

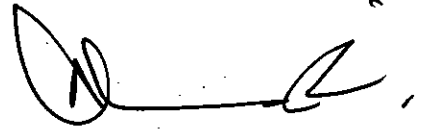
21<sup>th</sup> July 2022 1. None for the appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

2. On previous date last chance was given to the appellant to procure the attendance of his counsel and argue the case, but today nobody has turned up on behalf of the appellant, therefore, this appeal is dismissed for non-prosecution. Consign.

3. *Pronounced in open court in Camp Court Abbottabad and given under our hands and seal of the Tribunal on this 21<sup>th</sup> day of July, 2022.*



(Salah Ud Din)  
Member(Judicial)

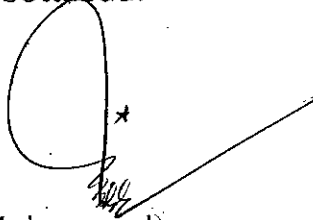


(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

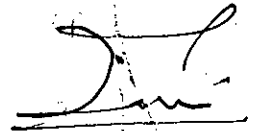
21.12.2021

Appellant in person present. Mr. Muhammad Riaz  
Khan Painsdakhel, Asst. AG for respondents present.

Appellant requested for adjournment on the  
ground that due to general strike of the bar his learned  
counsel is not in attendance today. Adjourned. To come  
up for arguments before D.B on 16.03.2022 at camp  
court Abbottabad.



(Mian Muhammad)  
Member(E)



(Salah Ud Din)  
Member(J)  
Camp Court Abbottabad

16.03.2022

Due to retirement of the Hon'ble Chairman, the  
Tribunal is defunct, therefore, the case is adjourned for  
the same on 19.05.2022.



Reader

19.05.2022

Appellant in person present. Syed Naseer Ud Din,  
Assistant Advocate General for respondents present.

Appellant requested for adjournment on the ground  
that his counsel is not available today. Adjourned but as a  
last chance. To come up for arguments before D.B on  
21.07.2022 at camp court Abbottabad.



(Fareeha Paul)  
Member(E)



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

20-4-21

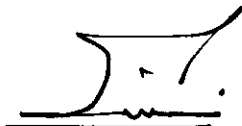
Due to Covid-19, case  
is adjourned to 21-9-2021  
for the same.

*Am*  
Reader

21.09.2021

Nemo for the appellant. Mr. Usman Ghani, District Attorney for the respondents present and requested for adjournment for submission of reply/comments. Request is accorded with the directions to respondents to furnish reply/comments within 10 days. In case the respondents failed to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall stand ceased. To come up for arguments before the D.B on 21.12.2021 at Camp Court Abbottabad.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel for arguments for the date fixed.



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

20.11.2020

Mr. Sajjad Ahmed Abbasi, Advocate, for appellant is present.

The Kernel of what has been agitated at the bar by the learned counsel representing appellant is that on removal from service he was reinstated by the august Services Tribunal directing respondents to conduct de-novo inquiry after which he was exonerated by the charges but was compulsorily retired on the basis of charges of inefficiency on 26.11.2019. He moved departmental appeal/representation and respondent No. 2 partially accepted the same on 16.03.2020 while reinstating him into service with immediate effect however, his two annual increments falling on 31.12.2020 and 31.12.2021 were stopped at the same time declaring the period from 25.02.2015 to 28.04.2019 and 26.11.2019 onward as extra ordinary leave without pay which order has been challenged to be ultra varies.

The points so agitated at the bar need consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 15.02.2021 before S.B at Camp Court, Abbottabad.

Amount Deposited  
Security & Process Fee

11/12/2020

(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT ABBOTTABAD

15.02.2021

Learned counsel for the appellant and Mr. Riaz Khan Paindakhel learned Asst. AG for respondents present.

Written reply/comments not submitted, therefore, notice be issued to respondents for submission of reply/comments on 24.04.2021 before S.B at Camp Court, A/Abad.

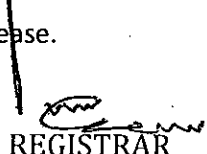
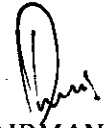
(Atiq-Ul-Rehman Wazir)  
Member (E)  
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

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

Case No. - 6273 /2020

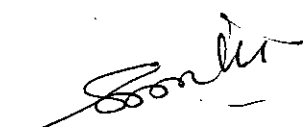
1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/06/2020	<p>The appeal of Mr. Gul Khitab resubmitted today by post through Mr. Sajjad Abad Abbasi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>20-11-20</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Gul Khitab son of Lal Khan resident of Maira Rehmar Khan District A.Abad received today i.e. on 10.06.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of order/judgment of this Tribunal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of de novo enquiry mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Annexure-A of the appeal is illegible which may be replaced by legible/better one.
- 4- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

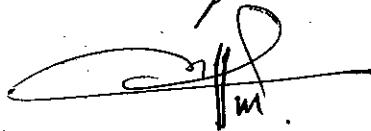
No. 1220 /S.T,

Dt. 11-06 /2020.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Sajjad Ahmad Adv.  
High Court A.Abad

Sir,  
After removal of objections this  
Appeal is re-submitted please



24.6.2020

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHAWA PESHAWAR**

6273/20

Gul Khitab son of Lal Khan, Resident of Maira Rehmat Khan, Tehsil and District  
Abbottabad.

... APPELLANT

VERSUS

Government of Khyber Pakhtunkhawa through Secretary Forest Peshawar &  
Others.

...RESPONDENTS


**SERVICE APPEAL**  
**INDEX**

S#	Description	Page #	Annexures
1	Appeal with Affidavit and Certificate	1 to 7	
2	Addresses of the Parties	8	
3	Application for Condonation of Delay with Affidavit.	9 & 10	
4	Copy of Appointment Letter.	11	"A"
5	Copy of Order No. 146 dated 25-02-2015.	12 & 13	"B"
6	Copy of Order No. 48 dated 22-09-2015.	14	"C"
7	Copy of Order No. 47 dated 26-11-2019.	15 & 16	"D"
8	Copy of Departmental Appeal/ Representation.	17 & 21	"E"
9	Copy of Order No. 66 dated 16-03-2020.	22 & 23	"F"
10			
11	Wakalat Nama	24	



...APPELLANT.

Through



SAJJAD AHMED ABBASI,  
ADVOCATE HIGH COURT,  
ABBOTTABAD.

DATED: 09/06/2020

1

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHAWA PESHAWAR**

Gul Khitab son of Lal Khan, Resident of Maira Rehmat Khan, Tehsil and District  
Abbottabad.

6273/20

... APPELLANT  
Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5022

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Forest Peshawar dated 10/6/2020
2. Conservator of Forests Lower Hazara Circle, Abbottabad.
3. Divisional Forest Officer, Gallies Forest Division, Abbottabad.
4. Range Officer, Beeran Gali, Abbottabad.

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE  
TRIBUNALS ACT, 1974 AGAINST THE ORDER NO. 66  
DATED 16-03-2020 PASSED BY RESPONDENT NO. 2  
WHEREBY THE RESPONDENT NO. 2 PARTIALLY  
ACCEPTED THE APPEAL FILED BY THE APPELLANT  
AGAINST THE ORDER NO. 47 DATED 26-11-2019 PASSED BY  
RESPONDENT NO. 3 WHEREBY THE APPELLANT WAS  
COMPULSORILY RETIRED FROM SERVICE.**

Filed to-day  
50  
Registrar

**PRAYER:**

Re-submitted to -day  
and filed.

ON ACCEPTANCE OF THIS APPEAL THE ORDER NO. 66  
DATED 16-03-2020 PASSED BY THE RESPONDENT NO. 2 BE  
SET ASIDE AND THE APPELLANT BE REINSTATED IN  
SERVICE WITH EFFECT FROM 25-02-2015 WITH ALL BACK  
BENEFITS.

Registrar

25/6/20



**RESPECTFULLY SHEWETH:**

1. That the Appellant joined the Forest Department as Forest Guard on 10-09-1990. Copy of appointment letter is annexed as annexure "A".
2. That on 25-02-2015 the Appellant was removed from Service and on that date the appellant had a service of 24 years and 5 months to his credit, in Respondent's Department.
3. That during the service the Appellant served the department honestly and with dedication.
4. That on 25-02-2015 Appellant was removed from service vide order No. 146. Copy of Order is annexed as annexure "B".
5. That again vide Order No. 48 dated 22-09-2015 Appellant was once again removed from service. Copy of Order is annexed as annexure "C".
6. That after exhausting departmental remedy Appellant approached the Service Tribunal against both the orders i.e. order No. 146 dated 25-02-2015 and Order No. 48 dated 22-09-2015 through Separate Appeals.
7. That this Honourable Tribunal was pleased to allow both the Service Appeals filed by the Appellant against the Removal Orders of Appellant and This Honourable Tribunal Directed

the Respondents to conduct a de novo enquiry against the Appellant.

