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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**CAMP COURT SWAT.**

**Service Appeal No.567/2019**

**BEFORE:**       SALAH-UD-DIN                               ---       MEMBER(J)  
                  MIAN MUHAMMAD                           ---       MEMBER(E)

**Hamayun Range Officer Demarcation Mingora Swat.**  
.....(Appellant)

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Secretary Forest, Environment and Wild Life, Peshawar.
  2. The Chief Conservator of Forests, Malakand Forest Region III, Saidu Sharif, District Swat.
  3. The Conservator of Forests, Malakand Circle East, Saidu Sharif, District Swat.
  4. The Divisional Forest Officer, Swat Forest Division, Mingora, District Swat.
  5. The Sub-Divisional Forest Officer, Matta Sub-Division, District Swat.
- .....(Respondents)

**Present:**

MR. IMDADULLAH,  
Advocate,   ---       For Appellant.

MR. KABIRULLAH KHATTAK,  
Additional Advocate General                               ---       For respondents.

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Date of Institution	...	02.05.2019
Date of hearing	...	10.05.2022
Date of Decision	...	11.05.2022

**JUDGEMENT.**

**MIAN MUHAMMAD, MEMBER(E):-** The service appeal has been filed against the impugned order dated 26.05.2017 whereby the penalty of stoppage of two annual increments with accumulative effect was imposed on the appellant and his departmental appeal was rejected vide appellate order dated 05.04.2019. Both the impugned orders have been assailed in the service appeal invoking Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 and are under scrutiny before us for adjudication.

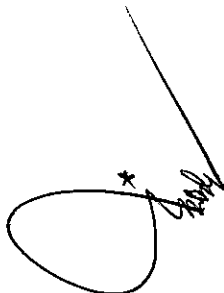
02. Brief facts, as per memorandum of appeal, are that the appellant was Deputy Ranger (BS-12) and while posted as incharge (SDFO) Matta

Forest Sub Division Swat was proceeded against departmentally for the charges/statement of allegations dated 28.07.2015. The inquiry Committee constituted under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 submitted its report. The authority did not agree with the findings and recommendations of the inquiry committee and ordered denovo enquiry through an enquiry officer on 10.08.2016. Consequent upon submission of the denovo enquiry report, the appellant was awarded the penalty of "stoppage of two annual increments with accumulative effect" vide impugned order dated 26.05.2017". The appellant preferred departmental appeal on 19.06.2017 which was rejected vide appellate order dated 05.04.2019 whereafter the instant service appeal was instituted in Service Tribunal on 02.05.21019.

03. On admission of the service appeal in preliminary hearing held on 12.06.2019, the respondents were put on notice to submit reply/parawise comments alongwith relevant record. The respondents submitted their reply/parawise comments and contested contents of the appeal through learned AAG. We have heard arguments of both the parties and perused the record thoroughly with assistance of learned counsel for the appellant and learned AAG.

04. Learned counsel for the appellant at the outset of his arguments contended that the appellant being Deputy Ranger (BS-12) was posted as incharge Matta Forest Sub-Division (SDFO) when proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The first inquiry committee constituted vide order dated 28.07.2015 submitted its report but the competent authority did not agree with findings and recommendations, ordered denovo enquiry through enquiry officer vide order dated 10.08.2016. This time charge sheet/statement of allegations was not issued to the appellant and relied on the proceedings of

first enquiry conducted through the enquiry committee. Detailed reply of the appellant to the charge sheet/statement of allegations was never considered i.e neither by the enquiry committee nor by the enquiry officer. So much so that his departmental appeal submitted against the impugned order was rejected in a mechanical manner which is not only against the law and rules but also against the fundamental rights of the appellant guaranteed in the constitution. The appellant has not been treated in accordance with law and condemned unheard. Neither he has been given the opportunity of personal hearing nor given the chance of cross examination during the enquiry proceedings. Moreover, the evidence against the appellant was collected on his back and witnesses examined in absence of the appellant. The authorities have misused their official authority in a colourful, fanciful and arbitrary manner to the detriment of appellant. The service appeal may therefore graciously be allowed and the impugned orders be set aside restoring the annual increments of the appellant, he concluded.



05. Learned AAG quite conversely argued that the appellant was provided ample opportunity of self defence during two separate enquiries conducted against him but he could not produce any evidence to establish his innocence. An opportunity was also provided to the appellant by the appellate authority on 12.02.2017 while deciding his departmental appeal. The competent authority has considered long service of the appellant and taken lenient view by imposing the penalty of stoppage of two annual increments with accumulative effect. Since all the procedural and codal formalities have been fulfilled before imposition of the impugned penalty upon the appellant, the service appeal being devoid of merit may therefore be dismissed with cost.

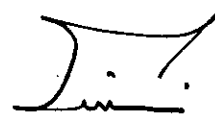
06. The record reveals that the appellant was Deputy Ranger (BS-12) and made incharge (SDFO) Matta Forest Sub-Divisional Swat. He was

proceeded against for (a) mis-conduct (b) inefficiency and (c) corruption under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 when charge sheet/statement of allegations was issued to him on 28.07.2015 and enquiry committee comprising DFO Lower Dir and DFO Alpuri was constituted. This was a joint enquiry under Rule 10(a) of the Rules ibid initiated against the appellant and two other officials namely Shah Kameen Forester and Muhammad Saboor Forest Guard. The enquire committee submitted its report with findings and recommended imposition of major penalty on the appellant as well co-accused. The competent authority however, did not agree with the findings of enquiry committee and ordered denovo enquiry through an enquiry officer (DFO upper Dir) vide order dated 10.08.2016. However, no reason was recorded in support of decision to conduct denovo enquiry, as per requirement of Rule 14 (6) of the Rules ibid. The enquiry officer in the denovo enquiry recommended imposition of minor penalty of "stoppage of two annual increments for a period of two years". Based on the report of denovo enquiry, the appellant was issued Show Cause Notice under Rule 14(4) of the said Rules on 17.05.2017 communicating tentative penalty of "stoppage of two annual increments". However, in Para 1 of the Show Cause Notice reference was made to the report of enquiry committee instead of enquiry officer which has never been clarified anywhere in the record. On reply to the Show Cause Notice, finally the impugned order dated 26.05.2017 was issued to impose "major penalty" of "stoppage of two annual increments with accumulative effect". Departmental appeal of the appellant dated 19.06.2017 was rejected vide appellate order on 05.04.2019 i.e. after about 22 months without mentioning the cause of abnormal delay. Interestingly, the co-accused Mr. Shah Kameen Forester who had been awarded the penalty of stoppage of one annual increment due on 01.12.2016 with accumulative effect and Mr. Saboor Khan Forest Guard awarded stoppage of two annual increments with

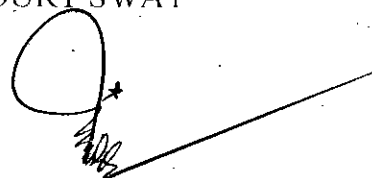
accumulative effect, were exonerated of the charges and their departmental appeals were accepted by the appellate authority. No doubt, the quantum of responsibility of the co-accused would vary to a certain level yet the question of discriminatory treatment met out to the appellant can neither be denied nor justified on the touchstone of legal formity. It is also an established fact that the imposition of minor penalty of stoppage of annual increments is subject to the maximum of three years whereas in the instant case it has been imposed with accumulative effect. The impugned penalty is not only alien to Rule 4 (a) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 but is also a blatant violation of and total disregard to the well celebrated FR-29.

