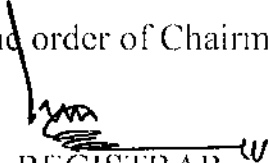


FORM OF ORDER SHEET

Court of _____

Case No.- _____ **2011/2022**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/12/2022	<p>The appeal of Mr. Habib-ur-Rehman received today by post through Mr. Sheikh Ifikharul Haq Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 2011 / 2022

HabiburRehman

Versus


Govt. of KPK etc

INDEX

S. No.	Particulars of documents	Annexure	Page
1.	Grounds of service appeal with affidavit		1-7
2.	<i>copy of service record</i> Copies of complaint, charge sheet, statement of allegation and its reply	A to A/2 to 4	8-13
3.	Copies of the questioner and reply	B	14-18
4.	Copy of the inquiry report	C	19-22
5.	Copy of the impugned order No. 151	D	23-
6.	Copy of the departmental appeal with postal receipt	E	24-28
7.	Vakalatnama	-	29

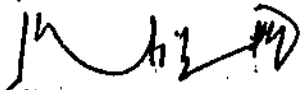
Dated: 20 / 12 / 2022

Humble Appellant



HabiburRehman

Through Counsel



Sheikh IftikharulHaq
Advocate Supreme Court

(2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT DERA ISMAIL KHAN

Service Appeal No. 2011 / 2022

HabiburRehmanson of Allah Dad r/o KotKhadak Tehsil & District Tank. Presently serving as Forest Guard in the incumbency of Sub Division Tank. Ceil# 0346-9499097

(PETITIONER)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Forest, Peshawar.
2. Conservative Forest Department, Khyber Pakhtunkhwa Shami Road, Peshawar.
3. **Divisional Forest Officer**, Forest Department Dera Ismail Khan.
4. **SubDivisional Forest Officer**, Forest Department Tank.

(RESPONDENTS)

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974.

Prayer:

On acceptance of instant service appeal the impugned order No. 151 dated 22/06/2022 Enst: No. 10879-82 communicated to the appellant on 11/08/2022 may graciously be set aside and the appellate authority's order (if any) as not conveyed to the appellant up till now and if issued on the back of the appellant on the departmental representation of the appellant may graciously be set aside and the appellant be exonerated from the charges/penalties leveled against him.

J. H. W. P.
A.S.C.

Respectfully Sheweth;

Appellant humbly submits and requests as under:-

1. That the appellant is a permanent resident village District Tank and was appointed in the Forest Department Tank as Forest Guard on 11/09/2007. In this regard service record of appellant is annexed as **Annexure-A**.
2. That actually one Miram Shah, being brother in law of the appellant having personal grudges in shape of family/domestic dispute, submitted a complaint against the appellant and thus, during the performance of duties the appellant received charge sheet/statement of allegation with the baseless allegation that the appellant is running private clinic, misbehave the higher authorities, damage report which has been misplaced, involved in politics, the detail of which is available in the statement of allegation and the appellant duly replied and squarely denied the aforesaid allegations. Copies of complaint, charge sheet, statement of allegation and its reply are annexed as **Annexure-A to A/4**.
3. That thereafter the respondents handed over questioner which was also properly replied by the appellant. Copies of the questioner and reply are annexed as **Annexure-B**.
4. That thereafter the respondents through alleged inquiry report, although the inquiry report does not come within ambit of inquiry report as per ESTA Code recommended stoppage of two annual increment without Cumulative effecton account of misconduct and inefficiency. Copy of the inquiry report is annexed as **Annexure-C**.
5. That after the satisfactory replications as the allegations against the appellant were honestly speaking, due to family dispute and acts and omissions of the authority of their own, the appellant was assured that you appellant deadly honest employee, dutiful and punctual person, and there is no any independent complaint against appellant, hence, appellant be exonerated from the charges leveled against him but on

[Handwritten signature]
A.S.C.

(4)

11/08/2022 the respondents/authority handed over (تہما دیا) the impugned order No. 151 dated 22/06/2022 along with other orders which has been questioned in this august Tribunal through separate appeal. Copy of the Impugned order No. 151 is annexed as **Annexure-D**.

6. That after receiving the impugned order on 11/08/2022, the appellant filed a departmental appeal on 31/08/2022 which was not responded by the respondents up-till now. Copy of the departmental appeal with postal receipt is annexed as **Annexure-E**.
7. That the appellant after submitting the departmental appeal well within time, hence, the instant service is being filed within time after stipulated period, inter alia, on the following grounds.

GROUND S: -

- A. That, the impugned order No. 151 dated 22/06/2022 is against law, facts and circumstances of the case and are liable to be set aside.
- B. That the impugned order is also against the principle of service rules and policy.
- C. That the alleged inquiry report is not incumbency of ESTA Code because the appellant had been punished within aforesaid inquiry, hence, gross violation of law have been done.
- D. That the impugned order is also not sustainable in the eyes of law because no regular inquiry under the E&D Rules 2011 and under the ESTA Code had been conducted thus, the allegations as alleged against the appellant has no footings whatsoever especially against the appellant and on the basis of ulterior motives and due to the personal grudges of the complainant with the appellant due to family dispute and the appellant had been made victim of the allegations although the appellant has no relevancy

جی۔ ای۔ سی۔ اے

(5)

whatsoever with the baseless allegations. Moreover, the appellant had not been given an opportunity of hearing, producing of witnesses during inquiry, cross examination of the witnesses, especially the complainant, hence, the whole proceedings have been done in slipshod manner and not sustainable in the eyes of law.

- E. That the acts and omissions of the respondents/authority are against the principle of law, service acts & rules, and also against the natural justice.
- F. That counsel for the appellant may please be allowed to raise additional grounds at the time of arguments.

It is therefore humbly prayed that the instant service appeal may kindly be accepted as prayed for in the headnote and contents of appeal.

