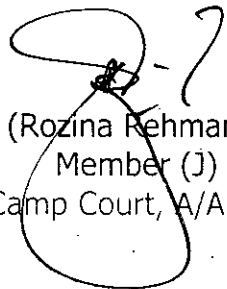


23.09.2022

Nemo for appellant.

Case was called time and again but neither the appellant nor his counsel turned up till rising of the Bench. Consequently, instant service appeal is hereby dismissed in default for none-prosecution. Parties are left to bear their own costs. File be consigned to the record room.

Announced.  
23.09.2022



(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

30.12.2021

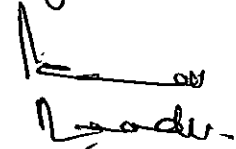
Counsel for the appellant present and seeks adjournment. Request is accorded. To come up for preliminary hearing on 18.02.2022 alongwith restoration application No. 55/2020 before the S.B at camp court, Abbottabad.

  
Chairman

Camp Court, A/Abad

18-2-22;

Due to retirement of worthy chairman case is adjourned. To come up for the same on 22/7/2022.

  
Leader

22<sup>nd</sup> July 2022

None for the appellant present.

Notices be issued to the appellant and his counsel through registered post. To come up for preliminary hearing on 23.09.2022 before S.B at camp court Abbottabad.



(Kalim Arshad Khan)

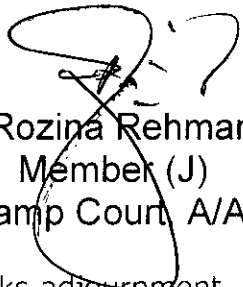
Chairman

Camp Court Abbottabad

18.11.2021


Counsel for appellant present.

He pointed out that a restoration application of previous appeal filed by the present appellant is also pending. It would be in fitness of things to avoid the duplicity that both the matters should be fixed on one and the same date. According to the learned counsel, the restoration application is fixed for 18.01.2022, the same be brought back to the date fixed for this appeal i.e. 02.12.2021. To come up on the said date before S.B at Camp Court, Abbottabad.

  
(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

01.12.2021

Counsel for the appellant present and seeks adjournment. To come up for hearing alongwith restoration application No. 55/2020 on 30.12.2012 before S.B at camp court, Abbottabad.

  
Chairman  
Camp Court, A/Abad

~~Counsel for the appellant, and Mr. Muhammad Rasheed, along with Dawood Ahmad, Counsel for the respondents present.~~

~~Respondents seeks further time to furnish reply/comments. Request is accepted. Last opportunity is granted to the respondents to furnish reply/comments on next date, otherwise their right for submission of written reply shall be deemed as struck off. To come up for reply/comments on 18.02.2022 before the S.B at camp court, Abbottabad.~~

~~Chairman  
Camp Court, A/Abad~~

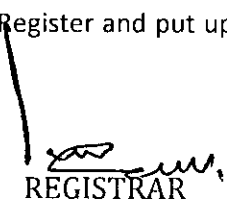


Form-A

## FORM OF ORDER SHEET

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

Case No. -

11750 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/09/2020	<p>The appeal of Mr. Sakhi Sultan resubmitted today by Mr. Ghulam Ali Shah 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-	22-1-2021	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22.01.2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to covid 19, case is not journaled to 24-9-2021 for the same.</p> <p style="text-align: right;">\$ Reader</p>
	24.09.2021	<p>Nemo for the appellant.</p> <p>Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing before the S.B on 18.11.2021 at Camp Court Abbottabad.</p> <p style="text-align: right;"> (SALAH-UD-DIN) MEMBER (JUDICIAL) CAMP COURT ABBOTTABAD</p>



# Ghulam Ali Shah

Advocate High Court

24 Pine Shed Lawyers Plaza Dist: Courts Mansehra

No \_\_\_\_\_

Date 19-09-2020

To

The Registrar,  
Services Tribunal,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: Objections vide letter No 2573/ST dated  
02-09-2020.

Respectfully Sheweth:

1. That objection/direction received vide letter mentioned above in service appeal of Sakhi Sultan S/o Abdul Khalid resident of Katti Mansehra diary No 8981 dated 28-8-2020.
2. That objections/directions raised by your good office are hereby complied and removed one by one and hereby sent for resubmission to the Honorable Services Tribunal.

It is therefore humbly requested that above mentioned appeal may please be submitted in the court.


GHULAM ALI SHAH  
Advocate High Court  
For Appellant

The appeal of Mr. Sakhi Sultan son of Abdul Khalil resident of kotli Mansehra received today i.e. on 26.08.2020 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is unsigned which may be got signed. ✓
- 2- Copy of removal order from service of the appellatant mentioned in the memo of appeal is not attached with the appeal which may be placed on it. ✓
- 3- Annexures of the appeal may be attested. ✓
- 4- Annexures of the appeal may be flagged. ✓
- 5- Necessary party may be made in heading of appeal.

No. 2573 /S.T,

Dt. 02/09 /2020

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Ghulam Ali Shah Adv.  
High Court Mansehra.

**KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**  
**PESHAWAR**

SA No. 11150 2020

Sakhi Sultan .....Appellant

**VERSUS**

Govt of Khyber Pakhtunkhwa & Others.....Respondents

**SERVICE APPEAL**

**INDEX**

S#	Description of documents	Annexure	Page#
1	Memo of Service Appeal with affidavit		1-11
2	Copy of order of compulsory retirement	"A"	12-13
3	Copy of show cause letters	"B"	14-19
4	Copy of written reply	"C"	20-21
5	Copy of impugned letter/order No 6251-56 GE dated 03.02.2017	"D"	22-23
6	Copy of Notification No SO (Estt)FE&WL/1- 31-2315 dated 22 <sup>nd</sup> May 2017.	"E"	24-25
7	Copy of order of Honorable Peshawar High Court Abbottabad bench dated 22.10.2019	"F"	26-29
8	Copy of departmental representation	"G"	30-32
9	Copy of Power of Attorney		-
10	Wakalat Nama		33

Dated 26.08.2020

**SAKHI SULTAN**

.....Appellant

Through Council;

**GHULAM ALI SHAH**

Advocate High Court  
Mansehra

**KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**  
**PESHAWAR**

SA No. 1150 2020

Sakhi Sultan S/O Abdul Khalil resident of Kotli Bala Tehsil  
and District, Mansehra.....

**Appellant**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 8981

Dated 26/8/2020

**VERSUS**

1. Govt of Khyber Pakhtunkhwa Forest Department  
Through Chief Conservator, Region II, Abbottabad.
  2. Conservator of Forest Division Lower Hazara Circle,  
Abbottabad
  3. Divisional Forest Officer, Mansehra
  4. Government of Khyber Pakhtunkhwa Through Chief  
Secretary Peshawar.
  5. Government Khyber Pakhtunkhwa Through Secretary  
Environment, Peshawar.....
- Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICES**

**TRIBUNAL ACT 1974 AGAINST THE DECISION/ORDER**

**NO 6251-56 GE DATED 03.02.2017 OF RESPONDENT**

**NO.3 VIDE WHICH A LETTER IS ISSUED TO CIRCLE**

**OFFICER ANTI-CORRUPTION FOR LODGING OF F.I.R**

**AND RECOVERY OF AMOUNT RS. 2860500/-**

**PRAYER**

**ON ACCEPTANCE OF INSTANT APPEAL THE LETTER/ ORDER  
ISSUED BY RESPONDENT NO 3 AND ON THE BASIS OF THE  
SAME ORDERS MADE ACTION TAKEN AGAINST APPELLANT**

Filed to-day

Registrar  
26/8/2020

Re-submitted to-day  
and filed.

Registrar  
23/9/2020

**Shahin Ali Shah**  
Advocate High Court  
District Courts Mansehra



**FOR LOSS SUSTAINED TO GOVT FOR ILLICIT CUTTING OF  
TIMBER MAY GRACIOUSLY BE SET-ASIDE AND BE DECLARED  
AS WRONG, ILLEGAL, AGAINST THE LAW AND FACTS  
ARBITRARY, FANCIFUL, PERVERSE, DISCRIMINATORY,  
MALAFIDE, AGAINST THE FUNDAMENTAL RIGHTS OF  
APPELLANT HENCE LIABLE TO BE STRUCK DOWN.**

Respectfully Sheweth!

1. That the appellant was appointed as Forest Guard in BPS-07 in Respondents department vide order 20.03.1981.

2. That appellant, served the department devotedly for more than 35 years in the forest Department and was removed (completely <sup>wholly</sup> retirement) from service vide order NO.265 dated 11.06.2015 by respondent No.3.

**(Copy of Order attached as annexure "A").**

3. That <sup>the</sup> ~~Appellant~~ compulsory retired from the service the appellant was retired from the service the appellant was served within the show cause notice on 27.09.2016 & 18.10.2016.

**(Copy of Show cause notices attached as Annexure "B").**

4. That the appellant replied the show cause notices and submitted the said reply on 13.12.2016.

***(Copy attached as Annexure "C").***

5. That on the basis of inquiry report the respondent No.3 issued the letter to anti-Corruption for registration of F.I.R against appellant n 03.02.2017

***(Copy attached as annexure "D").***

6. That competent authority i.e chief Minster Office issued a notification NO. SO (Estt)/FE&WL/1-31/2315 dated 22.05.2018 vide which three (3) official man exonerated from the charge leveled against them and other 15 officers/official were served with the Minor punishment of "CENSURE" .

***(Copy of Order attached as annexure "E").***

7. That the appellant who was already served with punishment of compulsory retirement was left hanged and were of appellant is not solved as

(4)

nothing is being announced about the appellant in notification of Chief Minister.

8. That, appellant filed writ Petition against the impugned letter of respondent No.3 which was dismissed in limine with direction to approach the proper forum.

