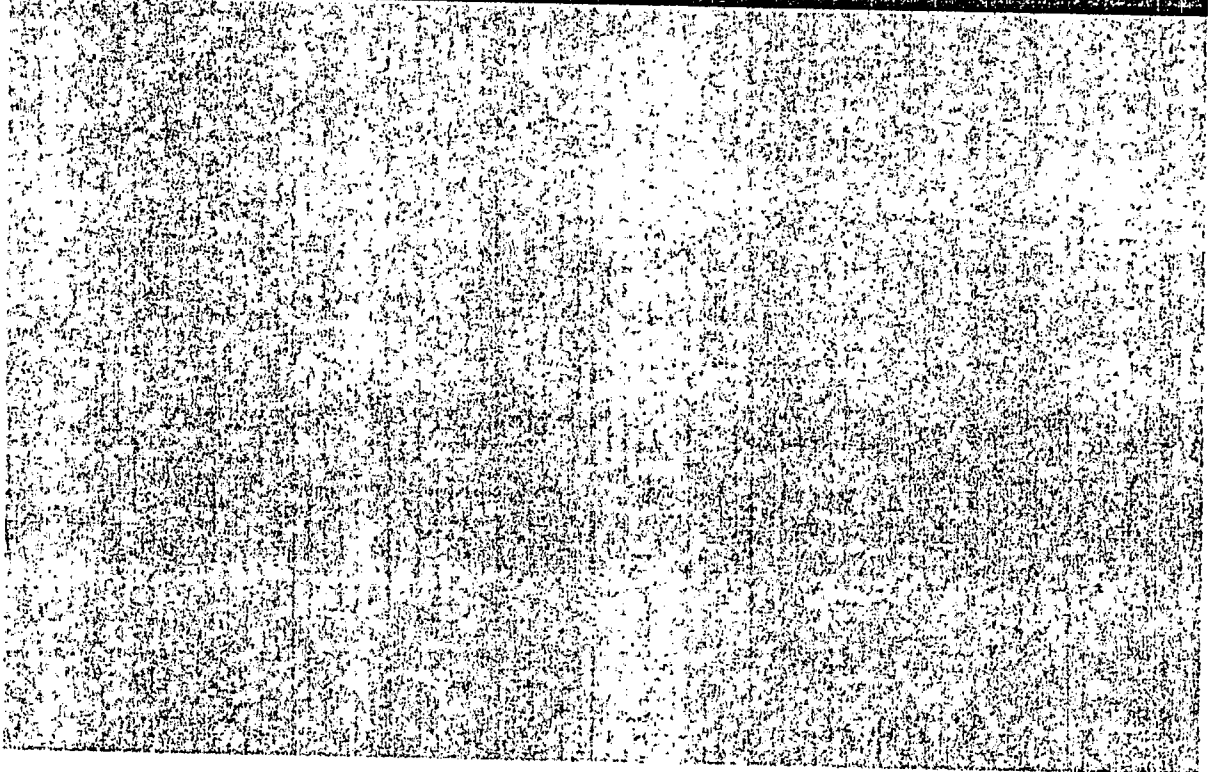
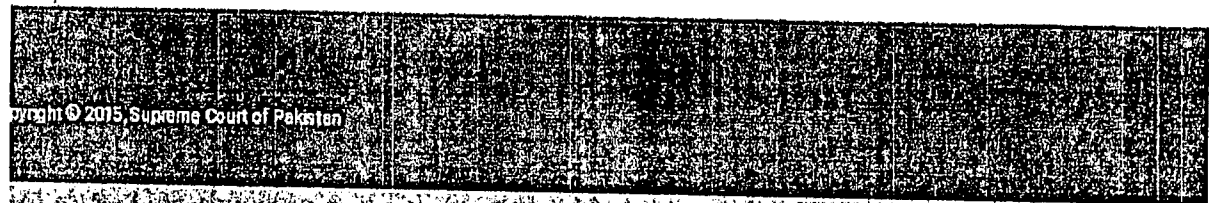
SUPREME COURT OF PAKISTAN

Home > Online Case Status

Online Case Status

| | |
|-----------------------|--|
| CASE # | CP 1985 2018 |
| CASE STATUS | Pending |
| CASE TITLE | Arangzeb Ashraf Awan v. Ministry of Climate Change, Government of Pakistan through its Secretary, Islamabad & others |
| CASE INSTITUTION DATE | 24-5-2018 |
| CASE DISPOSAL DATE | |
| AOR/ASC | Arshad Ali Chaudhry (AOR) Syed Zulfiqar Abbas Naqvi (ASC) |

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TO BE PUBLISHED IN NEXT ISSUE
OF GAZETTEE OF PAKISTAN PART-I

U
IMMEDIATE

GOVERNMENT OF PAKISTAN
MINISTRY OF CLIMATE CHANGE
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Islamabad the 16th April, 2018

NOTIFICATION

No.F.1(52)/2013-Admn-I/CC. The services of Mr. Aurangzeb Ashraf Awan a BS-18 officer of Pakistan Forest Institute, Peshawar presently working as Assistant Inspector General (Forest) on deputation basis in this Ministry are hereby repatriated to his parent department i.e. Pakistan Forest Institute (PFI), Peshawar w.e.f. 13-04-2018.

/
(Hasan Sardar Kundi)
Section Officer (Admn-I)

The Manager,
Printing Corporation of Pakistan Press,
University Road,
Karachi


Copy to:-

1. SPS to Secretary, M/o Climate Change, Islamabad
2. APS to Additional Secretary, M/o Climate Change, Islamabad
3. APS to Joint Secretary (Admin), M/o Climate Change, Islamabad
4. Inspector General (Forests), M/o Climate Change, Islamabad
5. Director General (PFI), Peshawar
6. AGPR, Islamabad
7. AGPR, Sub-Office, Peshawar
8. Administrative Officer (B&A), PFI, Peshawar
9. SO (B&C), M/o Climate Change, Islamabad
- ✓ 10. Officer concerned with the advice to relinquish the charge of the post immediately.
11. Personal file

~~(Hasan Sardar Kundi)
Section Officer (Admn-I)~~

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|  | <p><u>THROUGH REGISTERED</u></p> <p>GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT</p> <p>NO.SO(Estt)/FE&WD/VI-6/PFI/2017/6491-83 Dated Peshawar the, 25th June, 2018</p> |
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To

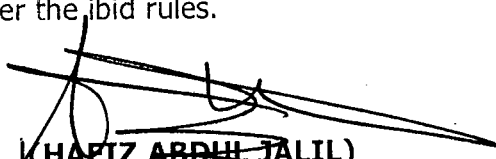
Mr. Aurangzeb Ashraf Awan,
Central Silviculturist (BS-18), PFI
House No: 339, Street Swan Road, G-10/3,
Islamabad.

Subject: - REPORT FOR DUTY IN PFI

I am directed to refer to the subject captioned above and to say that all the employees of PFI have been provincialized vide this department's Notification No: SO (Estt)/FE&WD/VI-I/PFI/2017/483-99, dated 09th January, 2018.

2. Subsequent to expiry of deputationist period, you were required to join duty in PFI on 29th June, 2014, but despite issuance of various notices by the PFI authorities and this department as well, you have remained absent from duty till now.

3. In view of above, this notice is being issued under Rule-9 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011 with the directions to join your duty in PFI **within fifteen days of its issuance**. Besides explain the reasons for willful inordinate absence from duty. In case of failure, disciplinary proceedings will be initiated against you under the ibid rules.


HAFIZ ABDUL JALIL
SECTION OFFICER (ESTT)

Endst: No: & date even

Copy is forwarded for information to:-

1. Director General, Pakistan Forest Institute, Peshawar with the direction to ensure that the above notice is served upon the addressee by PFI as well, under intimation to this department.
2. PS to Secretary, FE&W Department, Khyber Pakhtunkhwa.

SECTION OFFICER (ESTT)


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**MOST IMMEDIATE
TROUGH REGISTERED POST**

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR**
Ph: +92 91 9221224, 9216995, Fax: +92 91 9221233



(SAY NO TO CORRUPTION)

No. 1079 /F.I(Per)-Estt

Dated 29/6 / 2018

To

✓ Mr. Auranzeb Ashraf Awan,
Central Silviculturist (BPS-18), PFI,
H.No. 339, Street Sawan Road, G-10/3,
Islamabad

Subject: **REPORT FOR DUTY IN PFI**

I am directed to refer to the above cited subject and find enclosed herewith a self explanatory letter No. SO(Estt)/FE&WD/V1-6/PFI/2017/6491-93, dated 25-06-2018 of Forestry Environment & Wildlife Department, Government of Khyber Pakhtunkhwa, for information and further necessary action accordingly.

Please acknowledge the receipt.

Administrative Officer (G)
J. Ahmed

Cc:

1. Section Officer (Estt), Government of Khyber Pakhtunkhwa, Forestry, Environment & Wildlife Department, w/r to above mentioned letter.
2. APS to Director General, PFI, Peshawar

ATTESTED

To,

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

V,
/

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Subject: REPORT FOR DUTY IN PFI

Reference Forestry, Environment & Wildlife Department, Government of Khyber Pakhtunkhwa, Peshawar's letter No. SO (Estt)/FE&WD/VI-6/PFI/2017/6491-93, dated. 25th June, 2018 on the subject.

2. It is to inform that the undersigned has filed C.P No.1985/2018 in the Honourable Supreme Court of Pakistan and the subject matter is pending/subjudice (copy attached).

3. The above position is submitted for your information.

(Signature)
2-7-2018
(Aurangzeb Ashraf Awan)

o/c

Copy to:

- 1- Director General, Pakistan Forest institute, Peshawar.
- 2- Administrative Officer (G), Pakistan Forest institute, Peshawar w.r.t letter No.1079/F.1 (Pers)-Estt, dated.29th June, 2018 for information.

(Signature)
ATTESTED

Director General
Pakistan Forest Institute,
Peshawar
Environment, Forestry and Wildlife
Government of Khyber Pakhtunkhwa
SUBJECT:- JOINING REPORT

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In compliance of FST orders ³/₁₇ and
relieving report of MOCC. GOP

I, Aurangzeb Ashraf Awan, do hereby
submit my joining report today on 30-7-2018
fore noon. The report may kindly forwarded
for issuance of orders as Central Silviculturist
B.S.-18 to Environment, Forestry and wild life Department
Government of Khyber-Pakhtunkhwa.

Aurangzeb
Aurangzeb Ashraf Awan

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ATTESTED

The Secretary
Ministry of Climate Change,
Government of Pakistan,
Islamabad.

(X) 49

Subject: Department Permission Certificate and Status of Joining report.

Respected Sir,

It is stated that the undersigned on the recommendation of FPSC recruited as Central Silticulturist BS-18. The services of undersigned were transferred as Assistant Inspector General Forest BS-18 by the Federal Ministry of Environment, Government of Pakistan.

The undersigned was relieved from this Ministry on the rejection of appeal by Federal Service Tribunal dated 28-3-2018 against which a CPLA was filed on 25-4-2018 which is pending in compliance of ~~the~~ orders. The undersigned on 30-7-2018

submitted annual report to Pakistan Forest Institute, Peshawar, Forestry, Environment and Wild Life, Govt of KPK, for joining as Central Silticulturist BS-18 which was not received informing that you are being processed for next joining your duty in 2015. It is pointed out here that provincialisation of officers of PFI was issued on 0-1-2018.

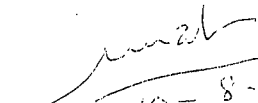
This period was saved by undersigned in MOCC and NOC was obtained by MOCC in 2016, and was never released of duty.

It is prayed that in view of above position departmental permission for post of D/G (Forest) BPS may be issued and forwarded to FPSC in the light of Federal Government Notification No F-4-6/2015 dated 22-12-2015.

ii- Forestry, Environment and Fisheries Department, Govt of KPK may be directed to accept my joining report and release my outstanding salary to relieve me of financial hardship and deepening inquiry in the light of Notification No F-4-6/2015 (PW/corr'd) dated 22-12-2015.

Submitted for Kind Consideration please

Yours Obediently


10-8-18
Aurangzeb Ashraf Awan

ATTESTED

C.No. (02) Admin - 1/24
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2013

FEDERAL PUBLIC SERVICE COMMISSION

Application Form No. _____

DEPARTMENTAL PERMISSION CERTIFICATE FOR PERSONS IN GOVERNMENT SERVICE

(To be detached from the application form and submitted to candidate's employing department before the closing date. No column should be left blank).

- (1) (a) Full name of the advertised post DEPUTY INSPECTOR GENERAL (FORESTS)
 (b) Name of Department/Division/Ministry MINISTRY OF CLIMATE CHANGE
 (c) Commission's Advertisement No. 8/2018 of 201 _____
 (d) Case No.F.4- 115 /2018 R (8/2018)
- (2) (i) Name of candidate AURANGZEB ASHRAF AWAN Father's Name MUMTAZ AHMED AWAN
 (ii) CNIC No.

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 6 | 1 | 1 | 0 | 1 | - | 4 | 9 | 3 | 8 | 5 | 6 | 5 | - | 7 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|

 (iii) Designation ASSISTANT INSPECTOR GENERAL (FORESTS) BS
 (iv) Present department with complete address MINISTRY OF CLIMATE CHANGE
G-5/2, ISLAMABAD

(3) I have applied for the above post on the prescribed form separately to the Commission. Departmental permission certificate may kindly be forwarded to the Secretary, Federal Public Service Commission, F-5/1, Aga Khan Road, Islamabad, Closing Date for receipt of application by the Commission is 20-08-2018

Date 10-8-2018

Signature of the candidate _____

FOR USE BY THE DEPARTMENT (EMPLOYER OF THE CANDIDATE)

Attention :-

Division/Department concerned must forward this certificate or communicate the refusal to F.P.S.C within 60 days from the closing date for receipt of applications or before interviews whichever is earlier, failing which the head of the organization will have to account for its non-submission or delay to the Government. On selection, the department will have to relieve the official for joining the post.

No. _____
Date _____

(4) Forwarded: Mr./Miss/Mrs AURANGZEB ASHRAF AWAN is employed in this department since _____ he/she holds a temporary/permanent/adhoc/contract/daily wages post under the Federal/Provincial/Semi-Government/Autonomous/Corporation (Strike out not applicable). His/her total continuous government service Federal/Provincial _____ years _____ months _____ days.

(5) The candidate has availed extraordinary leave for _____ years _____ Months _____ days and or has availed study leave for _____ years _____ months _____ days.

(6) The place of domicile as declared by him/her and accepted at the time of first entry into Government/ Semi-Government/ Autonomous/Corporation service was PUNJAB/GUJAT Province/Area. In case of Sindh, indicate Sindh (Rural) or Sindh (Urban).

(7) There is nothing adverse in his/her performance evaluation report (PER)/annual confidential reports/records antecedents/character, which may render him/her ineligible/unsuitable for the post applied for.

(8) In case it is decided by the department to forward a case where adverse entries do exist in an officer's/Official's record extracts of the adverse entries from the relevant ACRs' should be sent alongwith the departmental permission certificate for information of the Commission. Also confirming that the adverse remarks were communicated to the candidate and no appeal petition is pending for decision thereon.

Signature _____

Secretary,
Federal Public Service Commission,
F-5/1, Aga Khan Road,
Islamabad.