Any other appropriate relief, which this Honourable Court deems fit in the circumstances of case, may also be granted to the petitioner.

Dated: 14/12/2022

Humble Appellant


Habibur Rehman

Through Counsel


Sheikh Iftikharul Haq
Advocate Supreme Court

(7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT DERA ISMAIL KHAN

Service Appeal No. _____ / 2022

HabiburRehman Versus Govt. of KPKetc

SERVICE APPEAL

CERTIFICATE

Certified that no service appeal on the subject has earlier been filed before this Hon'bleTribunal.

Appellant
Through Counsel
[Signature]
Sh: *[Signature]*
A.S.C

AFFIDAVIT:

I, **HabiburRehmanson** of Allah Dad r/c KotKhadak Tehsil & District Tank, the appellant, do hereby solemnly affirm and declare on Oath that contents of the service appeal are true and correct to the best of our knowledge and belief; and nothing has been deliberately concealed from this Hon'bleTribunal.

Dated: 20 /12/2022

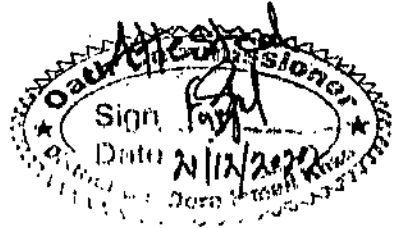
[Signature]
[Signature]

DEPONENT

CNIC# 12201-8415131-1

Identified by Counsel

[Signature]
A.S.C
Sh: *[Signature]*
A.S.C



(8)

ANNEX A

OFFICES ORDER NO. 18 DATED D.I.KHAN THE 11 TH SEPTEMBER 2007
ISSUED BY IMAYATULLAH KHAN DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST
DIVISION, D.I.KHAN.

Having examined by the departmental selection committee and selected by the authority and having test and interview on 07.9.2007, Mr. Habib ur-Rahman Son of Allah Oar resident of Kot Khaddak, Tahsil & District Tank is hereby appointed as Forest Guard in reward under the rule - 8 (1) & 10 - 110 - 000) against the posts created through S.N.E. titled "Creation of various posts in D.I.Khan Forest Division" with effect from the date of his arrival for duty.

The appointment is subject to following terms and conditions:

The appointment is purely temporary on "Contract Basis" against the post created through S.N.E. for D.I.Khan Forest Division for the year 2007-08, and can be terminated any time without showing him any cause and reason or opportunity after giving Fourteen (14) days notice or payment of Fourteen (14) days pay in lieu thereof.

The appointment is for the posts created S.N.E. for D.I.Khan Forest Division for the specified period of the S.N.E. As long as approval of S.N.E. (for this post) is continued/received from Finance Department Government of N.W.F.P. on year to year basis, his appointment will continued to be valid and in case the approval of Finance Department ceased to exist for any reason, he will automatically be terminated from service. In that case he will have no right or claim whatsoever for further continuation/absorption against any of the post falling vacant in D.I.Khan Forest Division or Circle or Province.

In case of retirement of staff, if desired by the department, due to either abolition of his vacancy or any other reason, the appointee will be having no right or claim for transfer or adjustment against any vacancy in this Division or Circle or Province.

He will have to undergo training of Forest Guard at Sarhad Forest School, Peshawar, Abbottabad, and will successfully pass the examination/training. In case he avoid to undergo training (on nomination for training) under the shelter of any reason i.e. Medical illness, domestic affairs or political influence etc. he will automatically be terminated from service. In case he failed to successfully pass Forester training/examination, he will be removed from service soon after declaration of results.

5. Initially he will remain on probation of (2) two years (subject to continuation of posts) extendable up to (4) four years and his services can be terminated at any time without assigning any notice if his performance or conduct is found unsatisfactory during the probation period and extended probation period.

6. He will be governed by all relevant N.W.F.P. (Government Servant) Civil Servants Act, 1973, N.W.F.P. Government Servant (Efficiency & Discipline) Rule, 1973, N.W.F.P. Government Servants Removal from Service Special Power Ordinance-2000, and all other relevant Rules applicable to N.W.F.P. Civil Servants and framed by the Government of N.W.F.P. from time to time.

7. He will have to produce Medical fitness Certificate from the Medical Superintendent District Teaching Hospital D.I.Khan within (10) Ten days from the date of joining his service.

Attended

[Signature]

(9)

9. He will have to tender one month notice for resignation as usual when he desires to leave forest department else in lieu of that he will have to deposit one month pay in advance.

10. As long as he will be the effective strength of D.I. Khan Forest Division D.I. Khan, he can be posted/transfer/adjusted any where throughout the territorial jurisdiction of Tank. If he is posted in D.I. Khan Forest Division, D.I. Khan, He will be having no right for asking his posting/transfer at any place of his choice, in case of refusal, his service can be terminated without giving any notice.

If he accepts the post on the terms and conditions mentioned above he should report themselves for duty within (10) Ten days and will produce original certificates in connection with his qualification and domicile etc.

DIVISIONAL FOREST OFFICER
D.I. KHAN FOREST DIVISION
D.I. KHAN.

No. 910-03/KC

Copy forwarded to the:-

Conservator of Forests, Southern Circle Peshawar, for favour of information.

Individual concerned.

Head, Clerk/Accountant Divisional Office D.I. Khan.

For information.

DIVISIONAL FOREST OFFICER
D.I. KHAN FOREST DIVISION

D.I. KHAN.

Handwritten signature

Amr-A/2

The SDFO Tank vide endorsement letter No. nil dated 23/06/2019 has submitted report of Miran Shah Forest Guard I/C Block Officer Tank Block wherein he has reported that Mr. Habib-ur-Rehman forest guard is running private clinic at village kol Khadak Tehsil & district Tank and is continuously willfully absent from official duties, casually coming to Sub Divisional Forest Office at Tank and misbehave with the other forest officials and go back. He also reported that Mr. Habib-ur-Rehman Forest Guard is involved in grabbing of precious government land of Zabara Resumed land and actively involved in the mal practices and friendly dealing with land grabbers & guiding them for agitation against the Forest & Revenue staff who are demarcating the said Government land & creating problems for department.