8. That as a consequence of de novo enquiry the Appellant was exonerated from the charges levelled in Removal Order No.48 dated 22.9.15 and was compulsorily retired on the basis of charges of inefficiency etc. on 26-11-2019 vide order No. 47. Copy of Order is annexed as annexure "D".
9. That the Appellant filed a Departmental Appeal/ Representation before the Respondent No. 2 against the Order No. 47 dated 19-11-2019. Copy of Departmental Appeal/ Representation is annexed as annexure "E".
10. That on 16-03-2020 the Respondent No. 2 partially accepted the Appeal/ Representation filed by the Appellant by reinstating the Appellant with immediate effect and stopped the two annual increments falling on 31-12-2020 and 31-12-2021 and also by declaring the period from 25-02-2015 to 28-04-2019 and 26-11-2019 to onwards as extra ordinary leave without pay: Copy of Order is annexed as annexure "F".
11. That the order No. 66 dated 16-03-2020 is against the Law, facts, based on malafide without lawful authority, without Jurisdiction on the following amongst other Grounds.

**GROUNDS:**

- a. That the Appellant was not posted as a Forest Guard in Ternawai from where damage was reported rather the

Appellant was posted at Maira Nammal beat of Thandiani during the days of alleged damage, so there arises no question of Corruption or Inefficiency of Appellant due to any alleged Damage at Tarnawai.

- b. That during de novo enquiry nothing of the sort of misconduct, inefficiency or other allegations was proved against the Appellant.
- c. That the Appellant had not done any other work or employment during the period of removal from service i.e. from 25-02-2015 therefore Appellant was entitled for all back benefits.
- d. That the order of removal from service passed against the appellant was based on surmises and conjectures and there was no substantial reasoning against the Appellant to have substantiated the major penalty.
- e. That during previous or de novo enquiry no allegations of misconduct, inefficiency or corruption was proved against the Appellant nor there was any such allegations against the Appellant from any quarter.
- f. That initially Appellant was charge sheeted for alleged damage in Garlanian Beat and for transportation of Timber from the said beat, but it is clarified before this Honourable Court and the same was clarified before the department that the Appellant was not posted as Forest Guard of said beats.

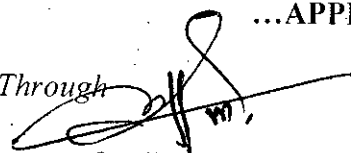
- g. That despite the fact that Appellant was not posted in Garlanian, which beat was looked after by Hakim Khan and Sajjad Hussain Shah, Appellant was illegally held responsible for Damage Caused there, which again influenced the mind of Respondent No. 2 while deciding the Departmental Appeal.
- h. That no allegation of misconduct, inefficiency or corruption was proved against the Appellant nor even there is any such allegation against the Appellant from any quarter.
- i. That valuable rights of Appellant are involved.
- j. That this appeal is being filed in time.

IT IS THEREFORE HUMBLY PRAYED THAT ON ACCEPTANCE OF THIS APPEAL THE ORDER NO. 66 DATED 16-03-2020 PASSED BY THE RESPONDENT NO. 2 BE SET ASIDE AND THE APPELLANT BE REINSTATED IN SERVICE WITH EFFECT FROM 25-02-2015 WITH ALL BACK BENEFITS.



...APPELLANT.

Through



SAJJAD AHMED ABBASI,  
ADVOCATE HIGH COURT,  
ABBOTTABAD.

DATED: 09/06/2020

**VERIFICATION:**

It is verified on oath that the contents of foregoing Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.



...APPELLANT

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHAWA PESHAWAR**

Gul Khitab son of Lal Khan, Resident of Maira Rehmat Khan, Tehsil and District  
 Abbottabad.

... APPELLANT

**VERSUS**

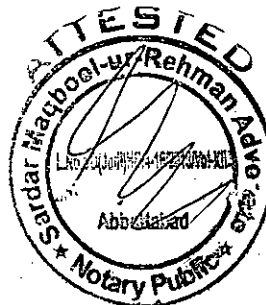
Government of Khyber PakhtunKhawa through Secretary Forest Peshawar &  
 Others.

...RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, Gul Khitab son of Lal Khan, Resident of Maira Rehmat Khan, Tehsil and District Abbottabad,  
 do hereby solemnly affirm and declare on oath that the contents of foregoing service appeal are  
 true and correct to the best of my knowledge and belief and nothing has been concealed therein  
 from this Tribunal.



...DEPONENT

9/6/2020

7

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHAWA PESHAWAR**

Gul Khitab son of Lal Khan, Resident of Maira Rehmat Khan, Tehsil and District  
Abbottabad.

... APPELLANT

VERSUS

Government of Khyber PakhtunKhawa through Secretary Forest Peshawar &  
Others.

...RESPONDENTS

**SERVICE APPEAL**

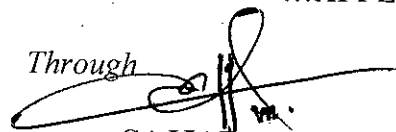
**CERTIFICATE**

Certified that no such like Service Appeal against Order No. 66  
dated 16-03-2020 has earlier been filed, nor decided by this Tribunal except  
the present one.



...APPELLANT.

DATED: 09/06/2020

Through 

SAJJAD AHMED ABBASI,  
ADVOCATE HIGH COURT,  
ABBOTTABAD.

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHAWA PESHAWAR**

Gul Khitab son of Lal Khan, Resident of Maira Rehmat Khan, Tehsil and District  
Abbottabad.

... APPELLANT

VERSUS

Government of Khyber PakhtunKhawa through Secretary Forest Peshawar &  
Others.

...RESPONDENTS

**SERVICE APPEAL**  
**ADDRESSES OF THE PARTIES**

Respectfully Sheweth:-

Addresses of the parties are as under:-

Gul Khitab son of Lal Khan, Resident of Maira Rehmat Khan, Tehsil and District  
Abbottabad.

... APPELLANT


VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Forest Peshawar.
2. Conservator of Forests Lower Hazara Circle, Abbottabad.
3. Divisional Forest Officer, Gallies Forest Division, Abbottabad.
4. Range Officer, Beeran Gali, Abbottabad.

...RESPONDENTS

...APPELLANT.

DATED: 09/06/2020

Through   
SAJJAD AHMED ABBASI,  
ADVOCATE HIGH COURT,  
ABBOTTABAD.

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHAWA PESHAWAR**

Gul Khitab son of Lal Khan, Resident of Maira Rehmat Khan, Tehsil and District  
 Abbottabad.

... APPELLANT

VERSUS

Government of Khyber Pakhtunkhawa through, Secretary Forest Peshawar &  
 Others.

...RESPONDENTS

**SERVICE APPEAL**  
**APPLICATION FOR CONDONATION OF DELAY IF QUESTION OF LIMITATION**  
**ARISES**

**RESPECTFULLY SHEWETH:**

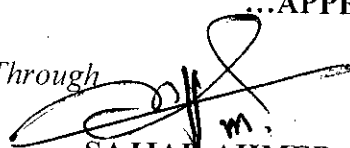
1. That the titled Service Appeal is being filed before this Honourable Court.
2. That due to Covid-19 Pandemic and lock down in Country Appellant could not file the titled Appeal within time.
3. That the valuable rights of Appellant are involved.

IT IS THEREFORE HUMBLY PRAYED THAT THE  
 APPLICATION FOR CONDONATION OF DELAY MAY  
 KINDLY BE ACCEPTED IF QUESTION OF LIMITATION  
 ARISES



...APPELLANT.

Through



SAJJAD AHMED ABBASI,  
 ADVOCATE HIGH COURT,  
 ABBOTTABAD.

DATED: 07/06/2020



**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHAWA PESHAWAR**

Gul Khitab son of Lal Khan, Resident of Maira Rehmat Khan, Tehsil and District  
 Abbottabad.

... APPELLANT

VERSUS

Government of Khyber PakhtunKhawa through Secretary Forest Peshawar &  
 Others.

...RESPONDENTS

**SERVICE APPEAL**  
**APPLICATION FOR CONDONATION OF DELAY**

**AFFIDAVIT:**

I, Gul Khitab son of Lal Khan, Resident of Maira Rehmat Khan, Tehsil and District Abbottabad,  
 do hereby solemnly affirm and declare on oath that the contents of foregoing application for  
 condonation of delay are true and correct to the best of my knowledge and belief and nothing has  
 been concealed therein from this Tribunal.



9-6-2020

...DEPONENT

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# ANNEXURE "A"

ORDER UNDER NO. 86 DATED 10/01/2010. ISSUED BY  
THE FEDERAL GOVERNMENT THROUGH FEDERAL BUREAU OF INVESTIGATION


Reference is made to the recommendation of the Commission on the part of the Government of Punjab, Lahore, dated 10/01/2010, regarding the appointment of Mr. [Name] as a [Position] in the [Department] of the Government of Punjab, Lahore. The Commission has recommended that Mr. [Name] be appointed to the said position on the basis of his qualifications and experience. The Government has accepted the recommendation of the Commission and Mr. [Name] has been appointed to the said position on the basis of his qualifications and experience.


