

5<sup>th</sup> July, 2022

Learned counsel for the appellant present and submitted an application for withdrawal of the instant service appeal through office vide diary No. 377 dated 21.06.2022. The original file of the appeal was requisitioned.

2. Learned counsel for the appellant produced copy of order dated 03.06.2022 wherein grievance of the appellant has been shown to be redressed and he wants to withdraw the instant appeal. Application is placed on file. Dismissed accordingly. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 5<sup>th</sup> day of July, 2022.*



(Kalim Arshad Khan)  
Chairman

22.12.2021

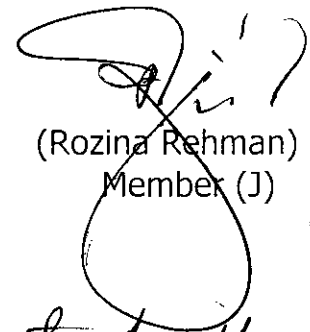
Appellant present through counsel.

Preliminary arguments heard. Record perused.

Points raised need consideration. Instant 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, notice be issued to respondents for submission of written reply/comments. Learned counsel for appellant requested for transfer of the instant appeal to the Camp Court Abbottabad. Request is acceded to and appeal stands transferred and it be put up before S.B on 16.02.2022 for reply/comments at Camp Court, Abbottabad.

Appellant Deposited  
Security & Process Fee

22/12/21



(Rozina Rehman)  
Member (J)

Due to retirement of the  
Hon'ble Chairman to come up for the  
same as before on 20.7.2022

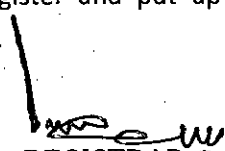
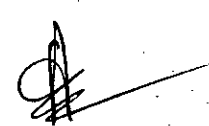
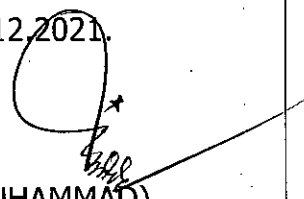


Form- A

FORM OF ORDER SHEET

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

Case No.- 7356 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/08/2021	<p>The appeal of Mr. Amir Qureshi resubmitted today by Mr. Adil Mir Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar. Notices be issued to appellant/counsel for preliminary hearing to be put up there on <u>20/10/21</u>.</p> <p> CHAIRMAN</p>
	20.10.2021	<p>Appellant in person present.</p> <p>Appellant requested for adjournment due to demise of relative of his learned counsel, he could not appear. Adjourned. To come up for preliminary hearing before the S.B on 22.12.2021.</p> <p> (MIAN MUHAMMAD) MEMBER (E)</p>

Before the Service Tribunal  
KPK

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Amir Qureshi v D.F.O etc  
Service Appeal

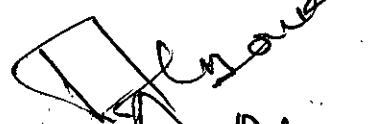
Subject: - Re-submission of service  
appeal no 1431/ST dated 29-7-21

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Respectfully sheweth:-

(1) That titled service appeal was  
filed on dated 29-7-2021 but it  
has again been returned due to  
incomplete annexures of copies  
of appeal, objection in written  
form has received on dated  
20-8-2021

(2) That now complete five sets  
of appeal along with annexures  
have been prepared and  
same is re-submitted as required

  
ADIL MIR

Dated 24-8-2021, Advocate High  
Court / counsel  
for appellant

The appeal of Mr. Amir Qureshi son of Deputy Mehmood Ex-Chowkidar Pattrol Squad Lower Hazara Abbottabad received today i.e. on 29.07.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Appeal has not been flagged/marked with annexures' marks.
- 3- Annexures of the appeal may be attested.
- 4- Check list is not attached with the appeal.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

*without annexures are not acceptable*

No. 1431 /S.T.  
Dt. 29/07 /2021

*[Signature]*  
REGISTRAR,  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Adil Mir Adv. A.Abad.

*The present appeal is returned again to the counsel for the appellant with the remarks that spare copies which are submitted with the appeal are incomplete which may be completed i.e. with annexures and resubmitted the same within 15 days.*

NO: 1609 / ST  
Dated: 11/08/2021

*[Signature]*  
Registrar -

Before the Honorable Service Tribunal  
Khyber Pakhtunkhwa

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Amir Qureshi v D.F.O etc  
Service Appeal

Subject :- Re-submission of appeal no 143/S1  
dated 29-07-2021

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Respectfully Sheweth:-

(1) That titled service appeal was  
filed on dated 29-7-2021  
but the same was returned with  
five objections.

(2) That four objections have now  
been removed while only  
check list remains to be  
attached which undersigned  
could not found. If the  
same is provided to the appellant  
then same will be attached  
with the appeal at any time.

It is, therefore, humbly submitted  
that appeal be kindly entertained  
and fixed for preliminary hearing.

Dated 07/08/2021

Amir Qureshi  
Counsel for Appellant

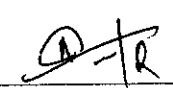
**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST**

Case Title: \_\_\_\_\_ vs \_\_\_\_\_

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Amir Qurashi</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	Yes	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?		
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?		
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		
26.	Whether copies of comments/reply/rejoinder submitted? on _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Amir Qurashi

Signature: 

Dated: 09/08/2021

**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA**

Appeal No. \_\_\_\_\_/2021

Amir Qureshi son of Deputy Mehmood (Ex-Chowkidar) Patrol Squad Lower Hazara, Abbottabad.

....APPELLANT

**VERSUS**

Divisional Forest Officer Patrol Squad Lower Hazara Abbottabad & others.

.... RESPONDENTS

**APPEAL**


**INDEX**

S.#	Description	Page No.	Annexure
1.	Appeal alongwith affidavit	1 to 9	
2.	Copy of appointment order dated 15.03.2016	10	"A"
3.	Copy of termination order dated 13.04.2016	11	"B"
4.	Copy of FIR and challan	12 to 13	"C" and "C1"
5.	Copy of appeal and order dated 26/08/2016	14 to 17	"D" & "E"
6.	Copy of appointment order of respondent No.3 bearing No.105 dated 02/05/2016	18	"F"
7.	Copy of acquittal order dated 17.03.2021	19 to 23	"G"
8.	Copy of application submitted on 24.05.2021	24	"H"
9.	Copy of order of Additional Deputy Commissioner (Finance and Planning)	25	"I"
10.	Copy of order dated 28.05.2021, letter of information about dismissal of application dated 08.06.2021, appeal and final order in appeal dated 05.07.2021	28 to 31	"J", "K", "L" & "M"
11.	Wakalatnama	32	

...APPELLANT

Through;

Dated: 27/07/2021

  
(ADIL MIR)  
Advocate High Court, Abbottabad



**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7380

Dated 29-7-2021

Appeal No. 7356 /2021

Amir Qureshi son of Deputy Mehmood (Ex-Chowkidar) Patrol Squad Lower Hazara, Abbottabad.

....APPELLANT

VERSUS

1. Divisional Forest Officer Patrol Squad Lower Hazara Abbottabad.
2. Conservator of Forest Lower Hazara Forest Circle, Abbottabad.
3. Khalid Mehmood son of Muhammad Khush Dil Village Batangi De Mohri Post Office Dobathar, Tehsil & District Abbottabad.

.... RESPONDENTS

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER AND DECISION DATED 28.05.2021 AND 05.07.2021 PASSED BY RESPONDENT NO. 1 AND 2. WHEREBY, HIS WRITTEN APPLICATION AND APPEAL FOR REINSTATEMENT ON THE POST OF WATCH MAN (CHOWKIDAR BPS-2) HAVE BEEN DECLINED.

Filed to-day

Registrar

29/7/2021

Re-submitted to -day  
and filed.

Registrar

30/8/2021

PRAYER: ON ACCEPTANCE OF INSTANT APPEAL, ORDER DATED 28.05.2021 AND 05.07.2021 PASSED BY RESPONDENT NO.1 AND 2 BE SET-ASIDE ON ACCOUNT OF BEING ILLEGAL, UNLAWFUL,

ARBITRARY AND AGAINST THE LEGAL, CONSTITUTIONAL AND SERVICE RIGHTS OF APPELLANT ; THAT APPOINTMENT OF THE RESPONDENT NO.3 BE DECLARED VOID, ILLEGAL, AGAINST THE RULES AND WITHOUT LAWFUL AUTHORITY ON THE POST OF EX-EMPLOYEES' SON QUOTA IN THE OFFICE OF RESPONDENT NO.1 AND THAT RESPONDENT NO.1 BE DIRECTED TO REINSTATE THE APPELLANT IN SERVICE SINCE DATED 13.04.2016 ALONGWITH ALL BACK BENEFITS TILL REINSTATEMENT AND TAHT ANY OTHER RELIEF WHICH HONOURABLE TRIBUNAL DEEMS FIT AND PROPER IN THE INTEREST OF JUSTICE, BE ALSO GRANTED.

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Respectfully Sheweth:-

Facts giving rise to instant appeal are as under:-

**FACTS:**

1. That father of appellant i.e Deputy Mehmood served in Forest Department Abbottabad as Class-IV / Chowkidar and got retired on 10.03.2016.

2. That appellant was appointed on the same post in the office of respondent No.1 vide appointment order 87 dated 15.03.2016 on the quota reserved for retired employees son's quota. Same is also evident from the said order. Copy of appointment order dated 15.03.2016 is annexed as Annexure "A".
3. That appellant and another employee were terminated without any prior notice, any hearing and without any sort of defence vide order No.92 dated 13.04.2016. The plea taken by the respondent No.1 was involvement in criminal activity and police custody on 13.04.2016. Copy of termination order dated 13.04.2016 is annexed as Annexure "B".
4. That appellant among the others, was implicated in case FIR No.379 dated 20.03.2016 registered under section 381-A/411 PPC at Police Station Cantt. Copy of FIR and challan are annexed as Annexure "C" and "C-I".
5. That appellant approached respondent No.2 in appeal but the same was dismissed only on point of time limitation on dated 26/08/2016. Copy of appeal and order dated 26/08/2016 are annexed as annexure "D" & "E".

6. That respondent No.1 appointed respondent No.3 in collusion with respondent No.2 in unlawful, illegal and unauthorized manner soon after dismissal of appellant vide order 105 dated 02/05/2016. Copy of appointment order of respondent No.3 bearing No.105 dated 02/05/2016 is annexed as Annexure "F".
7. That appellant had to face ordeal and rigors of trial in criminal case and ultimately he has been acquitted of the charges by the learned Judicial Magistrate-I, Abbottabad vide order dated 17.03.2021. Copy of acquittal order dated 17.03.2021 is annexed as Annexure "G".
8. That appellant who is sole responsible figure for aged parents and orphaned nephews and niece of his late brother, submitted written application to respondents No.1 for re-instatement in service on 24.05.2021 after acquittal, Copy of application submitted on 24.05.2021 is annexed as Annexure "H".
9. That appellant running from pillar to post also moved application to Deputy Commissioner Abbottabad for the redressal of his grievance, who referred the matter to Additional Deputy Commissioner and then he directed

respondent No.1 vide order dated 26.05.2021 for inquiry. Copy of order of Additional Deputy Commissioner (Finance and Planning) is annexed as Annexure "I".

10. That respondent No.1 declined to reinstate the appellant in service vide order No.825/PS dated 28.05.2021 and appellant even could not get relief from respondent No.2 when his appeal has also been dismissed on 05.07.2021. Copy of order dated 28.05.2021, letter of information about dismissal of application dated 08.06.2021, appeal and final order in appeal dated 05.07.2021 are annexed as Annexure "J", "K", "L" & "M"
11. That appellant, being aggrieved and dissatisfied from the order dated 28.05.2021 and 05.07.2021, impugns the same in appeal, inter-alia, on the following grounds.

**GROUND:-**

- a) That the appellant was dismissed from service in malafide, unlawful, void and prejudiced manner without any notice, hearing and inquiry and as such legal and fundamental rights of appellant were violated by respondent No.1. So much so, respondent No.1 and 2

both have not considered and protected the same even after his acquittal in criminal case vide order dated 17.03.2021. In this way, orders of respondent No.1 and 2 are void, illegal and based on malafide palpable from record and are liable to be struck down.

- b) That appellant has not been treated in accordance with law at all whose legal and service rights have been affected at the hands of respondents despite the fact Article 2A, 4, 25 and 27 of the constitution, provisions of civil servants Act, 1973, rules framed there-under and principles laid down by August Superior Courts protect and guarantee his all such rights. Respondents have ignored the above mentioned provisions of law and principles and hence impugned orders are liable to be set-aside.
- c) That appellant was implicated <sup>in</sup> false criminal case of theft of motorcycle having been shown to have recovered from forest colony Abbottabad. He has been acquitted in this case vide order dated 17.03.2021 and he has a lawful right to be reinstated in service after termination of criminal proceedings but respondents turned deaf and declined relief to appellant in malafide, tainted and unwarranted manner.

d) That it is also evident from record that respondent No.3 who is not son of retired employee has been appointed against the reserved post of employees' son quota in collusion with respondent No.1 and 2 vide order No.105 dated 02.05.2016 soon after dismissal order of appellant dated 13.04.2016. In order to protect their illegal order, and nepotism impugned order has been passed so that respondent No.3 can be retained in service without lawful justification. On this score, appointment order of respondent No.3 may be declared illegal and without lawful authority and appellant deserves for re-instatement in service.

e) That orders passed by the respondents impugned herein are void and ineffective upon rights of appellant and liable to be set aside.

f) That other points shall also be argued at the time of hearing.

In view of foregoing pleas and grounds, it is humbly prayed that on acceptance of instant appeal, order dated 28.05.2021 and 05.07.2021 passed by respondent No.1 and 2 be set-aside on account of being illegal, unlawful, arbitrary and against the legal, constitutional

and service rights of appellant; that appointment of the respondent No.3 be declared void, illegal, against the rules and without lawful authority on the post of Ex-Employees' Son Quota in the office of respondent No.1; that respondent No.1 be directed to reinstate the appellant in service since dated 13.04.2016 alongwith all back benefits till reinstatement and that any other relief which Honourable ~~Tribunal~~ deems fit and proper in the interest of justice, be also granted.

...APPELLANT

Dated: 27/07 /2021

Through;



(ADIL MIR)

Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing service appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable tribunal.



...APPELLANT



27/7/2021



**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA**

Appeal No. \_\_\_\_\_/2021

Amir Qureshi son of Deputy Mehmood (Ex-Chowkidar) Patrol Squad Lower Hazara, Abbottabad.

....APPELLANT

**VERSUS**

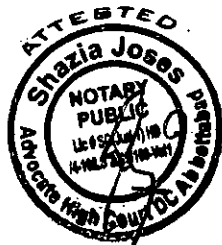
Divisional Forest Officer Patrol Squad Lower Hazara Abbottabad & others.

.... RESPONDENTS

**APPEAL**

**AFFIDAVIT**

I, *Amir Qureshi son of Deputy Mehmood (Ex-Chowkidar) Patrol Squad Lower Hazara, Abbottabad*, do hereby affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



27/7/2021

*Amir Qureshi*

**DEPONENT**

10

Amir A.S.



OFFICE ORDER NO. 7 DATED ABBOTABAD THE 15/3/2016

ISSUED BY MUHAMMAD YOUSAF KHAN  
DIVISIONAL FOREST OFFICER PATROL SQUAD LOWER  
HAZARA CIRCLE ABBOTTABAD

In accordance with the directives contained in Government of Khyber Pakhtunkhwa S&GAD (Reg Wing) Notification No. S&GAD (Reg)4-80 (Vol-III), dated 23-5-2000 & No. (E&GAD)3-1/2005, dated 02-5-202006, Mr. Amir Qureshi son of Deputy Mehmood Ex-Chowkidar (who retired on 10-3-2016) is hereby appointed against the regular vacancy on Chowkidar in BS-02 (Rs.6335-220-12335) with usual allowances as admissible under the rules, in the office of Patrol Squad Lower Hazara Circle Abbottabad with effect from the date of his arrival. His appointment is subject to the following terms and conditions:-

- 1- The post which is being offered to him is temporary and shall initially be on probation for a period of two year.
- 2- He has to join his duty at his own expenses after the production of Medical fitness and age certificate as prescribed in the rules.
- 3- That in case he wishes to resign at any time, one month notice will be necessary or in lieu thereof, one month pay shall have to be forfeited.
- 4- He will be governed Government servants efficiency and discipline rules 2011 and by such rules and orders relating to leave, travelling allowances, medical attendance and pay etc, as may be issued by Government for the category of Government Servants to which he will be joining.
- 5- His recruitment will count to the quota reserved for class-IV employees.

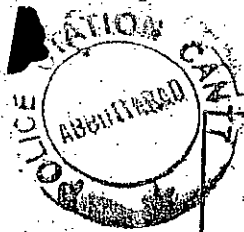
Sd/- (Muhammad Yousaf Khan)  
Divisional Forest Officer  
Patrol Squad Lower Hazara Circle  
Abbottabad

Copy forwarded to the

- 1- Chief Conservator of Forests, Northern Forest Region-II Abbottabad for favour of information, please.
- 2- Conservator of Forests, Lower Hazara Forest Circle Abbottabad for favour of information, please.
- 3- SDFO Patrol Squad Lower Hazara Circle Abbottabad for information.
- 4- Divisional Accountant, Patrol Squad for information and necessary action.
- 5- Mr. Amir Qureshi son of Deputy Mehmood Ex-Chowkidar house No.443 Upper Malikpura Abbottabad for information and compliance with reference to his application dated 10-3-2016.
- 6- Personal File for record.

Divisional Forest Officer  
Patrol Squad Lower Hazara Circle  
Abbottabad

Checked  
Amir  
ADP AMIR  
Amir Qureshi



11

Annex B

	OFFICE ORDER NO. <u>92</u> DATED A'ABAD THE <u>13/4/2016</u>
	ISSUED BY MUHAMMAD YOUSAF KHAN DIVISIONAL FOREST OFFICER PATROL SQUAD LOWER HAZARA CIRCLE ABBOTTABAD

In exercise of the power provided as per provision of Government servants efficiency and discipline rules 2011 vested on me as competent authority the following officials of Circle Office Lower Hazara Forest Circle Abbottabad and Patrol Squad Forest Division Abbottabad consequent of their involvement in criminal activities resulting of their police custody on 12-4-2016 in FIR No. \_\_\_\_\_ dated \_\_\_\_\_/4/2016.

S. No	Name and Rank	Place of Duty
1-	Mr. Naqash Shahid Naib Qasid	Lower Hazara Forest Circle Office Abbottabad
2-	Mr. Aamir Qureshi Chowkidar	Patrol Squad Forest Division Abbottabad

The above officials are in probation and their involvement in criminal activities provide sufficient ground as per condition No. 1 & 4 of their appointment orders No. 39 dated 10-12-2015 & No.87 dated 15-3-2016 for their termination from service. Therefore the services of above named officials are hereby terminated with immediate effect.

Sd/- (Muhammad Yousaf Khan)  
Divisional Forest Officer  
Patrol Squad Lower Hazara Circle  
Abbottabad

Copy forwarded to the :

- 1- Conservator of Forests, Lower Hazara Circle Abbottabad for favour of information please.
- 2- Conservator of Forests, Watershed Management Circle Abbottabad for favour of information please.
- 3- District Police Officer Abbottabad for favour of information, please.
- 4- Divisional Forest Officer Galis Forest Division Abbottabad for information and necessary action.
- 5- SHO <sup>cont.</sup> City Police Station Abbottabad for information.
- 6- Divisional Accountant for information and necessary action.
- 7- Mr. Naqash Shahid Naib Qasid through his father Mr. Shahid Iqbal for information and necessary action.
- 8- Mr. Aamir Qureshi Chowkidar through his father Mr. Deputy Mehmood for information and necessary action.

Divisional Forest Officer  
Patrol Squad Lower Hazara Circle  
Abbottabad

**ADIL MIR**  
Advocate High Court  
Abbottabad

SHO

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ نمبر زیر رقم ۱۵۲ مجموعہ ضابطہ نو جداری

مطلع ایسٹ ایبٹ آباد

Amex 379

تاریخ اور وقت وقوعہ: ۱۹/۰۳/۱۶، وقت درجین سائیکل چارہ سٹار سواریہ

تاریخ و وقت رپورٹ	۱۹/۰۳/۱۶	وقت	۱۹:۵۰
نام و سکونت اطلاع دہندہ مستفیض	۵۳۱۵-۸۳۸۷۹۸۱	تاریخ و وقت وقوعہ	۱۹/۰۳/۱۶
تفصیل کیفیت جرم (محدودہ) حال اگر کچھ لایا گیا ہو۔	۱۳۳۵۲-۵۵۸۱۰۹۸-۳	موقعہ وقوعہ	بیابان
جائے وقوعہ یا محلہ قضائے اور مدت		موقعہ وقوعہ	بیابان
نام و سکونت ملزم		موقعہ وقوعہ	بیابان
کارروائی جو پیش کے متعلق کی گئی اگر اطلاع درج کرنے میں تاخیر ہو تو وجہ بیان کرو		موقعہ وقوعہ	بیابان
محلہ سے روانگی کی تاریخ و وقت		موقعہ وقوعہ	بیابان

ابتدائی اطلاع نیچے درج کردہ -

مطلع ایسٹ ایبٹ آباد کے رہائشی اور صاحب گھر نمبر ۵۳۱۵-۸۳۸۷۹۸۱ کے صاحب گھر میں واقعہ وقوعہ ۱۹/۰۳/۱۶ کو واقع ہوا۔ اطلاع دہندہ نے اطلاع دی کہ اس وقت گھر میں کسی شخص کی موجودگی نہیں تھی۔ اطلاع دہندہ نے اطلاع دی کہ اس وقت گھر میں کسی شخص کی موجودگی نہیں تھی۔ اطلاع دہندہ نے اطلاع دی کہ اس وقت گھر میں کسی شخص کی موجودگی نہیں تھی۔

مطلع ایسٹ ایبٹ آباد کے رہائشی اور صاحب گھر نمبر ۵۳۱۵-۸۳۸۷۹۸۱ کے صاحب گھر میں واقعہ وقوعہ ۱۹/۰۳/۱۶ کو واقع ہوا۔ اطلاع دہندہ نے اطلاع دی کہ اس وقت گھر میں کسی شخص کی موجودگی نہیں تھی۔ اطلاع دہندہ نے اطلاع دی کہ اس وقت گھر میں کسی شخص کی موجودگی نہیں تھی۔ اطلاع دہندہ نے اطلاع دی کہ اس وقت گھر میں کسی شخص کی موجودگی نہیں تھی۔

مطلع ایسٹ ایبٹ آباد کے رہائشی اور صاحب گھر نمبر ۵۳۱۵-۸۳۸۷۹۸۱ کے صاحب گھر میں واقعہ وقوعہ ۱۹/۰۳/۱۶ کو واقع ہوا۔ اطلاع دہندہ نے اطلاع دی کہ اس وقت گھر میں کسی شخص کی موجودگی نہیں تھی۔ اطلاع دہندہ نے اطلاع دی کہ اس وقت گھر میں کسی شخص کی موجودگی نہیں تھی۔ اطلاع دہندہ نے اطلاع دی کہ اس وقت گھر میں کسی شخص کی موجودگی نہیں تھی۔

۱۹-۰۳-۱۶

Advocate High Court Abbottabad





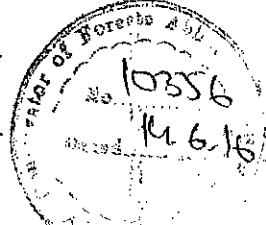
بند مت جناب کنزرویٹر محکمہ جنگلات لوئر ہزارہ سرکل

Annex B

عنوان:- محکمانہ اپیل / اور درخواست برآمد منسوخ فرمائے جانے حکم DFO

صاحب محررہ مصدرہ 13-4-2016 حکم نمبر 92 بابت Termination

نوکری / سروس سائل و بحالی بموجہ مزاعات



جناب عالی! اپیل اور درخواست ذیل عرض ہے۔

۱۔ یہ کہ من سائل عام قریشی ولد ڈپٹی <sup>ملا</sup> مورخہ 15-3-2016 کو محکمہ جنگلات میں کلاس فور IV کے کوٹے پر اپنے

والد کی جگہ بھرتی ہوا۔ (اپائنٹ لیٹرف ہے)

۲۔ یہ کہ سائل بھرتی ہونے کے بعد اپنے تمام فرائض بخوبی و ایمانداری سے سرانجام دے رہا تھا کہ مورخہ

13-04-2016 کو سائل کو پولیس تھانہ کینٹ نے ایک جھوٹے من گھڑت مقدمے میں گرفتار کر لیا۔

۳۔ یہ کہ سائل کا نام FIR میں درج نہ ہے چونکہ سائل کا مذکورہ جرم / مقدمہ مذکور سے سائل کا کوئی تعلق نہ ہے۔

۴۔ یہ کہ مورخہ 29-04-2016 کو عدالت مجاز نے ثبوت نہ ہونے کی وجہ سے سائل کو ضمانت پر رہا کر دیا۔

۵۔ یہ کہ دریں اثناء DFO صاحب نے چھٹی نمبری / حکم نمبری 92 مورخہ 13-04-2016 کو سائل کو سروس سے

Terminate کر دیا۔ (حکم لف ہے)

EA

۶۔ یہ کہ مذکورہ حکم خلاف قانون، خلاف واقعات اور خلاف انصاف ہے اور قابل منسوخی ہے۔

۷۔ یہ کہ سائل کو صفائی پیش کرنے اور اپنا مدعا بیان کرنے کا موقع بھی نہ دیا گیا۔

14/6  
14/6

Heard  
ADIL MIR  
Advocate High Court  
Abbottabad

۸۔ یہ کہ اس سے قبل سائل کے خلاف کوئی بھی شکایت موصول نہ ہوئی ہے اور سائل ایک شریف اور انتہائی ایماندار ملازم

ہے۔

۹۔ یہ کہ سائل کی بے گناہی کا اتنا ہی ثبوت کافی ہے کہ سائل کا نام FIR میں موجود نہ ہے۔

۱۰۔ یہ کہ سائل کے خلاف کوئی ایسی شہادت موجود نہ ہے جو یہ ثابت کرے کہ سائل مذکورہ جرم میں ملوث تھا۔

۱۱۔ یہ کہ سائل ایک غریب آدمی ہے اور اس کے بنیادی حقوق کا سوال ہے۔

۱۲۔ یہ کہ مزید برآں مقدمہ مذکور بابت سائل عدالت مجاز میں زیر تجویز ہے اور اس کا فیصلہ ابھی تک نہ ہوا ہے اس صورت میں Termination غیر قانونی، غیر اخلاقی، نا انصافی پر مبنی ہے۔

۱۳۔ یہ کہ سائل نے محکمہ جنگلات / سروس رولز میں سے کسی بھی رول کی خلاف ورزی نہ کی ہے اور نہ ہی سائل مس کنڈیکٹ کا مجرم ہے۔

۱۴۔ یہ کہ اپیل باوجہ بیماری اور جیل میں ہونے کے وقت پر دائر نہ کی جاسکی ہے جس کے لیے علیحدہ درخواست اس درخواست کے ساتھ لف ہے اس درخواست کو اپیل کا لازمی جزو تصور کیا جائے۔

لہذا استدعا ہے کہ سائل کے خلاف جاری شدہ حکم منسوخ فرمایا جاوے اور اسے نوکری / ملازمت پر بمعہ مراعات بحال کیا جائے۔

الرقوم: 05-06-2016

العارض

Amir

عامر قریشی ولد ڈپٹی وزیر۔۔۔ سائل

Advised  
ADIL MIR  
Advocate High Court  
Abbottabad



## خدمت جناب کنزرویٹر محکمہ جنگلات لوئر ہزارہ سرکل

محکمہ اپیل

عنوان:- درخواست بمراد Condon فرمائے جانے تاخیر دائر کرنے اپیل محکمہ

برخلاف حکم D.F.O صاحب محررہ مصدرہ 13-04-2016 حکم نمبر 92

بابت Termination نوکری سروس بحالی بمعہ مراعات

جناب عالی! درخواست ذیل عرض ہے۔

۱۔ یہ کہ سائل عامر قریشی کو محکمہ جنگلات سے مورخہ 15-03-2016 کو سروس سے Terminate کیا گیا۔

۲۔ یہ کہ حکم محررہ پر اپیل باوجہ بیماری اور حوالات میں بند ہونے کے وقت پر نہ ہو سکی ہے۔ (میڈیکل سٹیفیکٹ ایوب پیچنگ ہسپتال لف ہے)۔

۳۔ یہ کہ سائل کے بنیادی حقوق کا سوال ہے باوجہ بیماری سائل حاضر اپیلانٹ اتھارٹی نہ ہو سکا ہے۔

۴۔ یہ کہ درخواست ہذا کو اپیل کا لازمی جز و تصور کیا جائے۔

استدعا ہے کہ تاخیر واقعہ بوجہ بیماری و مجبوسیت دائر کرنے اپیل محکمہ و حاضر ہونے اپیلانٹ اتھارٹی Condon فرمائی جائے۔

المرقوم: 05/06/2016


عامر قریشی سائل

Adil Mir

ADIL MIR  
Advocate High Court  
Abbottabad

(17)

279  
**Annex E**

<p>Conservator of Forests Lower Hazara Forest Circle Abbottabad</p>		<p>☎ 0992-9310232 Fax 0992-9310233 E-mail: <a href="mailto:cflhfc@gmail.com">cflhfc@gmail.com</a> No. 1931 /GE Dated 6/8/2016</p>
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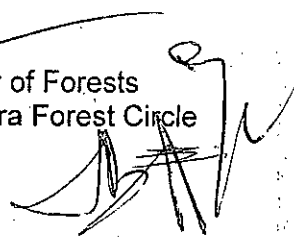
Mr. Aamir Qureshi  
Ex-Chowkidar  
Resident of Forest Colony  
Abbottabad

Subject APPEAL AAINST OFFICE ORDER NO. 92, DATED 13-04-2016 ISSUED BY DIVISIONAL FOREST OFFICER PATROL SQUAD DIVISION ABBOTTABAD

Reference Your appeal dated 05-06-2016.

It is to inform you that Deputy Director (Admn) Medical Teaching Institution Abbottabad, vide his letter No. PA/D.D (Admn)/ATH/1473, dated 04-06-2016 had declared Medical Rest Certificate bearing No. 043 Book No. 840 patient yearly No. 11606463315, dated 10-05-2016 issued in your favour invalid, therefore your subject appeal became bard by time, which is not entertainable.

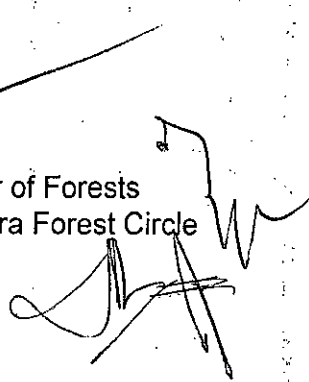
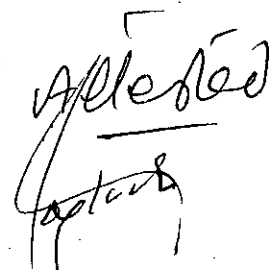
Conservator of Forests  
Lower Hazara Forest Circle  
Abbottabad



No. 1932 /GE

Copy in continuation of his office letter No. 177/PS dated 15-08-2016 forwarded to the Divisional Forest Officer Patrol Squad Division Abbottabad for information and necessary action. He should intimate the situation to concerned Police Station Abbottabad, wherein FIR No. 379, dated 20-03-2016 was chalked against the Ex-Chowkidar.

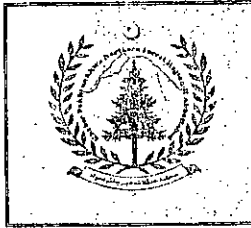
Conservator of Forests  
Lower Hazara Forest Circle  
Abbottabad

Conservator of Forests  
Lower Hazara Forest Circle  
Abbottabad

18

Annex F



OFFICE ORDER NO. 105 DATED A'ABAD THE 09/15/2016

ISSUED BY MUHAMMAD YOUSAF KHAN  
DIVISIONAL FOREST OFFICER PATROL SQUAD LOWER  
HAZARA CIRCLE ABBOTTABAD

As per recommendation of Departmental Selection Committee and in accordance with the directives contained in Government of Khyber Pakhtunkhwa S&GAD (Reg.Wing) Notification No. S&GAD (Reg)4-80 (Vol-III), dated 23-5-2000 & No. (E&GAD)3-1/2005, dated 02-5-202006, Mr. Khalid Mehmood son of Muhammad Khush Dil is hereby appointed against the regular vacancy on Chowkidar in BS-02 (Rs.6335-220-12935) with usual allowances as admissible under the rules, in the office of Patrol Squad Lower Hazara Circle Abbottabad with effect from the date of his arrival. His appointment is subject to the following terms and conditions:-

- 1- The post which is being offered to him is temporary and shall initially be on probation for a period of two year.
- 2- He has to join his duty at his own expenses after the production of Medical fitness and age certificate as prescribed in the rules.
- 3- That in case he wishes to resign at any time, one month notice will be necessary or in lieu thereof, one month pay shall have to be forfeited.
- 4- He will be governed Government servants efficiency and discipline rules 2011 and by such rules and orders relating to leave, travelling allowances, medical attendance and pay etc, as may be issued by Government for the category of Government Servants to which he will being.
- 5- His recruitment will count to the quota reserved for class-IV employees.

*Attested*

Sd/- (Muhammad Yousaf Khan)  
Divisional Forest Officer  
Patrol Squad Lower Hazara Circle  
Abbottabad

Copy forwarded to the :

- 1- Conservator of Forests, Lower Hazara Forest Circle Abbottabad for favour of information, please.
- 2- District Armed Services Board Abbottabad for information.
- 3- SDFO Patrol Squad Lower Hazara Circle Abbottabad for information.
- 4- Manager Employment Exchange Abbottabad for information.
- 5- Divisional Accountant, Patrol Squad for information and necessary action.
- 6- Mr. Khalid Mehmood son of Muhammad Khush Dil village Batangi De Mohri Post Office Dobathar Tehsil & District Abbottabad for information and compliance with reference to his application dated 26-4-2016.
- 7- Personal File for record.

*M. Yousaf Khan*  
Divisional Forest Officer  
Patrol Squad Lower Hazara Circle  
Abbottabad

*Attested*  
*M. Yousaf Khan*  
**ADIL MIR**  
Advocate High Court  
Abbottabad



ORDER  
17/03/2021

19  
Amir Qureshi

Annex 2

Accused namely 1. Aamir Qureshi, 2. Naqash Shahid, 3. Afzal, 4. Abbas, 5. Muhammad Sajid and 6. Muhammad Ali while co-accused namely Muhammad Qasim through counsel present. Learned APP for the state also present.

Perusal of the record reveals that accused facing trial have been charged in case FIR # 379, dated 20.03.2016 u/s 381-A/411 PPC, PS Cantt, Abbottabad.

From perusal of the record it found that prosecution has submitted instant complete challan before the court on 19.01.2017. Accused were summoned who appeared before the court, provision of section 241-A Cr.P.C was complied with. Formal charge was framed on 24.02.2020. Thereafter, prosecution was invited to produce their evidence.

Prosecution produce Mr. Mehboob FC # 51 as PW-1 who stated that during the days of occurrence he was posted as FC in PS Cantt, Abbottabad. He is the marginal witness of recovery memo vide which IO took into possession motorcycle Honda 125, engine # 6569671 chassis # 253495 from the possession of accused Afzal and prepared the recovery memo Ex PW-1/1 in his presence as well as in the presence of co-marginal witness. He has seen the recovery memo Ex PW-1/1 in the court which is in the handwriting of IO correct and correctly bears his signature, signature of IO and co-marginal witness. Similarly, he is also marginal witness of recovery memo dated 18.04.2016 vide which IO took into possession one carry van bearing # 2334 CD/karachi, about which during investigation Aamir Qureshi and Muhammad Ali accused made the disclosure that the said carry van is in possession of Muhammad Sajid who is using the same in different crimes. They got an information that Muhammad Sajid and Muhammad Ali alongwith the carry van was present in Subzi Mandi Mor, upon which they raided there and recovered the said carry van, which IO took into possession and prepared the recovery memo Ex PW-1/2 in his presence as well as in the presence of co-marginal witness. He has seen the recovery memo in the court which is in the handwriting of IO, correct and correctly bears of his signature, signature of IO, and co marginal witness. IO recorded his statement u/s 161 Cr.P.C. During cross examination conducted by learned counsel of accused namely Afzal and

105/2

18/01/17

28/4/21

17-3-2021

Forwarded to the District Judge

22 APR 2021

ADIL IFTIKHAR  
District & Sessions Judge  
Abbottabad

*Advised*  
*Advised*

**ADIL IFTIKHAR**  
Advocate High Court  
Abbottabad

(2)

(a.)

Niqash, PW admitted that I do not remember the registration number, chassis number and engine number of the motorcycle about which the case FIR # 379 dated 20.03.2016 u/s 381-A/411 PPC-PS Cantt, was registered. The motorcycle in Ex PW-1/1, was recovered on the pointation of Qasim and Aamir Qureshi from a garage situated at Forest Colony, Abbottabad. He also admitted that accused Afzal was not present at that time neither he made any pointation. IO also prepared the recovery sketch of said recovery, the same is exhibited as Ex PW-1/D-1. Further admitted that he does not remember the exact numbers of recovered motorcycles which were recovered from garage situated at forest colony however, they were many. Witness was asked to tell whether the motorcycle mentioned in Ex PW-1/1 was recovered from forest colony of which you are showing the recovery sketch and is exhibited as Ex PW-1/D-1. He admitted that he does not remember whether the motorcycle mentioned in Ex PW-1/1 was among the motorcycle recovered from garage of forest colony. Question was asked that if the motorcycle mentioned in recovery memo Ex PW-1/1 was not amongst the motorcycle recovered from forest colony Abbottabad then from where the same was recovered? in reply admitted that I cannot tell that where from the motorcycle mentioned in Ex PW-1/1 was recovered and it is for the IO to answer the same. During the cross examination conducted by the counsel of accused Aamir Qureshi, PW-I Mehboob FC admitted that nothing incriminating was recovered from the possession of accused Aamir Qureshi and no pointation was made out by accused Aamir Qureshi. Similarly, in cross examination which was conducted by learned counsel for the accused namely Sajid, PW admitted that at the time of recovery of van accused Sajid and Muhammad Ali were present in the van. It is correct that their names are not mentioned in the FIR. Further admitted that it is correct that recovery was effected from subzi Mandi Mor Abbottabad and I do not remember the time when the alleged recovery was effected however, it was day time. Further admitted that subzi Mandi Mor is a very busy place where there are a lot of shops as well as movement of general peoples remains there around the clock. No independent/disinterested source was associated with recovery proceedings despite availability. Similarly, in cross examination conducted by the learned counsel for accused namely

17-3-2021

Witnessed to by a 1st class

22 APR 2021

EXAMINER  
District & Sessions Judge

Attested  
Admission

**ADIL MIR**  
Advocate High Court  
Abbottabad



does not remember whether the motorcycle mentioned in Ex PW-1/1 was among the motorcycle recovered from garage of forest colony and he cannot tell that where from the motorcycle mentioned in Ex PW-1/1 was recovered. He also admitted that nothing incriminating was recovered from the possession of accused Aamir Qureshi and no pointation was made out by accused Aamir Qureshi. Similarly, PW also admitted that at the time of recovery of van accused Sajid and Muhammad Ali were present in the van but their names are not mentioned in the FIR. Further admitted that recovery was effected from subzi Mandi Mor Abbottabad and he does not remember the time when the alleged recovery was effected however, it was day time. Subzi Mandi Mor is a very busy place where there are a lot of shops as well as movement of general peoples remains there around the clock but despite the fact no independent/disinterested source was associated with recovery proceedings despite availability. Witness in respect of accused namely Abbas admitted that nothing was recovered from or on the pointation of accused Abbas in his presence. In light of statement of PW-1, the story of prosecution is doubtful, novelistic one and incredible. Instant case is pending before the court since 2017 but complainant did not appear before the court despite several notices which shows his disinterest in prosecution of instant case. Moreover, local police have recovered so many motorcycles but none of the victim appear before the court for prosecution of instant case including complainant namely Muard Ali. IO of the case did not associate any private person with recovery proceeding despite the fact that place of recovery was forest office/public office and many people used to visit the office on daily basis. So far as, recovery of carry van is concerned, a separate case FIR # 1200, dated 16.11.2015 u/s 381-A/411 PPC PS Cantt is pending before this court against one of the co-accused namely Muhammad Ali and fixed for evidence. So, in these circumstances, when the recovery of the alleged stolen motorcycle is doubtful, if the remaining evidence in the instant case will be collected, no fruitful purpose can be served resultantly, the fate of case is acquittal of accused because of weak evidentiary point of view.

Therefore, in these circumstances, by invoking the power u/s 249-A Cr.P.C the accused namely 1. Aamir Qureshi, 2. Naqash Shahid, 3. Afzal, 4. Abbas,

ms  
17-03-2021  
78  
EXAMINED  
27/03/2021

Checked  
A. H. Khan  
27/03/2021  
ADDITIONAL DEPUTY  
COMMISSIONER  
Abbottabad

(22)

(3)

Abbas, PW admitted that nothing was recovered from or on the pointation of accused Abbas in his presence. Cross examination on behalf of accused namely Muhammad Ali and Qasim was reserved.

Mr. Muhammad Nazir ASHO appeared before the court and was examined as PW-2, who stated that during the days of occurrence he was posted as ASHO PS Cantt, Abbottabad. Faisal Report Madd # 28, Rozmancha dated 15.03.2016 PS Cantt, Abbottabad was marked to him by SHO PS Cantt, Abbottabad. He conducted the inquiry and submit his report overleaf the Madd # 28 that the offence is of u/s 381-A PPC. He has seen his report which is correct and correctly bears his signature and is Ex PW-2/1. During cross examination on behalf of all accused conducted by learned counsel of accused he admitted that he did not conduct any inquiry and investigation into the offence. He did not record statement of any person in this respect.

Arguments over the application u/s 249-A Cr.P.C heard and record was gone through.

From perusal of the record it found that initially complainant namely Muhammad Ali lodged the instant report/FIR in respect of missing of his motorcycle against unknown accused which was later on recovered from the possession of one accused namely Qasim through recovery memo dated 13.04.2016. During investigation, local police also recovered different motorcycles in the instant case but PW namely Mehboob FC # 51 who was the marginal witness of recovery memo exhibited as Ex PW-1/1, in his cross examination admitted that he does not remember the registration number, chassis number and engine number of the motorcycle about which the case FIR # 379 dated 20.03.2016 u/s 381-A/411 PPC PS Cantt, was registered. He further admitted that accused Afzal was not present at that time neither he made any pointation. Moreover, in his cross examination he also admitted that IO prepared the recovery sketch of said recovery, the same is exhibited as Ex PW-1/D-1 but he does not remember the exact numbers of recovered motorcycles which were recovered from garage situated at forest colony however, they were many. Similarly, question was put by the learned counsel for accused to the witness that to tell whether the motorcycle mentioned in Ex PW-1/1 was recovered from forest colony of which you are showing the recovery sketch and is exhibited as Ex PW-1/D-1, in reply witness admitted that he

Handwritten notes and signatures on the left margin, including a date "17/3/2016" and a signature.

Admitted  
ADIL MIR  
Advocate High Court  
Abbottabad

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(5)

5. Muhammad Sajid and 6. Muhammad Ali are hereby acquitted from the charge leveled against them. Their sureties stand discharged.

So far as, accused namely Qasim is concerned, as direct recovery of stolen motorcycle has been effected from him and he is also not present before the court, therefore, this court deems it appropriate to record evidence to the extent of accused Qasim. NBWA be issued against absent accused namely Qasim and his sureties. Counsel for the accused namely Qasim is directed to produce the accused on the next date fixed. PWs also be summoned for 27/3/21.

Announced  
17.03.2021

SAJID AMIN  
JM-1, Abbottabad 17/3/2021

ORDER  
27.03.2021

Accused namely Aamir Qureshi, Naqash Shahid, Afzal, Abbas, Muhammad Sajid and Muhammad Ali are already acquitted. Learned APP for the state present. Accused Qasim absent. Warrant of arrest be issued against absent accused. PWs also be summoned for 06-4-21.

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JUDICIAL MAGISTRATE  
ABBOTTABAD

Sajid Amin  
Judicial Magistrate-I  
Abbottabad

Heard  
H. H. H. H.



ORDER  
06.04.2021

Accused namely Aamir Qureshi, Naqash Shahid, Afzal, Abbas, Muhammad Sajid and Muhammad Ali are already acquitted. Learned APP for the state present. Accused Qasim absent. Warrant of arrest be issued against absent accused. PWs also be summoned for 21-4-21

*CA*  
Sajid Amin  
Judicial Magistrate-I  
Abbottabad

Order  
21-4-21

Accused namely Aamir Qureshi, Naqash Shahid, Afzal, Abbas Sajid and Muhammad Ali are already acquitted. APP present

Accused Qasim absent. Warrant of arrest be issued against absent <sup>and complainant</sup> accused. PWs also be summoned for 22/4/21

*CA*

attached to be true copy

22 APR 2021  
EXAMINER  
Sessions Judge  
Abbottabad

8059 22/04/21

*Sajid*  
22-04-21  
22-04-21

*Learned*  
*Aamir*  
ADIL MEER  
Advocate High Court  
Abbottabad

(24)

Amex H.

محضور جناب ڈی ایف او پیٹرول سکواڈ لوہر ہزارہ فارسٹ سرکل ایبٹ آباد

عنوان: ملازمت پر بحال کرنا

جناب عالی!

مودبانہ گزارش ہے کہ من فذوی کو بحوالہ آفس آرڈر نمبری 87 بحریہ 15.03.2016 بطور چوکیدار بھرتی کیا گیا تھا (کاپی لف ہے)۔ من فذوی بھرتی ہونے کے بعد اپنی ڈیوٹی نہایت امانتداری سے کر رہا تھا۔ اسی دوران من فذوی کا نام FIR (کاپی لف ہذا) میں چاک کر دیا گیا جو کہ سراسر جھوٹ پر مبنی تھا۔ بجائے کسی تحقیق کے یا بجائے کسی پوچھ گچھ کرنے کے من فذوی کو بحوالہ آفس آرڈر نمبری 92 بحریہ 13.04.2016 (کاپی لف ہے) کو ملازمت سے نکال دیا گیا جو کہ من فذوی کے ساتھ بالکل نا انصافی تھی۔

جناب عالی! اسی مذکورہ FIR کا کیس عدالت میں زیر سماعت ہو گیا جس کا کافی لمبی شنوائی کے بعد مورخہ 17.03.2021 کو فیصلہ ہوا (کاپی لف ہے) جس میں من فذوی کو تمام الزامات سے بھری کر دیا گیا جو کہ اسی کیس میں مزید حکم نامہ فیصلہ بحریہ 21.04.2021، 27.03.2021، 06.04.2021 میں بھی نمایاں لکھا گیا۔

جناب عالی! عدالت کے جاری کردہ مذکورہ حکم نامہ، فیصلہ جات کے پیش نظر من فذوی کا نام میں FIR یا من فذوی پر الزامات جو مذکورہ FIR میں لگائے ہیں وہ بے بنیاد ہیں۔ لہذا جناب سے التجا ہے کہ من فذوی کو اپنی نوکری پر بحال کیا جائے اور ساتھ سے تمام Benefits بھی دیے جائیں۔



اپکی عین نواش ہوگی۔

العارض

سائل: عامر قریشی ولد ڈی جی محمود سابقہ چوکیدار پیٹرول سکواڈ لوہر ہزارہ ایبٹ آباد

Signature of the petitioner, General Manager, Forest Department, Abbottabad.

Doc (PAP)  
Please inquire into the matter and submit report in 7 days  
کاپی برائے اطلاع و ضروری کارروائی:

- 1- جناب چیف کنزرویٹرز صاحب، سنٹرل سدرن فارسٹ ریجن-1، پشاور۔
- 2- جناب چیف کنزرویٹرز صاحب، ناردرن فارسٹ ریجن-11، ایبٹ آباد۔
- 3- جناب کنزرویٹرز صاحب، لوہر ہزارہ فارسٹ سرکل ایبٹ آباد۔

Dispatch Office of the Conservator of Forests, Forest Department, Abbottabad.

DESPATCHER  
CCF Northern Forest  
Region-II Abbottabad

Advised  
ADIL MIR  
Advocate High Court  
Abbottabad



(25)

OFFICE OF THE  
DEPUTY COMMISSIONER  
FINANCE & PLANNING WING  
ABBOTTABAD

Annex I

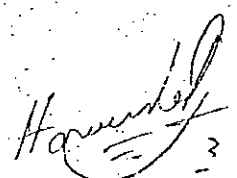
No. 1/11/Pol/1795-97  
Dated: 26/05/2021

To,  
The Divisional Forest Officer,  
Petrol Squad Lower Hazara Forest Circle  
Abbottabad.

Subject: ENQUIRY

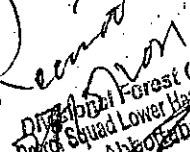
Memo:  
On the application of Aamer Qureshi s/o Deputy Mehmood Chowkidar  
Petrol Squad Lower Hazara Forest Circle Abbottabad the worthy Deputy  
Commissioner Abbottabad has desired to conduct enquiry of the matter (copy  
enclosed).

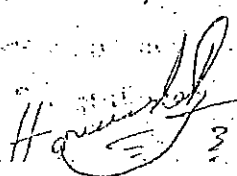
You are required to appear before the undersigned along with relevant  
record on 31.05.2021 (Monday) at 11:00 AM in the office of the undersigned, so  
that the matter may be probed and report be submitted to the w/DC as desired by him.

*for*   
Addl: Deputy Commissioner (F&P)  
Abbottabad


Endst: No. & Dated Even:

1. The Deputy Commissioner Abbottabad for information please.
2. Aamer Qureshi s/o Deputy Mehmood Chowkidar Petrol Squad Lower Hazara Forest Circle Abbottabad t/o Forest Colony Abbottabad with the directions to appear before the undersigned for personal hearing on the date, time and venue noted above.

*Recd*  
  
Divisional Forest Officer  
Petrol Squad Lower Hazara Circle  
Abbottabad

*for*   
Addl: Deputy Commissioner (F&P)  
Abbottabad

*Attended*  
*Adil Mir*  
**ADIL MIR**  
Advocate High Court  
Abbottabad

(28) Divisional Forest Officer Patrol Squad Lower Hazara Abbottabad		Annex J Civil Line Forest Offices Abbottabad ☎ 0992-9310425 E-mail:
No. 825 /PS, dated Abbottabad the 28/5/2021		

Conservator of Forests  
Lower Hazara Forest Circle  
Abbottabad

Subject:- APPEAL OF MR. AMIR QUERSHI EX-  
CHOWKIDAR

Memo: Ref: your office No.10103/GE, dated 24/5/2021

It is submitted that the decision / court order attached with the above appeal reveals that Mr. Amir Qurashi was acquitted from the charge leveled against him for stolen of Motorcycle vide FIR No.379, dated 20/3/2016 U/S 3810A/411 PPC.

Brief facts of the case are as under:-

1-Mr. Amir Qurashi was appointed as Chowkidar if Patrol Squad Forest Division Abbottabad vide office order No.87, dated 15.3.2016 for a probation period of two years.

2-Before completion of probation period as laid down in term 01 of above office order, just after appointment i.e 15.3.2016 he was found involved in the above criminal case on 20.3.2016, when he had served only five (5) days of his service in the department.

3-As per terms and condition of S.No.4 of appointment order he alongwith other accused were terminated from Government Service vide office order No.87, dated 15.3.2016, due to their involvement in the criminal case in view of FIR lodged against them in Police Station Abbottabad.

4-Mr.Amir Qurashi Ex-Chowkidar preferred an departmental appeal against termination order which was rejected by the Appellant authority (Conservator of Forests Lower Hazara Forest Circle Abbottabad) vide his letter No.1931-32/GE, dated 26.8.2016

C:\Users\WABQ\Desktop\New folder\Qurashi.docx

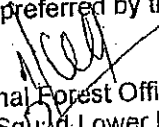
Filed  
Amir  
P11.....  
AMIR  
COURT

27

P/2

5-It is also to clarify here that the appellant has been acquitted from the criminal case charged in FIR No. 379, dated 20/3/2016 U/S 3810A/411 PPC, therefore his appeal regarding reinstatement into service cannot be considered as no service appeal was filed by him nor decided in his favour.


Moreover, he was not entitle to be reinstated in service in the light of Rule 6(3) of Government of Khyber Pakhtunkhwa Civil Servants Act 1973 as provided in last paragraph of ibid rules "that in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion the appointing authority" and similarly provided in Rule 15 (3) of ibid rules (updated virgin of 1989) " on successful completion of probatlon period, the appointing authority shall, by specific order terminate the probation of the officer or official concerned within two months after the expiry of probation period prescribed in sub rules (1)" , as he could not completed his probation period of service satisfactorily, therefore, he is not liable to be reinstated in Government Service and recommended that the appeal preferred by the Ex-Chowkidar may kindly be filed please.

  
Divisional Forest Officer  
Patrol Squad Lower Hazara  
Abbottabad

*Admitted*  
*Admitted*  
**ADIL MIR**  
Advocate High Court  
Abbottabad

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Annex R

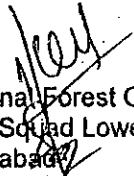
<b>Divisional Forest Officer Patrol Squad Lower Hazara Abbottabad</b>		Civil Line Forest Offices Abbottabad ☎ 0992-9310425 E-mail:
No. <u>857</u> /PS, dated Abbottabad the <u>8/6</u> /2021		

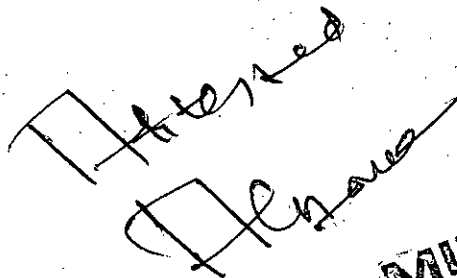
Mr. Amir Qurashi  
Ex-Chowkidar  
Abbottabad

Subject:- APPEAL OF MR. AMIR QUERSHI EX-  
CHOWKIDAR

Memo: Ref: your appeal dated nil

On receipt of your appeal the same has thoroughly been probed by the undersigned and detail report was submitted to Conservator of Forests Lower Hazara Forest Circle Abbottabad vide this office No. 825/PS, dated 28/5/2021, copy of which is enclosed herewith for your information .

  
Divisional Forest Officer  
Patrol Squad Lower Hazara  
Abbottabad



**ADIL MIR**  
Advocate High Court  
Abbottabad

بخدمت جناب کنٹریوٹری جنٹل لوئر ہزارہ سرکل ایبٹ آباد

عنوان: محکمانہ اپیل برخلاف حکم نمبری 825/PS مورخہ 28-05-2021

صادر شدہ DFO پٹرول سکوڈ ہزارہ ایبٹ آباد۔

جناب عالی!

اپیل ذیل عرض ہے

۱۔ یہ کہ سائل کو اپنے والد چوکیدار ڈپٹی محمود کی جگہ ان کی ریٹائرمنٹ کے بعد حکم نمبری 87 مورخہ 15-03-2016 کو چوکیدار تعینات کیا گیا۔ حکم بھرتی مورخہ 15-03-2016 لفس ہے۔

۲۔ یہ کہ جناب DFO پٹرول سکوڈ لوئر ہزارہ کے حکم نمبری 92 مورخہ 13-04-2016 کو بغیر کسی نوٹس و شنوائی کے اور بغیر دفاع کا موقع دینے نوکری سے فارغ کر دیا اور عذر یہ لکھا کہ سائل مجرمانہ حرکات میں ملوث ہے۔ اسی طرح کسی قسم کی انکوائری بھی نہ کرائی حکم فراغت نوکری مورخہ 13-04-16 لفس ہے۔

۳۔ یہ کہ سائل کی جگہ فوراً غلط بے بنیاد اور غیر قانونی طور پر محکمہ کے ریٹائرڈ ملازمین کے کوائٹے پر خالد محمود ولد محمد خوش دل سکندہ بٹنگی دی موہری کو مورخہ 02-05-2016 کو بھرتی کیا گیا حالانکہ اس کا والد آرمی سے ریٹائرڈ صوبیدار ہے۔ حکم تقرری خالد مذکورہ مورخہ 02-05-2016 لفس ہے۔

۴۔ یہ کہ سائل کو مجاز عدالت فوجداری نے تمام الزامات سے بری کر دیا فیصلہ عدالت فوجداری مورخہ 17-03-2021 لفس ہے۔

۵۔ یہ کہ سائل نے نوکری پر بحالی کے لیے جناب DFO لوئر ہزارہ سرکل کو مورخہ 24-05-2021 کو درخواست گزاری اور آپ جناب کو بھی کاپی مرسل کی گئی اسی طرح ایڈیشنل ڈپٹی کمشنر صاحب کو بھی ڈپٹی کمشنر صاحب نے انکوائری کے لیے درخواست ارسال اور حکم جناب ADC ایبٹ آباد لفس ہیں۔

۶۔ یہ کہ جناب DFO پٹرول سکواڈ لوئر ہزارہ نے مورخہ 28-05-2021 کو بذریعہ آرڈر نمبری 825/PS درخواست میں بابت بحالی ٹوکری خارج کر دی اور من سائل کو مورخہ 08-05-2021 کو اس نسبت اطلاع دی گئی نقل حکم نمبری 825/PS مورخہ 28-05-2021 اور اطلاع یابی 08-06-2021 لف ہیں۔

۷۔ یہ کہ زیر قانون KPK سرکاری ملازمین 1973 قواعد و ضوابط تقرری و حکومتی پالیسی اور آئین و قانون ملک پاکستان سائل اپنی سیٹ جو کہ ریٹائرڈ ملازمین کے بچوں کے لیے مختص ہے پر بحالی کا حقدار ہے اور اسی طرح سائل سابقہ سارے عرصہ کے ملازمت کے Benefits کا بھی حقدار ہے۔

۸۔ یہ کہ خالد محمود کی بھرتی غیر قانونی، بلا جواز، بلا اختیار اور بد نیتی پر مبنی ہے جسے کلعدم قرار دے کر ختم کیا جائے اور سائل کی ملازمت پر بحالی کے احکامات بمع سابقہ Benefits جاری کیئے جائیں کیونکہ سائل نہ صرف اپنے والدین کا واحد سہارا ہے بلکہ اپنے فوت شدہ بھائی محسن قریشی کے یتیم بچوں کا بھی واحد کفیل ہے۔

آپ کا خیر اندیش

عامر قریشی (سابق ملازم اچوکیدار) ولد ڈپٹی محمود ساکنہ ملک پورہ ایبٹ آباد


العبد

ADIL MIR  
Advocate High Court  
Abbottabad



31

Annex M'

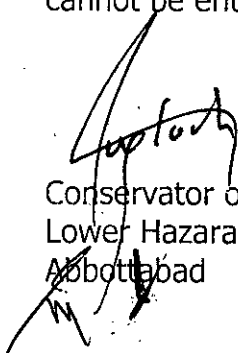
<b>Syed Muqtada Shah</b> <b>Conservator of Forests</b> <b>Lower Hazara Forest Circle</b> <b>Abbottabad</b>		Civil Line Forest Offices Abbottabad ☎ 0992-9310232 Fax 0992-9310233 E-mail: <a href="mailto:cflhfc@gmail.com">cflhfc@gmail.com</a>
No. <u>27</u> /GE dated Abbottabad the <u>05/07/2021</u>		

Mr. Amir Quershi  
Ex-Chowkidar  
S/O Deputy Mehmood  
Resident of village Upper  
Malikpura Tehsil & District Abbottabad

Subject: **APPEAL AGAINST LETTER NO. 825/PS DATED 28-05-2021**

Memo Reference your appeal dated 25-06-2021.-

Your appeal has already been decided by Appellate Authority vide this office letter No. 1931/GE dated 26-08-2016. Therefore, your instant appeal dated 25-06-2021 cannot be entertained / considered at this stage, hence filed.

  
Conservator of Forests  
Lower Hazara Forest Circle  
Abbottabad

S.No. \_\_\_\_\_

Name of Advocate Adil Mir

DBA NO. 696 TBA NO. \_\_\_\_\_

BC No. 16-1964

R.s.100/=



وکالت نامہ  
Sarda Amber Maqsood  
Finance Secretary  
District Bar Association  
Abbottabad

بعدالت مروس بر وقت قبول ضمیمہ کنندہ کی خواہ

عنوان: عامر قمری نام ہمای - الف - حلو و حلیر

منجانب: سید امجد علی شاہ نوعیت مقدمہ مروس اپیل

باعث تحریر آنکہ میں نے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تفسیر مقدمہ بمقام سید امجد علی شاہ کے لیے

عادل میر کو سزا ہائی کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروڑ تھپیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ بکھری کے علاوہ کسی اور جگہ ساعت ہونے پر یا بروڑ تھپیل یا بکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختاری کے واپس کرانے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختمہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ڈگری و نظر ثانی اپیل گرانہی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر تائیدی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از بکھری صدر اپیل و برآمدگی مقدمہ یا ہنسوفی ڈگری یکطرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از گرفتاری واجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ مختار پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے جمانے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور کسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 27/12/2021

دن 27 ماہ 12 سال

لہذا وکالت نامہ سید امجد علی شاہ کے سندر ہے۔

نوٹ: وکالت نامہ کی نوٹو کاپی قابل قبول نہ ہوگی

Adil Mir  
Advocate High  
Abbottabad

سید امجد علی شاہ  
AMIR Qureshi

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

Put up to the court with  
relevant app.,

C.M. NO. \_\_\_\_\_/2022  
IN  
APPEAL NO. 7356/2021

Khyber Pakhtunkhwa  
Service Tribunal

Registry No. 377

Dated 21-6-2022

AMIR QURESHI

VS

FOREST DEPTT:

APPLICATION FOR WITHDRAWAL OF THE ABOVE  
MENTIONED SERVICE APPEAL

R.SHEWETH:

1. That the above mentioned service is pending adjudication before this august Tribunal which is fixed for hearing on 20.07.2022 at Camp Court Abbottabad.
2. That appellant filed the above mentioned appeal against his removal from service.
3. That during pendency of the above mentioned appeal the respondent department redressed grievances of the appellant through order dated 03.06.2022 and the appeal in hand became anfractuious. Copy of the order is attached.
4. That the appellant want to withdraw the instant service appeal being anfractuious after the issuance of order dated 03.06.2022.

It is, therefore, most humbly prayed that on acceptance of this application the above mentioned appeal may very kindly be withdrawn.

Dated: 17.06.2022.

APPELLANT/ APPLICANT

  
AMIR QURESHI

THROUGH:   
MIR ZAMAN SAFI  
ADVOCATE

OFFICE ORDER NO. 64 DATED ABBOTTABAD THE 31/6/2022 ISSUED BY MR. SHEHRYAR DELAWAR DIVISIONAL FOREST OFFICER PATROL SQUAD FOREST DIVISION ABBOTTABAD

Consequent upon the directives/ decision contained in minutes of the meeting regarding grievances redressal committee constituted vide Chief Conservator of Forests Northern Forest Region-II Abbottabad Office Order No. 27, dated 27.12.2021 on the recommendation of committee constituted vide office order No.63 dated 1.6.2022, Mr.Aamir Quarishi S/O Deputy Mehmood resident of Jalal Baba chowk upper Malikpura Abbottabad, is hereby appointed as Naib Qasid in BPS-3(Rs.9610-390-21310) with usual allowances as admissible under the rules against the vacancy accorded through approved SNE of Naib Qasid (Son's quota) in Patrol Squad Forest Division Abbottabad. The order will take effect from the date of his arrival for duty with the condition that he will provide an affidavit that he will withdrawal of his appeal filed in KP Service Tribunal against the department.

**His appointment is subject to the following conditions.**

- i- His appointment as Naib Qasid is purely temporary and his service/employment in the Forest Department is also purely temporary and as such his service can be terminated without any notice as laid down in Rule 11 of Government of Khyber Pakhtunkhwa Establishment & Admn; Department (Regulation Wing) Notification No. SO (O & M) E & AD/5-14/2013 dated 4.4.2013.
- ii- The appointee should join duty at his own expenses within **10 days** from the date of issue of this order. If appointee fails to join the duty within 10 days after issuance of this order his appointment will be considered as cancelled.
- iii- The appointee shall remain on one-year probation period in accordance with section 6(2) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 15(i) of the Khyber Pakhtunkhwa Civil Servant (appointment, Promotion and Transfer) Rules 1989. If the appointee failed to complete the probation period un-successfully or any adverse remarks received from his superior officer then his service will be terminated without any further notice.
- iv- In case appointee wish to resign at any time, one month notice will be necessary or in lieu thereof one month pay will be forfeited.
- v- He will be governed by such rules and orders relating to leave, traveling allowances, medical attendance, pay etc, or may be issued by Govt. for the category of Government servant to which he will belong.
- vi- The appointment is subject to the production of age and health certificate from Medical Superintendent District Headquarter Hospital Abbottabad as well production of their original testimonials.

Sd/- (Shehryar Delawar)  
Divisional Forest Officer  
Patrol Squad Forest Division  
Abbottabad  
Memorandum:-

- 1- Chief Conservator of Forest Northern Forest Region-II Abbottabad for favour of information with reference to his endorsement No.9364-65/E, dated 18/5/2022 please
- 2- Conservator of Forests Lower Hazara Circle Abbottabad for favour of information please.
- 3- Divisional Accountant Patrol Squad Forest Division Abbottabad for information.
- 4- Mr.Aamir Quarishi S/O Deputy Mehmood Jalal baba Chowk Upper Malikpura Abbottabad for information and necessary action.
- 5- Office Order File

Divisional Forest Officer  
Patrol Squad Forest Division  
Abbottabad

7356/2021

Amir Qureshi vs Forest

20/10/2021

22/12/2021

0331-3761999

عامر قریشی

**VAKALATNAMA**

**BEFORE THE KP Service Tribunal, Peshawar**

\_\_\_\_\_ OF 2022

Amir Qureshi

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Forest Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Amir Qureshi

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_\_/\_\_\_\_\_/2022

Amir Qureshi  
CLIENT

Mir Zaman Safi  
**ACCEPTED**

**MIR ZAMAN SAFI**

Said Rehman  
&  
**SAID REHMAN**  
**ADVOCATES**

OFFICE:

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Mobile No.0323-9295295

0317-9743003