SDFO Tank further reported that he apprehended double pages of damage report No. 27/15 dated 17/03/2019 and when he was asked to produce damage report book for checking, Mr. Habib-ur-Rehman forest guard denied to produce damage report book and concocted drama and have reported that the damage report book has been misplaced and also threatened the block officer.

The SDFO Tank also reported that Mr. Hbib-ur-Rehman Forest Guard is actively involved in the politics and is unfit for government duty due to the reason that in his presence it is feared that government might sustained irreparable losses.

Mr. Habib-ur-Rehman Forest Guard was directed vide this office letter No. 9432/G dated 25/06/2019 to explain position on account of negligence in official duties, he submitted reply to the explanation dated 17/08/2019 but the same was not satisfactory.

Therefore in order to properly probe in to the matter and in exercise of powers vested in me under the rule 10 (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, Mr. Aman ul Islam SDFO, D.I.Khan Forest Sub Division is hereby appointed as inquiry officer to proceed against the above named Forest Guard by observing the procedure under the provisions of rule 11 of the aforesaid rules and submit findings within the stipulated period

S/L
(Suleman Khan)

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

No 4730/3316

Copy for information and further necessary action is forwarded to:-

1. Mr. Amin-ul-Islam SDFO D.I.Khan Forest Sub Division. He is requested to initiate inquiry against the above named Forest Guard and submit finding within stipulated period. The Charge Sheet & Statement of Allegation are enclosed herewith.
2. SDFO Tank for information and necessary action with reference to his letter noted above. He is nominated as departmental representative for prosecuting the instant case
3. Head Clerk / Accountant D.I.Khan Forest Division.
4. Mr. Habib-ur-Rehman Forest Guard C/O SDFO Tank. He is directed to submit his written defence along with documentary evidences in his support if any direct to the Enquiry Officer and attend the enquiry proceedings as & when called by the inquiry officer.

Sd
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

Handwritten signatures and dates: 6/11/19, 10/11/19, 11/11/19

CHARGE SHEET

(11)

Anx- A/2

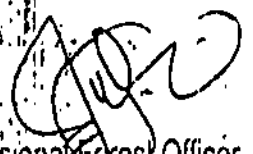
I, Suleman Khan, Divisional Forest Officer D.I.Khan Forest Division as competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, Mr. Habib ur-Rehman Forest Guard (BPS-8) in charge Dabara Resumed land & Kaur Murtaza road side beat Charges as follows:

That you while posted as in charge Dabara Resumed land and Kaur Murtaza road beats Tank Forest Sub Division (D.I.Khan Forest Division) committed following irregularities:

1. That SDFO Tank vide endorsement letter dated 23/06/2019 submitted report of Mr. Miram Shah Forest Guard I/C Block Officer Tank Block wherein he reported that you are running private clinic at village kol Khadak tehsil & district Tank and are continuously / willfully absent from official duties, casually coming to Sub Divisional Forest Office at Tank and misbehave with the other forest officials and go back. He also reported that you are involved in grabbing of precious government land of Dabara Resumed land and actively involved in the mal practices and friendly dealing with land grabbers & guiding them for agitation against the Forest & Revenue staff during demarcating the said Government land & creating problems for department.
2. That SDFO Tank further reported that he apprehended double pages of damage report No. 27/15 dated 17/03/2019 and when you were asked to produce damage report book for checking you denied to produce damage report book and concocted drama and have reported that the damage report book has been misplaced and also threatened the block officer.
3. That SDFO Tank also reported that you are actively involved in the politics and are unfit for government duty due to the reason that in your presence it is feared that government might sustained irreparable losses

By reason of the above you appear to be guilty of (i) IN-EFFICIENCY (ii) MISCONDUCT and (iii) CORRUPTION under Rule 3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rule 2011 and have rendered your-self liable to all / any of the penalties specified in Rules 4 of the rules ibid.

A statement of allegations is enclosed


Divisional Forest Officer
D.I.Khan, Forest Division
(Competent Authority)


Suleman Khan

DISCIPLINARY ACTION

12


Ankur A/3

I, Suleman Khan, Divisional Forest Officer D.I.Khan Forest Division as Competent Authority am of the opinion that Mr. Habib-ur-Rehman Forest Guard (BPS-8) in-charge Dabara Resumed land and Kaur - Murtaza road side beats (Tank Forest Sub Division) rendered himself liable to be proceeded against, as he committed the following acts / omissions, within the meaning of section 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve him as follows.

STATEMENT OF ALLEGATIONS

That he while posted as in-charge Dabara Resumed land and Kaur - Murtaza road side beats (Tank Forest Sub Division) committed following irregularities;

1. That SDFO Tank vide endorsement letter dated 23/06/2019 submitted report of Mr. Miram Shah Forest Guard I/C Block Officer Tank Block wherein he reported that Mr. Habib-ur-Rehman Forest Guard is running private clinic at village kot Khadak tehsil & district Tank and is continuously / willfully absent from official duties, he is casually coming to Sub Divisional Forest Office at Tank and misbehave with the other forest officials and go back. I/C Block Officer also reported that Mr. Habib-ur-Rehman is involved in grabbing of precious government land of Dabara Resumed land and is actively involved in the mal practices and friendly dealing with land grabbers & guiding them for agitation against the Forest & Revenue staff during demarcating the said Government land & creating problems for department.
2. That SDFO Tank apprehended double pages of damage report No. 27/15 dated 17/03/2019 and when Habib-ur-Rehman Forest Guard was asked to produce damage report book for checking, he denied to produce damage report book and concocted drama and have reported that the damage report book has been misplaced and also threatened the block officer.
3. That SDFO Tank also reported that Mr. Habib-ur-Rehman Forest Guard is actively involved in the politics and is unfit for government duty due to the reason that in his presence it is feared that government might sustained irreparable losses.
4. For the purpose of inquiry against the side accused with reference to above allegation, Mr. Amin-ur-Islam SDFO D.I.Khan Forest Sub-Division has been appointed as Enquiry Officer under rule 10 (1) (a) of the ibid rules vide DFO, D.I.Khan office order 24 dated 17/10/2019.
5. The enquiry Officer shall, accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its finding and make, within thirty (30) days of the receipt of this order, recommendations against the accused.
6. The accused and SDFO, Tank (departmental representative / prosecutor) shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