Name _____
Designation and department with complete
address (to be signed by head of the
Department/Division/Ministry
(Official stamp must be affixed)

Recd
19/08/18


ATTESTED

THROUGH REGISTERED POST

GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR
Ph: +92 91 9221224, 9216995, Fax: +92 91 9221233



(SAY NO TO CORRUPTION)

No. 154 /F.I(Per)-Estt

Dated 29 / 11 / 2019

To

1. Mr. Aurangzeb Ashraf Awan,
Central Silviculturist (BS-18),
H.No.339, Street Swan Road, G-10/3,
Islamabad
2. Deputy Inspector General (Forest),
Ministry of Climate Change, Islamabad

Subject: **NOTIFICATION REGARDING REMOVAL FROM SERVICE**

I am directed to refer to the above cited subject and find enclosed herewith notification No. SO(Estt)FE&WD/V-6/PF, dated 31-12-2018, regarding the major penalty of "Removal from Service" imposed upon you by the competent authority with immediate effect, for information please.

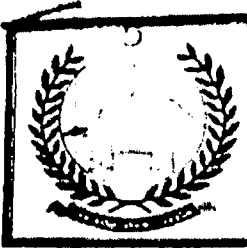
Please acknowledge the receipt.


Deputy Director (Tech)

Cc:

1. Section Officer (Estt), Government of Khyber Pakhtunkhwa, Forestry, Environment & Wildlife Department.
2. Section officer (Admin), Ministry of climate change, Government of Pakistan, Islamabad.
3. APS to Director General, PFI, Peshawar

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar the, 31st December, 2018

NOTIFICATION

No: SO (Estt)/FE&WD/V-6/PF:- WHEREAS, consequent upon devolution of Pakistan Forest Institute (PFI), Peshawar under the 18th Constitutional Amendment in the Islamic Republic of Pakistan, 1973 w.e.f 01st July, 2011, all its employees were also devolved/transferred to the Government of Khyber Pakhtunkhwa on deputation basis under Section-10 of the Civil Servants Act, 1973 on their existing posts in the same Basic Scales of pay, pending formulation of new enabling law vide Ministry of Environment (now Ministry of Climate Change), Government of Pakistan, Islamabad, Notification No: 3-45/2011-Admn-I, dated, 30th June, 2011.

AND WHEREAS, Government of Khyber Pakhtunkhwa Establishment Department through Notification No: SO (O&M)/EP&W/2-1/2007, dated 13th August, 2011, declared the PFI as an Attached Department under the administrative control of Environment (now Forestry, Environment & Wildlife Department), Government of Khyber Pakhtunkhwa and allowed to continue its working, mutatis mutandis, as was standing on 30th June, 2011.

AND WHEREAS, Establishment Division (Management Services Wing), Government of Pakistan through notification No: 3 (4)/DG-1/MSW/2011, dated 24th February, 2015 repatriated the services of Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18) to PFI. Accordingly, he was directed time & again by the department through issuance of letters (both at his home and official address) dated 29th June, 2015, 05th October, 2016, 09th January, 2018, 25th June, 2018 & 16th July, 2018 and by PFI as well through letters dated 03rd March, 2018, 17th April, 2018 & 29th June, 2018 for joining duty in PFI, but he neither submitted his arrival report for duty in PFI nor any response to this effect was received from him.

AND WHEREAS, in pursuance of Section-11B of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No: X/III of 1973), the provincialization order in respect of officers of BS-17 and above of PFI including Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18) were issued vide Notification No: SO (Estt)/FE&WD/VI-1/PFI/2017/483-99, dated 09th January, 2018 with the direction to ensure resumption of his duty in this Provincial Government i.e., PFI. The provincialization order was also sent by DG, PFI to the above named officer (both on his home address and official address as well) for compliance through letter No: 53/F.I (Per)-Estt, dated 17th January, 2018, but he failed to comply with all such directions and did not resume duty at PFI.

AND WHEREAS, on willful absence and failure of the above named officer to join duty in PFI despite repeated requests, he was proceeded against under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and in light of approval of the competent authority, the show cause notices (both in English & Urdu version) against the above named officer were got published in daily "MASHRIQ PESHAWAR" dated 06th October, 2018 & daily "AAJ PESHAWAR", dated 07th October, 2018 through Directorate of Information Khyber Pakhtunkhwa for resuming duty in PFI within fifteen (15) days, failing which ex-parte action would be taken against him under Rule-9 of the ibid rules. However, he did not submit his arrival report for duty in PFI.

PTO

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Scanned by CamScanner

(52)

NOW, THEREFORE, the Competent Authority, by exercising his powers conferred under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 read with Rule-4 (1) (a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been pleased to impose the major penalty of "**REMOVAL FROM SERVICE**" upon Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18), PFI, with immediate effect.

(Chief Minister)
Khyber Pakhtunkhwa/
Competent Authority


10859-71/

Endst: No: SO (Estt)/FE&WD/V-5/PFI:-

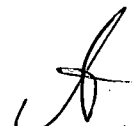
Dated Peshawar the, 31st December, 2018

Copy is forwarded to:-

- 1) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 2) Director General, Pakistan Forest Institute, Peshawar.
- 3) Director Budget & Accounts Cell, FE&W department, Khyber Pakhtunkhwa.
- 4) Section Officer (Admin), Ministry of Information Technology & Telecommunication, Government of Pakistan, Islamabad.
- 5) Muhammad Ayaz, Section Officer, Government of Pakistan, Establishment Division (Management Services Wing), Islamabad w/r to his Notification No: 3 (4)/DG-I/MSW/2011, dated 24th February, 2015.
- 6) Section Officer, Ministry of Climate Change, Government of Pakistan, Islamabad.
- 7) PS to Secretary Ministry of Information Technology & Telecommunication, Government of Pakistan, Islamabad.
- 8) PS to Secretary, Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa.
- 9) Officer concerned C/O Section Officer Admin), Ministry of Information Technology & Telecommunication, Government of Pakistan, Islamabad.
- 10) Personal file of the officer concerned.
- 11) Master file.
- 12) Office order file.


(HAFIZ ABDUL JALIL)
SECTION OFFICER (ESTT)

1-2-19
~~27-1-19~~
27-2-19


ATTESTED

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GST No. 12-009808-002-73



CN: 2365223379

Service Type: G
0
CASH
2019-02-27 16:12

Product: ISB-PEW
1Pcs - 0.5
Staff: 104191
Route: X28109

Name : AURENGZEB ASHRAF
Phone : 03455302294
Address : H 339 SAWAN ROAD SEC G-10/3 I
SB

Consignee Details:
Name : THE CHIEF MINISTER
Phone : 03999999999
Address : KP CHIEF MINISTER SECRETARIATE P
ESHAWER

Insured Value:
Rs. 0

| Payment Details | |
|-----------------|-------|
| Service CHG | 172.0 |
| VAS | 0 |
| Insurance CHG | 0 |
| GST | 28 |
| TOTAL | 200.0 |

Remarks

Instructions

Customer Signature

Signature

For Terms & Conditions Visit
www.tcscouriers.com/tnc
TCS Headquarters, 101-104, Civil Aviation
Club Road Karachi - 75202, Pakistan
UAN : 111 123456 Web : tcs.com.pk
(Shipper Copy) V-1.37

AT 10/3

17

(SY)

To

Through TCS
27.2.219

The Chief Minister,
Khyber Punktunkhwa
Chief Minister Secretariat, PESHAWAR

Sub:- Review petition against the notification of removal from service dated 31.12.2018 communicated to the petitioner vide letter No. 154/F(Per)-Estt dated 29.1.2019 received by the petitioner through post on 1.2.2019.

The petitioner respectfully submits as under :-

- 1) That the after passing M.Sc. Forestry, the petitioner joined Forest Department Government of the Punjab as Range Officer BS -16. He was then promoted as Sub Divisional Forest Officer BS 17.
- 2) That subsequently the petitioner was appointed as Central Silviculturist (BS 18) in the Pakistan Forest Institute, Peshawar on the recommendation of Federal Public Service Commission and a Notification dated 28.12.2010 was issued by the Ministry of Environment, Government of the Pakistan, Islamabad. The said Institute was under the Administrative Control of the Ministry of Environment being Federal Govt attachment department of said Ministry .
- 3) That in lieu of 18th Amendment in the Constitution , vide notification dated 29.6.2011 , various Ministries including Ministry of Environment ceased to exist and was devolved and the Pakistan Forest Institute went under the control of KPK Govt.

ATTESTED

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- 4) Vide Notification dated 30.6.2011 the petitioner was transferred and posted against vacant post of Assistant Inspector General in the Ministry of Environment on deputation basis u/s 10 of the Civil Servant Act 1973. This notification was followed by another notification dated 30.6.2011 whereby the petitioner and others were transferred to Planning and Development Division.
- 5) Another Notification dated 15.8.2011 was issued by the Planning Commission whereby the petitioner was issued which was duly endorsed by the Establishment Division whereby the petitioner was notified as Assistant Inspector General Forest.
- 6) Vide Notification dated 10.1.2012 issued by the Establishment Division, the petitioner was transferred alongwith post and budget from Planning Division to National Disaster Management on deputation basis under section 10 of the Civil Servant Act, 1973 as Assistant Inspector General Forest .Another notification dated 9.2.2012 was issued by the Ministry of National Disaster Management.
- 7) That vide circular dated 13.2.2013, all the officers and staff who working in the M/o Climate Change on deputation basis were asked to submit consent for absorption in the said Ministry. The petitioner gave consent on 14.2.2013 for absorption.
- 8) That in response to this consent, vide notifications dated 26.8.2013 all the officers/staff working on deputation basis in the

ATTESTED



M/o Climate Change were absorbed whereby the petitioner was discriminated . The petitioner again submitted consent for absorption on 19.6.2014.

- 9) Vide Notification dated 24.2.2015 the petitioner and others were repatriated to PFI.
- 10) Ministry of Climate Change wrote letter to the PFI on 25.5.2015 for issuance of NOC for absorption of petitioner as his deputation period was extended by the Ministry. Again vide letter dated 11.9.2015 , NOC was asked from PFI for permanent absorption of petitioner in the Ministry of Climate Change.
- 11) On 10.2.2016, the PFI issued NOC for permanent absorption of petitioner in the Ministry of Climate Change, Islamabad. The Secretary approved but the notification of absorption of the petitioner was not issued.
- 12) To the utter surprise of the petitioner , another notification dated 14.3.2017 was issued whereby the petitioner was repatriated to the Pakistan Forest Institute . Against this order, the petitioner filed appeal through proper channel on 16.3.2017 but neither it was forwarded to the concerned authority . The petitioner has been retained in the Ministry as his services are required and he is drawing pay from the Ministry . The Last salary slip for June 2017 is attached.


ATTESTED

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- 13) That petitioner was entitled for absorption and department was bound to issue notification of the petitioner's absorption in the Ministry of Climate Change as Assistant Inspector General (Forest) BS 18 as the petitioner possesses matching qualification and experience and no right of any individual will be affected . The petitioner filed Appeal No.3057(RCS/20-17 in the Federal Service Tribunal Islamabad which was admitted and stay was granted on 28.7.2017. The petitioner continued to serve in the Ministry of Climate Change.
- 14) That in the appeal comments were called and finally vide judgement dated 28.3.2018 the appeal of the petitioner was rejected.
- 15) That against this judgement the petitioner filed CP No.1985/2018 in the Supreme Court of Pakistan on 24.5.2018 in which the petitioner also requested for grant of stay order, which CPLA is subjudice before the Honourable Supreme Court of Pakistan.
- 16) That now vide notification dated 21.12.2018 endorsed to the petitioner on 29.1.2019 and received by the petitioner on 1.2.2019 by post , the penalty of removal from service has been imposed against appellant hence this review petition .
- 17) That the petitioner never remained absent , his case was pending before the Federal Service Tribunal and stay was granted on 28.7.2017 and subsequently appeal was dismissed on 28.3.20-18

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ATTESTED



and judgement was received by the petitioner on 5.4.2018 , against which the petitioner filed CPLA in the Supreme Court of Pakistan on 25.4.2018 and the matter is still subjudice before the Honourable Supreme Court of Pakistan.

- 18) That the petitioner cannot be declared as absent as his matter is still subjudice before the Honourable Supreme Court of Pakistan.
- 19) That petitioner has been deprived of valuable right of earning livelihood for himself, his family including 4 college going children .
- 20) That the petitioner is not gainfully employed any where and has been subjected to economic dejections and starvation.
- 21) That no fair opportunity of fair defence has been afforded to the petitioner . An Ex parte decision has been taken.
- 22) That the petitioner has put in long standing service of more than 23 years which is unblemished one.
- 23) That there is no charge of corruption,embezzlement or other misconduct except remaining in courts and seeking justice.
- 24) That the petitioner has requested for joining but was not allowed by the department.
- 25) That penalty imposed against the petitioner is without any basis and liable to be struck down in view of the documentary proof .
- 26) That petitioner has not been given opportunity of hearing and to defence himself.


ATTESTED

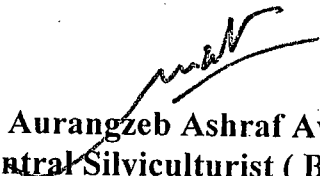
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27) That keeping in view above circumstances and legal position, the penalty awarded to the appellant is liable to be set aside.

In view of above, it is requested that the instant review petition may kindly be allowed, the penalty of removal from service imposed against the petitioner vide notification dated 31.12.2018 communicated to the petitioner on 29.1.2019 and received by the petitioner on 1-2-2019 may kindly be set aside and petitioner may be reinstated in service with all back benefits.

The petitioner may also be heard in person.

Yours obediently,


Aurangzeb Ashraf Awan,
Ex Central Silviculturist (BS-18)
Pakistan Forest Institute
Resident of House No. 339
Street Swan Road G-10/3, Islamabad

Dt. 27.2.2019
Encl all documents


ATTESTED

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Kep Service Tribunal, Peshawar

Awrauzab Ashraf Awan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Govt of K.P (Respondent)
(Defendant)

I/We, Awrauzab Ashraf Awan


Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.