07. As a sequel to the above and having considered merits of the service appeal, we are constrained to allow plea of the appellant. The impugned order dated 26.05.2017 and appellate order 05.04.2019 are therefore set aside and two annual increments are restored to the appellant.

08. Pronounced in open court at Mingora and given under our hands and seal of the Tribunal this 11<sup>th</sup> day of May, 2022.



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



(MIAN MUHAMMAD)  
MEMBER(E)  
CAMP COURT SWAT

**ORDER**

11.05.2022

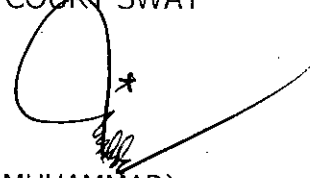
Counsel for the appellant present. Mr. Kabirullah Khattak,  
Additional Advocate General for respondents present.

02. Vide our detailed judgement of today placed on file  
(containing 05 pages), we are constrained to allow plea of the  
appellant. The impugned order dated 26.05.2017 and appellate  
order 05.04.2019 are therefore set aside and two annual  
increments are restored to the appellant.

03. Pronounced in open court at Mingora and given under  
our hands and seal of the Tribunal this 11<sup>th</sup> day of May, 2022.



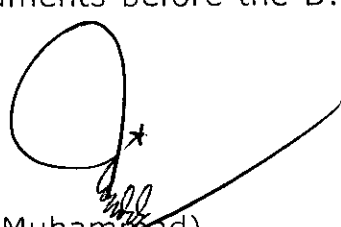
(SALAH-UD-DIN)  
MEMBER (J)  
CAMP COURT SWAT




(MIAN MUHAMMAD)  
MEMBER (E)  
CAMP COURT SWAT

05.01.2022

Appellant alongwith his counsel Mr. Imdad Ullah, Advocate, present. Mr. Sharifullah, SDFO alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and produced copy of record regarding inquiry, consisting of 19 sheets. Copy of the same handed over to learned counsel for the appellant, who requested for adjournment on the ground that he has not gone through the record produced before the Tribunal today. Adjourned. To come up for arguments before the D.B on 08.03.2022 at Camp Court Swat.

  
(Mian Muhammad)  
Member (E)  
Camp Court Swat

  
(Salah-ud-Din)  
Member (J)  
Camp Court Swat

08.03.2022


Due to retirement of the Hon'ble Chairman, the case is adjourned to 10.05.2022 for the same as before.


Reader

10.05.2022

Appellant alongwith his counsel present. Mr. Anwar Bacha, Junior Clerk alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Arguments heard. To come up for order on 11.05.2022 before the D.B at Camp Court Swat.

  
(Mian Muhammad)  
Member (E)  
Camp Court Swat

  
(Salah-ud-Din)  
Member (J)  
Camp Court Swat

07.10.2021

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Abdul Ghafoor Forest Guard for respondents present

Learned Members of the DBA are observing Sogh over the demise of Qazi Imdadullah Advocate and in this regard request for adjournment was made; allowed. To come up for arguments before the D.B on 08.12.2021 at Camp Court, Swat.



(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court, Swat



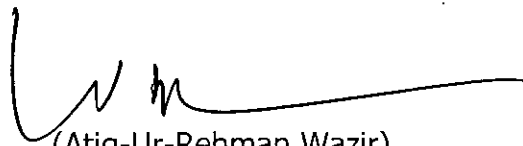
(Rozina Rehman)  
Member (J)  
Camp Court, Swat

08.12.2021

Appellant with counsel present.

Mr. Muhammad Rasheed, Deputy District Attorney alongwith Mr. Anwar Badshah Junior Clerk for respondents present.

Learned Deputy District Attorney requested for adjournment in order to produce the entire record in respect of inquiry initiated against the appellant. Granted but with last chance to submit the entire record much before the next date of hearing. To come up for record as well as arguments on 05.01.2022 before D.B at Camp Court, Swat.



(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court, Swat



(Rozina Rehman)  
Member (J)  
Camp Court, Swat



6.01.2021

Due to COVID 19, the case is adjourned to  
3.03.2021 for the same as before.

  
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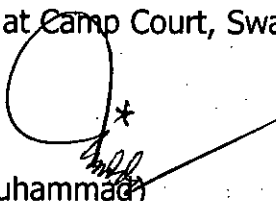
03.03.2021

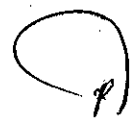
Appellant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General  
alongwith Abdul Ghafoor Forest Guard for respondents  
present.


Both the parties were ready for arguments but record in  
respect of inquiry proceedings is not available which be  
made available before date.

Adjourned to 7/6/2021 for record/arguments  
before D.B at Camp Court, Swat.

  
(Mian Muhammad)  
Member (E)  
Camp Court, Swat

  
(Rozina Rehman)  
Member (J)  
Camp Court, Swat

*Due to COVID, 19 the case is  
adjourned to 7/10/21*

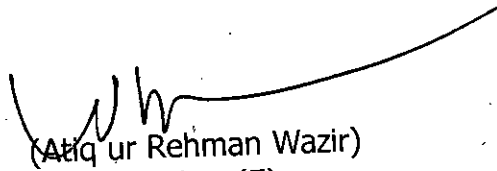
  
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04.11.2020

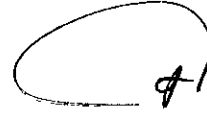
Appellant in person present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Shabir Ahmad SDFO for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 06.01.2021 for arguments, before D.B at Camp Court Swat.



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Swat



(Rozina Rehman)  
Member (J)  
Camp Court, Swat

\_\_\_\_\_ .2020

Due to COVID19, the case is adjourned to

05/10/2020 for the same as before.