Divisional Forest Officer
D.I.Khan Forest Division
(Competent Authority)



To
The worthy Divisional Forest Officer
D.I. Khan Forest Division
D.I. Khan

(13)

Anx: A/4

SUBJECT: CHARGE SHEET - INQUIRY THEREOF AGAINST HABIB-UR-REHMAN FOREST GUARD now respondent

Please refer to your office memo No. 4730-33/C dated 17/10/2019 delivered on 06/11/2019 at D.I. Khan and memo No. 171/DK dated of the SDFO D.I. Khan, dated 23/10/2019 delivered at Tank on 01/11/2019.

The Respondent, amongst other grounds, respectfully submits as follows:
The SDFO Tank had not delivered the original memo of Charge Sheet vide office order No. 24 dated 17/10/2019, hence the letter of dated 23/10/2019 is not to be looked into.

The charge sheet is without memo of allegations which in term is without accusing supportive record if any.

The days of absence are not mentioned and the absence from beat is denied. The Dabara beat is at a distance of 14-15 kilometers from Tank and the alleged absence could have been readily and promptly checked out which is not the case. Visit to Tehsil Head office is not absence though such allegation is not admitted. The gist of FIRs / damage reports is enclosed.

The Dabara Resumed land is infested with illegal encroachers and the pucca residential buildings are mounted thereupon and the even the Peshawar High Court had taken cognizance during the hearing of Petition of Miram Shah Forest Guard now in-charge Block Officer and the case is under scrutiny by NAB Peshawar. The allegation is thus misplaced and denied. The report dated 28/07/2019 is enclosed.

The book of damage report had in fact been lost and a report to this effect was made through SDFO Tank on 30/05/2019 copy is enclosed. Similar complaint was addressed to SDFO Tank on 30/05/2019 along with affidavit (Copy is enclosed).

Press notice of () was published in Roznama Aitidal and Mashrig on Monday of 27/05/2019 copies are enclosed. The narrative about chalk out Damage reports is available in compensation cases register of SDFO Tank and in case of undisposed off reports, the manually prepared copies can be easily compiled for further legal processes through the forums of Block Officer and forest public prosecutor and thus there can be no material withholding of prosecution / compensation cases if sincere and serious efforts are made by the concerned Block Officer. Photostat copies of six (6) damage reports are enclosed for perusal and information.

✓ The business of private clinic has not been fully narrated as the Tibb-Homeopathy or Allopathy or some other norms and such allegation is unfounded and based upon personal malice of the Block Officer. ✓

All the allegations are denied and the charge may be withdrawn. The Respondent also wishes to be heard in person.

With regards,

(Habib-ur-Rehman)
Forest Guard
In-Charge Babara Resumed Land
Tank Forest Sub Division

Recd
17/11/19

(Signature)

(Signature)
08/11/19

سینئر آپ کیسے منسلح ٹانگ اور ٹانگ ٹارگٹ سب ڈریزن میں اپنی فڈر
سر اعجاز کے رخ میں ہیں؟

Anxi-B

فارس گارڈ

سن سینئر آپ کے علاقے آپ کے فارس نے رپورٹ کی ہے کہ آپ سرکار
کو کر پیشہ میں کہ باوجود اپنا ذاتی ٹریننگ جی چکر سے ہیں؟

فارس گارڈ

سن سینئر آپ کے علاقے 526 ٹانگ اور ٹارگٹ سر اعجاز نے لکھا ہے کہ
آپ در سر، عبید بیزان کے ساتھ بہترین اور بد اخلاقی سے
پیشہ کرتے ہیں اسکی وجوہات کیا ہیں؟

فارس گارڈ

سن سینئر آپ کے علاقے 526 ٹانگ اور ٹارگٹ سر اعجاز نے رپورٹ کی ہے
آپ اپنی ٹارگٹ بل کے علاوہ اس کے علاقے میں اور 3 عدد
پارٹ آف جی اسٹیکل اس کے علاقے میں کیا ہے جاننا چاہیے؟

سن سینئر 526 ٹانگ کی رپورٹ کے مطابق جب آپ اپنی منسلح ٹارگٹ
میں پگڑی منسلح اور اس کے علاقے میں آپ سے باز پرس کی گئی
تو آپ نے پاس سے رپورٹ کی نہیں تھی۔

سن سینئر بحیثیت فارس گارڈ اگر آپ نے پاس سے رپورٹ کی تو جو نہیں
تو آپ کی جاننا چاہیے، 526 ٹانگ

17/12/2020



سن 7، گارڈیل کم سے کہی ہوئی میں گانوئی طریقہ کار کیا ہے ؟

سن 8. آرریکارڈ ملحد کیا جائے تو ڈیپٹی کمیشنر اور ڈپٹی سیکریٹری
آپ نے تین طریقوں سے ایک ایک کاٹی رہی ہے اسکا
بار میں ایک کیا خیال ہے ؟

سن 9. بحیثیت سرکار کا وزیر ہمیشہ کیا آپ سیاسی سرگرمیوں میں شامل
ہو سکتے ہیں ؟ ~~اور اگر ہاں تو کیا طریقہ کار ہے ؟~~