- 1) He will join duty at his new assigned station 10 days from the date of issue of this order.
- 2) The order is issued by the authority that he is eligible in the concerned position.
- 3) In case he wishes to resign from service, he will have to submit notice for this purpose to the concerned authority and the same will be processed as per normal.
- 4) He will be covered by such rules, regulations and orders relating to leave, travelling, etc. which may be issued by the Government from time to time and the Government will be responsible to meet his expenses.
- 5) The appointment is subject to the provisions of Article 173 of the Constitution of Pakistan.

SECRETARY, FEDERAL BUREAU OF INVESTIGATION  
MINISTRY OF INTERIOR  
ISLAMABAD

For and on behalf of

Copy forwarded to:  
1) [Name]  
2) [Name]  
3) [Name]

*Allected*  
  
Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

*pkz*  
  
[Name]  
[Position]

**OFFICE ORDER NO. 86 DATED ABBOTTABAD THE 10/9/1990, THURSDAY  
MR. FAZAL-UR-REHMAN KHAN DIVISIONAL FOREST OFFICER GALIS FOREST DIVISION**

Consequent upon the recommendations of the selection committee Mr. Gul Khitab s/o Lal Khan of Village Maira Rehmat Khan Tehsil and District Abbottabad is hereby appointed as Forest Guard in BPS 2 (625-16-945) against the existing vacancy in Galis Forest Division purely on temporary basis w.e.f. the date of his arrival. His services can be terminated at any time without assigning any notice and without any reason. Other terms and conditions of his service are as under:-

- 1) He will join duty at his own expense within 10 days from the date of issue of this order.
- 2) The offer is subject to the condition that he is domicile in Abbottabad District.
- 3) In case he wishes to resign from service, he will serve one month notice for this purpose or in lieu thereof one month pay etc. will be forfeited to Government.
- 4) He will be governed by such rules regulations and orders relating to leave, travelling allowance etc. as may be issued by the Govt. from time to time for the category of Govt. Servant to which he belongs.
- 5) The appointment is subject to the production of Domicile age and Health Certificate.

**(MR. FAZAL-UR-REHMAN)  
DIVISIONAL FOREST OFFICER  
GALIS FOREST DIVISION  
ABBOTTABAD**

.....  
Copy forwarded to:-

- 1) Mr. Gul Khitab s/o Lal Khan, village Maira Rehmat Khan Tehsil and District Abbottabad for information and notice.
- 2) The Head Clerk/ Divisional Accountant for information.

**DIVISIONAL FOREST OFFICER  
GALIS FOREST DIVISION  
ABBOTTABAD**

(12)

# ANNEXURE "B"

OFFICE ORDER NO. 146 DATED ABBOTTABAD THE 25/2/2015 ISSUED BY MR. AZHAR LAI KHAN DIVISIONAL FOREST OFFICER GALIS FOREST DIVISION ABBOTTABAD.

## READ WITH.

1. Divisional Forest Officer Abbottabad letter dated 29.12.2014.
2. DFO Galis Forest Division Abbottabad letter No. 2902-07/E, dated 9.1.2015 wherein Mr. Abdur Rasheed Range Forest Officer - Birangali appointed as enquiry officer/committee.
3. Charge Sheet.
4. Acknowledgement receipt obtained from the Forest Guard dated 23.1.2015.
5. Range Forest Officer Birangali letter No. 59 dated 15.1.2015 for submission of reply.
6. Range Forest Officer Birangali letter No. 64 dated 19.1.2015.
7. Sub Divisional Forest Officer Abbottabad letter dated 22.1.2015.
8. Enquiry report submitted by Mr. Abdur Rasheed Range Forest Officer Birangali vide his letter No. 70/ROB dated 3.2.2015.
9. Show cause notice bearing No. 3207-09/E, dated 6.2.2015.
10. Reply to the show cause notice dated 16.2.2015.
11. Complaint against Mr. Gul Khitab Forest Guard Mera Nambal beat Thandiani Range Abbottabad.
13. DFO Galis letter No. 3533/E, dated 19.2.2015 for personal hearing.

## BRIEF HISTORY.

On receipt of information about illicit cutting in Kakul Reserved Forest compartment No. 7(i) and 7(ii) and transportation of timber, the Sub Divisional Forest Officer Abbottabad along with staff proceeded to site in late hours of 27.12.2014. On the way they received information that some mules loaded with illicit timber are coming from said forests to Maira Gali, therefore the staff reached at Maira Gali. In the meanwhile Mr. Gul Khitab Forest Guard (the accused) who was Incharge of nearby Maira Patti Forest Beat and is also local of area, reached the spot. Instead of extending assistance to forest staff the accused remained busy in contacting some ones on mobile telephone. Later in the early hours of 28.12.2014 night the staff of Galis Forest Division head by SDFO Abbottabad who were in pursuit of arresting transportation of timber, was detained by at least 12 armed timber smugglers on gun point near Maira Galis Thandiani Forest Sub Division for about three (03) hours. The gang of timber smugglers included a real nephew, one personal servant and other close relatives of the accused Forest Guard. The staff was released with assistance of police, Police station Nawansher. Accordingly FIRs No. 499 dated 28.12.2014 was register in police station Nawansher. Later investigations revealed that the entire episode occurred by the accused who was in league with forest offenders as evident from the report of Sub Divisional Forest Officer Abbottabad letter dated 29.12.2014 and 22.1.2015.

## DISCIPLINARY PROCEEDING.

To probe into incidence vis-à-vis the conduct of the said accused, Mr. Abdur Rasheed Range Forest Officer Birangali was appointed as enquiry committee vide Divisional Forest Office. Galis Forest Division Abbottabad letter No. 2902-7/E, dated 9.1.2015. Charge sheet was served upon to the accused Forest Guard which was acknowledged by him on 23.1.2015. The accused Forest Guard failed to submit the reply to the charge sheet within stipulated time therefore exparte proceedings were initiated and the enquiry report was accordingly submitted to Divisional Forest officer Galis Forest Division Abbottabad vide his letter No. 70/ROB dated 3.2.2015. On receipt of enquiry report show cause notice bearing No. 3207-09/E, dated 6.2.2015

Attested  
Jalil Ahmed Abbasi  
Advocate High Court  
Abbottabad

13

19

was served upon the accused and he submitted his reply to the show cause notice on 16.2.2015.  
The accused was heard in person by the DFO Galis (Competent authority) on 23.2.2015.

DISCUSSION.

1. The accused was suspended vide office order No. 122 dated 19.12.2014 but he even refused to receive the suspension order as evident from the notes of Sub Divisional Forest Officer Thandiani on suspension order dated 8.1.2014.
2. The accused was attached with Divisional Officer vide above office order dated 19.12.2014 but he submitted arrival report on 13.2.2015
3. The Divisional Forest Officer Patrol Squad Forest Division Abbottabad vide his letter No. 999/pS, dated 17.2.2015 reported that the accused forest Guard was involved timber smuggling and kept mules for this purpose transport illegal procure timber.
4. The complaint about the accused communicated by the Administrative Department letter No. SO (Env/ED/5-68/2015/Complaint Cell/1053-56 dated Peshawar the 4.2.2015 received through Conservator of Forests Lower Hazara Circle Abbottabad endorsement No. 8501/Ge, dated 17.2.2015 wherein the accused is blamed for keeping mules for illicit timber transportation.
5. The other sources also confirm that the accused bears bad reputation
6. The accused forest guard failed to provide any cogent reason in the written reply dated 16.2.2015.
7. During personal hearing dated 23.1.2015 the accused forest guard also failed to defend him against the charges leveled against him

ORDER

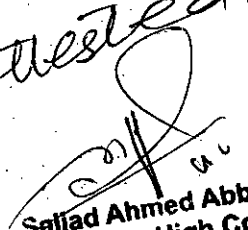
Now therefore, I Mr. Azhar Ali Khan Divisional Forest Officer, Galis Forest Division Abbottabad in the capacity of authority is fully convinced that further retention of accused in the department is detrimental to Forest Conservancy and general code of organization therefore order removal of Mr. Gul Khitab Forest Guard from service with immediate effect.

Sd/- Azhar Ali Khan  
Divisional Forest Officer  
Galis Forest Division  
Abbottabad  
Memorandum.

Copy forwarded to the;

1. Conservator of Forests Lower Hazara Circle Abbottabad for favour of information.
2. Sub Divisional Forest Officer Thandiani for information.
3. Mr. Gul Khitab Forest Guard attached Divisional office for information.
4. Divisional Accountant for information and n/action.

Divisional Forest Officer  
Galis Forest Division  
Abbottabad

*Attested.*  
  
Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

(14)

ANNEXURE "C"

OFFICE ORDER NO. 48 DATED ABBOTTABAD THE 22 /09/2015 ISSUED BY MR. AZHAR ALI KHAN DIVISIONAL FOREST OFFICER GALIS FOREST DIVISION ABBOTTABAD.