Dated _____/20

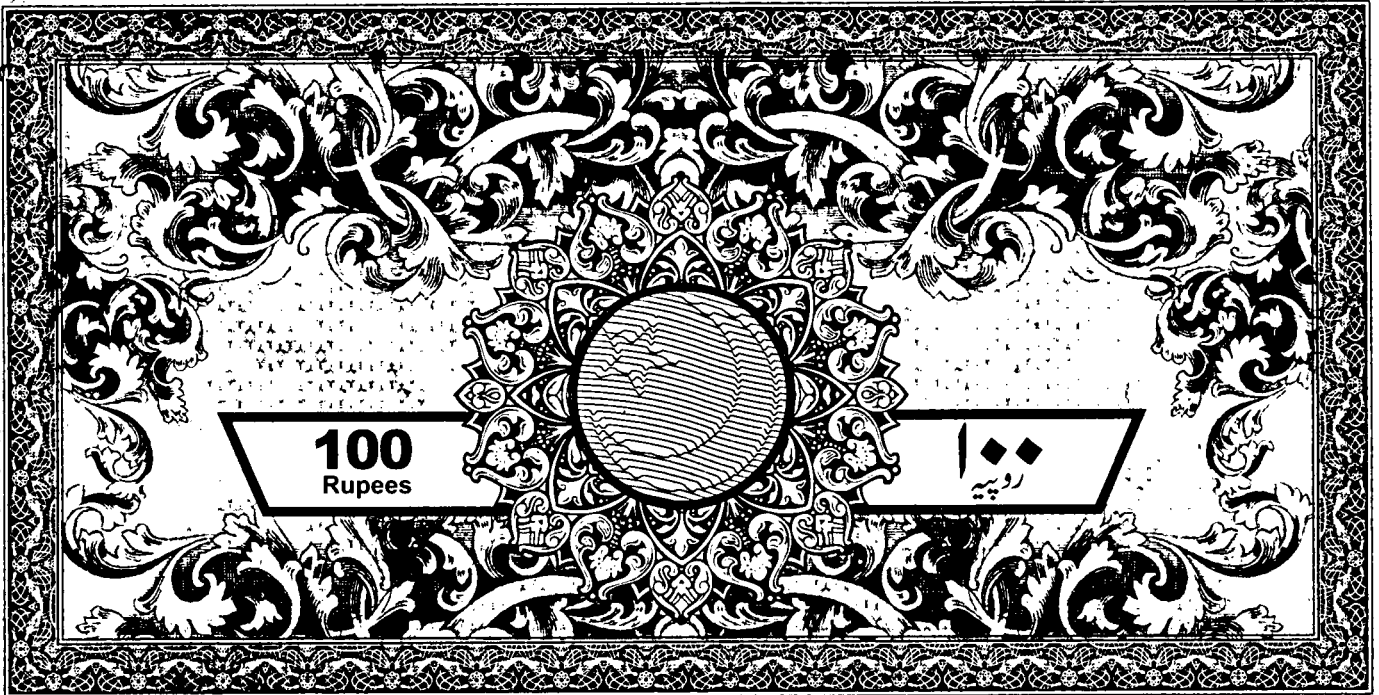
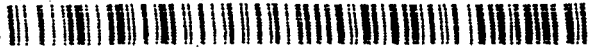

(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.
B.C NO# 10-7327
CNIC # 17301-5106574-3

OFFICE:
Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)


Syed Noman Ali Bukhari
Advocate
Attested



SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS THAT We, (1) BUSHRA AURANGZEB Widow of AURANGZEB ASHRAF AWAN, (Holding CNIC No. 61101-0655350-0, (2) ANWAR SULTANA Widow of MUHAMMAD ASHRAF AWAN (CNIC No. 61101-8666488-8) (3) NIGAR FATIMA daughter of LATE AURANGZEB ASHRAF AWAN (Holding CNIC No 61101-9519312-4) (4) ZAINAB AURANGZEB daughter of AURANGZEB ASHRAF AWAN (Holding CNIC No. 61101-4698554-8) all Residents HOUSE NO. 339, SAWAN ROAD, SECTOR G-10/3, ISLAMABAD, do hereby appoint, nominate, constitute and ordain MR. HUMAYUN ASHRAF AWAN, (Holding CNIC No. 61101-9545964-7) S/o MUHAMMAD ASHRAF AWAN, resident of HOUSE NO. 339, SAWAN ROAD, SECTOR G-10/3, ISLAMABAD to be our true and lawful special Attorney for us in respect of Services matter case of deceased Aurangzeb Ashraf Awan titled Aurangzeb Ashraf Awan Versus Government of Khyber Pakhtunkhwa pending in the Court of Khyber Pakhtunkhwa Service Tribunal, Peshawar and to deal with all its matters and to do, execute and perform all acts, deeds, things, matters and to exercise and enjoy powers and rights in respect of above mentioned case as we are unable to appear before the concerned Court of Law and to do the following acts:

1. To appear before the concerned KPK Service Tribunal and all the concerned authorities, learned courts, and High Court, Supreme Court in respect of service case of deceased Aurangzeb Ashraf Awan on our behalf.
2. To put signatures where ever necessary in respect of our above mentioned case on all the documents.
3. To get issued copies of all the concerned papers/documents from the concerned agencies/ authorities/ courts on our behalf.
4. To appear before the learned Service Tribunal, Appellate Court, Honourable High Court/ Supreme Court of Pakistan, to pursue the above case. To represent, to file the appeal, to engage counsel, to file all kinds of applications/ replies on our behalf, to sign all kinds of pleadings, complaint, reports, documents, to take statement on oath and without oath, to file petitions, reply of petition, review, revision, appeal, execution application, withdrawal, pre-trial reconciliation proceedings, compromise or other petitions or affidavits or documents as shall be deemed necessary for the subject case, to file/produce statement/written statement/ Petition/ written reply or any kind of correspondence on our behalf.
5. To act, to sign any application, suit, petition, complaint, revision, appeal, writ, ICA or CPLA before the Honourable High Court & Supreme Court of Pakistan and all the acts necessary in this regard, to engage counsel, to execute documents with regard to subject property, to sign all kind of pleadings including Vakalatnama or any proceedings.
6. To produce evidence (documentary as well as oral), to appear as witness on my behalf and to give statement on oath, to apply for certify copies, or to do all the acts necessary.
7. Generally to do each and every thing necessary for the purposes mentioned hereinabove or those are to be done for purposes on our behalf for which we shall ratify the same.

IN WITNESSES WHEREOF THE EXECUTANTS OF THIS DEED OF Power of Attorney do hereby sign and set our hands at Islamabad on this 12th day of December,

EXECUTANT Bushra
BUSHRA AURANGZEB
CNIC NO. 61101-0655350-0

Nigar
NIGAR FATIMA
CNIC # 61101-9519312-4

Anwar
ANWAR SULTANA
CNIC # 61101-8666488-8

Zainab
ZAINAB AURANGZEB
CNIC # 61101-4698554-8

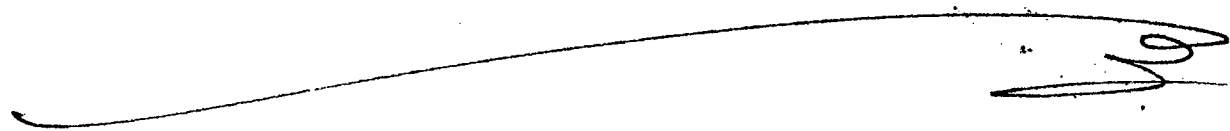


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شرح کوثر ذمب سوره اودنت ذمب ارف افخوان
 انور سالان ذمب ارف افخوان. ثلثا طالع
 ذمب اودنت ذمب ارف افخوان
 ماه نو اودنت ذمب ارف افخوان
 اودنت ذمب ارف افخوان
 السوره دبه فخر فاعل سخن
 بیا یوں ارف افخوان و ارف افخوان
 اخوان طالع ارف افخوان





حکومت پاکستان

GRC No: 100223-11-0001089-04

نیشنل ڈیٹا بیس اینڈ رجسٹریشن اتھارٹی (وزارت داخلہ)
اٹھارہ سال سے کم عمر بچوں کا سرٹیفیکیٹ

10099
5

61101-0655350-0

درخواست دہندہ کا شناختی کارڈ نمبر

بشری اور نگریٹ

درخواست دہندہ کا نام

| نمبر شمار | بچے کا نام / رجسٹریشن نمبر | والد کا نام / شناختی کارڈ نمبر | والد کا نام / شناختی کارڈ نمبر | جنس / لڑکا / لڑکی | پیدائش کا ضلع یا ملک / تاریخ پیدائش |
|-----------|-------------------------------------|--|----------------------------------|-------------------|-------------------------------------|
| 1 | نگار خانم / 61101-9519312-4 | اورنگ زیب اشرف اعوان / 61101-4938565-7 | بشری اور نگریٹ / 61101-0655350-0 | لڑکی | لاہور / 01/06/1998 |
| 2 | زینب اورنگ زیب / 61101-4698554-8 | اورنگ زیب اشرف اعوان / 61101-4938565-7 | بشری اور نگریٹ / 61101-0655350-0 | لڑکی | اسلام آباد / 02/11/2000 |
| 3 | محمد علی سلطان / 61101-0205680-7 | اورنگ زیب اشرف اعوان / 61101-4938565-7 | بشری اور نگریٹ / 61101-0655350-0 | لڑکا | اسلام آباد / 02/10/2002 |
| 4 | ماہ نور اور نگریٹ / 61101-3413508-0 | اورنگ زیب اشرف اعوان / 61101-4938565-7 | بشری اور نگریٹ / 61101-0655350-0 | لڑکی | اسلام آباد / 17/12/2007 |

اس فیملی کے مندرجہ بالا اٹھارہ سال سے کم عمر 4 بچوں کا اندراج ہمارے ریکارڈ میں موجود ہے۔

درج شدہ بچے کی عمر اٹھارہ سال ہوتے ہی شناختی کارڈ کے حصول کیلئے درخواست میں کروائیں۔

اس سرٹیفیکیٹ کو سنبھال کر رکھیں کیونکہ بچوں کے کارڈ اٹھارہ سال کی عمر کو پہنچنے پر انہی نمبروں کے حوالے سے جاری کئے جائیں گے۔

نو تاہم بچے کا فوری طور پر اندراج کروائیں اور نیا رجسٹریشن سرٹیفیکیٹ حاصل کریں۔

کوائف کی تبدیلی کی صورت میں نیا رجسٹریشن سرٹیفیکیٹ حاصل کریں۔

Yunus

ABDUL MUNAF QAIMKHANI
Deputy Inspector General Forests
Ministry of Climate Change
Government of Pakistan
Islamabad

علی ارشد حکیم
دستخط رجسٹرار جنرل

تاریخ اجراء 19/03/2011

کان نمبر 339 بکسر / G-10/3

اسلام آباد



6110106553500

حکومت پاکستان
نیشنل ڈیٹا بیس اینڈ رجسٹریشن اتھارٹی (وزارت داخلہ)

رسید بابت متروکی شناختی کارڈ اسرٹیفکیٹ *

(بوجہ وفات)

زیر دفعہ (3) 17 نادر آرڈی نینس مجریہ سنہ 2000ء

Certificate No: 61711440

61101-9545964-7

ہمایوں اشرف اعوان

درخواست دہندہ کا نام:

درخواست دہندہ کا شناختی کارڈ نمبر:

بھائی اہمن

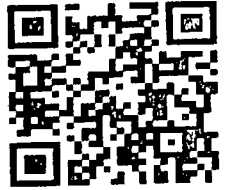
درخواست دہندہ کا متوفی سے رشتہ:

| وفات کی تاریخ | متوفی کے والد کا نام | متوفی کا نام اور رجسٹریشن نمبر |
|---------------|----------------------|---|
| 2019-09-08 | محمد اشرف اعوان | اورنگ زیب اشرف اعوان 61101-4938565-7 |

عثمان یوسف مبین

دستخط رجسٹرار جنرل

تاریخ اجراء 2019-11-06



6110195459647

* یہ رسید مذکورہ بالا متوفی کے درج بالا کوائف و معلومات ثابت کرنے کیلئے قانوناً نافذ و دفعہ (4) 17 نادر آرڈی نینس مجریہ سنہ 2000ء بطور ثبوت قابل قبول ہے



کیپٹل ڈیولپمنٹ اتھارٹی
Capital Development Authority



اندرج وفات سرٹیفکیٹ

Death Registration Certificate

Form No: X10636782

ڈیفنڈر اندراج: سی ڈی اے

Tracking Id: 61102610132603

CRMS No: D611026-19-20598

OLD/M REG #: 1487/D-24

Deceased Person's Details متوفی کے کوائف

| | | | |
|---------------------------|-------------------------|--------------------------|-----------------------------|
| Name: | AURANGZEB ASHRAF AWAN | نام: | اورنگزیب اشرف اعوان |
| Nationality: | Pakistani | قومیت: | پاکستانی |
| CNIC No: | 61101-4938565-7 | شناختی کارڈ نمبر: | 61101-4938565-7 |
| Date of Birth: | 16-May-1966 | تاریخ پیدائش: | 16-May-1966 |
| Gender: | Male | جنس: | مرد |
| Religion: | ISLAM | مذہب: | اسلام |
| Sickness Period: | | مدت عیلت: | |
| Date of Death: | 08-September-2019 | تاریخ وفات: | 08-September-2019 |
| Date of Burial/Last rite: | 09-September-2019 | تاریخ تدفین/آخری رسومات: | 09-September-2019 |
| Place of Death: | PIMS HOSPITAL ISLAMABAD | جائے وفات: | پیمز ہسپتال، اسلام آباد |
| Reason of Death: | Natural | دورہ وفات: | طبعی |
| Nature of Death: | Normal | کیفیت وفات: | طبیعی |
| Buried/Last rite at: | H 8 GRAVEYARD ISLAMABAD | جگہ تدفین/آخری رسومات: | ایچ ایٹ قبرستان، اسلام آباد |

Parental Information والدین کی معلومات

| | | | |
|----------------|----------------------|-------------------|-----------------|
| Father's Name: | MUHAMMAD ASHRAF AWAN | والد کا نام: | محمد اشرف اعوان |
| CNIC No: | 101-36-133782 | شناختی کارڈ نمبر: | 101-36-133782 |
| Mother's Name: | ANWAR SULTANA | والدہ کا نام: | انور سلطانہ |
| CNIC No: | 61101-8666488-8 | شناختی کارڈ نمبر: | 61101-8666488-8 |

Address پتہ

| | | | |
|-----------|--|--------|--|
| Address: | Swan Road, House No. 339, Sector G-10/3, City ISLAMABAD, | پتہ: | سوان روڈ، مکان نمبر 339، سیکٹر جی 10/3، شہر اسلام آباد |
| Tehsil: | ISLAMABAD | تھسیل: | اسلام آباد |
| District: | ISLAMABAD | ضلع: | اسلام آباد |

Applicant's Details درخواست دہندہ کے کوائف

| | | | |
|-------------------------|------------------|-------------------|-----------------|
| Name: | BUSHRA AURANGZEB | نام: | بشری اورنگزیب |
| CNIC No: | 61101-0655350-0 | شناختی کارڈ نمبر: | 61101-0655350-0 |
| Relation with Deceased: | WIFE | متوفی سے رشتہ: | بیوی |

Information of Burial/Last rite by تدفین/آخری رسومات کنندہ کی معلومات

| | | | |
|-------------------------|--------------------|-------------------|-------------------|
| Name: | HAMOUN ASHRAF AWAN | نام: | ہمایوں اشرف اعوان |
| CNIC No: | 61101-9545964-7 | شناختی کارڈ نمبر: | 61101-9545964-7 |
| Relation with Deceased: | BROTHER | متوفی سے رشتہ: | بھائی |

Entry Date: 08-October-2019

تاریخ اندراج: 08-October-2019

Issue Date: 08-October-2019

تاریخ اجراء: 08-October-2019

Entry Status: Normal

اندرج اسٹیٹس: نارمل

Additional Information:

اضافی معلومات:



(Signature)
Director
Birth & Death Registration
DMA, CD, Islamabad

(Signature)
Rashidullah
Director
Federal Board of Revenue
Government of Pakistan
Islamabad

This Certificate can be verified at <https://crms.nadra.gov.pk/verify>



X10636782



DEATH
CERTIFICATE

DEPARTMENT *Cardiology*

HOSPITAL NO *P-09/19-26348*
I.D. CARD NO

NAME *Aurangzeb* MEDICO-LEGAL NO YES/NO ✓ AGE *55*

FATHER/HUSBAND'S NAME *Ashraf Awan* SEX M F

ADDRESS *House No 339, Sect G-10/3 Sevan road, Islamabad* OCCUPATION TELEPHONE

EMPLOYMENT STATUS EMPLOYED UNEMPLOYED DEPENDENT

MODE OF REFERRAL SELF G.P. HOSPITAL OTHER

ENTITLEMENT STATUS ENTITLED GRADE NON-ENTITLED PRIVATE ACADEMIC OTHER

CONSULTANT/SPECIALIST INCHARGE *Dr. Naeem. Malik*

DATE OF ADMISSION *08/9/19* TIME OF ADMISSION *3:35pm* DATE OF DEATH *08/9/19* TIME OF DEATH *4:30pm*

PROVISIONAL DIAGNOSIS AT THE TIME OF ADMISSION

PRIMARY DIAGNOSIS AT THE TIME OF DEATH *New onset LBBB.?? (equivalent to MI)*

ASSOCIATED OR COMPLICATING DIAGNOSIS *Sudden Cardiac arrest.*

OPERATIONS OR DIAGNOSTIC PROCEDURES

BODY HANDED OVER TO RELATIONS *Brother in law* SIGNATURE/NAME MORTUARY FOR AUTOPSY OTHER

CAUSE OF DEATH: CLINICAL ON AUTOPSY *[Signature]* ID Card: *37101-1756110-5* M.O. NAME/ADDRESS *[Signature] Pur. Cardia*

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 888/2019

Aurangzeb Ashraf Awan, Ex-Central Silviculturist (BPS-18) Pakistan Forest Institute (PFI),
Peshawar

.....**APPELLANT**

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil
Secretariat, Peshawar & others

.....**RESPONDENTS**

PARAWISE COMMENTS ON BEHALF OF RESPONDENT No. 2 & 3

Respectfully Sheweth:


Preliminary Objections:

1. That the appellant has no legitimate cause of action.
2. That the appellant has no locus standi to file instant appeal.
3. That the appellant has not come to the Hon'ble Khyber Pakhtunkhwa Service Tribunal, with clean hands.
4. That the appeal is not maintainable due to mis-joinder and non-joinder of necessary parties.