سن 10. ڈیپ ریٹروم لینڈ میں نو نوڑ سے بارے میں آپ نے کیا کارروائی
کی ؟

سن 11. آپ پر لازم ہے کہ آپ نے حکم جنکو گورنر جنرل کے ایکٹران
کو ڈیپ ریٹروم لینڈ کی ڈیپارٹمنٹ سے روکنے کے لئے صحافیوں کو
کو آگیا ہے ؟

11/11

بھنگو
سن 11

نہایت ادب کے ساتھ جناب کے سوالات کا جواب درج ذیل ہے
سوال نمبر 1 11/19/2007 میں فارسٹ گارڈ بھرتی ہوا

سوال نمبر 1 کا جواب :- جناب بندہ نے 15/04/2011 کو ڈبرہ ریزوم لینڈ بیٹ ٹانک سب ڈویژن میں محمد رومان فارسٹ گارڈ سے چارج لیا تھا اس کے بعد بحوالہ آفس آرڈر نمبر 92 مورخہ 30-06-2014 کو میرے آرڈر روانہ ٹانک روڈ ڈبرہ ریزوم لینڈ وارن کینال سے کوڈ مرٹضی اور کوڈ کوٹ اعظم روڈ ہوئے تھے مورخہ 19-05-2015 میرے معطلی کے آرڈر ہوئے اور 10-12-2015 کو اپنی نوکری پر بحال ہوا۔ مورخہ 11-12-2015 کوڈ مرٹضی اور کوٹ اعظم روڈ بیٹ کا چارج لیا تھا

سوال نمبر 2 کا جواب :- جناب اس بات میں کوئی صداقت نہیں ہے۔ الزام من گھڑت اور سراسر جھوٹ پر مبنی ہے۔ اگر مجھ سے منسوب ایسی کوئی بات کسی نے کہی ہے تو یہ کسی کی ذاتی رنجش کی عکاسی کرتی ہے۔ مگر نہ طب سے متعلق کاروبار کا مجھ سے دور کا تعلق نہیں ہے۔

سوال نمبر 3 کا جواب :- جناب میں تو پھر بھی وہی بات دہراؤں گا۔ یہ بدتمیزی اور بد اخلاقی نہ کسی سے کی ہے اور نہ ہی کبھی سوچا ہے اگر میرے متعلق کسی انچارج فارسٹ گارڈ صاحب نے غلط بیانی کی ہے۔ تو میرے خیال میں کسی کے متعلق ایسی رائے قائم کرنا موصوف کی پر حکندہ ذہن کی عکاسی کرتا ہے۔ یہاں پر یہ امر قابل ذکر ہوگا کہ مبلغ -/48400 سی سی نمبر 20-2019/1 رقم کوڈ مرٹضی روڈ پروٹڈ فال ہوئی تھی ایک سال سے رقم ہذا جناب ایس ڈی ایف او صاحب ٹانک کو یعنی مورخہ 25-07-2019 کو سی سی نمبر 20-2019/01 کی رقم مبلغ -/48400 حوالہ کی تھی کہ قانونی تقاضے پورے کر کے رقم سرکاری خزانے میں جمع کی جاوے جب ایک سال کے بعد رقم جمع نہ خزانہ سرکار مطالبہ کیا تو جناب میرے خیال میں یہی بد اخلاقی کے زمرے میں لائے ہیں۔ مگر دوسری کوئی بد اخلاقی اور بدتمیزی کا مرتکب نہیں ہوا۔ مورخہ 01-12-2016 مزدورں کا خرچہ -/81000 کی بڑی رقم جو پراجیکٹ کے تحت کام کیا تھا رقم مزدوران کی اب تک بقایا ہے۔ مزدوران میرے ساتھ کئی مرتبہ آمادہ بر مسادہ ہوئے ہیں اور بار بار مطالبہ کرتے ہیں کہ بندہ ادنیٰ ملازم ہونے کے ناطے اتنی بڑی رقم مزدوران کو اپنی جیب سے ادا نہیں کر سکتا جب رقم ہذا مبلغ -/81000 روپے کا جناب ایس ڈی ایف او صاحب ٹانک کو کہتا ہوں تو جناب میری درخواست کو بدتمیزی کے زمرے میں ڈال دیتا ہے۔

محمد رومان

مورخہ 11-02-2019 کو جب میں نے $85=21+64$ سن لکڑی پہلوان چوکیدار کو حوالہ کیا جس کی فوٹو اور کانٹے والی ثبوت لف ہے جب میں نے درخواست کی کہ لکڑی کی رقم خزانے میں جمع کریں اس وجہ سے اسے یہ بات بری لگی وہ لکڑی ابھی تک غائب ہے۔ جناب ایک مرتبہ پھر میں بد اخلاقی کے زمرے میں آ گیا۔