On 8.12.2014 and 24.12.2014, Tarnowai Forest Compartment No. 7(i), 7(ii) of Guldanian Malkiati area were checked by a team headed by Divisional Forest Officer Patrol Squad Forest Division. Whereas a damage of 72 trees measuring 8982Cft was detected in Tarnowai Forests and 25 trees measuring 1871Cft volume were found cut in privately owned area.

Whereas during subsequent days an amount of Rs. 4,50,000/- realized as compensation of Forest cutting in Tarnowai Reserved Forests Compartment No. 7(i) and 7(ii) besides registering FIR against the offenders.

Whereas for the purpose of scrutinizing the conduct of Mr. Gul Khitab Forest Guard (Block Officer), an enquiry committee consisting upon Mr. Aitezaz Mehfooz Sub Divisional Forest Officer Bagnotar was appointed vide letter No. 2789-83/E, dated 2.01.2015. The memo of allegation and charge sheet served upon to the accused official on 23.1.2015. The accused official failed to produce any written reply till to 6.1.2015.

Due to non submission of the reply to the charge sheet and memo of allegation the enquiry committee decided the case ex-parte and submitted enquiry report vide his letter dated 06.1.2015 wherein the committee found that the charges imposed upon the accused Forest Guard was established.

On receipt of the enquiry a show cause bearing No.3363/E, dated 12.2.2015 was served upon to the accused official and he submitted reply to the show cause noticed dated 19.2.2015. The reply of the accused forest guard has thoroughly been perused. He failed to provide any cogent reason in his defence.

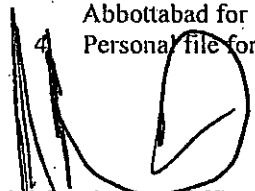
The accused forest Guard heard in person on 23.02.2015. During personal hearing he also failed to bring any proof for his innocence.

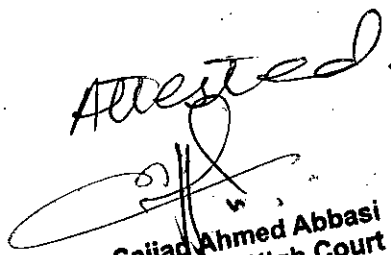
Therefore, I, Azhar Ali Khan Divisional Forest Officer Galis Forest Division Abbottabad in the capacity of authority under rules 4(3) of Civil Servants Act, 1973 updated vide Govt; of Khyber Pakhtunkhwa Establishment and Admn; Department (Regulation Wing) No. SO(O & M)E & AD/5-14/2013 dated Peshawar the 4<sup>th</sup> April, 2013, agreed with the finding of enquiry committees that Mr, Gul Khitab Block Officer residing in nearby village Maira Rehmat Khan helped the timber smugglers in transportation of timber through his own mules. Due to such reasons he was removed from service in another case, therefore in the instant case he stand removed from service with immediate effect.

Sd/-(Azhar Ali Khan)  
Divisional Forest Officer  
Galis Forest Division  
Abbottabad.

Memorandum;

1. Range Forest Officer Birnagali for information.
2. Divisional Accountant Galis Forest Division Abbottabad.
3. Mr. Gul Khitab Forest Guard village Maira Rehmat Khan Post Office chattri Tehsil and District Abbottabad for information.
4. Personal file for record.

  
Divisional Forest Officer  
Galis Forest Division  
Abbottabad.

  
Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

OFFICE ORDER NO. 47 DATED ABBOTTABAD THE 26/11/2019, ISSUED BY MR. MUHAMMAD SALEEM DIVISIONAL FOREST OFFICER GALIS FOREST DIVISION ABBOTTABAD.

Mr. Gul Khitab Forest guard was served by statement of allegation alongwith charge sheet vide No. 2902-7/E, dated 09.01.2015 and Mr. Abdur Rasheed the then incharge of Birangali Forest Range appointed as a enquiry officer to conduct proceeding against the above named Forest Guard. After finalization of enquiry proceeding he submitted his recommendation/findings vide No. 70/ROB, dated 03.02.2015 and show cause notice was issued vide No. 3207/E, dated 06.02.2015 to the official.

Whereas the then DFO Galis in the capacity of authority issued order of removal from service of the above named Forest Guard vide No. 146, dated 25.02.2015. Against which the above named Forest Guard preferred an appeal to Conservator of Forests Lower Hazara Forest Circle Abbottabad who responded that "being a subjudice mater the undersigned is not empowered to entertain the subject appeal."

Whereas Mr. Gul Khitab Forest Guard filed an appeal No. 678/2015 in Service Tribunal KPK and on 16.04.2019, the chairman of Honorable court of Service Tribunal announced the order.


In pursuance of court order, Mr. Taimour Ilyas the then DFO Upper Kohistan Forest Division Dassu was appointed as a enquiry officer in the instant enquiry case to conduct the denovo enquiry against Mr. Gul Khitab Forest Guard and submit findings within 30days vide office order No. 93, dated 29.04.2019.

And whereas Mr. Taimour Ilyas then then DFO Upper Kohistan Forest Division Dassu returned the Enquiry File vide No. 9561/E, dated 17.05.2019 with the request to kindly appoint any suitable senior officer for conducting the said enquiry as due to heavy work load he was unable to conduct the enquiry proceeding.

Whereas Mr. Muhammad Siddique the then DFO Siran Forest Division Mansehra was appointed as a enquiry officer in the instant enquiry case to conduct the denovo enquiry against Mr. Gul Khitab Forest Guard and submit finding within 30 days vide office order No. 102, dated 23.05.2019.

And whereas Divisional Forest Officer Siran Forest Division Mansehra returned the Enquiry File vide No. 15373/GE, dated 11.06.2019 with the remarks that Mr. Muhammad Siddique the then DFO Siran transferred to Mohmand Forest Division therefore the instant enquiry could not be conducted and to entrust the same to other officer of the Department.

Attested.

  
Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

And Whereas, Mr. Ali Haider Principal KPK Forest School That was appointed as a enquiry officer to conduct the denovo enquiry against Mr. Gul Khitab Forest Guard and submit findings within stipulated time period.

Whereas the Enquiry Officer after detail proceeding and scrutiny of the available record submitted his finding with the recommendations that "the accused forest gurad was found guilty of in-efficiency, mis-conduct and corruption. However, keeping in view rendering of considerable service it is recommended that Mr. Gul Khitab Forest Guard may be compulsory retired from his service from the date of removal from service with all back benefits"

Whereas the above named official was served with a show cause notice and the official submitted his reply with a request to provide an opportunity of personal hearing and on 22.11.2019, the official heard in person.

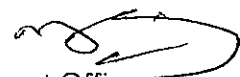
In light of above ex position I, Muhammad Saleem Divisional Forest Officer Galis Forest Division Abbottabad in the capacity of authority agreed with the finding/recommendations of enquiry officer/committee and ordered that Mr. Gul Khitab Forest Guard is hereby compulsory retired from the service w.e.f 25.02.2015.

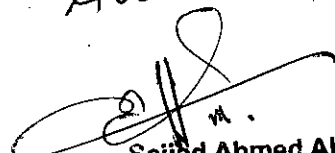
Sd/- (Muhammad Saleem)  
Divisional Forest Officer  
Galis Forest Division  
Abbottabad.

Memorandum;-

Copy forwarded to the:-

1. Conservator of Forests Lower Hazara Forest Circle Abbottabad for information, please.
2. Head Clerk Divisional Office for information and necessary action.
3. Divisional Accountant for information and similar necessary action.
4. Mr. Gul Khitab Forest Guard for information and necessary action. He is directed to immediately attend the Divisional Office alongwith 03 Nos Passport size photograph so that his pension case could be process.
5. Office order File.

  
Divisional Forest Officer  
Galis Forest Division  
Abbottabad

*Attested*  
  
Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad



(17)

ANNEXURE "E"

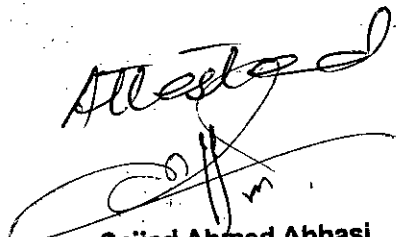
TO,

CONSERVATOR OF FOREST,  
LOWER HAZARA FOREST CIRCLE,  
ABBOTTABAD.

**REPRESENTATION/ DEPARTMENTAL APPEAL BY "GUL KHITAB"**  
**AGAINST THE OFFICE ORDER No. 47 DATED 26-11-2019**

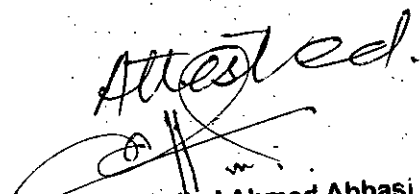
RESPECTFULLY SHEWETH:

1. That, I Gul Khitab son of Lal Khan joined Forest Department as Guard on 10-09-1990.
2. That till 2015, I served Forest Department for almost 25 years.
3. That I served Forest Department very diligently and honestly and never, in my career, any case of indiscipline, misconduct, or corruption was filed/ initiated against me.
4. That on 02-01-2015 I was served with statement of allegations alongwith charge sheet vide No. 2779-83/E and Mr. Aitezaz Mehfooz the then SDFO Bagnotar was appointed as Enquiry Officer.
5. That on 09-01-2015 as per record another statement of allegations alongwith charge sheet vide No. 2902-7/E was issued against me and Mr. Abdur Rasheed the then Incharge of Birangali Forest Range was appointed as enquiry officer.