*(Copy of order of Honourable Peshawar High Court Abbottabad bench. is attached as annexure "F").*

9. That appellant made departmental representation to the quarter concerned but of no avail as no response was made till date.

*(Copy of departmental representation is annexed as annexure "G".)*

10. That feeling aggrieved from the letter issued by the respondent No-3 for lodging F.I.R against appellant, Appellant assails the above mentioned letter on the following amongst the other grounds.

### **GROUND:**

- a. Impugned order /letter for lodging F.I.R and recovery of Rs.28,60,500/- against appellant be declared as wrong, illegal, against the law and fact, arbitrary, fanciful, perverse, discriminatory, without lawful authority, based on malafide,

against the fundamental rights of the Appellant, hence liable to be struck down,

- b.** That as 18 officer/officials were issued show cause notices out of which 15 officers/official were awarded minor punishment of "CENSURE" and 3 officers/Official were exonerated form the charge leveled against them, while there is no decision taken by the competent authority against the Appellant and in this scenario the letter (**Annexure "D"**) issued by respondent No 3 is based on malafide and is discriminatory in nature, hence need interference of this Honorable Court.
- c.** That the impugned letter issued by the respondent No 3 itself speaks in volumes that the damage shown in the impugned letter is all reported which means the cases/ damage reports were registered against the real culprits, so the responsibility of illicit cutting of timber cannot be imposed on the appellant only, which is also against the norms of natural justice, hence, liable to be set aside.

- d.** That the impugned letter itself speaks that "charge of damage is partially proved" the term partially proved itself a sufficient ground to exonerate the appellant from the charge leveled against him and impugned letter issued need to be cancelled.
- e.** That appellant is already removed from service under order of compulsory retirement on 13.06.2015 and issuing of show cause notice to the retired person and awarding punishment against the retired officer/official is against the law and such important fact cannot be swallowed easily, hence, needs to be corrected.
- f.** That awarding punishment to the appellant for the damage which is already reported does not appeal to a prudent mind.
- g.** That inquiry proceedings were not conducted in accordance with law and no

evidence is available against the appellant the inquiry was not conducted in fair manner and the element of bias and malafide was always there, during so called inquiry proceeding the appellant was never confronted with any evidence against him thus all proceedings were carried out in sheer disregard as well as violation of relevant laws, rules and regulation.

**h.** That element of personal grudge of respondent No 3 with the appellant is there, which is evident from the language of letter/order of compulsory retirement (Annexure "A") and such language cannot be acceptable in any manner and in present case the impugned letter is continuation of that personal grudge and as such the element of malafide cannot be ruled out.

**i.** That the impugned order passed by the respondent No 3 encroaches upon the fundamental rights of the appellant as

8

guaranteed in the constitution of Islamic  
Republic of Pakistan.

**PRAYER**

**IT IS, THEREFORE, MOST HUMBLY PRAYED THAT;**

On Acceptance of instant appeal the letter/ order issued by respondent No 3 and on the basis of the same orders made action taken against appellant for loss sustained to Govt for illicit cutting of timber may graciously be set-aside and be declared as wrong, illegal, against the law and facts arbitrary, fanciful, perverse, discriminatory, malafide, against the fundamental rights of appellant hence liable to be struck down.

Dated 17.02.2020

*Sakhi Sultan*

**SAKHI SULTAN**

.....Appellant

Through Council;

*Sakhi Sultan*

**GHULAM ALI SHAH**

Advocate High Court  
Mansehra

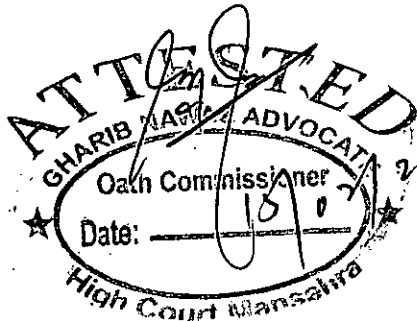
**AFFIDAVIT**

I **SAKHI SULTAN** S/O **ABDUL KHALIL** resident of **KOTLI BALA TEHSIL AND DISTRICT, MANSEHRA** do hereby solemnly affirm and declare on oath no such like Service Appeal has never been filed, nor pending, nor decided from any court, further affirm the contents of fore-going Service appeal is correct and true to test the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

*Sakhi Sultan*

.....Deponent

**SAKHI SULTAN**



9

**KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**  
**PESHAWAR**

Sakhi Sultan .....Appellant

**VERSUS**

Govt of Khyber Pakhtunkhwa & Others.....Respondents

**SERVICE APPEAL**

**APPLICATION FOR SUSPENSION OF IMPUGNED**  
**ORDER/LETTER NO.6151/56/GE DATED 03.02.2017**  
**TILL DISPOSAL OF INSTANT SERVICE APPEAL.**

**Respectfully Sheweth!**

1. That instant Application may please be considered as part and parcel of titled service Appeal.
2. That, the appellant a prima facia Case and there is every hope of success.
3. That the balance of convenience also tilts in favour of Appellant.
4. That if operation of Impugned order/Letter has not been suspended the appellant would suffer an irreparable loss and purpose of titled service appeal would become infructuous.

It is therefore most humbly requested that operation of impugned order/letter titled above may graciously be suspended till disposal of instant Service Appeal.

**Dated 17.02.2020**

*Sakhi Sultan*  
**SAKHI SULTAN**

.....Appellant

Through Council;

**GHULAM ALI SHAH**

Advocate High Court  
Mansehra



**AFFIDAVIT**

I **SAKHI SULTAN S/O ABDUL KHALIL** resident of **KOTLI BALA TEHSIL AND DISTRICT, MANSEHRA** do hereby solemnly affirm and declare on oath the contents of fore-going application is correct and true to test the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

*Sakhi Sultan*

.....Deponent

**SAKHI SULTAN**

**ATTENDED**  
GHARIB NAWAZ ADVOCATE  
Oath Commissioner  
Date: 15/07/2020  
High Court Mansehra

(11)

**KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**  
**PESHAWAR**

Sakhi Sultan .....Appellant

**VERSUS**

Govt of Khyber Pakhtunkhwa & Others.....Respondents

**SERVICE APPEAL**

**APPLICATION FOR SUSPENSION OF IMPUGNED**  
**ORDER/LETTER NO.6151/56/GE DATED 03.02.2017**  
**TILL DISPOSAL OF INSTANT SERVICE APPEAL.**

**Respectfully Sheweth!**

1. That instant Application may please be considered as part and parcel of titled service Appeal.
2. That, the appellant a prima facia Case and there is every hope of success.
3. That the balance of convenience also tilts in favour of Appellant.
4. That if operation of Impugned order/Letter has not been suspended the appellant would suffer an irreparable loss and purpose of titled service appeal would become infructuous.

It is therefore most humbly requested that operation of impugned order/letter titled above may graciously be suspended till disposal of instant Service Appeal.

**Dated 17.02.2020**

*Sakhi Sultan*  
**SAKHI SULTAN**

.....Appellant

Through Council;

**GHULAM ALI SHAH**

Advocate High Court  
Mansehra

P. (12)

ANNEXURE 3

OFFICE ORDER NO. 265/DATED MANSEHRA THE 11/06/2015, ISSUED BY  
MUHAMMAD RIAZ DIVISIONAL FOREST OFFICER, SIRAN FOREST DIVISION  
MANSEHRA

Read with:

- i. SDFO Hilkot letter No. 25/HK dated 16-3-2015
- ii. Show Cause Notice served upon the accused vide No. 8083/GE dated 27-3-2015
- iii. Another Show Cause Notice served upon the Forest Guard vide No. 9259/GE dated 16-4-2015
- iv. Receipt of Show Cause Notice No. 9259/GE dated 16-4-2015 obtained from Forest Guard received vide SDFO Hilkot No. 63/HK dated 18-4-2015.
- v. Reminder to Show Cause Notice vide No. 10075/GE dated 19-5-2014
- vi. Call for personal hearing vide letter No. 11110/GE dated 25-5-2015 and No. 12266/GE dated 2-6-2015
- vii. SDFO Hilkot Forest Sub-Division letter No. Nil dated 1-6-2015
- viii. SDFO Hilkot Forest Sub-Division letter No. 73/GE dated 3-3-2015

The Block Officer Battal Block reported that the accused Forest Guard found absent from official duty from 08-3-2015 to 13-3-2015 received through SDFO Hilkot Forest Sub-Division vide letter No. 25 dated 16-3-2015, after receipt of report from SDFO a Show Cause Notice bearing No. 8083/GE dated 27/03/2015 was served upon the accused official, but no response was received as yet. On 12-4-2015 the Chief Conservator of Forests Northern Forest Region-II Abbottabad and the under signed personally visit the nursery of Billion Trees Tsunami Afforestation Project at Bela Chattar Plan and found nursery work very slow and below the require standard, because the labour was not engaged in hitting time for nursery raising. In this regard another Show Cause Notice bearing No. 9295/GE dated 16-4-2015 was again issued to the accused official which was received by him vide receipt through SDFO letter No. 63/HK dated 18-4-2015 and reminder given to the accused vide No. 10075/GE dated 19-5-2015 to submit reply to the show cause notices but no response has been received. He was called for personal hearing on 28-5-2015 vide No. 11110/GE dated 25/5/2015 but he could not attend the personal hearing & again date fixed for 02/6/2016 vide No. 12266/GE dated 2-6-2015 with the direction to appear before the undersigned alongwith written replies to the Show Cause Notices but he failed to attend the office for personal hearing on due date and time. The SDFO Hilkot vide his letter dated 1-6-2015 reported that Sakhi Sultan Forest Guard was again absented from his official duty without obtaining permission from the competent authority from 29-5-2015 to 31-5-2015 and SDFO Hilkot again reported bearing No. 73/GE dated 3-6-2015 mentioning that I have contacted with Sakhi Sultan Forest Guard for delivery of officials letter received from DFO Siran on his cell Mobile, but he did not pick my call I tried again and again till 03-6-2015, but no response on his part, and found still absent from official duty from 29-5-2015 to 3-6-2015. He also recommended strong lawful action against the accused official.