FACTS

1. Pertains to record hence needs no comments.
2. Correct to the extent that after expiry of deputation period the appellant not joined his parent department.
3. Partially correct. That consequent upon 18th Constitutional Amendment Pakistan Forest Institute (PFI), Peshawar was devolved to Government of Khyber Pakhtunkhwa and all its employees including the appellant were also transferred on deputation basis on their same basic scale of pay under Section-10 of Civil Servant Act 1973 w.e.f. 01-07-2011 (**Annex-A**). On 13-08-2011, PFI was declared as an Attached Department of Forestry, Environment and Wildlife Department, Government of Khyber Pakhtunkhwa (**Annex-B**).
4. Correct to the extent that the appellant was transferred and posted as Assistant Inspector General of Forest, in the defunct Ministry of Environment, Islamabad vide Notification dated 30-06-2011 (**Annex-C**). The notification dated 30-06-2011, regarding posting / transfer of the appellant to Planning & Development Division, Islamabad was not received in this department.

5. That the notification dated 15-08-2011, issued by the Planning Commission regarding posting of Appellant as Assistant Inspector General Forest was not received in this department.
6. That the notifications dated 10-01-2012 & 09-02-2012, are not available in record of this department.
7. Incorrect. There is no provision in the rules regarding absorption of a deputationist. Since, the appellant was the permanent employee of PFI, Peshawar, therefore, all the correspondence related to the appellant were required to be processed through his parent department i.e. PFI, Peshawar/FE&WD, whereas in the instant case no permission was requested by any authority from PFI.
8. As explained in para-7 above.
9. That the appellant was on deputation and posted as Assistant Inspector General (BS-18) in Ministry of Environment, later on Ministry of Climate Change, Islamabad, w.e.f. 30-06-2011. Hence after expiry of his deputation period PFI vide letter dated 24-06-2014 directed the appellant to report for duty at PFI (**Annex-D**), but the appellant did not resume his duty in PFI. Subsequently, Establishment Division (Management Service Wing), Islamabad on the request of Chief Secretary, Government of Khyber Pakhtunkhwa vide D.O letter dated 06-01-2015, repatriated the services of the appellant to PFI vide notification dated 24-02-2015 (**Annex-E**). But, this time the appellant also did not comply with the order and remain absent from duty at PFI. On 25-05-2015, the Section Officer (Admn-I), Ministry of Climate Change, Islamabad, requested PFI for grant of extension in his deputation period for another two years w.e.f. 30-06-2014 to 29-06-2016 (**Annex-F**). However, due to acute shortage of staff of officers in PFI, Peshawar the request for extension in deputation period was regretted vide letter dated 15-06-2015, (**Annex-G**). Furthermore, it is to clarify that in accordance to Section-11B of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), all the employees of PFI, including the appellant (devolved employees) were provincialized for all intents and purposes vide notification dated 09-01-2018 (**Annex-H**).
10. Incorrect. That the appellant was the permanent employee of PFI Peshawar, therefore, after expiry of his deputation period i.e. 01-07-2014, he was required to join his duty at PFI, Peshawar, but the appellant continued to remain absent from duty at PFI. It is further to clarify that Section Officer (Devolution), Islamabad vide office memorandum dated 02-10-2015, had informed that due to creation of Ministry of Climate Change, Islamabad, all the important function of defunct Ministry of Environment were handed over/ assigned to Ministry of Climate Change, Islamabad under Rules of Business, 1974. It was, also informed that as per decision



taken by the Cabinet Secretary, all matters of PFI, Peshawar were to be dealt by Ministry of Climate Change, Islamabad.

11. Incorrect. In response to Ministry of Climate Change, Islamabad letter dated 11-09-2015, the PFI approached Administrative Department (FE&WD), as being competent authority in the instant case. However, the Administrative Department vide letter dated 06-06-2016 issued instructions to PFI to direct the appellant for assuming his duties in PFI (**Annex-I**). Accordingly, PFI vide letter dated 29-06-2016 directed the appellant to assume duty in PFI, Peshawar with immediate effect (**Annex-J**), but the appellant did not comply and remained absent to resume duty at PFI.
12. Incorrect. That Ministry of Climate, Change, Islamabad vide notification dated 14-03-2017, repatriated the services of the appellant to his parent department i.e. PFI, Peshawar, with immediate effect (**Annex-K**). It is also to clarify, that PFI has no information/record about any appeal filed by the appellant.
13. That appellant filed an Appeal No.3057/2017 in the Hon'ble Federal Service Tribunal, Islamabad against his repatriation order dated 14-03-2017, which was rejected on 28-03-2018, being devoid of merit (**Annex-L**). Furthermore, the PFI has not received any notice regarding CP No. 1985/2018, filed by the appellant, from the Supreme Court of Pakistan.
14. That in light of the above judgment of Hon'ble FST, Islamabad dated 28-03-2018, PFI again directed the appellant to report for duty at PFI, Peshawar, but the officer neither resumed his duty at PFI nor submitted any reply. Consequently, the Administrative Department vide letter dated 25-06-2018 issued a notice, to the petitioner with the direction to resume his duty at PFI, Peshawar within a period of fifteen days of its issuance. In case of failure, disciplinary proceedings would be initiated against him under Rule-9 of the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011(**Annex-M**). In response, the appellant replied on 02-07-2018 that he had filed CPLA in Hon'ble Supreme Court of Pakistan, Islamabad, against the judgment of FST, Islamabad which is subjudiced (**Annex-N**). In reply, the Administrative Department vide letter dated 18-07-2018, again directed to the applicant to report for duty in PFI within a period of fifteen days, and in case of failure, the case will be moved to competent authority for initiating action against him for removal from service under Rule-9 of the ibid rules (**Annex-O**). However, he did not comply with the order, and remained absent from duty at PFI inspite of repeated orders of Administrative Department and PFI as well. Therefore, with the approval of competent authority show cause notice (both in English & Urdu versions) was published in Daily Mashriq, Peshawar dated 06-10-2018 & Daily AAJ, Peshawar dated 07-10-2018, directing the appellant for resuming his duty at PFI within a period of 15 days failing which, ex-parte action was to be

taken against him under Rule-9 of the rules ibid (**Annex-P**). unfortunately, the appellant failed to resume his duty in PFI, Peshawar, therefore, the competent authority, by exercising his powers conferred under Rule 9 Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 read with Rule-4 (1)(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, imposed major penalty of "Removal from Service" upon the appellant (**Annex-Q**).

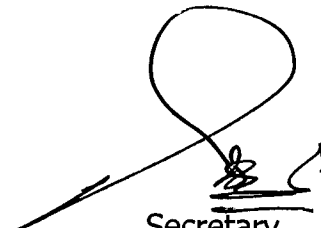
15. That the appeal of the appellant was considered and rejected by the competent authority, being devoid of merit, vide letter dated 05-09-2019 (**Annex-R**).

GROUND

1. As explained in preceding Paras of the facts.
2. Incorrect. As explained in para-9,10,11,12,13 & 14 of the facts.
3. Incorrect. As explained in para-9 of the facts.
4. Incorrect. As explained in para-9,10,11,12,13 & 14 of the facts.
5. Incorrect. As explained in para-9,10,11,12,13 & 14 of the facts.
6. Incorrect. As explained in para-14 of the facts.
7. Incorrect. As explained in para-9,10,11,12,13 & 14 of the facts.
8. As explained in para-4,5,6 & 7 of the facts.
9. Incorrect. As explained in para-9 of the facts.
10. Incorrect. As explained in para-9 of the facts.
11. Incorrect. That the competent authority initiate disciplinary proceedings against the appellant under Rule-9 of the Khyber Pakhtunkhwa, Government Servants (E&D) Rules, 2011.
12. Incorrect. As the actions of the respondents and orders were as per law.
13. As replied above.
14. As replied above.
15. Incorrect. As explained in para-14 of the facts.
16. Incorrect. As the actions of the respondents and orders were as per law.

In view of the above, it is therefore, humbly requested that the appeal of the above appellant may kindly be dismissed straight away as he did not comply any order of the Provincial Government.


Chief Secretary,
Government of Khyber Pakhtunkhwa
Respondent No.1&2


Secretary,
Government of Khyber Pakhtunkhwa
Forestry, Environment & Wildlife Department
Respondent No.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.

ATTESTED

[Signature]
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

[Signature]
(Akhtar Saeed)
Section Officer

[Signature]
Administrative Officer (G)
Pakistan Forest Institute
Peshawar



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

Dated Peshawar, the 13th August, 2011

NOTIFICATION

No. SO (O&M)/E&AD/2-7/2002: 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 30-06-2011, 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, FATA.
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
Ao (G.)

Administrative Officer
Pakistan Forest Institute
Peshawar

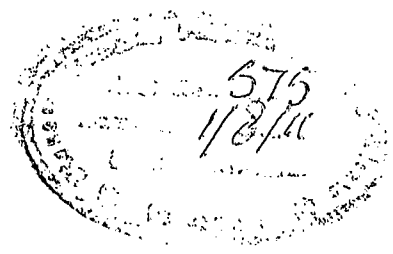
(Tabassum)
SECTION OFFICER (O&M)

ATTESTED

Administrative Officer (G)
Pakistan Forest Institute
Peshawar

**TO BE PUBLISHED IN PART-I
OF THE GAZETTE OF PAKISTAN**

GOVERNMENT OF PAKISTAN
MINISTRY OF ENVIRONMENT



Islamabad, the 30th June, 2011

NOTIFICATION

No.1(60)/2010-A-III-PFI Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18) Pakistan Forest Institute, Peshawar (PFI) is transferred and posted against the vacant post of Assistant Inspector General, in the Ministry of Environment on deputation basis under Section 10 of the Civil Servants, Act, 1973.

2. This issues with the approval of the Secretary, Ministry of Environment.

(Muhammad Bashir)
Section Officer (Admn-III)

The Manager,
Gazette of Pakistan
Printing Corporation of Pakistan Press,
KARACHI.

- ✓ 1. Director General, Pakistan Forest Institute, Peshawar.
2. AGPR, Sub Office, Peshawar.
3. Superintendent (B&C), PFI, Peshawar.
- ✓ 4. Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18), PFI, Peshawar.
5. Personal File.

Handwritten notes and signatures:
A large handwritten signature is circled.
Below it, "Section Officer" and "PFI Peshawar" are written.
A date "3-9-11" is written below.

Handwritten signature:
SECTION OFFICER (ADMN-III)

ATTESTED

Handwritten signature:
Administrative Officer (G)
Pakistan Forest Institute
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
ENVIRONMENT DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR

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



Dated 24th June, 2014

No. 941 /F.I(Per)-Estt.

To
Mr. Aurangzeb Ashraf Awan
Assistant Inspector General
Ministry of Environment (defunct)
Islamabad

SUBJECT: REPORT FOR DUTY AT PFI

I am directed to refer to the subject above and to state that in pursuance of Government of Pakistan, Environment Department notification No. 1(60)/2010-A-III-PFI, dated 30th June 2011, you were posted as Assistant Inspector General (BS-18), on deputation basis, in the Ministry of Environment, Islamabad. Your deputation period will be expired on 29th June 2014. You are due to join back duty at PFI on 30-06-2014. You are, hereby, directed to report for duty on 30-06-2014 at PFI, otherwise disciplinary action will be taken against you under relevant rules.

Deputy Director (Tech),

CC:

1. Section Officer (Devolution Cell), Government of Pakistan, Devolution Cell, Cabinet Division, Worker Welfare Fund Building, Super Market, Islamabad.
2. Section Officer (Estt), Environment Department, Khyber Pakhtunkhwa, Peshawar

ATTESTED

[Signature]
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

**TO BE PUBLISHED IN THE GAZETTE
OF PAKISTAN PART-II**

85
No. 3(4)/DG-I/MSW/2011
GOVERNMENT OF PAKISTAN
ESTABLISHMENT DIVISION
(MANAGEMENT SERVICES WING)

Islamabad, the 24th February, 2015

NOTIFICATION

On the reorganization of the Federal Secretariat, in pursuance of Constitution (Eighteenth Amendment) Act, 2010 (Act No.X of 2010) and transfer of Pakistan Forest Institute (PFI), Peshawar to the Government of Khyber Pakhtunkhwa w.e.f. 01-07-2011, the following employees are repatriated to Pakistan Forest Institute (PFI), Peshawar with immediate effect:

| S# | Employee | Designation | BPS | Present posting |
|----|---------------------------|----------------------------------|-----|--|
| 1. | Mr. Aurangzeb Ashraf Awan | Central Silviculturist | 18 | Assistant Inspector General of Forest, Climate Change Division, Islamabad |
| 2. | Mr. Zahid Mahmood | Executive Officer | 17 | Section Officer, Textile Industry Division |
| 3. | Mr. Nowsherwan Zarif | Assistant Silviculturist | 17 | Section Officer, Capital Administration & Development Division |
| 4. | Mr. Ghansham Das | Assistant Composite Wood Officer | 17 | Section Officer, Information Technology and Telecommunications Division, Islamabad |
| 5. | Mr. Naeemullah Qazi | Research Assistant | 16 | Carcinologist, Marine Biological Research Laboratory (MBRL), Ports & Shipping Division, Ports & Shipping Wing, Karachi |

M.A.
(Muhammad Ayaz)
Section Officer

The Manager,
Printing Corporation of Pakistan Press,
University Road, Karachi

Copy to:

1. The Secretary, Cabinet Division, Islamabad,
2. The Secretary, Establishment Division, Islamabad.
3. The Secretary, Climate Change Division, Islamabad
4. The Secretary, Textile Industry Division, Islamabad
5. The Secretary, Information Technology & Telecommunications Division, Islamabad
6. The Secretary, Capital Administration & Development Division, Islamabad
7. The Secretary, Ports & Shipping Division, Islamabad
8. The AGPR, Islamabad
9. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar with refer to d.o. No.1739/F.I(Per)-Est/272 WFA dated 06-01-2015 addressed to the Cabinet Secretary, Islamabad.
10. The Secretary, Environment Department, Government of Khyber Pakhtunkhwa, Peshawar
- ✓ 11. The Director General, Pakistan Forest Institute, Peshawar.
12. The Joint Secretary (Admn), Establishment Division, Islamabad
13. The Director General-IV, MS Wing, Establishment Division, Islamabad.
14. The Section Officer (OMG-I), Establishment Division, Islamabad
15. The Section Officer (OMG-II), Establishment Division, Islamabad
16. The Section Officer (Devolution Cell of defunct M/o Environment) Cabinet Division, Islamabad
17. Officers concerned through Devolution Cell.