  
Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

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6. That Mr. Aitezaz Mehfooz after enquiry proceedings submitted recommendations/ findings on 06-02-2015 and Show Cause Notice was issued vide No. 3363/E dated 12-02-2015.
7. That Mr. Abdur Rasheed also after conducting enquiry proceedings submitted recommendations/ findings on 03-02-2015 vide No. 70/ROB and Show Cause Notice was issued vide No. 3207/E on 06-02-2015.
8. That on 25-02-2015 I was removed from service vide No. 146 as result of second enquiry conducted against me.
9. That on 22-09-2015 I was once against removed from service vide No. 48 as a result of first enquiry conducted against me when I was not in service as a result of removal order dated 25-02-2015.
10. That against removal order dated 25-02-2015 I preferred Departmental Appeal/ Representation before Conservator of Forests Lower Hazara Forest Circle Abbottabad who did not entertain my Departmental Appeal/ Representation.
11. That against removal order dated 22-09-2015 I also preferred Departmental Appeal to Conservator Forest Lower Hazara Forest Circle Abbottabad which was dismissed being time barred.
12. That I preferred two Appeals before KPK Service Tribunal against my removals dated 25-02-2015 and 22-09-2015 and on 16-04-2019 the Honourable Service Tribunal ordered Denovo Enquiry against me.

  
Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

19

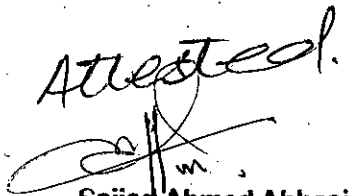
13. That after Court's Order a new Enquiry Officer Syed Rizwan Ahmed Kazmi Divisional Forest Officer Haripur Forest Division Haripur was appointed to conduct De Novo Enquiry which was initially done by Mr. Aitezaz Mehfooz and vide letter No. 1449/GE dated 17-10-2019 the Enquiry Officer recommended my exoneration.
14. That as per Court's Order another enquiry was to be conducted against me for this reason vide order No. 93 dated 29-04-2019 Mr. Taimoor Ilyas the then DFO Upper Kohistan Forest Division was directed to conduct De Novo Enquiry and submit findings in 30 days who returned the enquiry file vide No. 9561/E on 17-05-2019 with request to appoint any other Enquiry Officer due as according to him he could not conduct enquiry due to heavy work load.
15. That thereafter Mr. Muhammad Siddique the then DFO Siran Forest Division Mansehra was appointed as enquiry officer on 23-05-2015 vide officer order No. 102 and was directed to submit his findings within 30 days. However DFO Siran Forest Division Mansehra returned enquiry file vide No. 15373/GE dated 11-06-2019 with remarks that Mr. Muhammad Siddique the then DFO Siran is transferred to Mohmand Forest Division due to which enquiry could not be conducted and requested to entrust the same to other officer of the department.
16. That thereafter Mr. Ali Haider Principal KPK Forest School Thai was appointed as an Enquiry Officer to conduct De Novo enquiry who recommended my compulsory retirement from service from the date of my first removal i.e. 25-02-2015 from service with all back benefits upon charges of inefficiency, misconduct and corruption.

Attested.

  
Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

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17. That thereafter I was served with Show Cause Notice to which I replied in prescribed period and on 22-11-2019 I was heard in person.
18. That on 26-11-2019 I was compulsorily retired from service with effect from 25-02-2015.
19. That the enquiry conducted and order passed about the compulsory retirement of the Appellant is not in accordance with law.
20. That the charges of inefficiency levelled against the Appellant are with respect to a "compartment", which was not in supervision of the Appellant.
21. That the damage as stated was in Guldanian Beat whereas I was never remained Incharge of said beat rather my beat was Namli Maira Rehmat Khan beat.
22. That although the Honourable Service Tribunal had directed the De Novo enquiry in both the allegations and the Appellant had been exonerated from one allegation and had been retired compulsorily from other charge on 26-11-2019 with effect from 25-02-2015 which order is wrong and illegal on this score alone.
23. That the Appellant was posted in Maira Namal beat and there was no allegation or proof of damage in said Beat.
24. That neither the Appellant had any criminal history nor the Appellant had even been associated with criminals nor the allegation of transportation of timber through mules is correct neither the same had ever been proved through independent evidence, hence the order impugned herein is wrong and illegal and is liable to be set aside.

*Attested.*  
  
**Sajjad Ahmed Abbasi**  
Advocate High Court  
Abbottabad


(21)

25. That the Appellant had served the Forest Department diligently and honestly.

26. That the name of Appellant does not figure in the FIR.

IT IS THEREFORE HUMBL Y PRA YED THAT ON ACCEPTANCE OF THIS APPEAL THE ORDER DATED 26-11-2019 WHEREBY THE APPELLANT WAS RETIRED COMPULSORIL Y WITH EFFECT FROM 25-02-2015 BE SET ASIDE AND APPELLANT BE REINSTATED IN SERVICE WITH ALL BACK BENIFITS.

DATED: 11-12-2019



GUL KHITAB  
(APPELLANT)


AFFIDAVIT:

I, Gul Khitab son of Lal Khan, resident of Maira Rehmat Khan, Tehsil and District Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing Departmental Appeal/ Representation is true and correct to the best of my Knowledge and belief and nothing has been suppressed therein.



...DEPONENT.

Attested.



Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

(22)

ANNEXURE "F"

OFFICE ORDER NO. 66 DATED ABBOTTABAD THE 16 /03/2020 ISSUED BY  
MR. EJAZ QADIR CONSERVATOR OF FORESTS, LOWER HAZARA FOREST CIRCLE  
ABBOTTABAD

Read with

- 1- Divisional Forest Officer Galis Forest Division Abbottabad office order No. 47 dated 26.11.2019.
- 2- Appeal dated 11.12.2019 preferred by Mr. Gul Khitab Forest Guard
- 3- Comments furnished by Divisional Forest Officer Galis Forest Division Abbottabad vide letter No. 3042/E dated 23.12.2019.
- 4- Personal hearing dated 13.01.2020.

Brief History

Mr. Gul Khitab Forest Guard was served by statement of allegations alongwith Charge Sheet vide No. 2902-7/E dated 09.01.2015 and Mr. Abdur Rasheed the then Incharge of Birangali Forest Range appointed as enquiry officer, to conduct proceeding against the above named Forest Guard. After finalization of enquiry proceeding he submitted his recommendations / findings vide No. 70/ROB dated 03.02.2015 and show cause notice was issued vide No. 3207/E dated 06.02.2015 by the Divisional Forest Officer Galis Forest Division Abbottabad to the official.

The Divisional Forest Officer Galis in the capacity of authority issued order for removal from service of the above named Forest Guard vide his office order No. 146 dated 25.02.2015 against which the Forest Guard preferred an appeal before the appellant authority (Conservatory of Forests, Lower Hazara Forest Circle Abbottabad) who respondent that being a subjudice matter the undersigned is not empowered to entertain the subject appeal.

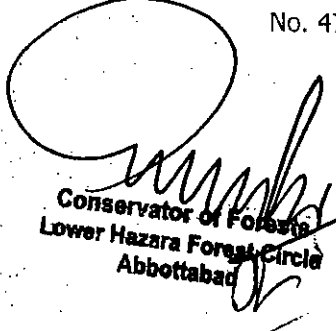
Mr. Gul Khitab Forest Guard field an appeal No. 678/2015 in Service Tribunal Khyber Pakhtunkhwa Peshawar and on 16.04.2019 the honorable Court accepted the appeal of Forest Guard and order to conduct denove enquiry.

In pursuance of the Court order Mr. Haider Ali Khan Principal Khyber Pakhtunkhwa Forest School Thal Abbottabad was appointed by the Divisional Forest Officer Galis as enquiry Officer to conduct denove enquiry against above named Forest Guard and submit findings within stipulated period. The enquiry officer after detail proceeding and scrutiny of the available record submitted his findings with the recommendations that the accused Forest Guard was found guilty of in-efficiency, mis-conduct and corruption. However, keeping in view rendering of considerable service it is recommended that Mr. Gul Khitab Forest Guard may be compulsory retired from his service from the date of removal form Service with all back benefits. The Divisional Forest Officer Galis Forest Division served a Show Cause Notice to Mr. Gul Khitab Forest Guard and the Forest Guard submitted his reply with the request to provide an opportunity of Personal hearing and on 22.11.2019, the official heard in person. The authority (DFO Galis) agreed with the findings / recommendations of the enquiry officer / committee and ordered for compulsorily retirement of Mr. Gul Khitab Forest Guard from Government service with effect from 25.02.2015 vide office order No. 47 dated 26.11.2019.