Attended to be true  
copy

*(Signature)*

**Ghulam Ali Shah**  
Advocate High Court  
District Courts Mansehra

P. (13)

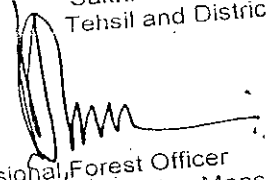
The accused official not submitted his replies of both the Show Caused Notices served upon him nor appeared before the undersigned for personal hearing and found continuously absented from duty without any intimation/permission from the competent authority. This state of affairs clearly reflects his negligence, habitual absentee and disinterest to perform Govt duty. While on the other hand his service record was found very poor and un-satisfactory. Hence the charges of In-efficiency, Mis-conduct and Corruption found fully established beyond any doubt.

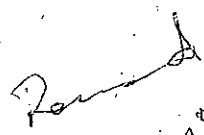
Keeping in view the above situation overall service record of the accused Forest Guard is very poor, quite dirty and he is a permanent proved liability, burden and blood cancer of Department, rather undesired stigma on fore head of Forest Department as evident from his service record and field performance. Therefore, undersigned in the capacity of authority hereby order the Compulsorily Retirement of Sakhi Sultan Forest Guard <sup>from</sup> Service with immediate effect in the best interest of public service and state as well.


Sd/-  
(Muhammad Riaz)  
Divisional Forest Officer  
Siran Forest Division Mansehra

Copy forwarded to:

1. The Chief Conservator of Forests Northern Forest Region-II Abbottabad for favour of information please.
2. The Conservator of Forests Lower Hazara Circle Abbottabad for favour of information please.
3. Sub-Divisional Forest Officer Hilkot Forest Sub-Division for information and necessary action.
4. Sakhi Sultan Forest Guard s/o Abdul Khalil of Village Barazairat P.O Kotli Bala Tehsil and District Mansehra for information and necessary action.

  
Divisional Forest Officer  
Siran Forest Division Mansehra

  
29/6/2015

Attested to be true  
copy  
  
Ghulam Ali Shah  
Advocate High Court  
District Courts Mansehra

<p>SIRAN FOREST DIVISION MANSEHRA FOREST DEPARTMENT KHYBER PAKHTUNKHWA Ph. &amp; Fax #. 0997-920140</p>	<p style="text-align: center;">P 14</p> 	<p>NO. 3254 /GE Dated 17/10/2016</p>
---	--	--

ANSWER  
B

✓ Sakhi Sultan F/Guard  
C/O, SDFO, Lower Siran.

Subject: ENQUIRY REGARDING ILLICIT DAMAGE IN MANDAGUCHA, PANJOOL AND PARYI RESEVED FOREST OF SIRAN FOREST DIVISION MASNEGHRA

Enclosed please find herewith photo copy of Conservator of Forests Lower Hazara Forest Circle Abbottabad office endorsement No.5293-97/GE dated 18.10.2016 alongwith Section Officer Establishment Show Cause Notice No. SO (FE&WD)/1-3/2015/15432-33 dated 27.09.2016 and its enclosures duly signed by Chief Minister Khyber Pakhtunkhwa for necessary action.

Please acknowledge the receipt attached in original.

Encl: As above.

  
Divisional Forest Officer  
Siran Forest Division Mansehra

No. / GE


Copy forwarded to:-

1. The Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar for favour of information.
2. The Chief Conservator of Forest Northern Forest Region-II Abbottabad for favour of information. This is with reference to his good office letter No.2417/GE dated 13.10.2016 addressed to Conservator of Forests Lower Hazara Forest Circle Abbottabad please.
3. The Section Officer (Establishment) Government of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department Peshawar for infoatmion please.
4. The Conservator of Forest, Lower Hazara Forest Circle Abbottabad for favour of information. This is with reference to his good office endorsement No.5293-97/GE dated 18.10.2016 please.
5. The Conservator of Forests, Upper Hazara Forest Circle Mansehra for favour of information with referenced to Chief Conservator of Forests, Northern Forest region-II Abbottabad office endorsement No.2418-21/GE dated 13.10.2016 please.
6. The SDFO, Lower Siran for information. Please deliver the attached letter to addressee under proper receipt (attached in original) for onward submission to quarter concern for further course of action.

Divisional Forest Officer  
Siran Forest Division Mansehra

Attached  
+ one copy  
to be

  
Advocate High Court  
District Courts Mansehra

<b>CONSERVATOR OF FORESTS</b> Northern Forest Region-II		Civil Line Forest Offices Abbottabad ☎ 0992-9310410 Fax 0992-9310343 E-mail: <a href="mailto:ccfnorth@gmail.com">ccfnorth@gmail.com</a>
		No. <u>2417</u> /E dated Abbottabad the <u>13</u> /10/2016

P-15

To **The Conservator of Forests**  
 Lower Hazara Forest Circle  
 Abbottabad

**MOST URGENT**

2417  
 14/10/16

Subject: **SHOW CAUSE NOTICES**

Memo:  
 Enclosed please find herewith a copy of Section Officer Establishment Government of Khyber Pakhtunkhwa Forestry Environment and Wildlife Department Peshawar letter No.SO(Estt)FE&WD/1-3/2015/5432-33 dated 27.09.2016 alongwith Show Cause Notices (in-original) and their enclosures meant for the following officers/officials, which are self-contained for information and further necessary action:

- |   |                                    |
|---|------------------------------------|
| (1) Mr. Zaffar Ali Khan Divisional Forest Officer | (9) Mr. Ishliq Ahmed Forest Guard  |
| (2) Mr. Ejaz Qadir Divisional Forest Officer      | (10) Mr. Aurangzeb Forest Guard    |
| (3) Muhammad Muzaffar Range Forest Officer        | (11) Muhammad Bashir Forest Guard  |
| (4) Muhammad Younis Forester                      | (12) Muhammad Arif-II Forest Guard |
| (5) Main Tahir Hussain, Forester                  | (13) Muhammad Pervaiz Forest Guard |
| (6) Mr. Sakhi Sultan Forest Guard                 | (14) Muhammad Alam Forest Guard    |
| (7) Muhammad Siddique Forest Guard                | (15) Muhammad Javed Forest Guard   |
| (8) Muhammad Illaf Forest Guard                   | (16) Muhammad Irshad Forest Guard  |

The above mentioned show cause notices may be passed on to the concerned accused officers/officials directly without using another channel and acknowledgment receipt thereof may be furnished to this office for onward submission to the Administrative Department

Moreover, on receipt of replies thereon from the accused officers/officials comparative statement with comments of the department may also be furnished to this office within the stipulated period as mentioned in the above said letter most positively as per Government of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011.

*[Signature]*  
 Chief Conservator of Forests  
 Northern Forest Region-II Abbottabad  
 Khyber Pakhtunkhwa

Encl: As above

- No. /E,  
 Copy forwarded for information to the:
- 1- Conservator of Forests, Upper Hazara Forest Circle Mansehra
  - 2- Conservator of Forests, Watershed Management Circle Abbottabad
  - 3- Mr. Zaffar Ali Khan Divisional Forest Officer Hazara Tribal Forest Division
  - 4- Mr. Ejaz Qadir DFO Kunhar Watershed Division Mansehra

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

E.A  
 Most urgent.  
 14/10/2016

PTO

Competent Authority

Attached to be done  
 copy

*[Signature]*  
**Shah Ali Shah**  
 Advocate High Court  
 District Courts Mansehra

P. (16)

(13)

**Most urgent**

No. 5293-97 /GE dated Abbottabad 18/10/2016

Copy alongwith its enclosures forwarded to:-

- 1- Conservator of Forests Watershed Management Circle Abbottabad for information. The attached Show Cause Notice alongwith connected documents (in-original) meant for Muhammad Muzaffar Range Forest Officer may kindly be delivered to him under proper receipt which may be sent to this office for onward transmission to Administrative Department as desired.
- 2- Mr. Zafar Ali Khan, Divisional Forest Officer, Hazara Tribal Forest Division Battagram.
- 3- Mr. Ejaz Qadir Divisional Forest Officer, Kunhar Watershed Division Mansehra.

For information and necessary action. The above mentioned Show Cause Notices alongwith connected documents (in-original) are enclosed herewith. Please submit the acknowledgement receipt of said show cause notice immediately so that the same could be sent to Administrative Department as desired.

- 4- Divisional Forest Officer Siran Forest Division Mansehra for information and necessary action. He is directed to delivered the attached Show Cause Notices (in-original) meant for the officers / officials from serial No. 4 to 16 as above under proper receipt which should be sent to this office for onward submission to Administrative Department as desired.
- 5- Muhammad Muzaffar Range Forest Officer C/O Conservator of Forests, Watershed Management Circle Abbottabad for information and necessary action.

Encl. As above

Conservator of Forests  
Lower Hazara Forest Circle  
Abbottabad

No. /GE dated Abbottabad the /10/2016

Copy forwarded to the:-

- 1- Chief Conservator of Forests, Northern Forest Region-II Abbottabad for favour of information with reference to his letter No. 2417/E dated 13-10-2016 please.
- 2- Conservator of Forests, Upper Hazara Forest Circle Mansehra for information
- 3- Conservator of Forests, Watershed Management Circle Abbottabad for information

With reference to Chief Conservator of Forests, Northern Forest Region-II Abbottabad office endorsement No. 2418-20/E dated 13-10-2016.