سوال نمبر 4۔ کا جواب :- جناب گارڈ بک بدروان ڈیوٹی موٹر سائیکل سے گر کر گم ہو گئی تھی جس کی باقاعدہ رپورٹ گمشدگی روزنامہ مشرق اور روزنامہ اعتماد مورخہ 27-05-2019 کو شائع ہوئی ہے متعلقہ پولیس آفسران کو ایف آئی آر درج کرانے کا بار بار لکھ چکا ہوں خط و کتابت بطور ثبوت لف ہیں۔ پولیس ایک ادنیٰ سا ملازم ہونے کے ناطے تعاون نہیں کر رہی ہے۔ نیز بندہ نے ملزم کے خلاف Damage Report کئی تھی جو کہ اصلی حالت میں انچارج فارسٹ گارڈ میرم شاہ کو دی تھی بد نیتی کا مجھ کو پتہ نہیں تھا انچارج فارسٹ گارڈ میرم شاہ صاحب اسی اصلی گارڈ بک کے پر تھ کے تین عدد فوٹو کاپی کرا کر میرے Inhale مثبت کر کے بات کو مشکوک بنا دیا تھا انچارج فارسٹ گارڈ میرم شاہ میرا بہنوئی ہے اور ہمارے گھریلو رنجش کی وجہ سے مجھے جھوٹے ٹیس میں پھنسانے کی کوشش کر رہا ہے اور مفصل رپورٹ کے نیچے اور میں نے العبد کی جگہ دستخط کئے ہیں۔ اور Inhale میں نے نہیں کی یہ انچارج فارسٹ گارڈ میرم شاہ نے جھوٹا Inhale کیا اور نہ ہی یہ جگہ Inhale کی ہے مورخہ 17-03-2019 نامزد ملزم مسی رحمت اللہ ولد قاسم خان سکندہ کوٹ ولی کیلکریٹ 24 انج ملزم رحمت اللہ کی انچارج فارسٹ گارڈ میرم شاہ کے ساتھ ذاتی رنجش تھی اور ان دونوں کی بھی سیاسی معاملات تھے ان کے معاملے میں مجھے چلایا گیا جو جناب سراسر میرے ساتھ زیادتی ہے، اور کیلکریٹ تصویر بطور ثبوت لف ہے۔

سوال نمبر 5۔ کا جواب :- جیسا بندہ تحریر کر چکا ہے کہ بندہ کے پاس گمشدگی گارڈ بک مختلف رپورٹ ہائے موجود ہیں اس کے علاوہ میرے بس کی بات نہیں ہے۔

سوال نمبر 6۔ کا جواب :- گارڈ بک کی گمشدگی کا اشتہار روزنامہ مشرق اور روزنامہ اعتماد میں شائع ہوا ہے ایف آئی آر کے لئے متعلقہ پولیس آفسران سے رجوع کر چکا ہوں مگر پولیس تعاون نہیں کر رہی لہذا اس کے علاوہ میں کیا کر سکتا ہوں۔

سکندہ
سکندہ

(18)

سوال نمبر 7- کا جواب :- اس کا جواب تفصیلی سوال نمبر 6 میں آچکا ہے۔

سوال نمبر 8- کا جواب :- اس کا جواب بھی تفصیلی جواب سوال نمبر 4 کے جواب میں آچکا ہے۔

سوال نمبر 9- کا جواب :- No.Sir کبھی نہیں بلکہ جرم عظیم ہے۔

سوال نمبر 10- کا جواب :- جناب میں بحیثیت سرکاری ملازم ایک ادنیٰ فارسٹ گارڈ ہونے کے ناطے ڈبرہ ریزوم لینڈ میں ملزم کے خلاف انکروچمنٹ کے بارے میں بار بار Damage Report وقتاً فوقتاً کی ہے بطور ثبوت Damage Report لف ہیں۔


سوال نمبر- کا جواب :- میں نے کسی کو محکمہ جنگلات یا محکمہ جنگلات کے اہلکاروں کے خلاف نہیں اکسایا مجھ سے متعلق بیان بے بنیاد اور من گھڑت ہیں۔


لہذا استدعا ہے کہ حقائق اور انصاف کے تقاضوں کو مدنظر رکھ کر بندہ کے خلاف لگائے گئے الزام برالذمہ قرار دیا جائے۔

عین نوازش ہوگی

مورخہ 17-12-2020

آپ کا تابعدار حبیب الرحمن فارسٹ گارڈ

 F/6



(19)

ANK- C

ENQUIRY REPORT AGAINST MR. HABIB UR REHMAN FOREST GUARD D.I.Khan
FOREST DIVISION.

READ WITH:

- 1) DFO DIKHAN LETTER NO. 4282/G Dated 01/10/2019
- 2) DFO D.I.KHAN LLTER NO.5635/G Dated 25/11/2019 (Statement of Allegations and Charge Sheet).
- 3) SDFO D.I.KHAN LETTER dated 23/12/2019 for written reply to the charge sheet.
- 4) Reply to the charge sheet by the accused Dated 11/01/2020.
- 5) SDFO D.I.Khan Letter Dated 7/10/2020.

BRIEF HISTORY:

Mr. Habib ur Rehman Forest Guard is serving in Tank Forest Sub Division. The SDFO D.I. Khan vided letter dated 23/06/2019 submitted the report of Mr. Miram Shah Forest Guard I/C Block Officer Tank Block where in he reported that the official is running his own private clinic at village Kot Khadak Tehsil and District Tank and is continuously/willful from official duties, casually coming to MFO Office and go back and also Mbehave with other Forest officials. The I/C Block officer further reported that the official is also involved in grabbing precious land Dabara resumed Land and actively involved in mal practices and friendly dealing with land Grabbers and guiding them for agitation against the Forest & Revenue staff during demarcating the said Government land and creating problems for Department. The SDFO Tank reported that he apprehended Double pages of Damage, reported No. 27/15 dated 17/03/2019 and when was asked to produce the Damage report book the official denied and concocted drama drama that the Gurad book has been misplaced and also threatened the block officer for creating problems to him. The SDFO tank also reported that the official is actively involved in politics and is unfit for performing Government Duty and the Government may face irreparable losses. Keeping in view the above exposition the DFO D.I.Khan issued Charge sheet and Statement of allegations.

Proceedings.

Keeping in view the above facts the DFO D.I.Khan issued charge sheet along with statement of allegations vide letter no. 5635/G Dated 25/11/2019 and appointed the undersigned as Enquiry officer for the finalization of Enquiry.

Discussion.

Mr. Habib ur rehman forest Guard herein called as Accused official was called for written reply for charge sheet and statement of allegation and was accordingly for personal hearing dated 10/10/2020. The accused official through his written defense reply stated as.