Order

Keeping in view the long service at the credit of appellant in Forest Department and to meet the nature justice, Divisional Forest Officer Galis Forest Division Abbottabad office order No. 47, dated 26-11-2019 is hereby set aside and further order that:-

- 1- The appellant Mr. Gul Khitab Forest Guard is reinstated in service with immediate effect.
- 2- The intervening period from 25.02.2015 to 28.04.2019 and 26.11.2019 to onward treated as extra ordinary leave without pay but countable towards pension.
- 3- Stoppage of two annual increments falling due on 01.12.2020 and 01.12.2021 without accumulative effect.

  
Conservator of Forests  
Lower Hazara Forest Circle  
Abbottabad

Sd/- (Ejaz Qadir)  
Conservator of Forests  
Lower Hazara Forest Circle  
Abbottabad

  
Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

23

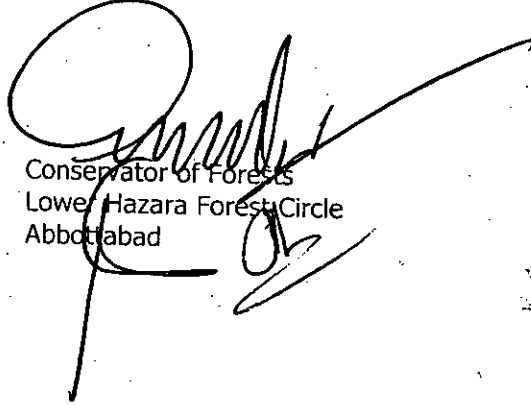
Memo,

Copy forwarded to the:-

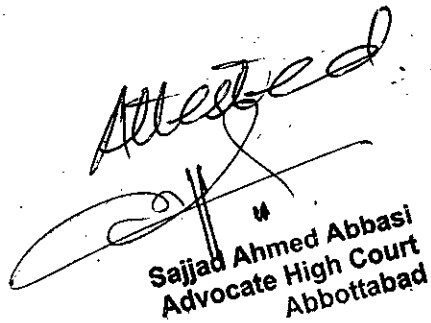
- 1- Divisional Forest Officer Galis Forest Division Abbottabad for information and necessary action with reference to his letter No. 3042/E dated 23.12.2019. The following three Nos file received are returned herewith which may be acknowledged.

File	Page Nos
1	01 to 382
2	01 to 154
3	01 to 63

- 2- Mr. Gul Khitab Forest Guard C/O Divisional Forest Officer Galis Forest Division Abbottabad for information with reference to his appeal dated 11.12.2019.

  
Conservator of Forests  
Lower Hazara Forest Circle  
Abbottabad

**Encl, As Above**  
**For Serial No. 01**

  
Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHAWA PESHAWAR**

Gul Khitab son of Lal Khan, Resident of Maira-Rehmat Khan, Tehsil and District  
Abbottabad.

... APPELLANT

VERSUS

Government of Khyber PakhtunKhawa through Secretary Forest Peshawar &  
Others.

...RESPONDENTS

**SERVICE APPEAL**  
APPLICATION FOR ALLOWING THE APPELLANT TO  
PLACE ON FILE;

1. COPY OF JUDGMENT DATED 16-04-2019  
PASSED BY HONOURABLE KPK SERVICE  
TRIBUNAL.
  2. COPY OF DENOVO ENQUIRY AGAINST  
APPELLANT.
- 

**RESPECTFULLY SHEWETH:**

1. That the titled Service Appeal was filed before this Honourable Court  
which was returned back for removal of objections.
2. That in order to remove objections Appellant wants to place on file;
  - i. Copy of Judgment dated 16-04-2019 passed by Honourable KPK  
Service Tribunal.
  - ii. Copy of De-novo Enquiry conducted against Appellant.



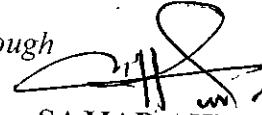
IT IS THEREFORE HUMBL Y PRAYED THAT THE  
TITLED APPLICATION MAY KINDLY BE ALLOWED.



...APPELLANT.

DATED: 24/06/2020

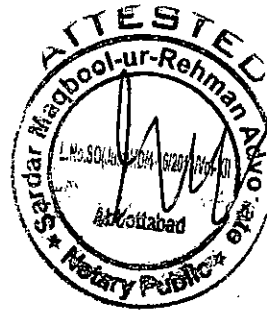
Through



SAJJAD AHMED ABBASI,  
ADVOCATE HIGH COURT,  
ABBOTTABAD.

AFFIDAVIT:

I, Gul Khitab son of Lal Khan, Resident of Maira Rehmat Khan, Tehsil and District Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Tribunal.



...DEPONENT

24/6/2020

ANNEXURE "G"

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT, ABBOTTABAD.

Appeal No. 678/2015

Date of institution ... 16.06.2015

Date of decision ... 16.04.2019



Gul Khatab son of Lal Khan, resident of Maira Rehmat Khan, Tehsil  
and District Abbottabad. ... (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Secretary Forest  
Department, Peshawar and three others. ... (Respondents)

Present

Mr. Sajjad Ahmad Abbasi,  
Advocate

... For appellant.

Mr. Muhammad Bilal,  
Deputy District Attorney

... For respondents.

MR. HAMID FAROOQ DURRANI,  
MR. AHMAD HASSAN,

... CHAIRMAN  
... MEMBER.

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant judgment is proposed to decide also appeal No. 825/2016 as the appellant in both the cases is the same who was awarded the penalty of removal from service in pursuance to departmental proceedings on 25.02.2015 and 22.09.2015, respectively, by respondent No. 3/Divisional Forest Officer Galies Forest Division Abbottabad.

*[Handwritten signature]*

ATTESTED

*[Handwritten signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*[Handwritten signature]*

Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

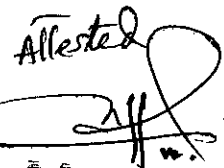
(4)<sup>2</sup>

2. We have heard learned counsel for the appellant, learned Deputy District Attorney on behalf of the respondents in both the appeals and have also examined the available record.

3. Taking up appeal No. 678/2015, it reflects from record that the allegations contained in the office order dated 25.2.2015 were in the following terms:-

"On receipt of information about illicit cutting in Kakul Reserved Forest compartment No. 7(i) and 7(ii) and transportation of timber, the Sub Divisional Forest Officer Abbottabad alongwith staff proceeded to site in late hours of 24.12.2014. On the way they received information than some mules loaded with illicit timber are coming from said forests to Maira Gali, therefore the staff reached at Maira Gali. In the meanwhile Mr. Gul Khitab Forest Guard (the accused) who was Incharge of nearby Maira Patti Forest Beat and is also local of area, reached the spot. Instead of extending assistance to forest staff the accused remained busy in contacting some ones on mobile telephone. Later in the early hours of 28.12.2014 night the staff of Galis Forest Division headed by SDFO Abbottabad who were in pursuit of arresting transportation of timber, was detained by at least 12 armed timber smugglers on gun point near Maira Galis Thandiani Forest Division for about three (03) hours. The gang of timber smugglers included a real nephew, one personal servant and other close relatives of the accused Forest Guard. The staff was released with assistance of police, Police Station Nawansher. Accordingly FIRs No. 499 dated 28.12.2014 was registered in police station Nawansher. Later investigations revealed that the entire episode occurred by the accused who was in league with forest offenders as evident from the report of Sub Divisional Forest Officer Abbottabad letter dated 29.12.2014 and 22.1.2015.



Attested 

ATTESTED

Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad



5

In pursuance to the allegations an enquiry was conducted by Mr. Abdur Rashid appointed as enquiry committee. The report of enquiry was submitted on 04.02.2015, wherein it was, inter-alia, noted that the accused was required to submit the written statement (reply of the charge sheet) within seven days to the enquiry committee but the same was delayed up to 03.02.2015 i.e. 11 days after receipt of charge sheet. That, the accused official delayed the submission of reply due to which it was crystal clear that the charge leveled against him in the charge sheet was established. The case was, therefore, decided ex-parte.

3. Learned counsel vehemently contended that the Beat of appellant, at relevant time, was Maira Nammal Forest areas and he had nothing to do with happenings in Kakul Reserved Forest of Thandiani Forest Sub Division. In the said regard he referred to the parawise comments submitted on behalf of respondents No. 1 to 4 wherein against ground(a) it was admitted that the alleged damage was caused in another Beat. Learned counsel further argued that no proper enquiry was held in the matter; therefore, the impugned order dated 25.02.2015 was not sustainable.

Learned Deputy District Attorney, on the other hand, argued that the service of appellant was dubious throughout and even in past he was awarded many penalties. It was also stated that the appellant ignored the charge sheet, however, whatever defence

ATTESTED

Attested

Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

produced by him at belated stage was not found satisfactory, therefore, the impugned order was properly passed against him.