Conservator of Forests  
Lower Hazara Forest Circle  
Abbottabad

EC  
Most urgent. Out today  
19/x

Attested to be true  
copy  
Shah  
AF. Shah  
Watershed



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

NO.SO(Estt)/FE&WD/I-3/2015/5432-33/100  
Dated Peshawar: 27<sup>th</sup> September, 2016

Reg  
17

To:  
The Chief Conservator of Forests,  
Northern Forest Region-II,  
Civil Line Forest Offices,  
Abbottabad.

Subject: - **SHOW CAUSE NOTICES**

I am directed to refer to the subject captioned above and to enclose herewith show cause notices (in duplicate), duly signed by the competent authority, in respect of the following accused officers/officials involved in illicit cutting of forests, Mandaguccha, Panjul and Paryai Reserved Forests and unauthorized woodlots of Siran Forest Division:-

- |                                       |                                      |
|---------------------------------------|--------------------------------------|
| (i) Mr. Zafar Ali Khan, DFO           | (ix) Mr. Ishtiaq Ahmad, Forest Guard |
| (ii) Mr. Ejaz Qadir, DFO              | (x) Mr. Aurangzeb, Forest Guard      |
| (iii) Muhammad Muzaffar, RFO          | (xi) Muhammad Bashir, Forest Guard   |
| (iv) Muhammad Younis, Forester        | (xii) Muhammad Arif-II, Forest Guard |
| (v) Mlan Tahir Hussain, Forester      | (xiii) Muhammad Pervez, Forest Guard |
| (vi) Mr. Sakhi Sultan, Forest Guard   | (xiv) Muhammad Alam, Forest Guard    |
| (vii) Muhammad Siddique, Forest Guard | (xv) Muhammad Javed, Forest Guard    |
| (viii) Muhammad Iltaf, Forest Guard   | (xvi) Muhammad Irshad, Forest Guard  |

2) I am further directed to say that the aforementioned show cause notices may be passed-on to the concerned accused officers/officials directly without using another channel and acknowledge receipt may be furnished to this department. Moreover, on the replies received thereon from the accused officers/officials, comparative statement with comments of the department may also be furnished to this department within the stipulated period of seven days positively as per the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, so that further necessary action could initiated as per the law/rules.

Encl: As above

Endst: No: & date even

Section Officer (Estt)

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

Section Officer (Estt)

FA  
ceel  
etc

Attached to be  
me copy

Advocate High Court  
District Courts Manshera

Competent Authority



P-118

ACKNOWLEDGEMENT RECEIPT

I received Section Officer (Establishment) Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department Peshawar letter No. SO (Estt)/FE&WD/1-03-2015/15432-33/We, dated 27-09-2016 alongwith Show Cause Notice and Enquiry Report vide Chief Conservator of Forests, Northern Forest Region-II, Abbottabad No.2417/E dated 13-10-2016 through Conservator of Forests, Lower Hazara Forest Circle Abbottabad endorsement No. 5293-97 /GE, dated 18 /10/2016.

Sakhi Sultan  
Forest Guard

Attached to be  
have copy  
Ali Shah  
Magistrate High Court  
District Courts Mansehra

Competent Authority



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIORNMENT & WILDLIFE DEPARTMENT

P (19)

**SHOW CAUSE NOTICE**

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, under the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Shakhi Sultan, Forest Guard, as follows:

- (i) that consequent upon the completion of enquiry conducted against you by the Enquiry Committee, for which you were given opportunity of hearing vide office communication No.SO(Estt)Env/1-31/2k15/5479-83 dated 26-05-2016: **and;**
- (ii) on going through the findings and recommendations of the Enquiry Committee, the material on record and other connected papers including your defence before the Enquiry Committee:

I am satisfied that you have committed the following acts/omissions specified in the Rule-3 of the said Rules:

- (i) Inefficiency
- (ii) Misconduct

2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalties of Removal from Service

\_\_\_\_\_ under rule-14(4)(b) of the Rules ibid.

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

4. If no reply to this notice is received within seven days of its receipt by you, it shall be presumed that you have no defence to put in and in that case, an ex-parte action shall be taken against you.

5. A copy of the findings of the Enquiry Officer is enclosed.

*Pervez Khattak*

**(Pervez Khattak)**

Chief Minister, Khyber Pakhtunkhwa/  
Competent Authority

*Attested to be true  
copy*

*Shahid Af. Shah*  
Advocate High Court  
District Courts Manshera

20

ANNIE O'NEILL  
(C)

بخدمت جناب پرویز خٹک صاحب وزیر اعلیٰ صوبہ خیبر پختونخواہ پشاور (مجاز اتھارٹی)

بوساطت: جناب ڈویژنل فارسٹ آفیسر سرن ڈویژن مانسہرہ

عنوان: شوکار نوٹس

بحوالہ چھٹی نمبر SO(Estt, FE&WD/1-31/KC، 3230/GE محررہ

5-12-2016 بحریہ 19-10-2016 از دفتر ڈی ایف اوسرن مانسہرہ

جناب عالی۔

گزارش ہے کہ سائل کو کمپارٹ نمبر 4، 7(II)، 7(I)، 5(II) 5(1) جنگل ٹنگائی میں نقصان ہونے پر چارج شیٹ کیا گیا اور بعد میں انکوائری کی جس کے نتیجے میں شوکار نوٹس جاری ہوا۔ سائل اپنی صفائی میں مندرجہ ذیل معروضات پیش کرتا ہے۔

۱۔ چیکنگ رپورٹ بحوالہ نمبر 729/ARD ESTT مورخہ 28-12-2013 جس پر تمام عملہ نے اعتراضات کیے ہیں کہ ممبران ناواقف اور بغیر تجربہ تھے موقع پر سب نہیں آئے پھر بھی کہ چند جگہوں پر عملدہ موقع پر جا کر منڈی جات کی پیمائش، عرصہ، اونچائی، وغیرہ ریکارڈ کی جا رہی ہیں۔ نیز ایسی رپورٹ میں زمینی حقائق پر مکمل بحث ہے۔ اور سفارشات ہیں جن پر عمل کرنا حکومت کا کام تھا لیکن ایسا نہیں ہوا تمام عملہ نے متفقہ طور پر جناب کو آگاہ کیا اور جن خدشات کا اظہار کیا وہ بعد میں درست ثابت ہوئے۔

۲۔ یہ کہ جو لوگ شکایت کنندہ تھے وہی جنگل کاٹنے والے ہیں انہوں نے چیکنگ پارٹی کے چھوٹے اہلکاروں کو دباؤ میں لا کر تمام سابقہ نقصان پھر لکھوایا تا کہ بڑی چارج شیٹ بنے کیوں کہ یہ لوگ ملازمین جنگل کو اپنا دشمن تصور کرتے ہیں، کیس عدالتوں میں ہیں اور انہیں وہاں آنا جانا رہتا ہے۔ ان وجوہات کو یکسر نظر انداز کیا گیا اور انکوائری کمیٹی نے موقع نہ دیکھنے کی وجہ سے ایسا کیا۔

۳۔ یہ کہ چیکنگ رپورٹ میں جو نقصان جنگل ظاہر کیا گیا ہے رپورٹ میں ظاہر کیا گیا ہے۔ اور جنگل ٹنگائی میں سال 2012 فروری میں ان نمبر ٹنگائی نے شکایت کر کے سرکل ریڈ پارٹی کو لا کر پورا جنگل ٹنگائی کیپارٹمنٹ نمبر اتا (II) 7 تک سارا جنگل چک کرایا گیا اور بابت

Attached to file  
true copy

Shah  
High Court  
Courts Mansher

نقصان فدوی کو باقاعدہ چارج شیٹ ہوئی اور پھر محکمانہ انکوائری شروع ہوئی اور سال 2014 میں فدوی کو سزا کے طور پر تین سالانہ ایگزمنٹ تین سالوں کے لیے روک دیے تھے۔ اور پھر دوبارہ 2013 میں یہ چیکنگ ہوتی ہے اور دوبارہ اسی نقصان کو پھر لکھا جاتا ہے۔ جو کہ انصاف کے مترادف ہے۔

۴۔ یہ کہ چیکنگ والوں کا انصاف دیکھیں کہ بلاک آفیسر کو شو کاز نوٹس جاری ہوتا ہے اور انچارج بیٹ گاڑڈ کا انکوائری میں نام تک نہیں آتا۔

۵۔ یہ کہ جہاں تک کاروائی کا تعلق ہے۔ فدوی نے بحیثیت بلاک آفیسر باقاعدہ نقصان جنگل کے خلاف ملزمان پر FIR بھی کروائی ہے۔ اور FIR ہونے کے بعد پولیس کی ذمہ داری ہے کہ اگر گورنمنٹ کے ذریعے گواہی کے لیے فدوی کو بلایا گیا اور فدوی ہمیشہ عدالت میں حاضر ہوا اور گواہی دی فیصلہ جج صاحبان اور مجسٹریٹ صاحبان اپنی مرضی سے کرتے ہیں۔ ان سائل اثر انداز نہیں ہو سکتا۔ ریکارڈ میں ایسی کوئی رپورٹ نہیں ہے۔ کہ سائل نے عدالت میں گواہی کو تبدیل کر کے کسی ملزم کو بچایا ہو۔

۶۔ الزامات جب تک مکمل طور پر ثابت نہ ہوں اور یہ لکھا جائے Partially Proved تو اس کا مطلب یہ ہوتا ہے کہ انکوائری کمیٹی کو خود بھی کوئی تسلی نہیں ہے کہ کیا ثابت ہوا اور کیا نہیں اس طرح کے گول مول رزلٹ کو قانون کی نظر میں درست تسلیم نہیں کیا جا سکتا۔ واضح نتیجہ اخذ کرنا انکوائری کمیٹی کی ذمہ داری تھی۔