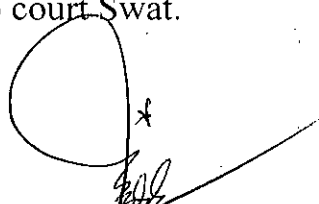
Reader 

05.10.2020

Appellant in person alongwith his counsel is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Muhammad Zahir Shah, Range Officer for respondents present.

Appellant submitted rejoinder, which made part of the record. Requested for adjournment to argue the appeal.

Adjourned to 04.11.2020 for arguments before D.B at camp court Swat.



(Mian Muhammad)  
Member(E)



(Muhammad Jamal)  
Member  
Camp Court Swat

01.06.2020


Due to Covid-19, the case is adjourned. To come up for the same on 05.08.2020, at camp court Swat.



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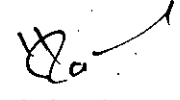
08.10.2019

Appellant alongwith his counsel and Mian Ameer Qadir, Deputy District Attorney alongwith Mr. Muhammad Zahir Shah, Range Officer for the respondents present. Written reply on behalf of respondents not submitted. Representative of the respondents requested for adjournment. Adjourned to 02.12.2019 for written reply/comments before S.B at Camp Court Swat.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

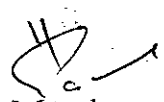
02.12.2019

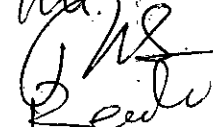
Learned counsel for the appellant present. Written reply not submitted. Zahir Shah Range Officer representative of the respondent department present and seeks time to furnish written reply/comment. Granted by way of last chance. To come up for written reply/comments on 03.02.2020 before S.B.

  
Member  
Camp Court, Swat

03.02.2020

Appellant in person present. ~~Written reply not submitted~~ Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Abdul Ghaffar Forest Guard representative of respondent department present and submitted written reply/comments. Adjourn. To come up for rejoinder if any and arguments on 06.04.2020 before D.B at Camp Court, Swat.

  
Member  
Camp Court, Swat.

Due to coroner virus tour to Camp Court Swat has been cancelled. To come up for the same on - 01-08-2020 

12.06.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Range Officer) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 26.05.2017 whereby penalty of stoppage of two (02) annual increments was awarded to the appellant. The appellant has also made impugned the order dated 05.04.2019 through which his departmental appeal against the punishment order was rejected..

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for reply/comments. To come up for written reply/comments on 03.09.2019 before S.B at Camp Court, Swat.

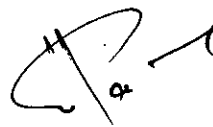
Appellant Deposited  
Security & Process Fee

14/6/19

  
Member  
Camp Court, Swat.

03.09.2019

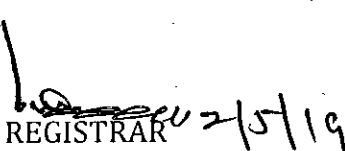

Learned counsel for the appellant present. Written reply not submitted. Muhammad Zahir Shah Ranger Forests present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 08.10.2019 before S.B at Camp Court, Swat.

  
Member  
Camp Court, Swat.

Form- A  
FORM OF ORDER SHEET

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

Case No. 567/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/05/2019	The appeal of Mr. Hamayun presented today by Mr. Aziz-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please  REGISTRAR 2/5/19
2-	10-5-19	This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>12-06-19</u>  CHAIRMAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 567 of 2019

Hamayun Range Officer Demarcation Mingora Swat.  
*Demarcation forest Division*

...Appellant

VERSUS

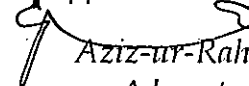
The Government of Khyber Pakhtunkhwa through Secretary Forest, Environment  
and Wild Life, Peshawar and Others.

...Respondents

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S #	Description of documents	Annexure	Pages
1.	Memo of Appeal	....	1-5
2.	Affidavit	....	6
3.	Addresses of the parties	....	7
4.	Copy of the Reply	A	<u>8-10</u>
5.	Copy of the Order dated 26-05-2017	B	<u>11</u>
6.	Copy of the Departmental Appeal	C	<u>12-13</u>
7.	Copy of the Order dated 05-04-2019	D	<u>14</u>
8.	Vakalat Nama	....	<u>15</u>

Appellant Through

  
Aziz-ur-Rahman  
Advocate Swat

Office: Khan Plaza, Gulshone Chowk,  
Mingora Swat, Cell 0333 929 7746



BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 567 of 2019

Hamayun Range Officer Demarcation Mingora Swat.

*Demarcation in Forest Division*

...Appellant

①  
Khyber Pakhtunkhwa  
Service Tribunal

Case No. 688

Dated 02-05-019

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Secretary Forest, Environment and Wild Life, Peshawar.
2. The Chief Conservator of Forests, Malakand Forest Region III, Saidu Sharif, District Swat.
3. The Conservator of Forests, Malakand Circle East, Saidu Sharif, District Swat.
4. The Divisional Forest Officer, Swat Forest Division, Mingora, District Swat.
5. The Sub-Divisional Forest Officer, Matta Sub-Division, District Swat.

...Respondents

SERVICE APPEAL UNDER SECTION 4  
OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974  
AGAINST THE ORDER NO. 65 DATED  
SAIDU SHARIF THE 26-05-2017  
WHEREBY THE PENALTY OF  
STOPPAGE OF TWO ANNUAL  
INCREMENTS WITH ACCUMULATIVE  
EFFECT WAS IMPOSED UPON THE  
APPELLANT AGAINST THE LAW,  
RULES AND SHARIAH, HENCE IS  
LIABLE TO BE SET ASIDE. FEELING  
AGGRIEVED OF THE SAME THE

Filed to-day  
Registrar  
2/5/19

(2)

APPELLANT PREFERRED A  
DEPARTMENTAL APPEAL, BUT THE  
SAME WAS ALSO REJECTED VIDE  
ORDER NO. 37 DATED SAIDU SHARIF  
THE 05-04-2019 IN A VERY  
MECHANICAL MANNER AGAINST THE  
LAW, RULES AND SHARIAH, THUS  
BOTH THE ORDERS IMPUGNED ARE  
LIABLE TO BE SET ASIDE BEING NOT  
SUSTAINABLE IN THE EYES OF LAW.