M.A.
(Muhammad Ayaz)
Section Officer

ATTESTED

[Signature]
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

GOVERNMENT OF PAKISTAN
MINISTRY OF CLIMATE CHANGE

160

F. No.1(52)/Admn-I/CC/2013

Islamabad, the 25th May, 2015

The Deputy Director (Tech),
Pakistan Forest Institute,
Environment Department,
Government of Khyber Pakhtunkhwa,
Peshawar

Copy No. 242
Date: 1/6/15

Subject: EXTENSION IN DEPUTATION PERIOD OF MR. AURANGZEB ASHRAF AWAN, CENTRAL SULVICULTURIST (BS-18) WORKING ON DEPUTATION BASIS IN THE MINISTRY OF CLIMATE CHANGE AS ASSISTANT INSPECTOR GENERAL FOREST (BS-18)

Dear Sir,

I am directed to refer to the subject noted above and to state that Mr. Aurangzeb Ashraf Awan, Central Sulviculturist an officer of Government of Khyber Pakhtunkhwa was posted in Ministry of Climate Change on deputation basis against the vacant post of Assistant Inspector General Forest w.e.f. 30.06.2011 for a period of three years which was completed on 29.06.2014. The Competent Authority i.e. Secretary, Ministry of Climate Change has been pleased to extend deputation period of the above named officer for further period of two (02) years.

2. Keeping in view knowledge, qualification and experience of Mr. Aurangzeb Ashraf Awan, (Central Sulviculturist BS-18 officer of PFI) it is therefore, requested to kindly issue NOC in favour of the above officer for extension in his deputation period for another two years w.e.f. 30.06.2014 to 29.06.2016 enabling this Ministry to proceed further in the matter.

Yours faithfully,

(Syed Wajid Ali Shah)
Section Officer (Admn-I)

ATTESTED

Alu
Administrative Officer (G)
Pakistan Forest Institute
Peshawar



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

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



Dated 19th June, 2015

No. 107 /F.I.(Per)-Estt

To

Secretary,
Ministry of Climate Change,
Government of Pakistan,
Islamabad.

SUBJECT: EXTENSION IN DEPUTATION PERIOD OF MR. AURANGZEB ASHRAF AWAN, CENTRAL SILVICULTURIST (BS-18) WORKING ON DEPUTATION BASIS IN THE MINISTRY OF CLIMATE CHANGE AS ASSISTANT INSPECTOR GENERAL FOREST (BS-18)

I am directed to refer to your letter No. 1(52)/Admn-I/CC/2013, dated 25th May 2015, and to state that the above named officer has already been repatriated to PFI, Peshawar vide Government of Pakistan, Establishment Division (Management Service Wing)'s Notification No. 3(4)/DG-I/MSW/2011, dated 24th February 2015. He has been directed vide this office letter No. 304 /F.V(10)-Estt, dated 26-03-2015 followed by reminder No. 400, dated 13-04-2015, to report for duty at PFI, but he failed to do so, thus has made himself liable for disciplinary proceeding. NOC for extension in his deputation period can't be issued, as PFI is facing shortage of staff.

It is requested that the officer may please be directed to report for duty at PFI, without further delay.

Deputy Director (Technical)

Cc:

1. The Secretary, Cabinet Division, Islamabad.
2. The Secretary, Establishment Division, Islamabad.
3. The Joint Secretary (Admn.), Establishment Division, Islamabad.
4. The Section Officer (Admn-I), Government of Pakistan, Ministry of Climate Change, Islamabad.
5. The Section Officer (Devolution Cell), Cabinet Division, Government of Pakistan, Worker Welfare Fund Building, Super Market, Islamabad.
6. The Section Officer (Estt), Forestry, Environment & Wildlife Department, Peshawar.

ATTESTED

Administrative Officer (G)
Pakistan Forest Institute
-Peshawar

Annex H N



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar, 09th January, 2018

NOTIFICATION

No: SO (Estt) FE&WD/VI-1/PEI/2k17:

In pursuance of section 11B of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the following devolved employees of the Federal Government, holding various posts in Federal Government entitles, on regular basis, before the commencement of the Eighteenth Constitution (Amendment) Act, 2010 (Act No. X of 2010) shall be deemed to be civil servants of the Province for all intents and purposes under the Act ibid:

| # | Name | Designation | BPS |
|----|---------------------------|-----------------------------------|-----|
| | | Additional Director General | 20 |
| 1 | Hakim Shah | Director, BSRD | 19 |
| 2 | Dr. Nasar Iqbal | Incharge Medical Officer | 18 |
| 3 | Dr. Ainul Hussain | Forest Chemist | 18 |
| 4 | Mr. Tanveer Ahmed Qureshi | Assistant Professor of Forestry | 18 |
| 5 | Mr. Ghayas Ahmed | Logging Officer | 18 |
| 6 | Mr. Ghulam Mustafa Nasir | Senior Research Officer | 18 |
| 7 | Dr. Ghulam Ali Bajwa | Assistant Professor of Forestry | 18 |
| 8 | Dr. Meemona Wali Muhammad | Wildlife Management Specialist | 18 |
| 9 | Mr. Muhammad Muslim | Senior Research Officer | 18 |
| 10 | Mr. Ayaz Khan Marwat | Range Management Officer | 18 |
| 11 | Mr. Ashar Farooq | Deputy Director (Tech) | 18 |
| 12 | Muhammad Atif Majeed | Forest Geneticist | 18 |
| 13 | Muhammad Bilal Zia | Central Silviculturist | 18 |
| 14 | Mr. Aurangzeb Ashraf Awan | Forest Mensuration Officer | 18 |
| 15 | Mr. Anwar Ali | Assistant Forest Economist | 17 |
| 16 | Mr. Saiz Muhammad | Bio Chemist | 17 |
| 17 | Mst. Sanam Zarif | Lady Medical Officer | 17 |
| 18 | Mst. Qudsiya Khanum | Assistant Silviculturist | 17 |
| 19 | Mr. Nowsherwan Zarif | Executive Officer | 17 |
| 20 | Mr. Zahid Mahmood | Assistant Wood Technologist | 17 |
| 21 | Mr. Tanveer Hussain | Lecturer in Forestry | 17 |
| 22 | Dr. Muhammad Nawaz Rajpar | Assistant Forest Entomologist | 17 |
| 23 | Mr. Naveed Ahmed | Assistant Composite Wood Officer | 17 |
| 24 | Mr. Ghansham Das | Assistant Wood Seasoning Officer | 17 |
| 25 | Mr. Zahid Rauf | Assistant Wood Technology Officer | 17 |
| 26 | Mr. Khalid Hussain | Lecturer in Forestry | 17 |
| 27 | Mr. Ahmed Zamir | Lecturer in Forestry | 17 |
| 28 | Mr. Sohail Ahmad | Superintendent | 17 |
| 29 | Mr. Alta-ur-Rehman | Superintendent | 17 |
| 30 | Mr. Yousaf Shahi | | |

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE
DEPARTMENT

Dated Peshawar the, 09th January, 2018

Encls: No: SO (Estt) FE&WD/VI-1/PEI/2k17:

Copy is forwarded to:-

- Secretary to Govt. of Pakistan, Climate Change Division, Islamabad w/r to his Notification No: 3-15/2011-Admn-1, dated 30th June, 2011.
- Secretary to Govt. of Pakistan Information Technology & Telecommunication Division, Islamabad.

They are requested to kindly direct the officers at S. No: 1-1 & 24 above namely Mr. Aurangzeb Ashraf Awan, presently working as Assistant Inspector General of Forest, Ministry of Climate Change Division, Islamabad & Mr. Ghansham Das, presently working as Section Officer in Ministry of Information Technology & Telecommunication Division,

ATTESTED

Administrative Officer (G)
Pakistan Forest Institute
Peshawar

Islamabad to immediately report/join their duties in Pakistan Forest Institute, Peshawar for actualization their Provincialization.

3. Secretary to Govt: of Pakistan Cabinet Secretariat (Cabinet Division), Islamabad.
4. Secretary to Govt: of Pakistan Inter Provincial Coordination Division, Islamabad.
5. Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department.
6. Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department.
7. Secretary to Govt: of Khyber Pakhtunkhwa, Law Department.
8. Secretary to Govt: of Khyber Pakhtunkhwa Inter Provincial Coordination Department.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. Director General, Pakistan Forest Institute, Peshawar w/r to his letter No: 1503/F.VI (200)-Estt, dated 19th December, 2017. He is directed that Provincialization orders in respect of the employees upto BPS-16 and below in PFI may be issued on prescribed format, being appointing authority under the rules.


Moreover, the Provincialization orders in respect of the Officers at S. No: 02, 14 & 24 above may also send to the officers concerned through TCS on their Official/home addresses under intimation to this Department. In case of failure to join duty in PFI within stipulated period, necessary action may be taken under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

11. Chief Conservator of Forests, Central and Southern Forest Region-I, Peshawar.
12. Director Budget & Accounts Cell, Forestry, Environment & Wildlife Department.
13. Programmer, B&A Cell of FE&W Department.
14. PS to Secretary FE&W Department, Khyber Pakhtunkhwa.
15. All Officers concerned C/o DG PFI.
16. Personal file of the officers concerned.
17. Master file.
18. Office order file.

for mta pls
11/01/18
DD&D

(TARIQ JAMAL)
SECTION OFFICER (ESTT)


ATTESTED


Administrative Officer (G)
Pakistan Forest Institute
Peshawar

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Annex - I

24/6/16

| | |
|---|---|
|  | GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT |
| | NO.SO(Estt)/FE&WD/V-6/2K15 Dated Pesh: 6 th June, 2016 |

TO:

The Director General,
Pakistan Forest Institute, Peshawar.

SUBJECT:

ABSORPTION OF MR. AURANGZEB ASHRAF AWAN, CENTRAL SILVICULTURIST (BS-18) WORKING ON DEPUTATION UNDER SECTION-10 OF CIVIL ACT 1973 IN THE MINISTRY OF CLIMATE CHANGE AS ASSISTANT INSPECTOR GENERAL (FOREST) BS-18.

I am directed to refer to your letter No.835/F.I.(Per)Estt dated 16/05/2016 on the subject cited above and to say that the officer concerned may be directed to assume his duties in PFI after the deputation period which has expired on 29/6/2014.

(SYED KAZIM HUSSAIN SHAH)
SECTION OFFICER (ESTT)

Encl: No. and date even.

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

SECTION OFFICER (ESTT)

DD/A

23/6/16

23/6/16
AO (S)

ATTESTED

Alto
Administrative Officer (G)
Pakistan Forest Institute
Peshawar



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

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



No. *1168* /F.I(Per)-Estt

Dated *29/6* June, 2016

To

Mr. Aurangzeb Ashraf Awan,
Central Silviculturist, PFI,
Assistant Inspector General Forest,
Ministry of Climate Change
Government of Pakistan, Islamabad.

SUBJECT: ABSORPTION OF MR. AURANGZEB ASHRAF AWAN, CENTRAL SILVICULTURIST (BS-18) WORKING ON DEPUTATION UNDER SECTION - 10 OF CIVIL ACT 1973 IN THE MINISTRY OF CLIMATE CHANGE AS ASSISTANT INSPECTOR GENERAL (FOREST) BS-18

Please find enclosed herewith Government of Khyber Pakhtunkhwa, Forestry, Environment & Wildlife Department letter No. SO(Estt)/FE7WDV-6/2K15, dated 06-06-2016, contents are self explanatory.

Therefore, you are hereby directed to assume your duty in Pakistan Forest Institute (PFI), Peshawar with immediate effect.

[Signature]
Director General

CC:

- 1- Section Officer (Estt), Forestry, Environment & Wildlife Department, Government of Khyber Pakhtunkhwa, with reference to the letter mentioned above.
- 2- Section Officer (Admin-I), Ministry of Climate Change, Islamabad, with reference to your office letter No. F.No.1(52)/2013-A1/CC dated 11th September, 2015.

ATTESTED

[Signature]
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

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TO BE PUBLISHED IN NEXT ISSUE
OF GAZETTEE OF PAKISTAN PART-I

GOVERNMENT OF PAKISTAN
MINISTRY OF CLIMATE CHANGE
◀◀◀◀◀◀

Islamabad the 14th March, 2017

NOTIFICATION

No.F.1(52)/2013-Admin-CC. The services of Mr. Aurangzeb Ashraf Awan a BS-18 officer of Pakistan Forest Institute Pakistan, presently working as Assistant Inspector General (Forest) on deputation basis in this Ministry are hereby repatriated to his parent department i.e. Pakistan Forest Institute (PFI, Peshawar) with immediate effect.

Muhammad Iftikhar (Seccoon)
Secretary Secretariat

Printed and Published by
Government of Pakistan Press,
Chandni Chowk Road,
Islamabad

Copy to:-

- SPS to Secretary, Climate Change Division, Islamabad
- APS to Joint Secretary (Admin), Climate Change Division, Islamabad
- Inspector General (Forest), Climate Change Division, Islamabad
- Director General (PFI), Peshawar
- APS, Islamabad
- Sub-Office, Peshawar
- Administrative Officer (B&A), PFI, Peshawar
- SO (B&C), Climate Change Division, Islamabad
- Officer concerned
- Personal file

Mr. Usman Ghani Khattak
Section Officer (Admin-II)

ATTESTED

(Signature)
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

Ames - *AL*
IN THE FEDERAL SERVICE TRIBUNAL, 47-ATTATURK AVENUE,
SECTOR. G-5/2, ISLAMABAD.

D. No. 3133

Dated 05 APR 2018

Subject:- ORDER PASSED IN APPEAL NO.3057(R)CS-2017 with
1941-17 & 3019-17 FILED BY MR. AURANGZEB ASHRAF AWAN VS
M/O CLIMATE CHANGE ETC.

A certified copy of the judgment passed by this Honourable
Tribunal in the appeal noted in the subject is sent herewith for your
information/compliance.

By Order

Aurangzeb
REGISTRAR

To,

1. Mr. Aurangzeb Ashraf Awan, Assistant Inspector General (Forest) M/o
Climate Change, Islamabad.
2. The Secretary, M/o Climate Change, Government of Pakistan, Islamabad.
3. The Deputy Secretary (Admn), M/o Climate Change, Government of Pakistan,
Islamabad.
4. Director General, Pakistan Forest Institute, Peshawar.
5. The Secretary, Establishment Division, Government of Pakistan, Islamabad.
6. The Solicitor, Law & Justice Division, Islamabad.

Sw
DATE
13/04/18
15.7

Amid
13/04/18

ATTESTED

Amid
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

Judgment Sheet
IN THE FEDERAL SERVICE TRIBUNAL, ISLAMABAD

Appeal No. 3057(R)CS/2017 with M.Ps. No. 1941/2017 & 3019/2017

| | |
|---------------------|------------|
| Date of Institution | 14.07.2017 |
| Date of Hearing | 28.03.2018 |
| Date of Judgment | 28.03.2018 |

APPELLANT: Aurangzeb Ashraf Awan, Assistant Inspector General (Forest), Ministry of Climate Change, Islamabad.