اور اسی کی مطابقت سے سزا کی سفارش یہاں تو عجیب بات ہے کہ الزام مکمل ثابت ہی نہ ہوئے اور پھانسی کی سزا تجویز کر دی گئی جو انصاف کے تقاضوں کے سراسر خلاف ہے۔ استدعا ہے کہ سائل کو بے بنیاد، چیکنگ رپورٹ اور بغیر دلائل کے انکوائری رپورٹ کے الزامات سے بری قرار دیا جائے نیز سائل کو زبانی سنایا جائے۔

ارض

سخی سلطان ریٹائرڈ فارسٹ گارڈسرن ڈویژن مانسہرہ  
مظاہر اسٹینڈ  
Shah  
Associate High Court  
District Courts Manshera

سخی سلطان ریٹائرڈ فارسٹ گارڈسرن ڈویژن مانسہرہ  
13/12 - 2016  
نوٹس  
1400

P (22)

ANNEXURE 13

Divisional Forest Officer		Siran Forest Division Mansehra
No. 6250-5B/6E	Dated Mansehra the	Ph. & Fax #, 0997-9201-10
		03/02/2017

The Circle Officer  
Anti Corruption Establishment  
Mansehra

Subject: ILLICIT CUTTING OF TREES IN MANDAGUCHHA, PANJOL, TANGLAI AND PARYAI FOREST OF SIRAN FOREST DIVISION MANSEHRA- REGISTERING OF FIR AGAINST MR. SAKHI SULTAN FOREST GUARD

The undersigned takes this opportunity to inform your good self that in pursuance of the concern expressed by Mr. Wajih-u-Zaman Khan MPA on the floor of Provincial Assembly regarding illicit cutting of forest in Mandaguchha, Panjool, Tanglai and Paryai Reserved as well as Guzara Forests of Siran Forest Division Mansehra. The Secretary to Government of Khyber Pakhtunkhwa Environment Department vide Notification No. SO (Tech) ED/V-590/2012/4598 dated 24.6.2013 (Annex-I) and No. SO (Tech) ED/V-590/2012/PC/1924 dated 17.7.2013, (Annex-II) No. SO (Tech) ED/V-590/2012/PC/4661, dated 25.6.2013 appointed Director I&HRD to conduct detail enquiry.

Keeping in view the gigantic task of the work, the Director I&HRD constituted a checking committee vide office order No. 2/I&HRD/E dated 05.07.2013 comprising of the following officers of Forest Department:

1. Mr. Abdullah Khan DFO Direction (Chairman)
2. Mr. Ibrahim Khan AD I&HRD Directorate (Member)
3. Mr. Farhad Ali SDFO Haripur. (Member)


Mr. Farhad Ali SDFO Haripur was not spared by the Department due to his other official engagement. As such checking was conducted by the aforementioned two officers alongwith field staff of Working Plan Abbottabad. The Chairman of the Committee vide his No. 179/E dated 16.7.2013 requested the DFO Siran to provide the relevant record which was accordingly provided to the Enquiry Committee on the directives of Conservator of Forests, Lower Hazara Forest Circle Abbottabad.

After detail checking of the mentioned forests, Mr. Sanullah Khan Director I&HRD Peshawar (Chairman Checking Committee) vide his letter No. 729/HRD/Estt. dated 28.01.2013 submitted his detailed report to Secretary Environment wherein huge illicit damage in Mandaguchha, Una, Panjool, Tanglai and Paryai Forests was detected. Extreme discrepancies and illegality found in un-demarcated forest wood lot Bela was also indicated in the said report.

On receipt of enquiry report SO (Technical) Forestry, Environment and Wildlife Departments vide his letter No. SO (Tech) ED/V-4590/2012/PC/3200 dated 26.12.2013 send the enquiry report to Chief Conservator of Forests, Northern Forest Region-II Abbottabad to examine the same minutely and submit concrete recommendation in line with substance of the enquiry report. The Chief Conservator of Forests, Northern Forest Region-II Abbottabad vide his No. 6965/GB dated 05.03.2014 directed DFO Siran to nominate and fix the responsibility of the delinquent officers/officials involved in illicit cutting of Forests.

The competent authority (Chief Minister Khyber Pakhtunkhwa) pleased to constitute an Enquiry Committee vide Government of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Peshawar notification No. SO(Exit)Env/1-31/2k15/2290-100 dated 03.03.2016 (Annex-III) comprising of Mr. Kamran Rehman Khan (PAS BS-19) Additional Secretary, Finance Department (Convener of the Enquiry Committee) and Mr. Shabir Hussain (BS-18) Deputy Chief Conservator of Forests (Member of the Enquiry Committee) to conduct inquiry against the officers/officials of Forest Department into the charges/allegations leveled against them in the Charge Sheets/Statement of allegation(s) under section 5(1) of the Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011. In the meanwhile Mr. Mukhtiar Ahmad Additional Secretary Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department Peshawar appointed as Convener of the Enquiry Committee in place of Kamran Rehman Khan (PAS BS-19) Additional Secretary, Finance Department.

In response, 18 (Eighteen) Officers/Officials including Mr. Sakhi Sultan Forest Guard were served with charge sheets alongwith statement of allegations. A charge sheet alongwith statement of allegations was served upon Mr. Sakhi Sultan Forest Guard vide Mukhtiar Ahmad Additional Secretary (Convener) of the Enquiry Committee No. PAAS/Env. 6804-17

Attested to be  
true copy  
  
Kamran Rehman Khan  
Additional Secretary  
High Court  
Courts Mansehra

dated 10.06.2015 (Annex-IV) on account of illicit damage of 105 Dendai/Kail trees=5721 CU standing volume in Tangali RFC-4(ii), 5(i),5(ii), 6,7(i) and 7(ii) the extract of which is as under:

Name of Forest	Reported Damage		Un-reported Damage		Total	
	No. of Trees	Volume (CU)	No. of Trees	Volume (CU)	No. of Trees	Volume (CU)
Tangali RFC-4(ii), 5(i), 5(ii), 6, 7(i) & 7(ii)	105	5721	0	0	105	5721
Total	105	5721	0	0	105	5721

The Enquiry Committee after detail enquiry submitted detailed enquiry report to competent authority. The relevant portion of the enquiry report so far relates to Mr. Sakhi Sultan Ex-Forest Guard is enclosed herewith as (Annex-V) The committee in his report concludes that:

"The Forest Guard on 10.07.2015 appeared for personal hearing and informed that he has been removed from service w.e.f 13.06.2015. The accused took charge of Devil Block only two days before inspection as such charges of Devil dropped against him. The charges of damage of 283 trees in Bharaziarat could not be defended. Thus charges of damage partially proved"

Mr. Sakhi Sultan Forest Guard has already been compulsory retired from Government Service in another disciplinary case vide DFO Siran Office Order No. 265 dated 11.06.2015 (Annexure-VI) therefore Secretary to Government of Khyber Pakhtunkhwa, Forestry, Environment and Wildlife Department vide No. SO(Estt)/Envt/1-31/KC/7259 dated 06.12.2016, received in this office through Conservator of Forests, Lower Hazara Forest Circle Abbottabad vide No. 6610/GE dated 22.12.2016 has directed to lodge an FIR against the Ex-Forest Guard for actual loss sustained to the Government is to be determined as per charges of damage established/proved against him as per findings of the enquiry report. The recommendation of the Enquiry Committee is enclosed (Annexure-VII). As per charge sheet/statement of allegation the losses sustained by the Government is assessed Rs. 2860500/-

It is therefore requested to please lodge an FIR against Mr. Sakhi Sultan Ex-Forest Guard for recovery of above mentioned amount at your earliest.

Permanent/Home/Correspondence Address of the Ex-Forest Guard is as under:

Mr. Sakhi Sultan S/o Abdul Khalil Village and Post Office Kotli Bala Tehsil and District Manshera (Cell No. 0322-9213541)

Encl: As above

Divisional Forest Officer  
Siran Forest Division Manshera

No. 6251-56 IGE

Copy forwarded to:

1. The Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar for favour of information.
2. The Chief Conservator of Forests, Northern Forest Region-II Abbottabad for favour of information.
3. The Section Officer (Establishment) Govt. of Khyber Pakhtunkhwa, Forestry, Environment and Wildlife Department Peshawar for favour of information. This is with reference to his office Notification No. SO (Estt)/Envt/1-31/2015/KC/7259 dated 06.12.2016 addressed to Chief Conservator of Forests, Northern Forest Region-II Abbottabad please.
4. The Conservator of Forests, Lower Hazara Forest Circle Abbottabad for favour of information. This is with reference to his office endorsement No 6610/GE dated 22.12.2016 please.
5. The Divisional Accountant for information
6. Incharge Establishment Branch for information. He is directed not to process pension case of the Ex-Forest Guard till further order.

Attested to be  
true  
copy

Shah  
High Court

**BETTER COPY (page No-22)**

Divisional forest Officer

Siran forest Division  
Mansehra  
Ph & Fax: 0997-920140

No.6250-86/GE Dated Mansehra 03-02-2017

The Circle Officer  
Anti Corruption Establishment  
Mansehra

Subject: **ILLICIT CUTTING OF TREES IN MANDA GUCHA MNA PANJOOL TANGLAI AND  
PARYAL FOREST OF SERAN FOREST DIVISION MANSEHRA REGISTERING OF FIR  
AGAINST MR, SAKHI SULTAN FOREST GUARD**

The undersigned takes this opportunity to inform your good self that in pursuance of the concern expressed by Mr. Wajih-u-Zaman Khan MPA on the floor of provincial Assembly regarding illicit cutting of forest in mandaguchha, Panjool, Tenglai and Paryal Reserved as well as Guzara Forests of Siran forest Division Mansehra. The Secretary to Government of Khyber Pakhtunkhwa Environment department vide Notification No. SO (Tech) ED/V-590/2012/-1598 dated 24-06-2013 (Annex-1) and No SO (Tech) ED/V 590/2012/PC/1921 dated 17-7-2013 (Annex-II) No SO (Tech) ED/V 590/2012/PC/4661 dated 25-6-2013 appointed Director 18HRD to conduct detail enquiry.