---

PRAYER:

*That on acceptance of this service appeal both the orders impugned may very kindly be set aside being against the law, rules and Shariah and not sustainable in the eyes of law and the increments of the appellant restored.*

---

*Respectfully Sheweth:*

Facts:

- i. *That the appellant is Deputy Ranger and has performed his duties efficiently without any objections to authorities till date and to their satisfaction as no complaint of any sort has ever been made till date.*
  
- ii. *That the appellant while posted as Deputy Ranger as Incharge Matta Forest Sub Division the appellant was all of a sudden with a charge sheet on whimsical grounds, of which the appellant submitted a detailed reply. Copy of the*

reply of the charge sheet is enclosed as Annexure "A".

3

- iii. That strange enough the very detailed reply was not considered satisfactory by the inquiry committee bald of any reasons. Copy of the reply is enclosed as Annexure "A".
- iv. That to the astonishment of the appellant he was imposed upon the penalty of stoppage of two annual increments with accumulative effect vide order No. 65 dated Saidu Sharif the 26-05-2017 against the law and rules. Copy of the order dated 26-05-2017 is enclosed as Annexure "B".
- v. That feeling aggrieved of the same the appellant submitted a departmental appeal, but the same was also rejected in a very mechanical manner vide order No. 37 dated Saidu Sharif the 05-04-2019 against the law, rules and Shariah. Copy of the appeal is enclosed as Annexure "C" and that of the order dated 05-04-2019 is enclosed as Annexure "D", respectively.
- vi. That still feeling aggrieved and having no other option for the redressal of the grievances this honourable tribunal is approached for the redressal of the same on the following grounds.

Grounds:

- a. That under the law for imposition of a penalty, especially when very grave allegations are leveled as in case of the appellant, so then a full dressed

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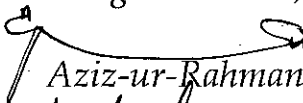

*inquiry in due course of law is mandatory, but in the case in hand same is not done to the detriment of the appellant and only a farce inquiry is conducted, thus the appellant has not been treated in accordance with the law and rules.*

- b. That the appellant has been condemned as unheard as neither his defence version is considered nor given any opportunity of personal hearing, moreover the evidence is collected at the back of the appellant and the witnesses examined in the absence of the appellant with affording the appellant an opportunity of cross examination, which makes the whole proceedings nullity in the eyes of law and abuse of authority.*
- c. That the authorities have misused their official authority in a very colourful, fanciful and arbitrary manner to the utter detriment of the appellant, which the law never approves of.*
- d. That the appellant has not committed any act of commission or omission which may constitute any offence under any law.*

*It is, therefore, very respectfully prayed that on acceptance of this service appeal the orders impugned may very kindly be set aside and the increments of the appellant restored.*

Any other relief deemed appropriate in the  
circumstances and not specifically prayed for may  
also very kindly be granted.

5

Appellant  
  
Hamayun  
Through Counsels,  
  
Aziz-ur-Rahman  
  
Imdad Ullah  
Advocates Swat

(6)

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2019

*Hamayun Range Officer Demarcation Mingora Swat.*

*...Appellant*

**VERSUS**


*The Government of Khyber Pakhtunkhwa through  
Secretary Forest, Environment and Wild Life, Peshawar  
and Others.*

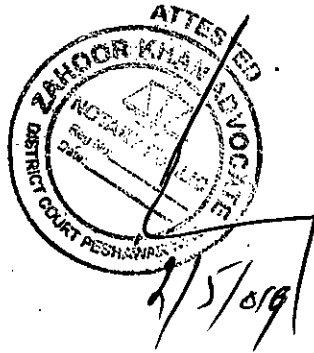
*...Respondents*

**AFFIDAVIT**

*It is solemnly stated on Oath that all the contents of  
this service appeal are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or kept concealed before this honourable  
tribunal.*

Deponent

  
Hamayun



(7)

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

Service Appeal No. \_\_\_\_\_ of 2019

*Hamayun Range Officer Demarcation Mingora Swat.*

*...Appellant*

**VERSUS**

*The Government of Khyber Pakhtunkhwa through  
Secretary Forest, Environment and Wild Life, Peshawar  
and Others.*

*...Respondents*

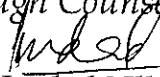
**ADDRESSES OF THE PARTIES**

Appellant:

*Hamayun Range Officer Demarcation Mingora Swat.*

Respondents:

1. *The Government of Khyber Pakhtunkhwa through  
Secretary Forest, Environment and Wild Life,  
Peshawar.*
2. *The Chief Conservator of Forests, Malakand Forest  
Region III, Saidu Sharif, District Swat.*
3. *The Conservator of Forests, Malakand Circle East,  
Saidu Sharif, District Swat.*
4. *The Divisional Forest Officer, Swat Forest  
Division, Mingora, District Swat.*
5. *The Sub-Divisional Forest Officer, Matta Sub-  
Division, District Swat.*

*Appellant  
Through Counsel,  
  
Imdad Ullah  
Advocate Swat*

1) Mr. Asghar khan  
Divisional Forest Officer  
Lower Dir Forest Devision,

Annexure A

8

2) Mr. Farhad Ali,  
Divisional Forest Officer.  
Alpuri Forest Divn. at Alpuri.

Subject. DISCIPLINARY PROCEEDINGS AGAINST HAMAYUN KJHAN DEPUTY RANGER UNDER CHARGE SHEET NO. 608-11/E DATED 28/7/2015.

Respected Sir,

In response to the subject mentioned charge sheet the position with regard to the charges leveled against me are clarified as under.

1) Action taken on the directives of DFO Swat contained in his letters No.281/R dated 13/8/2014 and No.2650/R, dated 20/4/2015, have been attended/clarified separately and attached herewith.

2) Regarding the damage sustained to the oak trees in Shavar compartment No.23, it is explained that cutting of 91 trees (pole size) took place in the said compartment, as a result of conflict amongst the village of (Shandal) Shavar. Noticing the meanace through the block officer Shavar, I reached to the spot and control further damage to the oak forest. Cut over material were taken into custody and chalked out damage reports against the offenders (who were 7 in numbers) and challaned the case to the court of law. As immediate lefting of the cut over material was not possible, therefore the same were handed over to M/S Asad Khan and Mohammad Ghani of Shandal under sapurdari on 9/9/2014 (photo copies of sapurdari is attached as annexure-I)

The honourable court arrested the offenders and fined them amounting to Rs.49000/-. So far confiscation of the cut material is concerned, it was differ till decision of the court. It is incorrect that cut over trees have been misappropriated. The same is still lying in the sustody of M/S Asad Khan and Mohammad Ghani of Shandal and can be transported any time to CTD, for which the DFO Swat vide his letter No 3078/R dated 12/6/2015 (copy attached as annexure-II) has directed the SDFO Matta to take custody of the material and transpoert the same to CTD, hence prayed that charges of inefficiency, mis-conduct and curruption proposed against me my be withdrawn, in view of my outstanding efforts initiated against the offenders as is clear from the press clipping and my letter No. 33/M dated 9/9/2015 (photo copies are attached herewith as annexures III & IV).