- RESPONDENTS: 1. The Secretary, Ministry of Climate Change, Government of Pakistan, Islamabad.
2. Deputy Secretary (Admin), Ministry of Climate Change, Government of Pakistan, Islamabad.
3. Director General, Pakistan Forest Institute, Peshawar.

BEFORE: Mr. Muhammad Jahangir Mir and
Mr. Muhammad Humayun, Members.

PRESENT: Appellant with Mr. Muhammad Bashir Khan, advocate.
Ms. Shaista Tabasum Khan, learned Assistant Attorney General for the respondents with Syed Ali Raza Zaidi, Deputy Director, M/o Climate and Mr. Farhan Ahmed, Supdt. PFI as D.Rs.
Malik Akhtar Hussain Awan, Advocate General KPK.

JUDGMENT

MUHAMMAD HUMAYUN, MEMBER: The instant appeal has been filed by the appellant under Section 4 of the Service Tribunal Act, 1973 feeling aggrieved by the impugned order dated 14.03.2017 whereby the appellant was repatriated to his parent department i.e. Pakistan Forest Institute (PFI, Peshawar). The appellant preferred departmental appeal dated 16.03.2017 which has not been responded.

2. Briefly stated the facts of the case as disclosed in the memo of appeal are that the appellant was appointed as Central Silviculturist (BPS-18) in the Pakistan Forest Institute, Peshawar on the recommendation of Federal Public Service Commission and a Notification dated 28.12.2010 was issued by the Ministry of

ATTESTED

[Signature]
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

ATTESTED

[Signature]
Registrar
Federal Service Tribunal

Environment, Government of Pakistan, Islamabad. The said Institute was under the Administrative Control of the Ministry of Environment Islamabad. The learned counsel for the appellant contended that after the 18th Amendment in the Constitution, vide notification dated 29.06.2011, various Ministries including Ministry of Environment ceased to exist and was devolved and the Pakistan Forest Institute went under the control of KPK Government. Vide notification dated 30.06.2011 the appellant was transferred and posted against vacant post of Assistant Inspector General in the Ministry of Environment on deputation basis under Section 10 of the Civil Servant Act, 1973. Later on Vide notification dated 10.01.2012 issued by the Establishment Division, the appellant was transferred alongwith post and budget from Planning Division to National Disaster Management on deputation basis under Section 10 of the Civil Servant Act, 1973 as AIG Forest. Ministry of Climate Change wrote letter to the PFI on 25.05.2015 for issuance of NOC for absorption of appellant. Vide letter dated 11.09.2015, NOC was asked from PFI for permanent absorption of appellant in the Ministry of Climate Change. In the meanwhile another notification dated 14.03.2017 was issued whereby the appellant was repatriated to the Pakistan Forest Institute. Against this order, the appellant filed appeal through proper channel on 16.03.2017 but neither it was forwarded to the concerned authority nor any reply has been received hence this appeal. The learned counsel for the appellant prayed that notification No. F.1(52)/2013-Admn-I/CC dated 14.03.2017 may be set aside and notification of absorption of the appellant as AIG (Forest) BPS-18 may be issued.

3. The learned AAG and AG KPK contended that the appellant assumed charge of the Silviculturist (BPS-18) in PFI on 09.08.2010 and the services of the appellant were requisitioned for deputation with the approval of the Secretary Ministry of Environment. They contended that on 30.06.2011 the services of the appellant were placed at the disposal of Ministry of Environment (Defunct) on deputation. However in violation of rules his notification was issued on deputation under Section 10 of the Civil

ATTACHED

Alto
 Administrative Officer (G)
 Pakistan Forest Institute
 Peshawar

ATTACHED

[Signature]
 Federal Service Tribunal
 Islamabad

Servants Act, 1973. On expiry of three years normal deputation period a request was made by the Ministry of Climate Change to the Government of KPK to accord approval for two years extension in deputation of the officer alongwith request of NOC to absorb the appellant in the Ministry of Climate Change. The Government of KPK did not approve further two years extension for the deputation of the appellant and issued a notification dated 14.03.2017 for the repatriation of the appellant to his parent department i.e. the PFI. The appellant has completed already 05 years deputation period, therefore his parent department i.e. the PFI has ordered for his repatriation to his parent department. The learned AAG and AG of KPK further contended that a notification of Government of KPK, Forestry, Environment & Wildlife Department was also issued on 09.01.2018 in which the appellant is at Sr. No. 14 reproduced as under;

"No: SO (Estt) FE & WD/VI-1/PFI/2k17 in pursuance of section 11B of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the following devolved employees of the Federal Government, holding various posts in Federal Government entitles, on regular basis, before the commencement of the Eighteenth Constitution (Amendment) Act, 2010 (Act No. X of 2010) shall be deemed to be civil servants of the province for all intents and purposes under the Act ibid."

4. Moreover, the terms and conditions of the deputationists are settled by mutual consultation of the borrowing and the lending department. In the instant case the lending department has refused to give NOC for further extension of two years therefore, his repatriation orders were issued by the borrowing department i.e. PFI on 14.03.2017. Moreover, the appellant is continuously working in the Ministry of Climate Change w.e.f. 10.01.2012 till date. As per directives of the Hon'ble Supreme Court of Pakistan contained in the order, in Criminal Misc. Application No. 486 of 2013 dated 18.11.2003 that no officer shall be allowed

ATTESTED

[Signature]
 Administrative Officer (G)
 Pakistan Forest Institute
 Peshawar

extension in deputation beyond 03 years.
 5. Arguments from both sides heard and file perused.

ATTESTED
[Signature]
 Registrar
 Federal Service Tribunal
 Islamabad

Amir

6. According to the Civil Servants Act, 1973 and Rules made thereunder there are three specific method of appointment viz with provisions of Recruitment Rules framed under sub-rule (2) of rule 3 of the Civil Servants (Appointment, promotion & Transfer) Rules, 1973 in consultation with Establishment Division and FPSC under FPSC Ordinance, 1977.

7. Rules regarding deputation are available at Sr. No. 8.1 page 415 to 416 of the Estacode 2015: -

"8.1 Deputation of Government Servants - period of Deputation

Maximum Period of Deputation:- In continuation of Establishment Division's circular D.O. letter No. 4/1/84-RI (A) dated 20.11.1986 (Annex), conveying the directives of the Prim Minister requiring the period of appointment, secondment or deputation, the following policy is laid down for deputation of government servants:

- (i). The normal period of deputation for all categories of government servants would be three years. This would be extendable by two years with the prior approval of the competent authority.
- (iv). On completion of the maximum period of five years, both the borrowing and the lending organizations should ensure immediate repatriation of the deputationist."

8. The long and short of the above is that the appellant was transferred and posted on deputation on 30.06.2011. On expiry of 03 years normal deputation period, government of KPK was requested for further extension in the deputation of the officer which was not acceded to by the PFI, government of KPK. It is evident that the appellant has been continuously on deputation from 30.06.2011 till date in the Ministry of Climate Change, therefore, a notification dated 14.03.2017 was issued by PFI, government of KPK for repatriation of the appellant to his parent department i.e. the PFI. During this whole period the status of the officer being deputationist has not changed. Keeping in view, the rulings of the Hon'ble Supreme Court of Pakistan as well as Rules framed in the Estacode

ATTESTED

[Signature]
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

ATTESTED
[Signature]

REGISTRAR
Federal Service Tribunal
(Islamabad)

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2015 regarding deputationist, the instant appeal alongwith M.Ps are without merits and hence rejected.

9. No order as to costs.

10. Parties be informed.

Sd...
MEMBER

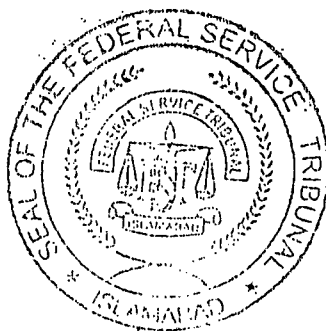
Sd...
MEMBER

Islamabad
Dated 28.03.2018.
'M. Riaz'

CERTIFIED TRUE COPY

M. Riaz

Registrar
Federal Service Tribunal
Islamabad




ATTESTED

A. Javed

Administrative Officer (G)
Pakistan Forest Institute
Peshawar

Amir M

| | |
|---|---|
|  | <p>THROUGH REGISTERED</p> <p>GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT</p> <p>NO:SO(Estt)/FE&WD/VI-6/PFI/2017/16491-83 Dated Peshawar the, 25th June, 2018</p> |
|---|---|

To

Mr. Aurangzeb Ashraf Awan,
Central Silviculturist (BS-18), PFI
House No: 339, Street Swan Road. G-10/3,
Islamabad.

Subject: - **REPORT FOR DUTY IN PFI**

I am directed to refer to the subject captioned above and to say that all the employees of PFI have been provincialized vide this department's Notification No: SO (Estt)/FE&WD/VI-I/PFI/2017/483-99, dated 09th January, 2018.

2. Subsequent to expiry of deputationist period, you were required to join duty in PFI on 29th June, 2014, but despite issuance of various notices by the PFI authorities and this department as well, you have remained absent from duty till now.

3. In view of above, this notice is being issued under Rule-9 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011 with the directions to join your duty in PFI within fifteen days of its issuance. Besides explain the reasons for willful inordinate absence from duty. In case of failure, disciplinary proceedings will be initiated against you under the ibid rules.

(HAFIZ ABDUL JALIL)
SECTION OFFICER (ESTT)

Endst: No: & date even

Copy is forwarded for information to:-

1. Director General, Pakistan Forest Institute, Peshawar with the direction to ensure that the above notice is served upon the addressee by PFI as well, under intimation to this department.
2. PS to Secretary, FE&W Department, Khyber Pakhtunkhwa.

SECTION OFFICER (ESTT)

ATTESTED
refuge
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

To,

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

Subject: REPORT FOR DUTY IN PFI

Reference Forestry, Environment & Wildlife Department, Government of Khyber Pakhtunkhwa, Peshawar's letter No. SO (Estt)/FE&WD/VI-6/PFI/2017/6491-93, dated. 25th June, 2018 on the subject.

2. It is to inform that the undersigned has filed C.P No.1985/2018 in the Honourable Supreme Court of Pakistan and the subject matter is pending/subjudice (copy attached).

3. The above position is submitted for your information.

(Aurangzeb Ashraf Awan)
(Aurangzeb Ashraf Awan)

Copy to:

- 1- Director General, Pakistan Forest institute, Peshawar.
- 2- Administrative Officer (G), Pakistan Forest institute, Peshawar w.r.t letter No.1079/F.1 (Pers)-Estt, dated.29th June, 2018 for information.


[Signature]
11/07/18

AO(G)

[Signature]

[Signature]
11/07/18

ATTESTED
[Signature]
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

| | |
|---|--|
|  | <p style="text-align: center;">THROUGH REGISTERED</p> <p style="text-align: center;">GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT</p> <p style="text-align: center;">NO.SO(Estt)/FE&WD/V1-6/PFI/2017 Dated Peshawar the, 18th July, 2018 7357-59</p> |
|---|--|

To

Mr. Aurangzeb Ashraf Awan,
Central Silviculturist (BPS-18) (PFI)/
Assistant Inspector General (Forests),
Ministry of Climate Change,
Islamabad.

Subject: - REPORT FOR DUTY IN PFI

I am directed to refer to your application dated 02nd July, 2018 on the subject captioned above with the directions to report/join your duty in PFI **within fifteen days** of issuance of this notice and in case of failure, Note will be moved to Chief Secretary, Khyber Pakhtunkhwa for initiating action against you for removal from service under Rule-9 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011.

(HAFIZ ABDUL JALIL)
SECTION OFFICER (ESTT)

Endst: No: & date even

Copy is forwarded for information to:-

1. Director General, Pakistan Forest Institute, Peshawar with the direction to ensure that the above notice is served upon the addressee by PFI as well, under intimation to this department.
2. PS to Secretary, FE&W Department, Khyber Pakhtunkhwa.

*Ensure the compliance
as scheduled in para 1*


SECTION OFFICER (ESTT)

sup
23/7/18
23/7/18
Ad(S.)

ATTESTED

Administrative Officer (G)
Pakistan Forest Institute
Peshawar



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT**

SHOW CAUSE NOTICE

WHEREAS upon devolution of Pakistan Forest Institute (PFI) to Provincial Government of Khyber Pakhtunkhwa w.e.f. 01-07-2011, all its employees were also transferred to Provincial Government of Khyber Pakhtunkhwa on deputation basis.

WHEREAS, in pursuance of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015 (Act No. XVIII of 1973) you Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18), PFI including all the devolved employees of PFI having BPS-17 and above were provincialized vide Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department Notification No.SO(Estt)FE&WD/VI-1/PFI/2K17, dated 09th January, 2018.

AND WHEREAS, vide the aforementioned Notification No.SO (Estt)FE&WD/VI-1/PFI/2K17, dated 09th January, 2018, you were directed to immediately report/join duty in PFI for actualization of your Provincialization, followed by PFI letter No.53/F.I(Per)-Estt dated 17th January, 2018 (sent on your postal address i.e., House No.339, Street Swan Road, G-10/3, Islamabad) and office address i.e., Deputy Inspector General (Forest), Ministry of Climate Change, Islamabad and subsequent reminders bearing No.SO (Estt)FE&WD/VI-6/PFI/2017/6475-77, dated 25th June, 2018, issued by the Administrative Department, which was also served to you by the PFI on 29th June, 2018, but you have failed to report for duty in PFI till date.

NOW THEREFORE, you are finally directed to report for duty in PFI, Peshawar, **within a period of 15 days** of publication of this notice and explain the reason of your willful absence. In case of failure, ex-party action will be taken against you under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, which can lead to your removal from service.

**Secretary
Govt: of Khyber Pakhtunkhwa
Forestry, Environment & Wildlife
Department**

ATTESTED

Ahmad
**Administrative Officer (G)
Pakistan Forest Institute
Peshawar**

Annex-2



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar the, 31st December, 2018

NOTIFICATION

No: SO (Estt)/FE&WD/V-6/PF:- WHEREAS, consequent upon devolution of Pakistan Forest Institute (PFI), Peshawar under the 18th Constitutional Amendment in the Islamic Republic of Pakistan, 1973 w.e.f 01st July, 2011, all its employees were also devolved/transferred to the Government of Khyber Pakhtunkhwa on deputation basis under Section-10 of the Civil Servants Act, 1973 on their existing posts in the same Basic Scales of pay, pending formulation of new enabling law vide Ministry of Environment (now Ministry of Climate Change), Government of Pakistan, Islamabad Notification No: 3-45/2011-Admn-I, dated, 30th June, 2011.

AND WHEREAS, Government of Khyber Pakhtunkhwa Establishment Department through Notification No: SO (O&M)/E&AD/2-7/2007, dated 13th August, 2011, declared the PFI as an Attached Department under the administrative control of Environment (now Forestry, Environment & Wildlife Department), Government of Khyber Pakhtunkhwa and allowed to continue its working, mutatis mutandis, as was standing on 30th June, 2011.