Keeping in view the gigantic task of the work the director I&HRD constituted a checking committee vide office order No 2/HRD/E dated 05/02/2013 comprising of the following officers of forest Department.

1. Mr Abdullah Khan DFO Direction (Chairman)
2. Mr. Ibrahim Khan AD I&I HRD Directorate (Member)
3. Mr. Farhad Ali SDFO Haripur (Member)

Mr Farhad ali SDFO Haripur was not spared by the Department due to his other official engagement As such checking was conducted by the aforementioned two officer's along with field staff of working Plan Abbottabad. The Chairman of the committee vide his No 179/E dated 16-07-2013 requested the DFO Siran to provide the relevant record which was accordingly provided to the Enquiry Committee on the directives of Conservator of Forests Lower Hazara Forest Circle Abbottabad.

After detail checking of the mentioned forests, Mr. Abdullah Khan Director I&HRD Peshawar Chairman checking committee) vide his letter No 729/HRD/Estt dated 28-1-2013 submitted his detailed report to Secretary Environment wherein huge illicit damage in Mandaguchha MNA Panjool, Tanglai and paryal Forests was detected Extreme discrepancies and illegally found in un demarcated forest wood lot Bela was also indicated in the said report.

On receipt of enquiry report SO (Technical) Forestry, Environment and Wildlife Departments vide his letter No. SO (Tech)/ED/V-4590/2012/PC/3200 dated 26-12-2013 send the enquiry report to Chief Conservator of forests, Northern forest Region –II Abbottabad to examine the same minutely and submit concrete recommendation in line with substance of the enquiry report. The Chief Conservator of Forests, Northern forest Region –II Abbottabad vide his No.6965/GB dated 05-03-2014 directed DFO Siran to nominate and fix the responsibility of the delinquent officers/officials involved in illicit cutting of forests.

The competent authority (Chief minister Khyber Pakhtunkhwa) pleased to constitute an enquiry Committee vides Government of Khyber Pakhtunkhwa Forestry Environment and Wildlife Peshawar notification No. SO(Extt) envt/1-31/2k15/2290-100 dated 03-03-2015 (Annex-III) comprising of Mr Kamran Rehman Khan (PAS BS-19) Additional Secretary Finance Department (Convener of the Enquiry Committee) and Mr. Shabir Hussain (BS-18) Deputy Chief Conservator of Forests (Member of the Enquiry Committee to conduct inquiry against the Officers/officials of forest Department into the charges/allegations leveled against them in the Charge Sheets/Statement of allegation (s) under section - 5 (1) of the Khyber Pakhtunkhwa Government Servants. (E&D) rules 2011 in the meanwhile Mr Mukhtiar Ahmad Additional Secretary Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department Peshawar appointed as Convener of the Enquiry Committee in place of Kamran Rehman Khan (PAS BS-19) ASdditional Secretary Finance Department.

In response 18 (Eighteen) Officers/Officials including Mr. Sakhi sultan forest Guard were served with charge sheets alongwith statement of allegations. A charge sheet alongwith statement of allegations was served upon Mr. Saklhi Sultan Ex-Forrest Guard vide Mukhtiar Ahmad Additional Secretary (Convener) of the enquiry Committee No PA/AS/En/6609-12

## BETTER COPY PAGE NO. 23

Dated 10/06/2015 (Annex-IV) on account of illicit damage of 105 deodar kail trees=5721 standing volume in Tangali RFC-4(II), 5(II), 6,7(I) and 7(II) the extract of which is as under:-

Name of Forest	Reported Damage		Un-Reported Damage		Total	
	No. of Trees	Volume (eft)	No. of Trees	Volume (eft)	No. of Trees	Volume (eft)
Tangali RFC-4(ii), 5(i), 5(ii), 6,7(i) & 7(II)	105	5721	0	0	105	5721
Total	105	5721	0	0	105	5721

The enquiry committee after detail enquiry submitted detailed enquiry report to competent authority. The relevant portion of the enquiry report so far relates to Mr. Sakhi Sultan Ex-Forest Guard is enclosed herewith as (annex-V) the committee in his report concludes that:

**“the Forest Guard on 10/07/2015 appeared for personal hearing and informed that he has been removed from service W.e.f 13/06/2015. The accused took charge of Devil Block only two days before inspection as such charges of devil dropped against him, the charges of damage of 283 trees in Bharaziarat could not be defended. Thus charges of damage partially proved”**

Mr. Sakhi, Sultan Forest Guard has already been compulsory retired from Government Service in another disciplinary case vide DFO Siran Office Order No. 265 dated 11/06/2015 (Annexure-VI) therefore Secretary to Government of KPK, Forestry. Environment and wildlife Department vide No. SO(Estt)Env/1.1-31/KC/7259 dated 06/12/2016 received in this office through conservator of forests lower Hazara Forest Circle Abbotabad vide No. 6610/GE dated 22/12/2016 has directed to lodged an FIR against the Ex-Forest Guard for actual loss sustained to the Govt is to be determined as per charges of damage established/proved against him as per findings of the enquiry report. The recommendation of the Enquiry Committee is enclosed (Annexure VII) as per charge sheet/statement of allegation the losses sustained by the Govt is assessed Rs. 2860500/-

It is therefore requested to please lodge an FIR against Mr. Sakhi Sultan Ex-Forest Guard for recovery of above mentioned amount at your earliest.

Permanent/home/Correspondence address of the Ex-Forest Guard is as under:-

Mr. Sakhi Sultan S/o Abdul Khalil Village and Post Office Kohi Bala Tehsil And District Mansehra (Cell No. 0322-9213541).

Encl: As Above

Divisional Forest Officer  
Siran Forest Division Mansehra

No. 6251-56/GE

Copy Forwarded to:-

1. The Chief Conservator of Forests, Central Southern Forest Region-I Peshawar for favour of information.
2. The Chief Conservator of Forest, Northern Forest Region II Abbotabad for Favour of Information.
3. The Section Officer (Establishment) Govt of KPK Forestry reference to his office Notification No. SO (Estt)/Env/a-31/2015/KC/7259 dated 06/12/2016 addressed to Chief Conservator of Forests, Northern Forest Region-II Abbotabad please.
4. The Conservator of Forests, Lower Hazara Forest Circle Abbotabad for favour of information this is with reference to his office endorsement No. 6610/GE dated 22/012/2016 Please.
5. The Divisional Accountant for information.
6. Incharge Establishment branch for information. He is directed not to process pension case of the Ex-Forest Guard till further order.





GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar, the 22<sup>nd</sup> May, 2017

*Annexure E's*  
*P. (24)*

**NOTIFICATION**

**Sr. No: SO (Estt)/RESWD/1-31/2017** WHEREAS, the officers/officials, mentioned below, were proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 for the charges as mentioned in the Charge Sheets and Statement of Allegations, served upon them:-

- |  |  |
|--|--|
| (i) Mr. Zahir Ali Khan, DFO (BS-18);             | (x) Mr. Ishfaq Ahmad, Forest Guard (BS-07);    |
| (ii) Mr. Ejaz Qadir, DFO (BS-18);                | (xi) Mr. Asad Iqbal, Forest Guard (BS-07);     |
| (iii) Muhammad Muzaffar, Forest Ranger (BS-19);  | (xii) Mr. Aurangzeb, Forest Guard (BS-07);     |
| (iv) Muhammad Farooq, Deputy Ranger (BS-11);     | (xiii) Muhammad Bashir, Forest Guard (BS-07);  |
| (v) Muhammad Younis, Forester (BS-09);           | (xiv) Muhammad Arif-II, Forest Guard (BS-07);  |
| (vi) Mr. Zahoor Ahmad, Forester (BS-09);         | (xv) Muhammad Pervez, Forest Guard (BS-07);    |
| (vii) Khan Tahir Hussain, Forester (BS-09);      | (xvi) Muhammad Alam, Forest Guard (BS-07);     |
| (viii) Mian Saad Siddique, Forest Guard (BS-07); | (xvii) Muhammad Javed, Forest Guard (BS-07);   |
| (ix) Muhammad Ahsan, Forest Guard (BS-07);       | (xviii) Muhammad Irshad, Forest Guard (BS-07); |

AND WHEREAS, Enquiry Committee, comprising of Mr. Mukhtiar Ahmad (PCS SG BS-19), Additional Secretary, Zakat & Ushr Department, Khyber Pakhtunkhwa and Mr. Sabir Hussain, Deputy Chief Conservator of Forests (BS-19) was constituted to conduct the inquiry against the said accused officers/officials.

AND WHEREAS, the Enquiry Committee, after having examined the charges, evidence on record and explanation of the accused officials/officers, submitted its report, wherein the charges against the officers/officials named at Sr. No: (i), (ii), (iii), (v), (vii), (viii), (ix), (x), (xii), (xiii), (xiv), (xv), (xvi), (xvii) & (xviii) above have been proved being of serious nature beyond reasonable doubt whereas the charges against the officials at Sr. No: (iv) & (vi) above have not been established.

AND WHEREAS, the Competent Authority, after considering the Inquiry Report and other related documents of the case served Show Cause Notices upon the accused officers/officials against whose charges established to which they replied, and provided them opportunity of personal hearing.