III) In this connection it is clarified that proper case against the offender Mr. Aman Khan son of Asar Khan of village Chatekal has already been registered vide damage report No.65/177 dated 12/4/2015 (copy attached as annexure-V) and presently the case is under trial in the court of law. Delay in the decision occured due the reason that at initial stage the case was put in the court of Forest Magistrate, which was later on transfered to Civil Court. At present next date of hearing in the case has been fixed on 20/8/2015, On arrival of the court decision, the confiscated stock lying in the superdari of M/S Raham son of Aslam and Saadullah

Attested  
*[Signature]*  
Advocate



son of Toor of village Chatekal (copy of sapurdari is attached as annexure-VI) will be transported to CTD. (9)

IV) On 12/4/2015 the worthy DFO Swat in the accompany of M/S Ahmad Zubair Shah RFO Kabal and Mr. Liaqat Ali Forester visited Beha comptt. No.31 and reportedly found 6 Nos logs on the spot. Comming back to headquarter Ahmad Zubair Shah and Liaqat Ali met me in my office at Matta and identify me the spot for confiscation of the stated logs for shifting to CTD. I immediatly rushed to the shown place, but astonishing to note that nothing were available on the spot. Taking into account the situation both the officials were again contacted by me and asked them, as to wheather the logs in quastion have been handed over to any one on sapurdari or otherwise, but they were failed in adopting of such precautionery measures for safe guarding of the logs. Further the DFO Swat was required to accompany me during his visit, then besides arising such mishape to the stated logs, were to be taken in my costody without any complicaton. In such a situation when I was not tied wth them and the identified spot was also found without any cut material, hence leveling of such charges against me are unjustified and may be withdrawn.

V) It is correct that DFO Swat has noticed some gross ommissions/irregularities in the Guard Book of Mr. Fazal Mabood Block Officer Beha. It is pertinent to point out here that guard books in a lot are issued to the Incharge of the Range from Divisional Office, who further issued the same in serial number to various Foresters and Forest Guards for their field duties. All other responsibilities for keeping the guard book in safe custody, clean and in tidy condition, rests upon the receiptants. Incharge of the Range is responsible to check sequence of the damage reports so issued by the Foresters or Forest Guards especially to the extent of its serial number etc. So far the position of the present case is concened, Guard Book No. 40/709 was issued to Mr. Fazal Mabood Block Officer Beha, and it was his responsibilities to use the same strictly in accordance with the provision of standing Rules, but contrary to the facts the Bolck Officer has misused his legal status and indulged himself in illegal trade of timber and subversive activities, as a result he is suspended and disciplinary action has been taken against him.

So far neglegenc on my part is concened, all damage reports received in Range Office for onward submission to the Divisional Office were properly in serial and page numbered, therefore it was not felt necessary to check his guard book. The misused damage reports might be still lying with him and he is directly bound to explain his position for the irregularities so noticed by the DFO Swat.

VI) It is incorrect that I have made verification of local quota applications on fake names. During the particular year total 56 applications were received and considered for the grant of local quota trees. Under the prevailing procedure needs of the applicants were initially verified through the concerned block officers/Forest guards of the area. Lateron the sites were personally visited by me and after then the applications were presented to the DFO Swat for his approval/sanction. The under mentioned letters of the DFO Swat pertaining to the seizure of the timber were to be attended in letter and spirit, but in that case when their were some mistake/ommission in the process of re-verification, conducted by Mohammad Zahir Shah RFO Fatehpur, who was given the task by the DFO Swat.

**Attested**  
*[Signature]*  
**Advocate**

Out of 56 applications Mr. Zahir Shah has personally checked the sites and found 52 applications in order. For the rest of 4 applications Mr. Zahir Shah enquired where about of the sites from small childrens playing nearby, but they were unaware and the RFO reported these sites on fake names. Actually the 4 applicants are bonafide residents of village and their need was verified for meeting out requirements for Doors, Windows and Cupboards etc. Use of timber and their requirement can now be verified. The charges being baseless may thererfore, be looked into and withdrawn please.

VII) The committee constituted by the worthy Conservator of Forests Malakand East Circle has checked Beha compartments No.12,14,15 and 16 in the presence of concerned staff on 29/4/2015. Disciplinary action has also been initiated against M/S Shah Kameen Khan Block officer and Mohammad Saboor Forest Guard, and they will explain their position with regard to the damage sustain to the forest of Beha. The enquiry of these officials have also been entrusted to your goodselves. Actually the damage enlisted by the committee is part of the damage covered by the damage reports issued by the concerned staff against the offenders, and as is evident from the attachments with the replies of M/S Shah Kamen Khan and Mohammad Sabor no single illicitly cut tree/pole have been left without chalking out damage reports. The damage shown unreported in the charge sheet is too less than the damage covered by the staff.

The concerned staff were accompany with the committee, but they do not bothered to get their signature on the list, neither the committee has enquired from them about the nature of damage, as to wheather it has been covered by the damage reports or otherwise. Secondly most of the stumps having damage reports Nos. were cut again and again by the locals for fire/touch wood, as a result the dia of stumps was brought to grounds level and measurement of stumps increased to considerable extent which have been recorded as such by the committee

Besides the above I through the concerned block officer/beat guards of Beha has severally reported the names of habitual forest offenders to Pak Army, Assistant Commissioner Matt, SHO ALaaqa, DFO Swat and Deputy Commissioner for taking stern legal action under 3 MPO against them, but without any proper response, as a result the offenders become bold and do not refrain from their habit and time and again found involved in the illegal cutting of forests. ( photo copies of the above mentioned correspondence are attached as annexure VII). At the end it is prayed that the charge being baseless may very kindly looked into the light of replies furnished by the block officer ( Shah Kameen Khan) and beat guard ( Mohammad Saboor ) of Beha compartments No. 12,14,15 and 16.

In view of the above facts and figures, it is therefore humbly requested that I may exanorated from the charges levelled against me honorably. I may also be gievn the apportunity of personal hearing in the case please.

( MR. HAMAYUN KHAN DEPUTY RANGER)  
THE THEN SDFO MATTA SUB-DIVISION.