AND WHEREAS, Establishment Division (Management Services Wing), Government of Pakistan through notification No: 3 (4)/DG-1/MSW/2011, dated 24th February, 2015 repatriated the services of Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18) to PFI. Accordingly, he was directed time & again by this department through issuance of letters (both at his home and official address) dated 29th June, 2015, 05th October, 2016, 09th January, 2018, 25th June, 2018 & 16th July, 2018 and by PFI as well through letters dated 03rd March, 2018, 17th April, 2018 & 29th June, 2018 for joining duty in PFI, but he neither submitted his arrival report for duty in PFI nor any response to this effect was received from him.

AND WHEREAS, in pursuance of Section-11B of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No: XVIII of 1973), the provincialization order in respect of officers of BS-17 and above of PFI including Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18) were issued vide Notification No: SO (Estt)/FE&WD/VI-1/PFI/2017/483-99, dated 09th January, 2018 with the direction to ensure resumption of his duty in this Provincial Government i.e., PFI. The provincialization order was also sent by DG, PFI to the above named officer (both on his home address and official address as well) for compliance through letter No: 53/F.I (Per)-Estt, dated 17th January, 2018, but he failed to comply with all such directions and did not resume duty at PFI.

AND WHEREAS, on willful absence and failure of the above named officer to join duty in PFI despite repeated requests, he was proceeded against under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and in light of approval of the competent authority, the show cause notices (both in English & Urdu version) against the above named officer were got published in daily "MASHRIQ PESHAWAR" dated 06th October, 2018 & daily "AAJ PESHAWAR", dated 07th October, 2018 through Directorate of Information Khyber Pakhtunkhwa for resuming duty in PFI within fifteen (15) days, failing which ex-parte action would be taken against him under Rule-9 of the said rules. However, he did not submit his arrival report for duty in PFI.

ATTESTED
[Signature]
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

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NOW, THEREFORE, the Competent Authority, by exercising his powers conferred under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 read with Rule-4 (1) (a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been pleased to impose the major penalty of "**REMOVAL FROM SERVICE**" upon Mr. Aurangzeb Ashraf Awan, Central Silviculturist (BS-18), PFI, with immediate effect.


(Chief Minister)
Khyber Pakhtunkhwa/
Competent Authority

16859-71

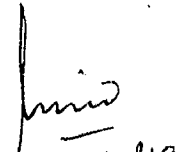
Endst: No: SO (Estt)/FE&W/V-6/PFI: - Dated Peshawar the 31st December, 2018


Copy is forwarded to:-

- 1) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 2) Director General, Pakistan Forest Institute, Peshawar.
- 3) Director Budget & Accounts Cell, FE&W department, Khyber Pakhtunkhwa.
- 4) Section Officer (Admin), Ministry of Information Technology & Telecommunication, Government of Pakistan, Islamabad.
- 5) Muhammad Ayaz, Section Officer, Government of Pakistan, Establishment Division (Management Services Wing), Islamabad w/r to his Notification No: 3 (4)/DG-1/MSW/2011, dated 24th February, 2015.
- 6) Section Officer, Ministry of Climate Change, Government of Pakistan, Islamabad.
- 7) PS to Secretary Ministry of Information Technology & Telecommunication, Government of Pakistan, Islamabad.
- 8) PS to Secretary, Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa.
- 9) Officer concerned C/O Section Officer Admin), Ministry of Information Technology & Telecommunication, Government of Pakistan, Islamabad.
- 10) Personal file of the officer concerned.
- 11) Master file.
- 12) Office order file.


(HAFIZ ABDUL JALIL)
SECTION OFFICER (ESTT)





18/12/19


18/12/19

AD (S)


ATTESTED


Administrative Officer (G)
Pakistan Forest Institute
Peshawar

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Amey K

THROUGH TCS


| | |
|---|---|
|  | <p align="center"> GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT NO.SO(Estt)/FE&WD/VI-6/2017/PFI 5127-30 Dated Peshawar the, 05th September, 2019 </p> |
|---|---|

To
 Mr. Aurangzeb Ashraf Awan,
 Ex-Central Silviculturist,
 Pakistan Forest Institute,
 Resident of House No: 339,
 Street Swan Road G-10/3,
 Islamabad.

C/o Director General, PFI,
 Khyber Pakhtunkhwa,
 Peshawar.

Subject: - REVIEW PETITION AGAINST THE NOTIFICATION OF REMOVAL FROM SERVICE DATED 31-12-2018 COMMUNICATED TO THE PETITION VIDE LETTER NO: 154/F (Per)-Estt DATED 29-01-2019 RECEIVED BY THE PETITIONER THROUGH POST ON 01-02-2019

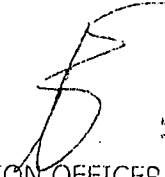
I am directed to refer to your subject review petition dated 27th February, 2019 received through Chief Minister's Secretariat, Khyber Pakhtunkhwa via letter No: SOV/CMS/KPK/Env/2019/2973, dated 15th March, 2019, was processed for orders of the Chief Minister, Khyber Pakhtunkhwa being Reviewing Authority, who considered and rejected your subject appeal, being devoid of merit.


 (HAFIZ ABDUL JALIL)
 SECTION OFFICER (ESTT)

Endst: No: & date even

Copy is forwarded for information to:-

1. Director General, Pakistan Forest Institute, Peshawar w/r to his letter No: 856/ F. I (Per)-Estt, dated 12th July, 2019.
2. Section Officer-V, Chief Minister's Secretariat, Khyber Pakhtunkhwa w/r to his letter No: quoted above.
3. PS to Secretary, FE&W department, Khyber Pakhtunkhwa.


 SECTION OFFICER (ESTT)

ATTESTED

 Administrative Officer (G)
 Pakistan Forest Institute
 Peshawar

①

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Manzoor Ahmad Malik
Mr. Justice Syed Mansoor Ali Shah
Mr. Justice Amin-ud-Din Khan

C.P.2717-L of 2015

*(Against the order of Federal Service Tribunal
dated 14.09.2015, passed in MP No. 23/2015
in Appeal No. 99(L)CE/2004)*

Regional Operation Chief, National Bank of Pakistan, Human
Resource Department, Regional Office, Sargodha, etc.

.....*Petitioner(s)*

Versus

Mst. Nusrat Perveen, etc.

.....*Respondent(s)*

For the petitioner(s): Mr. M. Qamar-uz-Zaman, ASC.

For the respondent(s): N.R.

Research Assistance: Mr. Hasan Riaz, Civil Judge cum
Research Officer at SCRC.¹

Date of hearing: 23.12.2020

ORDER

Syed Mansoor Ali Shah, J.- We consider in this petition whether the appeal filed by a civil servant in the Federal Service Tribunal ("Tribunal") would abate on his death or his legal heirs could pursue the same.

2. Brief facts of the case are that decedent predecessor of the respondents, Rana Ejaz Ahmad, while working as Officer Grade-III was departmentally proceeded against by the petitioners and was awarded major penalty of reduction to a lower stage of pay by three steps. The decedent challenged the imposition of penalty but died during the pendency of his appeal before the Tribunal. Rejecting the objection of the petitioners that the claim of the decedent did not survive after his death, the Tribunal allowed legal heirs of the decedent to be impleaded as party in the appeal

¹ Supreme Court Research Centre, SCP, Islamabad.

pending before it. The petitioners have sought leave of this Court under Article 212(3) of the Constitution to appeal against the order of the Tribunal.

3. It has been contended by the learned counsel for the petitioners that an employment grievance does not survive the civil servant's death. No remedy, he argues, has been provided to the legal heirs of a civil servant under the Service Tribunals Act, 1973 ("Act") and, therefore, the respondents could not be permitted to pursue the claim initiated by the decedent. The learned counsel has resorted to two judgments of this Court i.e. *Muhammad Nawaz v Ministry of Finance* (1991 SCMR 1192) and *Muhammad Ashfaq v Member (Revenue) Board of Revenue* (PLD 2008 SC 703) to support his argument. Additionally, he submits that in view of the judgment delivered in *Muhammad Tariq Badr v National Bank of Pakistan* (2013 SCMR 314), the Tribunal had limited jurisdiction as regards the terms and conditions of the employees of the petitioner bank which extinguished with the demise of the decedent.

4. We have heard the learned counsel for the petitioners at length and perused the judgments relied upon by him minutely. The matter in issue relates to the survival of the right to sue following the death of a civil servant. The appeal of the decedent on a matter relating to some terms and conditions of service at the time of his death was undoubtedly pending before the Tribunal in accordance with the decision² of this Court. The only question begging determination is the survivability of the claim of the decedent. It is seen that the Act or the rules³ framed thereunder do not contain any reference to the question of devolution of the right to sue in case a civil servant dies during the pendency of service appeal nor do they provide for abatement of appellate proceedings initiated by an aggrieved civil servant on his death. Adverting to the case law developed on this subject, it is apparently correct that the appeals filed by civil servants were held by this Court to have abated with their death in the cases of *Muhammad Nawaz* and *Muhammad Ashfaq*. However, these two judgments were distinguished subsequently by a three Member

² *Muhammad Tariq Badr v National Bank of Pakistan* 2013 SCMR 314.

³ The Service Tribunals (Procedure) Rules 1974.

Bench of this Court in *Chief Secretary Punjab v Ch. Iftikhar Ahmad*⁴. It was held therein that peculiar benefits to which the legal heirs would become entitled would not allow the lis to abate on the death of a civil servant. The writ petition of the husband of the deceased ad hoc civil servant was entertained and the right of late civil servant regarding the benefits of terms and conditions of service was considered to have devolved on her husband.

5. It is significant to observe that service disputes are not always attached merely with the person of a civil servant as an individual but more often than not with some benefits which could potentially be enjoyed by the successors of the civil servant in accordance with law which are contingent on the adjudication of the controversy. This consideration attracted the attention of this Court in *Federation of Pakistan v Syed Afzal Muhammad Farooq*⁵ where the civil servant whose grievance related to the issue of promotion had passed away during the pendency of appeal. It was observed that his legal heirs had no cause of action to the extent of promotion yet in the event of success of his claim, they would be entitled to enhanced pensionary benefits. The Court did not consider it appropriate to dilate upon the merits of the case in the absence of legal heirs. The Federation of Pakistan was directed to re-consider the case and if late civil servant was found to be entitled to promotion, enhanced pensionary benefits be extended to his legal heirs. Relying on the case of *Syed Afzal Muhammad Farooq*, this Court in the case of *Mehar Muhammad Nawaz v Managing Director, Small Business Finance Corporation*⁶ did not entertain the objection that the right to sue did not survive following the death of a civil servant. Legal representatives of the deceased civil servant were held entitled to the pensionary benefits admissible under the law.

6. In the case in hand also, the decedent in addition to assailing penalty imposed on him was seeking payment of wages which would have been due had he not been punished in departmental proceedings. And, if the departmental decision is

⁴ 2013 SCMR 392.

⁵ 2005 PLC (CS) 1424.

⁶ 2009 SCMR 187.

overturned in appeal, the heirs of the decedent would at least inherit back benefits which their predecessor would have got, had he succeeded in appeal in his lifetime. It is noteworthy that the heirs' entitlement to service benefits may sometimes transcend usual gains like pension, gratuity etc. For instance, in the province of Punjab, the family of a civil servant who dies in service is entitled to salary which the deceased civil servant was drawing, along with annual increases, till the date of superannuation of the deceased civil servant after which family pension is allowed as per rules.⁷ Imagining a hypothetical situation in this backdrop, if the claim of wrongful dismissal from service of a civil servant in Punjab is allowed to abate without adjudication on his death, legitimate expectancy of his family about substantial monetary benefits would be prejudiced without any adjudication.

7. Although the Court in this case is seized of a matter particularly governed by service law, the issue pertains to the larger question of the survival of a claim emanating from an employment dispute. This Court in *Itrat Zahida v President ABL*⁸ has held that the writ petition of an employee who has assailed the decision of Labour Appellate Tribunal does not abate on his death and his legal heirs have a right to continue the proceedings for a decision on merit. Employment claims have been held to have survived the death of the employee in different foreign jurisdictions. It has been held that the cause of action in a claim for overtime pay survives the death of the employees when statutory law does not specifically refer to the question of survival of actions⁹; a county employee's claim for back pay survives his death¹⁰; a claim for pecuniary compensation for discrimination brought before the employment tribunal could survive the death of the employee and it is immaterial that the discrimination Acts do not expressly confer rights on a personal representative to pursue a deceased's claim for compensation for discrimination, rather, the critical question is whether the discrimination Acts contain

⁷ Notification No. FD-SR-I/3-10/2004, Dated 15th August 2017, Finance Department, Government of the Punjab, Serial No. 2.

⁸ 2006 SCMR 1287.

⁹ *Acebal v United States* 60 Fed. Cl. 551.

¹⁰ *Rendek v Sheriff of Bristol County* 440 Mass. 1017.

anything which takes away such rights¹¹; a labour complaint will not extinguish as the causes of action i.e. violations of law survive the plaintiff's death¹²; a claim that an employee was wrongfully dismissed in violation of law survives the employee's death¹³; "[t]he death of the workman during pendency of the proceedings cannot deprive the heirs or the legal representatives of their right to continue the proceedings and claim the benefits as successors to the deceased workman. . . ."¹⁴; and the right to get the benefits, which would have been due to the deceased civil servant, would devolve on his legal representative.¹⁵

8. The question whether after the death of the plaintiff or the petitioner proceedings would abate would primarily depend on the nature of cause of action¹⁶ and the relief claimed in the peculiar facts of each case¹⁷. Service benefits may be enjoyed by the successors of the deceased civil servant. Some of those are inheritable which form part of the estate of the deceased while others are grants to be distributed among his family members according to law.¹⁸ The respondents in the instant petition would receive some benefits in case they are able to vindicate their stand before the Tribunal. Such a claim does not extinguish with the death of civil servant. Letting the claim lapse on the basis of an ultra textualist interpretation of the Act would be denying the heirs the right to seek adjudication on merits. The Tribunal is deemed to be a civil court for the purpose of deciding an appeal and has the same powers as are vested in such court under the Code of Civil Procedure, 1908 ("CPC").¹⁹ Rule 33 of Order XLI of CPC empowers a Court of Appeal to pass any decree and make any order which ought to have been passed or made and this power may be

¹¹ *Harris (suing as personal representative of Andrews (deceased) v Lewisham & Guy's Mental Health NHS Trust* [2000] 3 All ER 769.

¹² *McFeeley v Jackson Street Entm't, LLC* 2014 U.S. Dist. LEXIS 114767, 2014 WL 4182231.

¹³ *Gasior v Mass. Gen. Hosp.* 446 Mass. 645.

¹⁴ *Rameshwar Manjhi v Management of Sangramgarh Colliery* AIR 1994 SC 1176.

¹⁵ *Sudha Shrivastava v Comptroller and Auditor General of India* AIR 1996 SC 571.

¹⁶ *Itrat* (n 8).

¹⁷ *Rameshwar* (n 14).

¹⁸ *The Government of Pakistan v General Public* PLD 1991 SC 731; *Zaheer Abbas v Pir Asif* 2011 CLC 1528; *Dawa Khan v The Government of Pakistan* 2015 PLC (CS) 1255; *Amtul Habib v Musarrat Parveen* PLD 1974 SC 185.

¹⁹ *The Service Tribunals Act 1973*, s 5(2).

1. The first part of the document discusses the general situation of the country and the role of the government. It mentions the need for a strong and stable government to ensure the well-being of the people and the progress of the nation. The text emphasizes the importance of maintaining law and order and promoting economic growth.

2. The second part of the document focuses on the internal affairs of the country. It discusses the relationship between the different branches of government and the role of the judiciary. It also mentions the need for a strong and independent press to ensure transparency and accountability in government.