NOW, THEREFORE, the Competent Authority, after having considered the charges, evidence on record, findings of the Inquiry Committee, the explanation of the accused officers/officials and hearing them in person and exercising his powers under Rule-14 (2) (ii) read with Rule-4 (1) (3) (i) of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 has been pleased to impose minor penalty of "CENSURE" upon the accused officers/officials named at Sr. No: (i), (ii), (iii), (v), (vii), (viii), (ix), (x), (xii), (xiii), (xiv), (xv), (xvi), (xvii) & (xviii) above.

The Competent Authority is further pleased to "EXONERATE" the officials named at Sr. No: (iv), (vi) & (xi), above from the charges levelled against them in the respective Statement of Allegations in exercise of the powers under sub-rule-3 of Rule-14 of the Rules (ibid).

Chief Minister,  
Khyber Pakhtunkhwa

Encl: No: SO (Estt)/RESWD/1-31/2017

Dated Peshawar, the 22<sup>nd</sup> May, 2017

Copy is forwarded to:-

- 1) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 2) Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar.
- 3) Chief Conservator of Forests, Northern Forest Region-II, Civil Line Forest Offices, Abbottabad.
- 4) Chief Conservator of Forests, Malakand Forest Region-III, Saidu Sharif, Swat.
- 5) Conservators of Forests, Lower & Upper Mahmand Forest Circles Abbottabad.
- 6) Divisional Forest Officer, Green Forest Division.
- 7) PS to Secretary, Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa
- 8) Personal file of the officers.
- 9) Master file.
- 10) Office order file.

*Attended to be copy*  
*Shah*  
*Section Officer (P.S.)*  
*Attn: Mr. Shah*  
*State High Court*  
*Courts Manshera*

P. (25)

No. 12133 /GE dated Abbottabad the 02.05.2017


Copy forwarded to the Divisional Forest Officer, Ghan Forest Division Mansehra for information and necessary action.

Sd/- Conservator of Forests  
Lower Hazara Forest Circle  
Abbottabad

No. 9818-35 /GE dated Mansehra the 07 /05/2017

Copy forwarded for information and necessary action to:

1	Mr. Zaffar Ali Khan DFO	2	Mr. Ishfaq Ahmed F/Guard
3	Ejaz Qadir DFO	4	Asad Inbal F/Guard
5	Muhammad Mizaffar SDFO	6	Aurangzeb F/Guard
7	Muhammad Farooq D/Ranger	8	Muhammad Bashir F/Guard
9	Muhammad Yousaf Forester	10	Muhammad Afzal F/Guard
11	Zahoor Ahmed Forester	12	Muhammad Parvez F/Guard
13	Mian Tahir Hussain Shah Pr.	14	Muhammad Alan F/Guard
15	Muhammad Siddique F/Guard	16	Muhammad Javed F/Guard
17	Muhammad Altaf F/Guard	18	Muhammad Irshad F/Guard

  
Divisional Forest Officer  
Ghan Forest Division  
Mansehra P.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILD LIFE DEPARTMENT  
Dated: Peshawar the 22<sup>nd</sup> May 2017

NOTIFICATION

No. SO (Estt), FE & WD/1-31/2015 WHERE AS, the officers/ officials, mention below, where proceeded against under the khyber pakhtunkhwa Government servant (efficiency and discipline) rules, 2011 for the charges as mentioned in the charge sheets and statement of allegations, served upon them.

- |  |  |
|--|--|
| (I) Mr. Zafar Ali Khan, DFO (BS-18)                | (X) Mr. Ishtiaq Ahmad, Forest Guard (BS-07)  |
| (II) Mr. Ejaz Qadir, DFO (BS-18)                   | (xi) Mr. Asad Iqbal, Forest Guard (BS-07)    |
| (III) Mr. Muhammad Muzaffar, Forest Ranger (BS-11) | (XII) Mr. Aurang Zaib Forest Guard (BS-07)   |
| (IV) Muhammad Farooq Deputy Ranger (BS-11)         | (XIII) Muhammad Bashir Forest Guard (BS-07)  |
| (V) Muhammad Younas Forster (BS-9)                 | (XIV) Muhammad Asif-II, Forest Guard (BS-07) |
| (VI) Zahoor Ahmed Forester (BS-9)                  | (XV) Muhammad pervez Forest Guard (BS-07)    |
| (VII) Mian Tahir Hussain Forester (BS-9)           | (XVI) Muhammad Alam Forest Guard (BS-07)     |
| (VIII) Muhammad Sadique Forest Guard (BS-07)       | (XVII) Muhammad Javed Forest Guard (BS-07)   |
| (IX) Muhammad Altaf Forest Guard (BS-07)           | (XVIII) Muhammad Irshad Forest Guard (BS-07) |

AND WHEREAS, Enquiry committee comprising of Mr, Mukhtiar Ahmad (PCS SG, BS-19) Additional Secretary Zakat & Ushr department Khyber Pakhtunkhwa and Mr. Shabbir Hussain, deputy Chief Conservator of forest (BS-19) was constituted to conduct the enquiry against the said accused officer/officials.

AND WHEREAS, The enquiry Committee after having examined the charges evidence on record and explanation of the accused officials/officers submitted his report wherein the charges against the Officers/officials named at Sr. No (I) (II), (III), (V), (VII), (VIII), (IX), (X), (XII), (XIII), (XIV), (XV), (XVI), (XVII) and (XVIII) above has been proved being of innocence nature beyond reasonable doubt whereas the charges against the officials at Sr No. (IV) (VI) and (XI) above have not been established.

AND WHEREAS, the competent authority after considering the enquiry report and other related documents of the case served show cause Notices upon the accused officer/officials against whose charges were leveled to which they replied and provided them opportunity of personal hearing.

NOW THEREFORE, the competent authority, after having considered the charges, evidence on record, findings of enquiry committee, the explanation of the accused officials/officers and hearing them in person and exercising his powers under Rule-14 (5), (II) read with rule-4 (I), (A), (I) of Khyber Pakhtunkhwa Government Servant (Efficiency and discipline) rules, 2001 has been pleased to imposed minner penalty of "CENSURE" upon the accused officer/officials ser No. (I) (II), (III), (V), (VII), (VIII), (IX), (X), (XII), (XIII), (XIV), (XV), (XVI), (XVII) and (XVIII) above.

The competent authority is wather pleased to "EXONERATE" The officials named at serial No (IV) (VI) and (XI) above from the charges leveled against them in the reasonable statement of allegation in exercise of powers under sub rule-3 of Rule-14 of the Rules (Ibid)

Chief Minister  
Khyber Pakhtunkhwa

Endorsement No: SO (Estb)/FE&WD/1-31/2015 (5113-119) dated Peshawar 22<sup>nd</sup> May 2017

Copy forwarded to:-

1. Principal Secretary to Chief Minister, Khyber pakhtun Khwa
2. Chief Conservator of Forest, Central Southern forest Region –I Peshawar
3. Chief conservator of forest, Nothern forest Region –II, Civil Lines forest Offices, Abbottabad
4. Chief Conservator of Forest, Malakand Forest region –II Saidu Sharif Swat
5. Conservator of Forest Lower and Uppar Hazar Forest Circle Abbottabad
6. Diviisional forest Officer, Siran Forest Division
7. PS to Secretary, Forestry, Environment and Wildlife Department Khyber Pakhtunkhwa
8. Personal file of Officers
9. Master files
10. Office Order File

*Attended to be*  
*Shah*

*Shah*  
High Courts  
Mansherah

SDXXXXXXXXX

SECTION OFFICER (ESTT)

BETTER COPY PAGE NO:25

No:12133/GE dated Abbottabad the 02-06-2017

Copy forwarded to Divisional forest Officer Siran Forest Division Mansehra for information and necessary action

Sd/ Conservator of forest  
Lower Hazara Forest Circle  
Abbottabad

No.9818-35/GE dated Mansehra the 07-06-2017

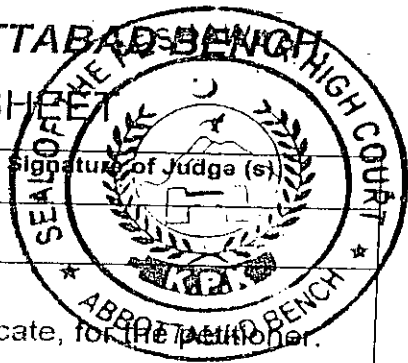
Copy forwarded for information and necessary action to:-

- |                                       |                              |
|---------------------------------------|------------------------------|
| 1. Mr. Zafar Ali Khan DFO             | 2. Mr. Ishtiaq Ahmed F/Guard |
| 3. Ijaz Qadir, DFO                    | 4. Asad Iqbal F/Guard        |
| 5. Muhammad Muzafar, SDFO             | 6. Aurang Zaib F/Guard       |
| 7. Muhammad Farooq, D/Ranger          | 8. Muhammad Bashir F/Guard   |
| 9. Muhammad Younas, Forester          | 10. Muhammad Arif-II F/Guard |
| 11. Zahoor Ahmed, Forester            | 12. Muhammad Pervez F/Guard  |
| 13. Mian Tahir Hussain Shah, Forester | 14. Muhammad Alam F/Guard    |
| 15. Muhammad Saddique F/Guard         | 16. Muhammad Javed F/Guard   |
| 17. Muhammad Altaf F/Guard            | 18. Muhammad Irshad F/Guard  |

**SDxxxxxxxx**  
**Divisional Forest Officer**  
**Siran Forest Division**  
**Mansehra**

P. 26 ANNEXURE  
< F >

PESHAWAR HIGH COURT, ABBOTTABAD BENCH  
FORM OF ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1 22.10.2019	2 <u>W.P.No. 813-A/2019.</u> Present: Sardar Javed, Advocate, for the petitioner. *** <u>SHAKEEL AHMAD, J.-</u> Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner has sought the following relief: -  "It is, therefore, most humbly prayed that on acceptance of the instant writ petition, the impugned show cause notice and all the proceedings in consequence whereof including the impugned office order No. 14174 / GE dated 16.05.2019 issued by the respondents whereby registration of FIR was directed against the petitioner may please be declared as wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, without lawful authority, based on malafide, discrimination, against the fundamental rights of the petitioner hence being unconstitutional be struck down and the respondents may please be directed to restore the previous position of the petitioner prior to the issuance of show cause notice or any other writ, order or relief as this Hon'ble Court deems fit and appropriate in the circumstances of the case, may also be issued / passed."