**Attested**  
*[Signature]*  
**Advocate**

OFFICE ORDER NO. 65 DATED SAIDU SHARIF THE 26/5/2017 ISSUED BY  
MR. SHEIKH AMJAD ALI CONSERVATOR OF FORESTS, MALAKAND FOREST CIRCLE EAST,  
SAIDU SHARIF SWAT. Annexure "B" (11)

WHEREAS Mr. Hamayun Khan Deputy Ranger (BPS-12) was proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 for the charges as mentioned in the statement of allegations dated 28/7/2015.

AND WHEREAS, the enquiry committee comprising of Syed Muqtada Shah Divisional Forest Officer Upper Dir Forest Division was constituted to conduct proper inquiry against the said official.

AND WHEREAS, the enquiry committee after having examined the charges evidence on record and explanation of the accused official submitted his report.

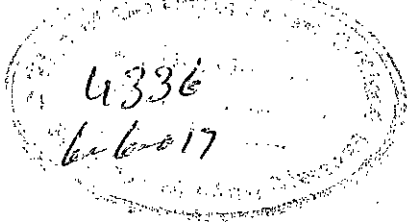
AND NOW THEREFORE, the competent authority, having considered the charges, evidence on record, explanation of the accused official and findings of enquiry committee and in exercise of powers vested under rule ibid has been pleased to impose major penalty of stoppage of two annual increments with accumulative effect.


Sd/-  
(SHEIKH AMJAD ALI)  
CONSERVATOR OF FORESTS,  
MALAKAND FOREST CIRCLE EAST,  
SAIDU SHARIF SWAT.

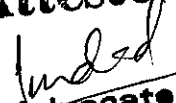
No. 12667-70 /E,

Copy forwarded to:-

- ✓ 1) The Divisional Forest Officer, Swat Forest Division, Mingora alongwith enquiry report for information and further necessary action. He should ensure implementation of the recommendation No. 2 & 3 of the enquiry committee.
- 2) The Divisional Forest Officer, Demarcation Forest Division, Saidu Sharif Swat for information and necessary action.
- 3) The Divisional Forest Officer, Upper Dir Forest Division, Dir for information and necessary action with reference to his No.5770/G, dated 12/5/2017.
- 4) Mr. Hamayun Khan Deputy Ranger C/O DFO Demarcation for information and necessary action.



  
CONSERVATOR OF FORESTS,  
MALAKAND FOREST CIRCLE EAST,  
SAIDU SHARIF SWAT.

**Attested**  
  
**Advocate**

APPEAL BEFORE WORTHY CHIEF CONSERVATOR REGION III SAIDU SHARIF SWAT AGAINST THE IMPUGN ORDER NO. 65 DATED 26/5/2017 PASSED BY THE CONSERVATOR OF FORESTS MALAKAND EAST CIRCLE SAIDU SHARIF SWAT.

It is humbly prayed that on the baseless, concocted and biased allegations leveled against me in the attached charge sheet (annexure-I) the Conservator of Forests Malakand East Circle Saidu Sharif Swat in the capacity of authority has awarded me major penalty of "Stoppage of two annual increments" with accumulative effect vide his office order No. 65 dated 26/5/2017 (copy attached as annexure-II). Aggrieved of the decision this appeal is presented before your kind honor for sympathetic consideration with hope that order of the C.F. Malakand East Circle will be gone through on humanitarian grounds and and after set a siding the same will exonerate me from the charges framed against me. Though my reply to the charges earlier furnished was cogent and comprehensive, but probably the Enquiry Officer as well as the authority do not agree with my stance and without quoting any solid reasons expressed their opinion. In this regard I once again explain my position in the issue as under.

Sir, I was posted as SDFO Matta Sub-Davison, which comprises upon seven huge Blocks, with its beats and compartments. The blocks of the sub-division are not only far flung, rather situated secluded interior in the five different locations. Being a responsible person I have left no stone in the discharging of my official duties and also never not defame the image of my superiors by ignoring their valuable directives pertaining to the protection of forests. Beside general supervision over the performance of the field formation, I myself have also remained vigilant and never left the timber mafia free hand either for ruthless cutting of forests or timber movement on road any where in the jurisdiction of the sub-division.

For the charges narrated in the charge sheet, I have explicitly expressed my concern very clear in my reply (copy attached as annexure-III) which being cogent, solid and comprehensive their was nothing left beyond the issue except to exonerate me from the allegations, yet the Enquiry Officer probably has not thoroughly examined facts and figures of the case and held me guilty of the charges without any justice. In order to convince your good honor ,I once again seriatimly clarify my position as under.

Charge No.1

With regard to the question of non compliance of the directives of DFO Swat contained in his letter No. 281/R, dated 13/8/2014 and No.2650/R, dated 20/4/2015 attachments with my reply as annexure-I is self explanatory.

Charge No.2

It is correct that the locals of shandal sustained damage to the oak forests in Shawar compartment No. 23, as a result of their mutual conflict over the proprietary rights. The menace so noticing just without any wastage of time was controlled and the cut over material were taken into custody and proper damage reports against the offenders were issued. The offenders were arrested, produced to the court and they were finalized worth Rs. 49000/-. So far shifting of the stock to the CTD is concerned, it was delayed till decision of the court. The stock was however, handed over under proper supordnama to M/S Asad Khan and Mohammad Ghani of Sandal(Shower) and not mis -appropriated. Later on the case was decided and the cut over material were transported to CTD by my predecessor.

Charge No.3

In this regard detail position can be examined from my reply at SNo.III, yet it is once again clarified that delay in lifting of cut over material was due to final decision of the court under trial against the offenders i.e. Mr. Aman Khan son of Asar Khan of village chatkal. The cut over timber were however given in the custody of M/S Raham son of Aslam and Saadullah son of Toor of Chatkal till decision of the court.

**Attested**  
*[Signature]*  
**Advocate**

Charge No.4.

Detail position of this charge is clear from my reply to the charge sheet listed at S.No.IV; yet, it is again explained that complying with the directives I reached to the spot for the needful, but due to wrong identification of site and not adopting proper safe guarding measures for the cut over material by the DFO and staff accompanied him no timber stock was found on the identified spot nor any where in the surrounding forests. It was better that while going to the spot, the DFO should accompany me, and as such quick action was to be taken without any hindrance.

13

Charge No.5

It is correct that the DFO Swat would have noticed the stated omissions in the Guard Book of Mr.Fazal Mabood Forest Guard, but using and to keep the guard book in sequence was the responsibility of the concern guard. I was only responsible for issuance of damage report book to the concerned forest guard duly acknowledged by him. It is clear from the record that guard book No.40/709 was issued to Mr. Fazal Mabood forest guard (Block Officer Beha) and it was his responsibility to use the same strictly under the provision of rules, but instead he misused his legal status and involved himself in illegal trade of smuggling as a result disciplinary action was initiated against him and awarded major penalty.