4. It is a matter of record that in the enquiry proceedings against the appellant no witness was examined nor the appellant was provided with any opportunity to produce evidence in his defence. The only consideration prevailing with the enquiry committee/enquiry officer for recommendation in terms of establishing the charges of inefficiency and misconduct against the appellant, was delayed submission of reply by him. We must note here that the allegations against the appellant were of the nature which required proof through recording of evidence/statements of witnesses, which exercise was never embarked upon by the enquiry officer/committee. On the contrary, the enquiry report itself suggested that the case was decided ex-parte against the appellant.

By now it is well established that in cases where a major penalty, that too, of removal from service is passed against a civil servant, the proceedings by way of full-fledged and proper enquiry are all the more necessitated. The order awarding such penalty ensuing from cursory proceedings is, therefore, not sustainable.

5. The facts relevant for the purpose of appeal No. 825/2016 are that the appellant was proceeded against upon allegations to the following effect:-



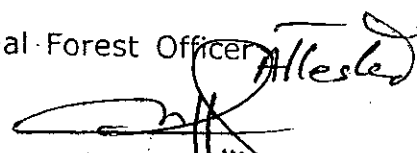
**ATTESTED**  
  
Khan Sahib  
Service Tribunal,  
Peshawar

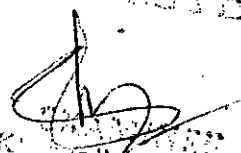
*Attested*  
  
Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

"On 18.12.2014, under the supervision of Conservator of Forest Lower Hazara Forest Circle, DFO Patrol Squad Lower Hazara alongwith Circle Raid Party, SDFO Abbottabad and SDFO Thandiani checked Tarnawaii RFC 7 (i) and 7(ii) near Guldania village. Then ground realities verified by DFO Gallies alongwith SDFO Abbottabad and staff by visiting the fore mentioned compartments and detected the illicit cutting of total of 72 trees of 8982 cft Standing Volume in Reserved Forest of Tarnawaii 7(i) and 7(ii) and 25 trees in Malkiati area. So, total trees are 97. Out of which 21 trees compounded, 51 prosecuted and FIR lodged including 25 trees of 1871 cft Standing Volume from Malkiati area. Furthermore, the checking report of DFO Gallies and DFO Patrol Squad reveals that such damage had occurred due to assistance and facilitation in Sale and Transportation of illegal timber towards Maira on Mules, thus the disciplinary proceedings initiated against the concerned Forest Guard vide DFO Gallies letter No. 2789-93/E, dated 02.01.2015."

An enquiry was conducted by Aitizaz Mahfooz, Sub-Divisional Forest Officer Bagnutar and report was submitted on 06.02.2015. It was, inter-alia, noted in the enquiry report that the appellant had to appear before the enquiry officer on 06.01.2015 and submit his reply, however, he failed to do so. In contrast to the said stance, it was mentioned in the report that the charge sheet was received by the appellant on 23.01.2015. An ex-parte decision was taken on account of non-appearance of the appellant before the enquiry officer/ committee. It was concluded that the charges of inefficiency, misconduct and corruption were established against the appellant.

The order dated 22.09.2015 issued by the Divisional Forest Officer

*Attested*  
  
**Sajjad Ahmed Abbasi**  
Advocate High Court  
Abbottabad

**ATTESTED**  
  
Aitizaz Mahfooz  
Sub-Divisional Forest Officer  
Bagnutar

Gales Forest Division Abbottabad/respondent No. 3 followed, whereby, the appellant was removed from service with immediate effect.

6. The enquiry in the instant case was conducted in the mode and manner almost similar to the enquiry in case in appeal No. 678/2015. The enquiry officer/committee did not care to record pro & contra evidence in respect of allegations against the appellant and proceeded to conclude that the charges against the appellant were proved merely on the ground of delay in submission of reply to the statement of allegations and charge sheet. Needless to note that ex-parte decision was taken in the instant case also due to non-appearance of the appellant.

7. There is yet another aspect of the instant case. On the date of passing of impugned order dated 22.09.2015 the appellant already stood removed from service vide order dated 25.02.2015 passed by the same officer/respondent No. 3. Admittedly, the appellant was not in service on 22.09.2015, therefore, the proceedings against him in the instant case should have abated on the date of passing of order of removal from service against him on 25.02.2015. In the said context, the objection of learned Deputy District Attorney regarding submission of departmental appeal by the appellant with delay does not seem to be convincing.




Attested

ATTESTED  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad

8. For what has been discussed above we allow both the appeals and set aside the impugned order passed on 25.02.2015 as well as 22.09.2015 by respondent No. 3. The respondents are required to conduct denovo enquiry against the appellant within ninety days from the receipt of copy of instant judgment in accordance with law and relevant rules. The appellant shall be associated with the requisite enquiry proceedings and shall be afforded fair opportunity of producing evidence in his defence. Needless to note that the appellant shall be entitled to cross-examine the witnesses appearing against him during the denovo proceedings. The issue of back benefits in favour of appellant shall be determined upon conclusion of denovo enquiry.

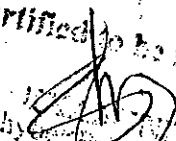
Parties are left to bear their respective costs. File be consigned to the record room.


  
 (AHMAD HASSAN)  
 Member

  
 (HAMID FAROOQ DURRANI)  
 Chairman  
 Camp Court, Abbottabad.

ANNOUNCED  
 16.04.2019

Date of Presentation of Copy 24-04-19  
 Number of Words 2800  
 Copying Fee 16-00  
 Urgent 2-00  
 Total 18-00  
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 Date of Delivery of Copy 24-04-19

Certified to be true copy  
  
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 Service Tribunal,  
 Peshawar

  
 Sajjad Ahmed Abbasi  
 Advocate High Court  
 Abbottabad



10

ANNEXURE "H"

**Enquiry Report Pertaining to Disciplinary Proceeding against Mr. Gul  
Khitab F.G of Galies Forest Division under the E&D RULES 2011**

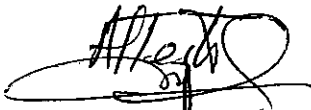
**Read with:**

1. Honorable Court of Service Tribunal decision order of denovo enquiry.
2. Office Order No. 07 dated 22.07.2019 issued by DFO Galies regarding denovo enquiry.
3. Fresh written reply of the accused official i.e. Gul Khitab FG 01-08-2019.
4. Written statements of the eye witness.
5. Cross examined the accused official through question-answer

**Brief History:**

After received information about illegal cutting of Government trees in Kakul Reserved Forest Compartments No. 7 (i) and 7 (ii). The Conservator of Forests Lower Hazara Circle directed SDFO Abbottabad to inspect the said forests and submit a comprehensive report in this regard. Accordingly, the SDFO along with field formation proceeded to Kakul Reserved Forest on 27.12.2014 in order to point out the factual position based on ground reality and to confiscate the illicitly cut-over timber and arrest the forest offenders. The staff received information on the way that some mules loaded with the consignment of illicitly cut over timber were coming from Kakul Forest to Maira Gali. Therefore, the staff rushed to Maira Gali. In the meanwhile, Mr. Gul Khitab Forest Guard (the accused official) I/C of Maira Patti Beat reached to the spot and instead of assisting the staff, the accused Forest Guard remained busy in contacting someone through his mobile. Later on, a gang of about 12-15 armed timber smugglers came and detained the staff and SDFO Abbottabad on gun point for 03 hours. The staff was rescued by police of Nowashehar Police Station and FIR No. 499 dated 28.12.14 was lodged against the timber smugglers in Nowashehar police station.

After proper investigation, Mr. Gul Khitab FG (the accused official) was found in league with the forest offenders. Thus, Mr. Abdul Rasheed RFO Birangali was appointed as Enquiry Officer vide DFO Galies letter No 2902-7/E dated 09.01.2015 and charge sheet was served upon the accused official. The accused Forest Guard ignored the charge sheet and failed to submit reply within the stipulated time period. However, whatever some weak defense produced by him at belated stage was not found satisfactory. It was concluded that the charges of in-efficiency, misconduct and corruption was established against the said accused

  
**Sajjad Ahmed Abbasi**  
 Advocate High Court  
 Abbottabad



(11)

Forest Guard and accordingly ex-parte action was taken against him. As a result thereof, the accused Forest Guard was removed from service vide office order No 146 dated 25.02.2015.

The accused Forest Guard preferred an appeal to Conservator of Forests Lower Hazara Circle against the said Office Order No.146 dated 25.02.2015 but no action was taken on the appeal for the reason that prima-facie of the case was initially established by the Conservator of Forests. Therefore he ignored the appeal with the contents that "being a subjudice matter, the undersigned is not empowered to entertain the subject appeal"


- Subsequently, the accused Forest Guard filed an appeal No. 678/2015 in the Service Tribunal Khyber Pakhtunkhwa which remained under trial in the court for some time and finally the Chairman of Honorable Service Tribunal announced decision on 16. 4. 2019, according to which denovo enquiry may be conducted against the accused Forest Guard.