- 1) The days of the Absence are not mentioned in the beat and the allegation is denied. Dabara beat is at a distance of 14-15 Kilometer from tank and the alleged absence could have been readily and promptly checked out which is not the case.
- 2) The Dabara Resumed land is infested with illegal encroachers and the Pucca residential buildings are mounted thereupon and the even Peshawar High Court had taken Cognizance during the hearing of petition of Miram Shah Forest Guard now in charge Block officer and the case is under scrutiny by NAB Peshawar. The allegation is thus misplaced and denied.
- 3) The book of Damage report had in fact been lost and a report to this effect was made through SDFO Tank on 30/05/2019.
- 4) Press notice was published In Roznama Aitidal and Mashiq on Monday of 27/05/2019. The narrative regarding the Damage report is available in the compensation register of SDFO Tank and in case of undisposed of reports the manually prepared copies can easily be compiled for further legal process through the forums of Block officer and Forest public prosecutor and thus there is no material withholding of prosecution/ Compensation cases if sincere and serious efforts are made by the concerned Block officer.
- 5) The business of Private clinic has not been fully narrated as the TIBB- Homeopathy or Allopathy or some other norms and such allegations is unfounded and based on the personal malice of the Block officer.
- 6) All the allegations are denied and the charges may be withdrawn. The respondent also wishes to be heard in person.

The accused official was called for personal hearing dated 10/10/2020 wherein the accused official vindicated his stance as was in written reply and has denied the charges levelled against him.

1. When the accused official was asked regarding his posting in Tank Forest Sub Division the accused replied that he is serving in Tank forest Sub division since 15/04/2011.
2. When the accused official was asked regarding his private clinic or Business the accused replied that these are false allegations and doesn't hold any ground.
3. When asked regarding that he oftenly misbehave with the officials whenever visits the office. The accused official stated that it is mere allegation and has no grounds all the officials and seniors are respectable to me and he respect them with the core of his heart.
4. When asked regarding the misuse of the Guard Book the accused official stated that he has not mis used the guard book rather the Forester/ Block Officer in charge has inhaled the Photostat and with Miram shah and the accused official has personal enmity and he using these tactics to harm him.
5. When asked regarding the report of The SDFO Tank that when the accused was directed to hand over the Guard book but the in return the accused official stated that the guard book was misplaced the official stated that the Guard book was actually misplaced and he according to the law submitted the report to the SDFO Tank and

[Handwritten Signature]

(23)

Annex "D"

WHEREAS, Mr. Habib-ur-Rehman Forest Guard (BPS-8) while posted as incharge Dabara Resumed land and Knur Mortaza Road beat of Tank Forest Sub Division (D.I.Khan Forest Division) found involved in running of private clinic, remained wilfully absent from official duties did misbehave with Forest Staff and allowed encroached of precious Government land of Dabara Resumed land through quilltop the grabbers against the Forest & (Resumed land) during demarcation.

AND WHEREAS, the SDFO Tank has apprehended double pages of damage Report No. 27/15 dated 17-03-2019, when asked to produce damage report book, he denied to produce. Also threatened the block-officer. He is involved in the politics.

AND WHEREAS, DFO D.I.Khan has assigned the task of inquiry to Mr. Aminul Islam SDFO D.I.Khan Forest Sub Division vide DFO D.I.Khan letter No. 4282/G, dated 25/11/2019.

DFO D.I.Khan has sent Charge Sheet framed against Mr. Habib-ur-Rehman Forest Guard to inquiry office vide DFO D.I.Khan letter No. 5635/G, dated 25/11/2019. SDFO D.I.Khan has issued letter to the accused dated 23.12.2019 for sub mission of written reply to the charge sheet. The accused has submitted reply dated 11.01.2020.

AND WHEREAS, the enquiry officer, SDFO after having examined the charges evidences and explanation of the accused official, sub mitted detail & comprehensive report has submitted his recommendation i.e stoppage of 02 annual increments without Cumulative effect on account of misconduct & in-efficiency.

NOW, THEREFORE, the competent authority, after having considered the charge, evidences on record, finding of the enquiry report, explanation of the above accused official and exercising his powers conferred under Rule 14(3) of Khyber Pakistunkhwa Government servants (Appointment, Promotion & Transfer rule-1989) is pleas to impose the following penalty on Mr. Habib-ur-Rehman Forest Guard, due to his Misconduct & in-efficiency) in the interest of public service with increment for a period of 02 years.

- a) Stoppage of two year Annual increment for a period of 02 year.
- b) warned to remain more careful in future.
- c)

(SHAHID NOOR)
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

No. 10879-82
/G

Copy forwarded to the:

1. Accountant Divisional Office D.I.Khan for information and necessary action. He is directed to immediately stop 02 Annual increments for a period of 02 years of Mr. Habib-ur-Rehman Forest Guard.
2. Establishment Clerk Divisional office D.I.Khan for information and necessary action. He is directed that necessary action entries to this effect may be recorded in the service Book of Mr. Habib-ur-Rehman Forest Guard.
3. Mr. Habib-ur-Rehman Forest Guard (Attached with Divisional office D.I.Khan) for information & necessary action.
4. Office file.

(Signature)
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

(Signature) 11/8/2022

(Signature)

To,

The Conservator, Forest Sadran Circle,
Shami Road Peshawar.

(24)

Annex "E"

Through Proper Channel:

DEPARTMENTAL APPEAL/REPRESENTATION AGAINST THE
IMPUGNED OFFICER ORDER No. 151 Dated 22/06/2022.
Endorsement No. 10879-82, which was communicated to
the appellant on 11/08/2022.

PRAYER

On acceptance of this representation/departamental
appeal, the impugned office order No. 151,
dated 22/06/2022, of Divisional Forest Officer,
DIKhan Forest Division may kindly be set-aside and
the appellant may kindly be exonerated from the
charges level against him.