Charge No.6

This charge is totally baseless and already denied, my original reply to the charge sheet listed at SNo.VI, which may kindly be examined for knowing of actual detail.

Charge No.7

In this regard my stance explained in my written reply listed at SNo VII is self explanatory. The in charge Block Officer Beha Mr. Shah Kameen Khan Forester and concerned beat guard Mr. Mohammad Saboor Forest Guard holding the charge of compartments No.14,15 & 16 have also been proceeded against and they have elaborated their position to the Enquiry Officer in their reply to the charge sheet. It is however, added that the damage list prepared by the checking party is part of the damage already covered with proper damage reports, the detail of which they tabulated in their reply. Further more the damage enlisted is too less than the damage covered by the staff as mentioned in their reply. Similarly the Block Officer and beat guard were accompanied with the checking party, but all the counting process of the stumps was kept conceal from them and their signature was not taken on the damage list. Such irresponsible action of the checking party is self witnessed, that the prepared list was bogus just to indulge us in the play of illegal timber business.

Beside I have enlisted/collected particulars of the habitual forest offenders through the respective filed staff of Beha Block and sent the same to Pak Army, local Administration through DFO Swat for taking legal action, but without any positive response as a result the offenders shown more boldness and not refrain from their habitual game.

Prayed

Keeping in view the above exposition it is concluded that I have performed my duties to the best of my abilities and to the entire satisfaction of my superiors and left no stone in the discharging of my official duties, therefore aggrieved of the authority decision this appeal is presented with great hope that my appeal will kindly be examined on compassionate grounds and office order No. 65 dated 26/5/2017 will be set aside in the best interest of my bright future please.

Received  
on. 19/06/2017

Dispatched  
CCF-Mkd: Forest Region  
(Region-III) Saibu Sharif, Swat.

Attested  
Inded  
Advocate

Yours Obediently  
Mr. Hamayun Khan  
Deputy Ranger  
19.06.2017

OFFICE ORDER NO. 37 DATED SAIDU SHARIF THE: 05/04/2019 ISSUED BY  
MR. AZHAR ALI KHAN, CHIEF CONSERVATOR OF FORESTS, MALAKAND FOREST REGION-III  
SAIDU SHARIF SWAT.

Annexure D (14)

WHEREAS Mr. Hamayun Deputy Ranger the then Incharge Matta Forest Sub Division preferred an appeal dated 19/04/2017 against Conservator of Forests, Malakand East Forest Circle Order No.65, dated 26/05/2017, whereby a minor penalty of stoppage of two annual increments with accumulative effect were imposed against him due to illicit damage occurred in Lalko Forests.

WHEREAS, scrutiny of record as well as comments of Conservator of Forests, Malakand East contained in his letter No.93/E, dated 10/07/2017 reveal that initial and denovo enquiries were carried out, and both recommended infliction of major penalty.

WHEREAS, the record show the personal hearing by Appellate Authority was also conducted on 12/12/2017, but decision could not be taken.

AND NOW THEREFORE, based on fact on record, reach to conclusion that despite recommendation of major penalty in both of the enquires, already very lenient action of imposing minor penalty has been taken, therefore the instant appeal is hereby rejected.

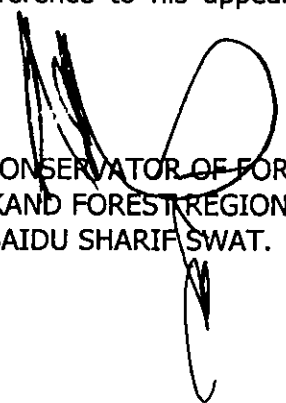
Sd/-  
(AZHAR ALI KHAN)  
CHIEF CONSERVATOR OF FORESTS,  
MALAKAND FOREST REGION-III,  
SAIDU SHARIF SWAT.

No. 4605-06 /E,

Copy forwarded to the:

1. Conservator of Forests, Malakand East Forest Circle Saidu Sharif Swat for information and necessary action with reference to his letter No. cited above.
2. Mr. Hamayun Khan, Deputy Ranger Incharge Matta Forest Sub Division C/O DFO, Demarcation for information and necessary action with reference to his appeal dated 19/06/2017.

E  
~~Enclosure to Mr. Hamayun Khan,~~  
D.R.

  
CHIEF CONSERVATOR OF FORESTS,  
MALAKAND FOREST REGION-III,  
SAIDU SHARIF SWAT.

Hamayun Khan  
Deputy Ranger  
C/O  
DFO  
Demarcation

Attested  
Inded  
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

The matter of:-

15

Hamayun

Appellant

VERSUS

The Court K.P. Mungli  
Secretary Receipts and Issues

Respondents

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

**AZIZ-UR-RAHMAN and IMDAD ULLAH**

Advocates High Court

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

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

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

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

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

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 27 day of 04 2019.

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671

(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat

Cell No. 0333 929 7746

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

Service Appeal No.567 of 2019

Hamayun Range Forest Officer Demarcation..... **Appellant**

Versus

- 1) Government of Khyber Pakhtunkhwa  
Through Secretary Forestry, Environment and Wildlife Department
- 2) Chief Conservator of Forests, Malakand Forest Region-III Saidu Sharif Swat.
- 3) Conservator of Forests, Malakand Circle East Saidu Sharif Swat.
- 4) Divisional Forest Officer, Swat Forest Division Mingora, Swat.
- 5) The Sub Divisional Forest Officer Matta Sub Division

**Respondents...**

**Preliminary Objection**

1. That the appellant has got no locus standi against the respondent
2. That appeal is barred by law
3. That the appellant has got no cause of action
4. That the appeal is incomplete
5. That the appellant appeal is not maintainable
6. That this honorable Tribunal has got no jurisdiction

**Para-wise Comments on behalf of Respondent No.1 to 5.**

**Respectfully Sheweth:**

**Facts:**

- i. Pertains to record hence no comments.
- ii. Incorrect, proper charge sheet under E&D Rules 2011 was served upon him on the basis of report from DFO Swat regarding illicit damage of Forests in Matta Forest Sub Division.
- iii. Incorrect, the appellant could not satisfied the enquiry officer even at the time of personal hearing and all the charges were proved against him by the enquiry officer.
- iv. The enquiry committee after detail enquiries proposed minor penalty of stoppage of two annual increments with accumulative effect against the appellant. Denovo enquiry in the instant case was also conducted. The enquiry officer again recommended minor penalty. The punishment was accordingly awarded by the Appointing Authority vide office order No.37 dated 05.04.2019.
- v. The Appellate Authority had already decided by imposing minor penalty despite of recommendation for major penalty hence the departmental appeal was rejected.