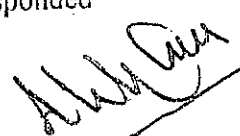
In pursuance of court order, Mr. Taimor Ilyas DFO Upper Kohistan Forest Division was appointed as enquiry officer in the instant case to conduct denovo enquiry and submit findings within 30 days but Mr. Taimor Ilyas DFO Upper Kohistan returned the enquiry file vide letter No.9561/E Dated 17.5.2019 with the request to appoint any other suitable senior officer for conducting the said enquiry and due to heavy workload, he is not in a position to conduct the inquiry.

Accordingly, the task of conducting denovo inquiry was assigned to Mr. Muhammad Siddique DFO Siran Forest Division vide order No. 102 dated 23.5.19. The DFO Siran Forest Division also returned the enquiry file vide letter No. 15373/GE dated 16.6.1012 with the remarks that he has been transferred to Muhammad Forest Division. Therefore, the instant enquiry could not be conducted and entrust the same to other officer of the department. Thus, the undersigned was appointed as enquiry officer vide Office Order No. 7 dated 22. 7. 2019 to conduct denovo enquiry against Mr. Gul Khitab FG (accused official).

#### Enquiry Proceedings:

Mr. Gul Khitab Forest Guard (accused official) was removed from service by DFO Galies vide his office order No. 146 dated 25.02.2015. He preferred an appeal to Conservator of Forests Lower Hazara Circle against office order No.146 dated 25.02.2015 who responded

  
Sajjad Ahmed Abbasi  
Advocate High Court  
Abbottabad



(12)

that "being a subjudice matter, the undersigned is not empowered to entertain the subject appeal". Later on, an appeal No. 678/2015 was filed in the Honorable Service Tribunal Khyber Pakhtunkhwa by the accused official against removal from service in pursuance of departmental proceedings and the Chairman of the Honorable Service Tribunal announced an order on 16. 4. 2019 to the effect to conduct denovo enquiry against the appellant. The accused official has stated in the appeal that no witness was examined nor the appellant was provided with any opportunity to produce evidence in his defence. Therefore, in compliance with the Order of Honorable Service Tribunal, the enquiry proceedings were restarted. The accused official was directed vide this office letter No. 119/GE dated 26.07.2019 to submit fresh reply to the charges levelled against him as per Charge Sheet. The accused official submitted fresh reply to the charges levelled against him on 01.08.2019. In this regard, M/S Abdur Rashid FG and Nisar Ahmad driver who were members of the Squad Party and eye witness of the occasion were also informed vide this office letter No. 227/GE dated 08-08-2019 to furnish their written statements within 07 days. They furnished their written statements on 28.08.2019 and stated that their previous statements of dated 29.12.2014 along with the then SDO Abbottabad Sardar Saleem may be considered as fresh statement. Syed Ibrar Hussain Shah the then SDFO Tandiani was also summoned vide this office letter No. 382/GE dated 02.09.2019 for written statement in the instant enquiry case. Therefore, he visited the office of the undersigned on 21.10.2019 and furnished his written statement.

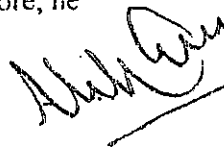
The accused official was called upon vide this office letter No. 931/GE dated 23-10-2019 for personal hearing on 29-10-2019 at 10000 hours in the office of the undersigned. He was heard in person on due date. He was provided sufficient chance of hearing and gave him full opportunity for producing evidence in his defence in light of Service Tribunal Order but he failed to satisfy the undersigned because he could not produce any solid and reliable evidence. The accused official was also crossed examined.

#### Conclusion:

From the enquiry proceedings, scrutiny of records and written statements of the witness, the following facts were surfaced:

1. Written statements of the eye witness were recorded.
2. Fresh written statement furnished by the accused official is not satisfactory which could not provide him impunity from the charges leveled against him. Furthermore, he

  
**Sajjad Ahmed Abbasi**  
Advocate High Court  
Abbottabad



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was provided ample chance of hearing and provided full opportunity for producing evidence in his defence in light of the Order by the Honorable Service Tribunal but he failed to do so.

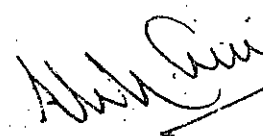
3. Written statements of the eye witness are also against Mr. Gul Khitab the accused Forest Guard.
4. Therefore, the charges levelled/framed in the charge sheet against the accused official are proved due to substantial evidences and found him guilty of In-efficiency, Mis-conduct, and corruption under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011.

**Recommendations:**

After detail enquiry proceedings and scrutiny of the available record, Mr. Gul Khitab the accused Forest Guard was found guilty of In-efficiency, misconduct and corruption. However, keeping in view rendering of considerable service, it is recommended that Mr. Gul Khitab FG may be compulsory retired from his service from the date of removal from service along with all back benefits.

Attested  


**Sajjad Ahmed Abbasi**  
Advocate High Court  
Abbottabad

  
31/10/18

**Ali Haider (Enquiry Officer)**  
Principal  
Khyber Pakhtunkhwa Forest  
School Thai, Abbottabad

# وکالت نامہ

کورٹ فیس

بعدالت سروس ٹرائیبل حیدرآباد لیٹا 19  
 عنوان: مجلد کتاب نام حکومت حیدرآباد ولیم 0  
 مناب: ایڈوانٹ  
 نوعیت مقدمہ: سروس ایبل  
 باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے اسے بیروی وجواب دہی کل کارروائی متعلقہ آن مقام  
 کیلئے سجاد احمد عباسی کیلئے

کو وکیل مقرر کر کے قرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب  
 موصوف کو کرنے راضی نامہ و تقررات و فیصلہ برحلف دہنے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے  
 اجراء اصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دخل کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ  
 مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار  
 بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخستہ مجھ کو منظور  
 قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرچاہانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔  
 نیز ہتھیار تم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف  
 پابند ہوں گے کہ بیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو ہٹایا ہو تو وکیل صاحب موصوف  
 مقدمہ کی بیروی کے پابند نہ ہوں گے۔ نیز درخواست براد استجارت نائش بمینہ مطلق کے دائر کرنے اور اس  
 کے بیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 09/06/2020

بمقام: ایڈوکیٹ سجاد احمد عباسی

## السید السید

Accepted  
 Sajjad Ahmed Abbasi  
 Advocate High Court  
 Abbottabad

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

T/B

No.

Appeal No. 6273 of 20 20

Gul Khitab Appellant/Petitioner

Versus Through Secy. Forest Dept. Pesh. Respondent

Respondent No. 2

Notice to:

Conservator of Forest Hazara circle  
Abbottabad

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 15-2-2021 at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing a copy of written statement alongwith any documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated.....

Given under my hand and the seal of this Court, at Peshawar this 14th Day of Decr 20

at Camp Court A. Akad

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

No.

TB

Appeal No.....6273..... of 2020

Gul Khatab..... Appellant/Petitioner

Versus

Through Secy Forest Dept Pesh..... Respondent

Respondent No.....2.....

Notice to: Conservator of Forest Lower Hazara Circle Abbottabad

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 21-4-2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 21/4/20

Day of Feb.....2021

at Camp Court A Abad

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.**

No.

113

Appeal No. 6273 of 20 20

Gul Khitab

Appellant/Petitioner

Versus

through Secy. Forest Dept. Pesh.

Respondent

Respondent No. 4

Notice to: —

Range officer, Beeran Gali, Abbattabad

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 21-4-2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

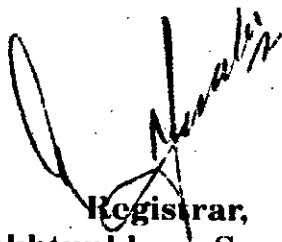
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 24/11.....

Day of Feb:.....20 21

at Camp court A. Abad



Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.



"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

113

Appeal No. 6273 of 20 20

Gul Khatab Appellant/Petitioner

Versus

Through Secy. Forest K.P.K. Pesh. Respondent

Respondent No. I

Notice to:

Govt. of K.P.K. Through Secy. Forest Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 21-4-2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 24/6 .....

of Feb. ..... 20 21

at Camp Court A. Abad

*(Handwritten initials and date 04/03)*

*(Handwritten signature)*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

TB

APPEAL No..... 6273 ..... of 2020.

Gul Khitab

Appellant/Petitioner

Versus

Through Sayyid Forest K.P.P. Pesh.

RESPONDENT(S)

Counsel  
Notice to Appellant/Petitioner

Sajjad Ahmed Akbari  
Advocate High Court  
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication/affidavit/counter affidavit/record/arguments/order before this Tribunal on..... at.....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court P. Akbar

[Signature]

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

TB

APPEAL No. 6273 of 20 20

Gul Khatab

Appellant/Petitioner

Versus

through lawyer: Farid Akbar Khan  
RESPONDENT(S)

Notice to Appellant/Petitioner

Gul Khatab S/o Lal Khan  
R/o Mairaj Rehmat Miran  
Faisal & Dist. M. A. T. T. T.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 21/12/2021 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court A. Shah

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.