Respected Sir;

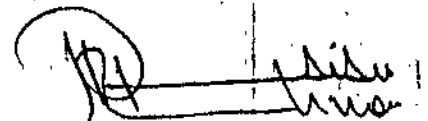
Appellant humbly submitted as under:-

1. That the appellant has being serving as forest Guard
and presently attached with the office of Divisional
Forest Officer, DIKhan Forest Division.
2. That in the year 2019 the applicant was proceeded
against by the department upon the false
allegation/complaints by one Mr. Miram Shah (Forest
Guard) I/C Block Officer Tank. The said Miram Shah is
brother-in-law of the appellant and there had been
some disputes and personal grudges on family matters.



(25)

3. That the appellant was charge sheeted on false allegations and Mr. Amiri Ul Islam, SDFO, DIKhan Forest Sub-division was appointed as inquiry Officer. Appellant submitted and produce all the documents revealing the true and real facts and to some how Inquiry officer was entirely satisfied that the allegations were false. But Inquiry Officer, perhaps, submitted an adverse report as copy of the inquiry report has not been provided to the appellant till date. On the basis of said impugned Inquiry report, DFO DIKhan Forest Division DIKhan issued impugn Office Order No 151 dated 22/06/2022, Office endorsement No. 10879-82, whereby, appellant was awarded punishment in the form of " stoppage of 2 years annual increment for a period of 2 years", and warning.
4. That the impugned order is against the justice and against the law and procedure, against the service rules and must particularly based upon the facts which are entirely incorrect, factitious, illusory and are false.
5. That appellant has never ever committed any misconduct and in-efficiency. The conclusions arrived at by the Inquiry Officer is entirely false and without proof.



(27)

On acceptance of this representation/departmental appeal, the impugned office order No. 151, dated 22/06/2022, of Divisional Forest Officer, DIKhan Forest Division may kindly be set-aside and the appellant may kindly be exonerated from the charges level against him.

Dated : 31 /08/2022

Your humble appellant,

Handwritten signature of Habib-ur-Rahmant

Habib-ur-Rahmant

F/6

S/o Allah Dad R/o Kot Khadak

Teshil and District Tank.

Mob 0346-9499097

Presently attached as

Forest Guard,

Forest Division, DIKhan.

Handwritten signature of Habib-ur-Rahmant

(28)

CLIENT REGID. NO		ORIGIN DTK	DESTINATION	WEIGHT	PIECES
FROM: (SHIPPER)		TO: (CONSIGNEE)		DOC	PARCEL
DERA ISMAIL KHAN		Peshawar		CHARGES	
COLLECTION INFORMATION		DELIVERY INFORMATION		Wt. Charges	
10/07		Receiver Name		TOTAL	
TERMS & CONDITIONS		Signature		Signature	

F.M Cargo & Logistics Topan Wali Chowk DERA ISMAIL KHAN (KPK).
Ph: 066-747008/07 Web: www.tmcargo.net
706636

Handwritten notes in Urdu:
FROM: (SHIPPER) - DERA ISMAIL KHAN
TO: (CONSIGNEE) - Peshawar
DELIVERY INFORMATION - Receiver Name: [unclear]

وکالت نامہ

SUPREME COURT BAR ASSOCIATION OF PAKISTAN

Itukhar-ul-Haq
Advocate Supreme Court
12201-0316740-9

President Secretary

کورٹ
فیس

بجاء اس میں فریویل اسٹوریٹنگ کورٹ ذمہ امر اسٹیل خان

منجانب _____
صاحب اسماعیل نام گورنمنٹ آف پاکستان

دعوی یا جرم

تفصیل دعوی یا جرم

سروس اہیل
باعث تحریر آنکھ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف اسٹیل بیوی و جناب دی بوائے چینی یا تصدیق مقدمہ ہائیکورٹ کے لئے

کہ جس میں شراکت پر وکیل مقرر کیا ہے کہ میں چینی پر خود یا بلا بذریعہ دو برو عدالت حاضر ہونا رہوں گا اور ہر وقت نکالے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر چینی پر منسلک حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف ضرور تمام کچھری کے علاوہ کچھری کے اوقات سے پہلے یا چھپے یا بروز تعطیل ہونے کے ذمہ دار نہ ہوں گے اور مقدمہ منسلک کچھری کے علاوہ اور جگہ صاف ادا کرنے یا بروز تعطیل یا کچھری کے اوقات کے آگے یا چھپے پیش ہونے پر منسلک کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے ہاتھ کسی حادثہ کے ادا کرنے یا تمت نہ دہاں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کئی ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دہی یا جناب دہی یا درخواست اجراء اسٹیل ڈگری نظر آئی اہیل گرائی و ہر قسم درخواست ہر قسم کے بیان دہیٹ اور پر پائی یا اسٹی نام و لہجہ برعکس کرنے اہیل دہی کا بھی اختیار ہو گا اور بصورت مشورہ ہونے تاریخ چینی مقدمہ ہرگز بیرون از کچھری صدر بیوی مقدمہ نرک نظر آئی اہیل ڈگری یا مشورہ یا مشورہ کی مقدمہ یا مشورہ کی مقدمہ ہم انتہائی یا ترقی یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو ہرگز ادا چکی ٹیڈہ۔ حق موصوف کا اختیار ہو گا اور تمام ساختہ برداشت صاحب موصوف مثل کردہ اور مشورہ وکیل ہو گا اور بصورت مشورہ صاحب موصوف کو ہرگز اختیار ہو گا کہ مقدمہ مذکورہ یا اس کے کسی بڑی کاروائی یا بصورت درخواست نظر آئی اہیل گرائی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا دیگر مشورہ کو اپنے ہاتھ یا اپنے امراء مشورہ کریں اور ایسے مشورہ قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جائز التواء ہونے کا وہ صاحب موصوف کا حق ہو گا کہ صاحب موصوف کو پوری سبب تاریخ چینی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پوری نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہو گا

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