- vi. As all codal formalities have been fulfilled in the subject enquiry/case, therefore, the service appeal of the appellant may kindly be dismissed with cost.


**Grounds**

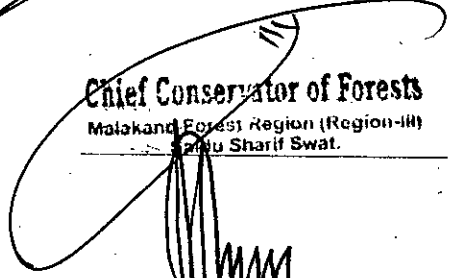
- a) Incorrect, the case was enquired through two separate enquiry committees and punishment of stoppage of two annul increments was awarded. Hence plea of the appellant is not justified under the rules.
- b) Incorrect, opportunity of cross examination during personal hearing was granted to the appellant. Moreover, while deciding departmental appeal, the Chief Conservator of Forests, Malakand Forest Region-III had heard the appellant in person on 12.12.2017 in detail. However, the appellant failed to produce any document in his defence, hence his appeal was rejected.
- c) Incorrect, all the process has been completed strictly in accordance with the law and rules by the appointing authority/appellant authority.
- d) Incorrect, as per para (c) of grounds.

Keeping in view of the above exposition, it is humbly prayed that this appeal may kindly be dismissed with cost and the entries are justified stand on solid footing. May please be up held in the best interest of the Forest Conservancy, protection and discouraging of others disobedient staff.

**Respondents:**

- 1) Secretary to Government of Khyber Pakhunkhwa  
Forestry, Environment & Wildlife Department  
Peshawar (Respondent No.1).
- 2) Chief Conservator of Forests,  
Malakand Forest Region (Region-III)  
Saidu Sharif Swat (Respondent No.2).
- 3) Conservator of Forests, Malakand Forest  
Circle East Saidu Sharif Swat (Respondent No.3)
- 4) Divisional Forest Officer  
Swat Forest Division Mingora  
(Respondent No.4)
- 5) Sub Divisional Forest Officer  
Matta Forest Sub Division

  
\_\_\_\_\_  
**Chief Conservator of Forests**  
Malakand Forest Region (Region-III)  
Saidu Sharif Swat.

  
\_\_\_\_\_  
**Conservator of Forests**  
Malakand Forest Circle East  
Saidu Sharif at Shagai Swat.

  
\_\_\_\_\_  
**Divisional Forest Officer**  
Swat Forest Divn: Mingora

**AFFIDAVIT.**

It is solemnly stated on oath that all the contents of this reply/comments is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable tribunal.



Divisional Forest Officer  
Swat Forest Divn:Mingora

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

*Service Appeal No. 567 of 2019*

*Hamayun Range Officer Demarcation Mingora Swat.*

*...Appellant*

**VERSUS**

*The Government of Khyber Pakhtunkhwa through  
Secretary Forest, Environment and Wild Life, Peshawar  
and Others.*

*...Respondents*

**REJOINDER BY THE APPELLANT**

*Respectfully Sheweth:*

*Preliminary Objections:*

*That all the preliminary objections are incorrect, baseless, against the law, rules and facts, thus are specifically denied. Moreover the appellant has got a prima facie case and has approached this Honourable Tribunal well within time with clean hands and this Honourable Tribunal has got the jurisdiction to adjudicate upon the same.*

*On Facts:*

- i. Para 1 of the comments needs no reply being admission.*


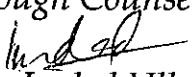
- ii. *Para 2 of the comments as drafted is incorrect and based on misstatement and concealment of facts, thus the same is denied.*
- iii. *Para 3 of the comments as drafted also is devoid of merits and whimsical, thus the same is also denied as well.*
- iv. *Para 4 of the comments as drafted also is based on whims, concealment and deviation from the law and rules on the subject, the same is denied specifically as well.*
- v. *Para 5 of the comments as drafted also is devoid of merits thus the same is denied as well.*
- vi. *Para 6 of the comments as drafted is incorrect and based on misstatements and concealment of material facts, moreover the codal formalities have never been fulfilled rather the same have been blatantly violated, thus the para is denied specifically as well.*

On Grounds:

- a) *Ground A of the comments as drafted is not only devoid of merits rather shows how the law and rule on the subject have been completely done away with to the utter detriment of the appellant, thus the same is denied specifically.*

- b) Ground B of the comments as drafted also shows the negation of the due course under the law and rules on the subject, thus the same is denied as well.
- c) Ground C of the comments as drafted also is based on misstatements and illusions, thus the same is denied as well.
- d) Ground D of the comments as drafted also is denied being devoid of merits and based on misstatements.

It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be decided as prayed for originally.

Appellant  
  
Hamayun  
Through Counsel,  
  
Imdad Ullah  
Advocate Swat

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

*Service Appeal No. 567 of 2019*

*Hamayun Range Officer Demarcation Mingora Swat.*

*...Appellant*

**VERSUS**

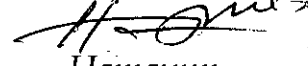
*The Government of Khyber Pakhtunkhwa through  
Secretary Forest, Environment and Wild Life, Peshawar  
and Others.*

*...Respondents*

**AFFIDAVIT**

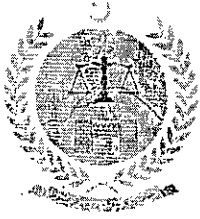
*It is solemnly stated on Oath that all the contents of  
this rejoinder are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or kept concealed before this Honourable  
Tribunal.*

*Deponent*

*  
Hamayun*

**HAIDER ALI KHAN ADVOCATE**  
**NOTARY PUBLIC**  
L.No.50(Judl)/HD/4-16/2018/Vol-II  
District Courts Swat.

No. 343 Date 5/10/2020



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

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

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

No: \_\_\_\_\_/ST Dated: \_\_\_\_/\_\_\_\_/2022

To,

Chief Conservator Of Forest, Malakand Forest Region-III Saidu  
Sharif Swat.

Subject: JUDGMENT IN APPEAL NO. 567/2019 IN CASE TITLE HAMAYUN VS FOREST.

I am directed to forward herewith a certified copy of Judgment dated 11.05.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As Above.

  
(WASEEMAKHTAR)

REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR