

S.A 7695/2021

10.01.2022

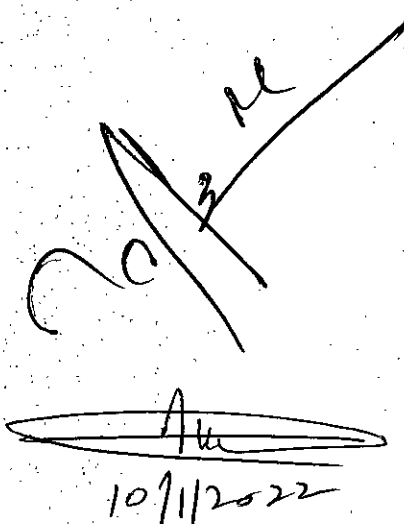
Appellant alongwith counsel present.

Learned counsel for the appellant has submitted an application for withdrawal of the appeal at hands. Application placed on file. Signature of the appellant also obtained in the margin of order sheet.

In view of the above, the appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
10.01.2022


Chairman


10/1/2022

15.12.2021

Counsel for the appellant present. Preliminary arguments heard.

The service appeal in hand has been instituted invoking jurisdiction of the Service Tribunal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 where-under the original impugned order dated 21.06.2021 and appellate order dated 20.10.2021 have been challenged and assailed. The appellant is aggrieved of the impugned order dated 21.06.2021 of respondent No.3 whereby recovery of Rs. 1,50,000/- (cost of weapon) was imposed which was to be recovered in ten(10) equal installments. Feeling aggrieved with the impugned order, the appellant submitted departmental appeal on 29.06.2021 which was disposed of. However, the recovery of Rs. 150000/- was to be made in thirty equal installments with warning to be careful in future. Thereafter the instant service appeal was filed in the Service Tribunal on 28.10.2021. It was further contended that the incident of missing of official Russian rifle took place back in 2007 whereas enquiry was conducted after lapse of thirteen long years in 2021.

The appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 24.02.2022 before S.B.

Appellant Deposited
Security & Process Fee

21/12/21

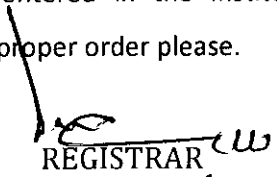

(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 7695/2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/10/2021	<p>The appeal of Mr. Aziz-ur-Rehman presented today by Mr. Muhammad Ilyas Orakzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>15/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

AND THE RESPONDENT NO 2 UPHELD THE PENALTY IN 30
EQUAL INSTALLMENTS WITH A WARNING TO BE CAREFUL IN
FUTURE ON ACCOUNT OF COST OFFICIAL WEAPON AGAINST
THE APPELLANT.

Prayer in appeal:

On acceptance of this appeal, the impugned office order dated 21/06/2021 passed by the respondent No 3 and appellate order dated 20/10/2021 of respondent No 2 may kindly be set aside and the appellant may kindly be exonerated from imposed amount i.e. Rs. 1,50,000/- with such other relief as may deem fit in the circumstance of the case, may also be granted in favour of the appellant.

Respectfully Sheweth:-

1. *That the appellant is serving since his appointment as Forest Guard under the command and control of the respondents.*
2. *That the appellant performed his duties with full devotion, zeal and to the entire stratification of his high-ups.*
3. *That in the year, 2007 the appellant was performing his duties as a Block Officer in Doaba District Hangu on 03/08/2007 on spy information regarding timber smuggling the appellant alongwith two other private guard made Naka Bandi on Main Thall-Hangu Road at Mero Kor Saro Zai.*

4. *That on the above date, at the dark night, some unknown persons of Taliban Group was kidnapped the appellant alongwith the private guards, Pick Up hired on rent by the appellant and Official Rifle, that after some distance the appellant alongwith two other guards were enroped in near forest of Village Saro Zai and snatched the Pick Up and Official Rifle, when the Taliban left the spot after snatching Official Rifle and vehicle the appellant and guards freed themselves from ropes and thereafter the said occurrence was reported by the appellant to the local police of Police Station Doaba through Daily Diary No 30 dated 03/08/2007, lateron on 15/11/2008 the statement u/s 164 Cr.P.C was also recorded, case file was sent to DPP for opinion and for lodging of FIR in this regard the respondent No 3 also send letter No 1757 dated 09/04/2009 to the District Police Officer Hangu for registration of FIR, despite that no FIR was registered. (Copies of DD No 30 dated 03/08/2007, Statement u/s 164 Cr.P.C, application & DFO letter are attached as annexure "A", "B" "C" & "D" respectively).*
5. *That after long period of 13/14 years, the respondent No 3 passed the impugned Office Order No 144 dated 21/06/2021, whereby the recovery of Rs. 1,50,000/- was imposed on account of cost of official weapon against the appellant.*

(Copy of the impugned order 21/06/2021 is attached as annexure "E").

6. *That against the above Office Order No 144 dated 21/06/2021, the appellant preferred an appeal to respondent No 2, the appellate authority upheld the penalty in terms of 30 equal installments with a warning to be careful in future vide order dated 20/10/2021. (Copies of appeal and order dated 20/10/2021 are attached as annexure "F" & "G").*
7. *That the appellant highly aggrieved from the both the impugned Office Order No 144 dated 21/06/2021 of the respondent No 3 & appellate order No 23 dated 20/10/2021 of respondent No 2, filed the instant Service Appeal on the following ground inter alia:-*

Grounds:-

- A. *That the both the impugned Office Order No 144 dated 21/06/2021 of the respondent No 3 appellate order No 23 dated 20/10/2021 of respondent No 2 are illegal, void, unlawful, without lawful authority and ineffective upon the rights of appellant, hence needs to be set aside.*
- B. *That both the impugned Office Order No 144 dated 21/06/2021 of the respondent No 3 & appellate order No 23*

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dated 20/10/2021 of respondent No 2 are groundless, not supported by reason, which is violative of Section 24 of General Clauses Act, 1897, which is liable to be set aside.

- C. That the respondents has imposed alleged amount of Rs. 1,50,000/- without conducting any proper inquiry nor provided any opportunity of cross examination, thus appellant was not dealt under the principles of due process of law.
- D. That the respondents has imposed alleged amount to be recovered from the appellant on the basis of tentative assessment not supported by documentary or oral proof, thus findings of the respondents is based on assumption and presumption, which is not sustainable in the eyes of law.
- E. That the alleged occurrence took place in the year, 2007, the respondents remained silent for more then 13 years, such conduct of the respondents amounts to waiver and acquiescence, thus the respondents under given facts and circumstances are not entitled to recover the alleged amount from the appellant.
- F. That for the sack of arguments without conceding if it is admitted that the appellant is liable to pay the alleged

amount, such recovery does not match with the costs of official weapon, which was allegedly lost by appellant, so the alleged cost is highly harsh, illegal, which is out of paying capacity of appellant.

G. That no notice was served in any manner, whatsoever on appellant, the whole proceedings were conducting at the back of appellant, which is violative principles of natural justice.

H. That the respondents has leveled allegations for lost of Kalashnikov, but the description of the weapon was not provided in the impugned order nor the appellant was charge sheeted thus allegations leveled against the appellant were generally in nature, thus no action can be taken on generalized allegation.

I. That the instant appeal is within time and this Honourable Tribunal has the jurisdiction to entertain the instant appeal.

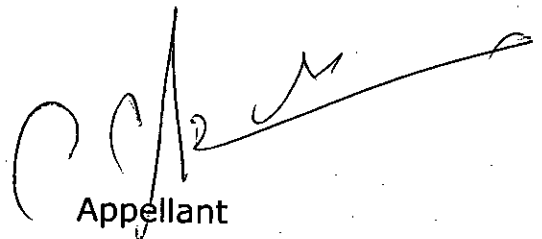
J. That the appellant reserves the right to agitate any other ground at the time of arguments.

It is, therefore, respectfully prayed that on acceptance of this appeal, the impugned office order dated 21/06/2021

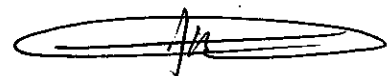
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passed by the respondent No 3 and appellate order dated 20/10/2021 of respondent No 2 may kindly be set aside and the appellant may kindly be exonerated from imposed amount i.e. Rs. 1,50,000/- with such other relief as may deem fit in the circumstance of the case, may also be granted in favour of the appellant.

Dated:- 28/10/2021

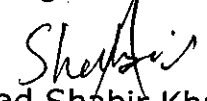

Appellant

Through:-



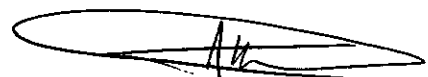
Muhammad Ilyas Orakzai
Advocate High Court

&


Muhammad Shabir Khalil
Advocate High Court

Certificate:-

It is certify that no such like Service Appeal has earlier been filed by the Appellant in this Honourable Tribunal.



Advocate.

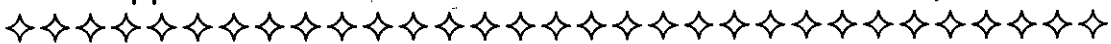
BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- _____/2021

Aziz Ur Rehman
..... Appellant

Versus

Govt: of KPK & others
..... Respondents



AFFIDAVIT

I, Aziz Ur Rehman (Forest Guard) S/o Muhammad Afzal,
R/o Mohallah Aziz Abad, Village Shinawari, P/o Zargari, Tehsil
Thall District Hangu, (The appellant) do hereby solemnly affirm
and declare on oath that the contents of this accompanying service
appeal are true and correct to the best of my knowledge and belief
and nothing has been concealed from this Honourable Court.

DEPONENT
CNIC No:- 14101-6011172-7
Cell No:- 0336-0979798

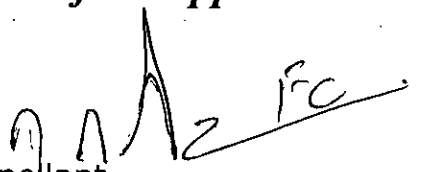
ATTESTED
IMRAN KHAN ADVOCATE
Auth
Commissioner
High Court Peshawar
28-10-2021

4. *That if both the impugned Office Order No 144 dated 21/06/2021 of the respondent No 3 & appellate order No 23 dated 20/10/2021 of respondent No 2 are not suspended, than the petitioners would suffer irreparable loss.*

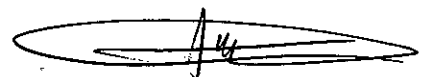
5. *That the facts and grounds of the service appeal may kindly be read as an integral part of this application.*

It is, therefore, respectfully prayed that on acceptance of this application, both the impugned Office Order No 144 dated 21/06/2021 of the respondent No 3 appellate order No 23 dated 20/10/2021 of respondent No 2 may kindly be suspended, till the final decision of the appeal.


Dated:- 28/10/2021


Appellant

Through:-


Muhammad Ilyas Orakzai
Advocate High Court

&


Muhammad Shabir Khalil
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- _____/2021

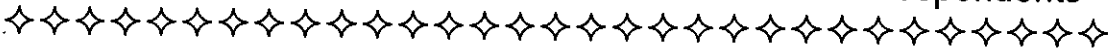
Aziz Ur Rehman

Versus

Govt: of KPK & others

..... Appellant

..... Respondents



AFFIDAVIT

I, Aziz Ur Rehman (Forest Guard) S/o Muhammad Afzal,
R/o Mohallah Aziz Abad, Village Shinawari, P/o Zargari, Tehsil
Thall District Hangu, (The appellant) do hereby solemnly affirm
and declare on oath that the contents of this accompanying
application are true and correct to the best of my knowledge and
belief and nothing has been concealed from this Honourable
Court.

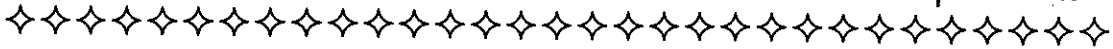
DEPONENT
CNIC No:- 14101-6011172-7
Cell No:- 0336-0979798

ATTESTED
IMRAN KHAN ADVOCATE
Avin
Commissioner
Majlis Court Peshawar
28-10-2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- _____/2021

Aziz Ur Rehman **Versus** Govt: of KPK & others
..... Appellant Respondents



ADDRESSES OF PARTIES

APPELLANT

Aziz Ur Rehman (Forest Guard) S/o Muhammad Afzal, R/o
Mohallah Aziz Abad, Village Shinawari, P/o Zargari, Tehsil Thall
District Hangu

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary Forest,
Khyber Road, near Pearl Continental (PC) Hotel, Peshawar.
2. Conservator Forest (South Circle) Khyber Pakhtunkhwa, Shami
Road, Peshawar.
3. Divisional Forest Officer, Kohat Forest Division, 40-Sial Baz Road,
Kohat Cantt Kohat.
4. Sub Divisional Forest Officer, Hangu Forest Sub Division, Hangu.

Dated:- 28/10/2021

Through:-

Appellant

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Muhammad Ilyas Orakzai
Advocate High Court

&

A handwritten signature in black ink, appearing to read 'Shabir'.

Muhammad Shabir Khalil
Advocate High Court


(11)

بیان از ان عزیز الرحمن و لاجم افضل منہ شہادتی فرمایا اور 164 164

شناختی کارڈ نمبر 14101-601172-7

برخلاف بیان کیا کہ میں حکمہ سنگھوں سے بطور فارسی شاہد ملازموں حسب معمول میں
ایک پیر انیسویں تک این نمبر 1027 میں دوران کیا ہوا روڈ نمبر 1027 کے راجہ قواد
سورج پور کے قریب لوفت 10-22 بج رہے سے دو ساتھی بخت جمال ولد شہدین
سکنہ میرزا کوچا حاصل دوران اور پیرت خان ولد جعفراد خان کٹر عظیمی بائوڑک
لوفت مقام وقوع موجود ہے۔ دوران اشخاص کیم مسٹر اول نمبر بھارتی ماسکو
جیوٹی کو میں۔ اسماعیل خان و لا نزیہ کیم جیوڑ بائوڑک طورہ وری حاصل
دوران جو قبل از وقوع تھا وہاں سے ایک دو دفعہ ڈوٹی پر گیا تھا۔
اور پھر تمام حالات معلوم ہے۔ دوران وقت وقوع ہمارے ایک آج
نوشہ ہر عین کرتے تھے۔ اور انیس تینوں ماہوں میں پچھلے سیدھی
جانب سرورگی کے جا کر وہاں ہمارا نام لایا کے نزدیک ایک ایسے اٹارکر
ہمارے ہیں گئے۔ جسے کارورگی میں نے پورا پورا 3/8 خانہ دوران
میں درج کر رکھا ہے۔ یہ دوران وقوع سے طرز خان کا تلاش و پتہ ہمارا ہے
معلوم تھا۔ اسماعیل خان منکرہ پیر پور کے پتہ سیشن دوران قبل اور
یہ دوران وقوع پتہ خود لگتا تھا۔ صنف 19/8 کو اسماعیل خان پتہ سیشن
دوران اگر شریک گھنٹہ ہوا۔ دوران گھنٹہ رہا ہے۔ پتہ سیشن
ایسے صنف سے نکالے آتے ہیں انہوں نے کارورگی میں 19/8 کو درج کر رکھا
نوشہ وقوع داروں نے پتہ صنف سے نکال کر لگایا۔ اس کے صنف سے درج
میں دیکھ کر ضرور آج ہا۔ اور پتہ پتہ ہے۔ جسے اسماعیل سے لیا

SAVED ZAHID SHAH
Civil Judge/Judicial
Magistrate-III Jhang
سید محمد زاہد شاہ

Attached


(2)

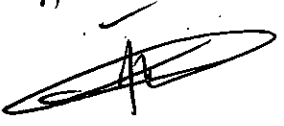
سہ ماہی فروشی کا کارڈ فریکو کمان شروع ہو گیا ہے۔ تو قیمتیں ڈاؤن کر کے رکھی
 اور پھر پھیل گئی۔ آج کل کھانا سہ ماہی سے ملنے نہ کر سکتے ہیں۔ کھانا کھتے تو مارکیٹ
 اور پھر بھی کھا سکتے ہیں۔ مسروقہ مچھلیوں میں اضافہ ہوا ہے۔ پتھر کے مچھلیوں
 اور عوام میں پتھر مندرہ آ کرے۔ ان کی قیمتیں جو تین دن قبل تھیں وہیں رہیں۔ یہ معاملہ
 ختم کر دینا چاہیے۔ اس وقت بھی کہا کہ یہ قیمتیں ¹⁵⁰⁰ ہزار ہوں ہیں۔ تاکہ یہ نل کارڈ
 اپنے سابقوں کے ساتھ باقی کرے۔ تو آٹھ ہزار اور دس ہزار سالانہ وغیرہ وہاں آ رہا ہے۔
 عوام کے ہزاروں اس لیے اس لیے ایک طرف سے یہ سونے کا کارڈ ہے ڈرا کر لیا
 چاہیے۔ نالی نہیں کر رہا تھا۔ ہی کیا۔ اور ¹⁵⁰⁰ ہزار اور ¹⁰⁰⁰ ہزار کے مچھلیوں سے
 لکھی تاکہ ان میں سے وہ دیا۔ وہ دوڑا ہے نل ¹⁵⁰⁰ ہزار اور ¹⁰⁰⁰ ہزار کے مچھلیوں سے
 یہ قیمتیں نل ہو رہی ہیں کیا۔ آج کے ڈاؤن کے اغواء کر دیا۔ میں اس کے عقب
 میں رہ کر ہاکی میں پتھر نل چلا گیا۔ تو نل بازار میں دیکھ لیتے ہیں ڈرا کر موجود
 ہے۔ یہ پتھر نل ¹⁵⁰⁰ ہزار اور ¹⁰⁰⁰ ہزار کے مچھلیوں سے کیا۔ اس کے نل بازار میں ڈرا کر
 چلا گیا۔ میں ڈرا کر نل کو سلخ ¹⁵⁰⁰ ہزار اور ¹⁰⁰⁰ ہزار کے مچھلیوں سے ڈرا کر
 اور اس کے نل بازار کے نل ڈرا کر شروع کیا ہے۔ یہ ¹⁵⁰⁰ ہزار اور ¹⁰⁰⁰ ہزار کے مچھلیوں سے
 ہے۔ اس کے نل بازار میں نل ڈرا کر کیا۔ اس کے نل ¹⁵⁰⁰ ہزار اور ¹⁰⁰⁰ ہزار کے مچھلیوں سے
 چلا گیا۔ یہ نہایت سے ڈرا کر بازار آیا۔ اور اس کے نل کو ریلوے سٹیٹ
 ڈرا کر سے ریلوے سٹیٹ میں چلا گیا۔ اس وقت کے مچھلیوں سے ڈرا کر اور
 ہزاروں مچھلیوں کے نل ہزاروں ہزاروں مچھلیوں سے ڈرا کر اور ¹⁵⁰⁰ ہزار اور ¹⁰⁰⁰ ہزار کے مچھلیوں سے
 موجود ہے۔ اس کے نل ہزاروں ہزاروں مچھلیوں سے ڈرا کر اور ¹⁵⁰⁰ ہزار اور ¹⁰⁰⁰ ہزار کے مچھلیوں سے
 اغوا لکھی اور مارکیٹ میں ہزاروں ہزاروں مچھلیوں سے ڈرا کر اور ¹⁵⁰⁰ ہزار اور ¹⁰⁰⁰ ہزار کے مچھلیوں سے
 سابقوں کے نل ہزاروں ہزاروں مچھلیوں سے ڈرا کر اور ¹⁵⁰⁰ ہزار اور ¹⁰⁰⁰ ہزار کے مچھلیوں سے
 وغیرہ عوام ڈرا کر لکھی۔ اگر ایسا نہ ہے تو میں ¹⁵⁰⁰ ہزار اور ¹⁰⁰⁰ ہزار کے مچھلیوں سے ڈرا کر اور ¹⁵⁰⁰ ہزار اور ¹⁰⁰⁰ ہزار کے مچھلیوں سے

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کاڑو کا رنگ تبدیل کرنا۔ یہاں دو گا۔ جو پندرہ روز پہلے وقت تک
 درجہ ذیل پر رکھا۔ ڈیہا پہلے حاضر ہو کر کیا۔ اس سے ہلکتے تھے۔ میں آج کو دو
 ونے روز چھ دن درجہ کم کرنے کے واسطے کرتا ہوں۔ اس دوران اس کے ساتھ
 کون صحت میں آگے بڑھ گیا۔ اس سے پہلے اس کا حال اتنا ہی تھا۔ اس کے ساتھ
 اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ
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بیلان کی ریسٹ سٹیٹمنٹ
 15/11/58
 عزیز ارشد علی محمد
 شافعہ محمد علی
 14101-6011172-7

certified by
 Mic / JM II
 15/11/2008

Attended


کچھ حجت DPP کا حصہ ہے

حوالہ نمبر 30 مورخہ 30/07/07 سے

حوالہ نمبر 164 مورخہ 15/11/08 سے

دو ایسٹ مراد درج کرنا FIR زبردستی 365A

پر خلاف اسماعیل خان والا نڈیم اور جدید باتوں پر درسی
و دیگر ملزما کے اسم مسکن کے نام سے

حبیب علی بگڑا

Attended

کے نام سے مورخہ 8/3/2007 کو ملزم کو ملزم کے نام سے اسم مسکن کے

نام سے ملزم کو ملزم کے نام سے 1027/00 مورخہ 10/07/07 سے

حوالہ نمبر 30 مورخہ 30/07/07 سے

صحت پر درج کی گئی - ملزم کے

15/11/2008 سے ملزم کے نام سے اسم مسکن کے نام سے

حوالہ نمبر 164 مورخہ 16/11/08 سے

12/3/2009 سے ملزم کے نام سے اسم مسکن کے نام سے

کو ایسٹ مراد درج کرنا FIR 365A مورخہ 30/07/07 سے

کے نام سے اسم مسکن کے نام سے

18

یہ دیکھ کر کہ جو نوٹس کف درج اس میں ہے۔ اس سے یہ ظاہر ہے کہ اس کے بارے میں ایک نوٹس 365A کے تحت جاری کیا گیا ہے۔
اس کے ساتھ ساتھ اس کے بارے میں ایک FIR درج کی گئی ہے۔
ان کے علاوہ ان کے بارے میں اور کوئی اطلاع نہیں ہے۔
موجودہ -

اس کے ساتھ ساتھ اس کے بارے میں ایک FIR درج کی گئی ہے۔
365A کے تحت درج کی گئی ہے۔ اس کے بارے میں ایک نوٹس 365A کے تحت درج کیا گیا ہے۔
11-5-2009
14101-6011172

ان کے بارے میں اور کوئی اطلاع نہیں ہے۔
موجودہ -

Attested
A

(19) Ant - 'D'

KOHAT FOREST DIVISION

Banglow No. 40- Sial Baz Road, Kohat
Cantt. Kohat Phone No. 0922-9260199
Fax No. 0922-511860

IAUKAT HAYAT KHAN
Divisional Forest Officer

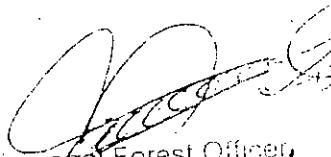


No. 1757/6 dated 9/4/2009

To The District Police Officer
Hangu

Subject: REGISTRATION OF FIR

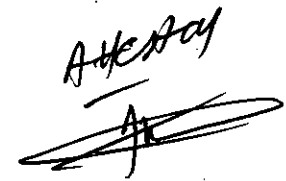
Enclosed please find herewith an application of Mr. Aziz-ur-Rehman Forest Guard of Hangu Forest Sub Division requiring for registration of FIR in Daska Police station regarding wrenching of Government gun (No.1986/nh) along with personal money, Government identity card, Mobile sets and other things for appropriate action under the rules


Divisional Forest Officer
Kohat Forest Division

No. _____ /G

Copy forwarded to SDFO Hangu for information and necessary action, with reference to his office endorsement No. nil dated 9.4.2009

Divisional Forest Officer
Kohat Forest Division



19

Better Copy

Shaukat Hayat Khan
Divisional Forest Officer

Kohat Forest Division
Banglow No. 40-sial baz road, kohat
Cantt, Kohat Phone No. 0922-9260199
Fax No. 0922-511860
No. 1757 dated 09.04.2009

To
The District Forest Officer
Hangu.

Subject: REGISTRATION OF FIR.

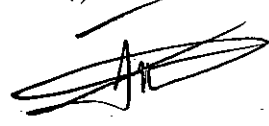
Enclosed a case and herewith an application of Mr. Aziz ur Rehman Forest Guard of Hangu Forest Sub Division requesting for registration of FIR in Doaba Police Station regarding wrenching of Government gun No. 1986/nhl alongwith personal money. Government identity card. Mobile sets and other things for appropriate action under the (sic).

Sd/-
Divisional Forest Officer
Kohat Forest Division

No. _____/O

Copy forwarded in SDFO Hangu for information and necessary with reference to his office endorsement No. nil dated 9.4.2009.

Sd/-
Divisional Forest Officer
Kohat Forest Division

AHCFD


20 Anz-E

OFFICE ORDER NO. 14/14 DATED KOHAT THE 21/16/2021 ISSUED BY MAZHAR IQBAL
DIVISIONAL FOREST OFFICER KOHAT FOREST DIVISION KOHAT.

Mr. Aziz-ur-Rehman Forest Guard of Hangu Forest Sub Division was proceeded under the Khyber Pakhtunkhwa Government servant (Efficiency and Disciplinary) Rules 2011 on account of loss of Govt. Kalashnikovs No. nh 1986 Russian made by some un known persons.

AND WHEREAS, an Enquiry Officer Mr. Saeed Anwer SDFO Karak was appointed as Enquiry Officer to conduct enquiry against the above named officials for the charges leveled against him within the ambit of (Efficiency and Disciplinary) Rules, 2011.

AND WHEREAS, the Enquiry officer stated that the preliminary inquiry conducted by Mr. Muhammad Rashid the then SDFO Hangu is quite satisfactory, therefore he recommended that the cost of Government weapon may be recovered from the accused official.

AND WHEREAS, I as Competent authority after examining ~~my~~ the charges, evidence on record, explanation of the accused official and personal hearing held on 18-6-2021 in presence of departmental prosecutor, am satisfied that the charges against the accused official has been proven.

NOW THEREFORE, in exercise of the powers, conferred by Rule 4(a)(iii) of the Khyber Pakhtunkhwa Government Servant (Efficiency and Disciplinary) Rules -2011, the undersigned (Competent Authority) is pleased to impose the recovery of Rs. 150000/- (one hundred & fifty thousand only) on account of cost official weapon against Mr. Aziz-ur-Rehman Forest Guard of Hangu Forest Sub Division in ten equal installments.

(Mazhar Iqbal)
Divisional Forest Officer
Kohat Forest Division

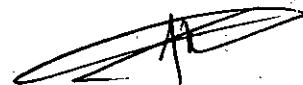
No 3010-14 /G

Copy forwarded to:

1. Mr. Saeed Anwar SDFO Karak (Enquiry Officer) for information with reference to his enquiry report received vide No. 37/KK dated 19.5.2021.
2. SDFO Hangu for information and necessary action.
3. Mr. Aziz-ur-Rehman Forest Guard of Hangu Forest Sub Division.
4. Personal File of the above named Forest Guard.
5. Divisional Accountant.

Divisional Forest Officer
Kohat Forest Division

AMEN



آرٹیکل 30 کے تحت 23 جاکے بنا۔ آئین کے تحت 30 جاکے بنا۔

آرٹیکل 30 کے تحت 23 جاکے بنا۔ آئین کے تحت 30 جاکے بنا۔

آرٹیکل 30 کے تحت 23 جاکے بنا۔ آئین کے تحت 30 جاکے بنا۔

آرٹیکل 30 کے تحت 23 جاکے بنا۔ آئین کے تحت 30 جاکے بنا۔

آرٹیکل 30 کے تحت 23 جاکے بنا۔ آئین کے تحت 30 جاکے بنا۔

Attested
[Signature]

اور D.P.P. کو لوگوں کو ارسال کر کے دیا گیا ہے۔
کسان میں سے

کہ طالبان سربراہ کسان بڑے سائیڈ میں رہیں گے۔ تمام کسان عدالتی
رہم و رواں کوٹ کر دینے لگے۔ تمام کسانوں کو خزانہ کا کارڈ دیا گیا

کہ کھنڈ صرف لیا۔ ہم اس واقعہ میں ملوث نہیں ہیں۔
اس وقت تمام صوبہ دولت مند ہے۔ بہت زیادہ گورنر سرکاری
گورنر کا یہ اس وقت زیادہ سرکاری ہے۔ طالبان کی تیز
پوزیشن۔ طالبان کسان کسے دیکھیں گے۔