3. The third part of the document discusses the external affairs of the country. It mentions the need for a strong and stable international environment to ensure the well-being of the people and the progress of the nation. The text emphasizes the importance of maintaining good relations with neighboring countries and promoting regional cooperation.

4. The fourth part of the document discusses the social and economic situation of the country. It mentions the need for a strong and stable social system to ensure the well-being of the people and the progress of the nation. The text emphasizes the importance of promoting social justice and economic growth.

5. The fifth part of the document discusses the role of the government in the development of the country. It mentions the need for a strong and stable government to ensure the well-being of the people and the progress of the nation. The text emphasizes the importance of maintaining law and order and promoting economic growth.

exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have filed any appeal. In addition, Rule 1 of Order XXII CPC provides that the death of a plaintiff or defendant shall not cause the suit to abate if the right to sue survives. And, by virtue of Rule 11, provisions of Rule 1 of Order XXII CPC have been made applicable to appeals.

9. The object of establishing Service Tribunals was to take out the adjudication of disputes relating to the terms and conditions of service of civil servants from the hands of tradition bound civil courts and place it before specialized tribunals exclusively dealing with the issue without being hamstrung by intricate procedural rules of pleadings, trial, admissibility of the evidence and proof of facts.²⁰ In addition to reducing the burden of regular civil courts, a very important purpose was to provide to the civil servants expeditious adjudication in respect of their grievances.²¹ Notwithstanding that CPC is not as a whole strictly applicable to the proceedings before the Tribunal, the Tribunal is bound to follow the basic norms of justice.²² It has been observed by this Court that the provisions of CPC may not *stricto sensu* apply in proceedings under a special law yet its equitable principles will always be applicable in order to do complete justice between the parties and meet the ends of justice.²³

10. Not all legal rights terminate on death.²⁴ A claim by a civil servant for his promotion or better terms and conditions or for reinstatement in service, is survivable claim and passes on in the shape of pecuniary and pensionary benefits to his legal heirs. Such a claim may arise under the service laws but also enjoys constitutional underpinning. "The right to employment and to earn a living free from undue molestation is a property right affecting

²⁰ *Vatchirikuru Village Panchayat v Deekshi Thulu Nori Venkatarama* 1991 (2) SCR 531; *Government of Bangladesh v Sontosh Kumar Shaha* 13 ADC (2016) 853.

²¹ *A.K. Behra v Union of India* (2011) 1 SCC (LS) 101; *Asadullah Khan Tareen v Government of Balochistan* 2016 PLC (CS) 195.

²² *Ali Khan Subanpoto v Federation of Pakistan* 1997 SCMR 1590.

²³ *Sheikh Saleem v Shamim Atta Ullah Khan* 2104 SCMR 1694 (The case arose out of a rent matter).

²⁴ Fred O. Smith, Jr., 'The Constitution After Death' (2020) 120 Colum. L. Rev. 1471, 1531; Kirsten Rabe Smolensky, 'Rights of the Dead' (2009) 37 Hofstra L. Rev. 763, 764.

the estate of plaintiff. Such right does not abate upon his death."²⁵ Abatement of appeal on the death of the decedent would impinge upon the property rights of the respondents. Also, shutting eyes to their potential property rights would hurt their right to dignity. "Human dignity is harmed when individuals and groups are marginalized, ignored, or devalued. . . ." ²⁶

11. Under our constitutional scheme, abatement of proceedings on the death of a civil servant, in a case, where the cause of action carries a survivable interest will unduly deprive the decedent civil servant, as well as, his legal heirs of their constitutional rights to livelihood, property, dignity and fair trial. Fundamental right to life including right to livelihood ensures the security of the terms and conditions of service;²⁷ fundamental right to property ensures security of the pecuniary and pensionary benefits attached to the service;²⁸ fundamental right to dignity ensures that the reputation of the civil servant is not sullied or discredited through wrongful dismissal, termination or reversion etc;²⁹ and fundamental right to fair trial and due process, *inter alia*, safeguards and protects the survivable interest and ensures continuity of the legal proceedings even after the death of the civil servant, equipping the legal heirs to pursue the claim³⁰. Fundamental rights under the Constitution do not only protect and safeguard a citizen but extend beyond his life and protect and safeguard his survivable interests by being equally available to his legal heirs. It is reiterated that other than pecuniary and pensionary benefits that inure to the benefit of the legal heirs, the right to restore one's reputation is also a survivable right and flows down to the legal heirs to pursue and take to its logical conclusion. Any slur on the reputation of a civil servant impinges on his human dignity and weighs equally on the dignity and honour of his family.

12. For the foregoing reasons, we take no exception to the impugned order and are of the view that it does not warrant any

²⁵ *Bilanow v United States* 159 Ct. Cl. 93.

²⁶ *Law v Canada (Minister of Employment and Immigration)* [1999] 1 SCR 497.

²⁷ The Constitution of the Islamic Republic of Pakistan 1973, art 9.

²⁸ *ibid* arts 23 and 24.

²⁹ *ibid* art 14.

³⁰ *ibid* art 10 read with art 4.

interference. Leave is, therefore, declined and this petition is dismissed.

Judge

Judge

Lahore,
23rd December, 2020.
Approved for reporting
Iqbal

Judge



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 1033 1ST

Dated: 13-5 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The Secretary Forestry Wild Life & Environment Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 888/2019 MR. AURANG ZEB ASHRAF AWAN.

I am directed to forward herewith a certified copy of Judgment dated 25.01.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

VAKALAT NAMA

NO. _____/20

IN THE COURT OF KP Service Tribunal Peshawar

Aurangzeb Ashraf Anwar

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

PFI Deptt.

(Respondent)
(Defendant)

I/We, M/O Appellant (Anwar Sultan), D/O Appellant (Nigar Fatima, Zainab Aurangzeb)

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____

12/01/20

Anwar Sultan,
M/O Appellant

Nigar Fatima,
D/O Appellant

Zainab Aurangzeb,
(for minor)

(CLIENT)

ACCEPTED

Syed Noman Ali Bukhari
SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.




EA78273159


FAMILY REGISTRATION CERTIFICATE


Applicant Name: Aurangzeb Ashraf Awan
Citizen Number: 6110149385657
Document Number: EA78273159


Family Members: 6


It is to certify that the family comprising of the following members is registered in NADRA with the particulars mentioned below as per the information provided.


| | |
|---|--|
|  | <p>Name: Aurangzeb Ashraf Awan Identity No: 61101-4938565-7 Date of Birth: 16/05/1966 Father Name: Muhammad Ashraf Awan Mother Name: Anwar Sultana Relation With Applicant: Self</p> |
| | <p>پورانام: اورنگ زیب اشرف اعوان والد کا نام: محمد اشرف اعوان والدہ کا نام: انور سلطانہ</p> |

| | |
|---|---|
|  | <p>Name: Bushra Aurangzeb Identity No: 61101-0655350-0 Date of Birth: 16/10/1978 Father Name: Khursheed Akhtar Khan Mother Name: Rozi Khursheed Relation With Applicant: Wife</p> |
| | <p>پورانام: بشری اورنگ زیب والد کا نام: خورشید اختر خان والدہ کا نام: روزی خورشید</p> |

| | |
|--|---|
|  | <p>Name: Nigar Fatima Identity No: 61101-9519312-4 Date of Birth: 01/06/1998 Father Name: Aurangzeb Ashraf Awan Mother Name: Bushra Aurangzeb Relation With Applicant: Daughter</p> |
| | <p>پورانام: نگار فاطمہ والد کا نام: اورنگ زیب اشرف اعوان والدہ کا نام: بشری اورنگ زیب</p> |

| | |
|--|---|
|  | <p>Name: Zainab Aurangzeb Identity No: 61101-4698554-8 Date of Birth: 02/11/2000 Father Name: Aurangzeb Ashraf Awan Mother Name: Bushra Aurangzeb Relation With Applicant: Daughter</p> |
| | <p>پورانام: زینب اورنگ زیب والد کا نام: اورنگ زیب اشرف اعوان والدہ کا نام: بشری اورنگ زیب</p> |

| | |
|---|---|
|  | <p>Name: Muhammad Ali Sultan Identity No: 61101-0205680-7 Date of Birth: 02/10/2002 Father Name: Aurangzeb Ashraf Awan Mother Name: Bushra Aurangzeb Relation With Applicant: Son</p> |
| | <p>پورانام: محمد علی سلطان والد کا نام: اورنگ زیب اشرف اعوان والدہ کا نام: بشری اورنگ زیب</p> |

| | |
|---|--|
|  | <p>Name: Mahnoor Aurangzeb Identity No: 61101-3413508-0 Date of Birth: 17/12/2007 Father Name: Aurangzeb Ashraf Awan Mother Name: Bushra Aurangzeb Relation With Applicant: Daughter</p> |
| | <p>پورانام: ماہ نور اورنگ زیب والد کا نام: اورنگ زیب اشرف اعوان والدہ کا نام: بشری اورنگ زیب</p> |

Note:

1. The above mentioned family members are linked in NADRA database
2. There could be other family members that may be registered but not linked to this family in NADRA database
3. This certificate is not valid in any court of law for inheritance/property issues.



This certificate can be verified at <https://id.nadra.gov.pk/e-id/>

Usman H. Moin

REGISTRAR GENERAL OF PAKISTAN

Date of Issue: 14/03/2020



6110149385657

COURT FEE WORTH Rs. 15/-

CERTIFICATE UNDER THE PAKISTAN SUCCESSION ACT, 1925,

PART 'X'.

IN THE COURT OF MUHAMMAD NASEER UD DIN,

CIVIL JUDGE IST CLASS, ISLAMABAD.

MST. BUSHRA AURANGZEB Vs PUBLIC AT LARGE

To,

Mst. Bushra Aurangzeb w/o Aurangzeb Ashraf, Resident House NO.
339 sector G-10/3 Islamabad.

DATE OF INSTITUTION 20-04-2021

DATE OF DECISION: 10-06-2021

**SUCCESSION CERTIFICATE REGARDING MOVEABLE DEBTS OF
DECEASED AURANGZEB ASHRAF AWAN**

Whereas you Mst. Bushra Aurangzeb applied on 20-04-2021, for certificate under the Pakistan Succession Act, 1925 Part-X in respect of the following debts to the legal heirs of the deceased Aurangzeb Ashraf Awan named hereunder:-

| Sr. No. | Name | Relation with deceased |
|---------|---------------------|------------------------|
| 1. | Mst. Anwar Sultana | Mother |
| 2. | Bushra Aurangzeb | Widow |
| 3. | Nigar Fatima | Daughter |
| 4. | Zainab Aurangzeb | Daughter |
| 5. | Muhammad Ali Sultan | Son |
| 6. | Mahnoor Aurangzeb | Daughter (minor) |

| Name of Bank/Account Number | Balance |
|--|-----------------|
| Account No. 0010019338100019 ABL G-10/3 Islamabad | Rs. 27,823.41/- |
| Housing Building Finance Company limited Closing letter Account NO. 9380001652 | Rs. 876,891/- |

In view of the submission of surety bond by you attested by this court this succession certificate is issued in the manner that petitioner namely Mst. Bushra Aurangzeb w/o deceased Aurangzeb Ashraf Awan

along with other legal heirs of deceased namely **Mst. Anwar Sultana** (mother) **Nigar Fatima** (daughter), **Zainab Aurangzeb** (daughter), **Muhammad Ali Sultan** (son) **Mahnoor Aurangzeb** (daughter) are the lawful successors of the deceased **Aurangzeb Ashraf Awan**.

RESPECTIVE SHARES OF THE LEGAL HEIRS ARE AS UNDER:

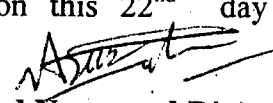
| Sr. No. | Name | Relation | Share fraction | Share percentage |
|---------|----------------------------|------------------|----------------|------------------|
| 1. | Mst. Anwar Sultana | Mother | 2/12 | 16.67% |
| 2. | Bushra Aurangzeb | Widow | 1/8 | 12.5% |
| 3. | Nigar Fatima | Daughter | 17/120 | 14.17% |
| 4. | Zainab Aurangzeb | Daughter | 17/120 | 14.17% |
| 5. | Muhammad Ali Sultan | Son | 17/60 | 28.33% |
| 6. | Mahnoor Aurangzeb | Daughter (minor) | 17/120 | 14.17% |

Mst. Anwar Sultana, Muhammad Ali Sultan, Zainab Aurangzeb, Nigar Fatima have surrendered their share in favour of **Mst. Bushra Aurangzeb** hence she is permitted to withdraw her share as well as the share of **Mst. Anwar Sultana, Muhammad Ali Sultan, Zainab Aurangzeb, Nigar Fatima** from the concerned authorities. Share of **Mahnoor Aurangzeb** (minor daughter) shall remain intact and will be regulated under the law of guardian.

Given under my hand and the seal of the Court on this 22nd day of June 2021.

Announced
22-06-2021




(Muhammad Naseer ud Din)
Civil Judge, 1st Class
Islamabad-(West)

CERTIFICATE OF APPOINTMENT AS GUARDIAN UNDER SECTION
7 OF ACT NO.VIII OF 1890 (GUARDIAN & WARDS ACT).

IN THE COURT OF MS SAIRA IRUM AWAN, JUDGE
FAMILY/GUARDIAN COURT ISLAMABAD (WEST).

Bushra Aurangzeb... Versus... Public at large.

Guardian application: /20
Date of Decision : 26.03.2021.

WHEREAS this Court under the provisions of Section 7 of Act No.VIII of 1890, has been pleased to appoint **Bushra Aurangzeb Widow of Aurangzeb Ashraf Awan** (real mother of minor), R/O Swan Road, House No. 339, Sector G-10/3, Islamabad (61101-0655350-0) as guardian of the minor namely:-

Mahnoor Aurangzeb D/O Aurangzeb Ashraf Awan (D.O.B 17.12.2007)

For her person and property during the period of her minority till the age of majority subject to the provisions contained in the Act and particularly those provisions contained in Sections 32,39 and 40 of the aforesaid Act, you are hereby authorized to take charge of the property of the minors in trust to collect and pay all just debts, claims and liabilities due to or by the estate of the minor to institute or defend suits connected with that estate generally to do and perform all acts which may be necessary to the due discharge of trust vested in you, provided always that you shall not withdraw/utilize the amount/share of the minors without prior permission of this court.

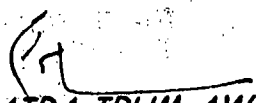
NOTE: The guardian is directed to submit statement of account in respect of the property of the minors twice a year. The petitioner is further directed to personally appear in this court for filing of statement of accounts on the date fixed.

SCHEDULE OF PROPERTY.

Property i.e Share of minor:-

- Share in House No. 15, street No. 43, Sector G-13/2, Islamabad
- Share in House No. 339, Swan Road, Sector G-10/3, Islamabad
- Share in House No. 616, Street No. 116, Sector G-9/3, Islamabad

GIVEN under my hand and the seal of the Court this the 07th day of April, 2021.


(MS. SAIRA IRUM AWAN)
Judge Family/Guardian Court
West-Islamabad.

VAKALAT NAMA

NO. _____/20

IN THE COURT OF 14 service Tribunal Peshawar

Aurangzeb Akhbar Awan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Forest DFI (Respondent)
(Defendant)

I/We, Widow of Appellant (namely Bushra Aurangzeb)
(Son of Appellant (namely Ali Sultan))

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Bushra Akhbar Awan
(CLIENT)

ACCEPTED

Syed Noman Ali Bukhari
SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.