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EXAMINER  
6 NOV 2019  
High Court Abd. Bench  
Under Sec: 75 Evid Ordna.

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be true copy  
[Signature]

2. Facts of the case, in brief, are that initially the petitioner was appointed as Forest Guard (BPS-7) vide appointment order dated 20.03.1980. It was reported by the Block Officer Battal that the petitioner was found absent from duty from 08.03.2013 to 13.03.2015, whereafter a show-cause notice was served upon him on 27.03.2015, which was not responded. On 12.04.2015 the Chief Conservator of Forests Northern Forest Region-II Abbottabad alongwith Divisional Forest Officer visited the nursery of billion trees and found nursery work very slow and below the required standard and again on 16.04.2015 show-cause notice was served upon the petitioner, which was received by him vide receipt dated 18.04.2015, followed by a reminder dated 19.05.2015 to submit reply to the show-cause notice but in vain. He was called for personal hearing on 28.05.2015 but he failed to attend the proceedings and again he was directed to appear before the competent authority on 02.06.2015 for personal hearing alongwith written reply to the show-cause notices but again he failed to appear before the competent authority. The SDFO again intimated the Divisional Forest Officer about absence of the petitioner from 29.05.2015 to 31.05.2015 and ultimately he was compulsorily retired from service on 11.06.2015. On 16.05.2019 the Divisional Forest Officer issued direction for recovery of Rs.28,60,500/- from the petitioner for cutting 105 trees in Mandagucha and also directed the SDFO to lodge FIR

Certified to be True Copy  
EXAMINER  
16 NOV 2019  
Punjab High Court Attd. Bench  
Ordained Under Sec. 75 Evid Ordns.

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Shah  
Advocate High Court  
District Courts Manserhra

against the petitioner, hence, this petition.

3. It was argued by learned counsel for the petitioner that the enquiry report whereby petitioner was found guilty of cutting 105 trees is illegal and petitioner has been implicated in a false and frivolous case with malafide intention, therefore, the impugned order dated 16.05.2019 whereby SDFO was directed to make recovery of Rs.28,60,500/- from the petitioner and lodge of FIR against him is liable to be set-aside.

4. Arguments heard and record gone through.

5. It is evident from the record that the petitioner has already been compulsorily retired from service in another disciplinary case vide office order dated 11.06.2015. he was proceeded against on the allegation of cutting trees in Mandagucha, UNA, Panjool, Tanglai and Paryai forest of Siran Forest Division Mansehra alongwith other officials wherein he was given right of audience. During enquiry it was found by the enquiry officer that the petitioner had taken charge of Devli Block only two (02) days before the inspection, therefore, this charge of Devli was dropped against him, however, the charge of causing damage to 283 trees in Bharaziarat proved against him, whereafter vide letter dated 16.05.2019 the SDFO Lower Siran was directed to lodge FIR against the petitioner and also to make recovery of Rs.28,60,500/- from him for causing damage to 283 trees in Bharaziarat.

6. The contentions of learned counsel for the

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EXAMINER  
16 NOV 2019  
Peshawar High Court Adl. Bench  
Authorized Under Sec: 75 Evid Ordns.

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Gulam Ali Shah  
Advocate High Court  
District Courts Mansehra

29

petitioner that the allegations, on which he was proceeded against, are false, frivolous and based on malafide are purely factual in nature which cannot be answered without recording pro and contra evidence and this exercise cannot be done in writ jurisdiction. In this behalf reliance can be placed on the case law reported as **Saif-ur-Rehman & 02 others Vs. A.H.Khan Niazi & another** 1971 SCMR 279.

7. For what has been discussed above, this petition, being not maintainable, is hereby dismissed in *limine*. However, the petitioner shall be at liberty to seek his remedy from appropriate forum, if so desired.

*scl/* JUDGE

*scl/* JUDGE

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EXAMINER  
16 NOV 2019  
Peshawar High Court Atd. Bench  
Authorized Under Sec: 75 Evid Ordns.

Self CS.

Hon'ble Mr. Justice Ijaz Anwar  
Hon'ble Mr. Justice Shakeel Ahmad

Attested to be true copy

*Shahid Ali Shah*  
Advocate High Court  
District Courts Manshera



- g. That awarding punishment to retired person itself does not appeal to the prudent mind.
- h. That there is no evidence against petitioner and the same was not confronted to petitioner during inquiry proceeding.
- i. That decision/order/letter issued for the registration of F.I.R is based on malefide and same was made on the basis of assumptions, as it doesn't appeal to the prudent mind that only one person caused such a huge damage/loss as all other persons were exonerated or served with minor punishment of "CENSURE".

It is therefore, humbly prayed that the letter impugned issued for the registration of F.I.R may graciously be cancelled.

Dated: 25.03.2020

*Sakhi Sultan*

Sakhi Sultan

Ex forest guard

*Attached to be photocopy*

*Shah*

**Shah Ali Shah**  
Advocate High Court  
District Courts Mansehra

No. 757 G.O. REG. 27 JUN 20

for Insurance Notices, see reverse Ps.  
 Stamps affix RGL 14032938

uninsured letters of not more than  
 the initial weight prescribed in the  
 Post Office Guide or on which no  
 acknowledgement is due. RAO 118

Received a registered\*  
 addressed to: Chief Conservator Date-Stamp

\*Write here "letter", "postcard", "packet" or "parcel"  
 Initials of Receiving Officer with the word "insured" before it when necessary.

Insured for Rs. (in figures) Four (in words)

If insured. Insurance fee Rs. North (in words) 70 (in words) Region  
 Name and address of sender: ATD 27/6

AA sent to below court

*[Signature]*

**Shah Ali Shah**  
 Advocate High Court  
 District Courts Manselra

## وکالت نامہ

بعدالت جناب حسبہ اختر نخواستہ سرور سب ٹریبونل پشاور  
 سنی سلطان نام حکومت حسبہ اختر نخواستہ میرہ  
 دعوی یا جرم سروس ایبل منجانب ایبل نٹ  
 باعث تحریر آئنگہ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی وجود ہی بمقام پشاور

عبدالاعلیٰ شاہ عبدالواحد ایڈووکیٹس ہائی کورٹ

بدیں شرط وکیل مقرر کیا ہے کہ میں ہر چیٹی پر خود یا بذریعہ مختیار خاص روبرو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرداخت صاحب مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعوی اور درخواست اجرائے ڈگری و نظر ثانی ایبل نگرانی دائر کرنے، نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرانے کا ہر قسم بیان دینے اور سپرد تاشی و راضی نامہ و فیصلہ بر خلاف کرنے و اقبال دعوی کا اختیار ہوگا اور بصورت ایبل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا ہوگی علیحدہ پیروی مختیار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت ایبل اور ایبل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا اختیار نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔  
 المرقوم ۱۵۔ فروری ۲۰۲۰

عبدالاعلیٰ شاہ عبدالواحد

سنی سلطان سبٹریبونل پشاور

ATTESTED & ACCEPTED

AS

Advocate High Court  
 District Courts Manselra

ANNEXURE  
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To

The Chief Conservator Forest,  
Environment Department, Peshawar.

Sub:

Departmental representation against order NO 6251-56 GE Dated 03-02-2017:

Respectfully Sheweth:

1. That petitioner was appointed as forest Guard in BPS-07 vide order dated 20.03.1981.
2. That petitioner was compulsory retired vide order no 265 dated 11.06.2015.(Copy Attached)
3. That despite of compulsory retirement the appellant/petitioner was served with the show cause notice on 27.09.2016 and 18.10.2016 which were dully replied by the petitioner on 13.12.2016.
4. That on the basis of inquiry the DFO siran issued a letter to anti-corruption for registration of F.I.R against the petitioner on 03.02.2017.
5. That feeling aggrieved form the letter dated 03.02.2017 the petitioner assails the impugned letter/order through this departmental representation on the following amongst the other grounds.

**GROUND:**

- a. That in the same inquiry vide notification NO 50(Estt)/FE & WL/1-31/2315 dated 22.05.2018 vide which three officers were exonerated from the charge leveled against them and other 15 official were served with the minor punishment of "CENSURE". (Copy is attached).
- b. That petitioner is already served with the punishment of compulsory retirement was left hanged and no order has been passed regarding petitioner.
- c. That petitioner filed a writ petition which was dismissed for the want of jurisdiction.
- d. That letter for registration of F.I.R against the petitioner is discriminatory and biased, against the las and fact and is liable to be struck down.
- e. That letter of D.F.O Concerned speaks in volumes tha the damage shown is all reported which means that the cases were registered against the real culprits, So, the responsibility of the same loss could not be imposed against the petitioner, which is a also against the norms of justice. That it is written in the said letter that " charge of damage is partially proved" which itself is sufficient ground to exonerate the petitioner form: the charge leveled against him.

Attsthd to be  
the copy

*Ghulam Ali Shah*  
Advocate High Court  
District Courts Manshera