کسین الیٰ ہنزہ سال ۱۹۵۱ء میں
نہو لہان سے ملو۔ کسانوں کو کھانے کی بات

Ahsan
[Signature]

کھانے کی بات۔ کسانوں کو کھانے کی بات
کھانے کی بات۔ کسانوں کو کھانے کی بات
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کھانے کی بات۔ کسانوں کو کھانے کی بات

تو ایستادگان نظام در حصار طرف صمدیاد و حصار انزلی

که بجای حصار دهنی دیا

فردا استرعام که وقت دهشت کردی حاجی صلا و مو مدخر
رکعتی سوگند و استرعام و غیره از منزهه رفق و مدد
کی اعلان صان فرمایند و شکر و دعا و صلوات

عین و اسیر بودی

29/06/2021 فقط ادا بکنید 29/06/2021 ✓

العام نامدار علی بن محمد فارس طاب

کتاب فارس و غیره
صفت و غیره

Attended


Received

Despatch
Conservator of Forests
Southern Circle
Peshawar
29/6/2021

25 Anx - G

OFFICE ORDER NO. 23 DATED PESHAWAR THE 20/10/2021 ISSUED BY
MR. GULZAR UR-REHMAN CONSERVATOR OF FORESTS SOUTHERN CIRCLE
PESHAWAR.

RESUMÉ:

- 1. DFO Kohat No. 130 dated 31/10/2020
- 2. Applied Mr. Aziz ur Rehman Forest Guard of Kohat Forest Division dated 29.06.2021
- 3. Report of the inquiry dated 13/10/2021 vide Conservator of Forests Southern Circle letter No. 22441 dated 13/10/2021

PRELIMINARY DISCUSSION

During the course of inspection of Kalashnikovs issued to Kohat Forest Division headed by SDFO Peshawar dated 16/03/2020, it has been pointed out that the Kalashnikov No. nh 1986 Russian Made issued to Mr. Aziz ur Rehman Forest Guard of Kohat Forest Division was found missing. On the inquiry it was disclosed that the Guard Kalashnikov in question has been wrenched by some unknown person for which the DFO Kohat vide letter No. 130 dated 31/10/2020 reported the matter to DPO Hangu for chalking of an FIR but till date no response progress received to DFO Kohat office. Fact finding inquiry was conducted through Muhammad Rashid the then SDFO Hangu vide DFO Kohat office order No. 130 dated 31/10/2020. The inquiry officer vide his letter No. 20-H dated 31/10/2020 has submitted his report, wherein it has been proved that the case has not properly been pursued and resultantly the Government has sustained loss to Rs. 150000/-.

ENQUIRY REPORT.

In order to probe the matter in light of rule 10(1)(a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 an inquiry committee comprising of Mr. Saeed Ahmad SDFO Karak has been constituted by the DFO Kohat vide his office order No. 77 dated 13/01/2021.

The inquiry officer in his report stated that the preliminary inquiry conducted by Muhammad Rashid SDFO Hangu is quite satisfactory and recommended therein that the cost of said government weapon may be recovered from the accused official. Opportunity of the personal hearing was also given to the official so as to safeguard the allegation, but in vain.

The DFO Kohat in the capacity of competent authority under Rule-4(a)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, imposed the recovery of Rs. 150000/- being the cost of Kalashnikov imposed upon Mr. Aziz-ur-Rehman Forest Guard in Ten (10) equal installments.

DECISION:

In light of Rules 2 (1) (b) of Khyber Pakhtunkhwa Govt. Servant (E&D) Rules-2011, the undersigned (Appellant authority) is pleased to impose the recovery of Rs. 150000/- (one hundred & fifty thousand) on account of cost government Kalashnikov bearing No. nh 1986 against Mr. Aziz-ur-Rehman Forest Guard of Kohat Forest Division in 30 equal installments, with a warning to be careful in future.

Sd/
(Gulzar-Ur-Rehman)
Conservator of Forests
Southern Circle, Peshawar

Handwritten signature

2407-09

Copy forwarded to: -

- 1. The Divisional Forest Officer Kohat for information and further necessary action. This is w/r to his letter No. cited above.
- ✓ 2. Mr. Aziz-ur-Rehman Forest Guard C/O DFO Kohat for information and necessary action. This is w/r to his application dated 29.06.2021.
- 3. Office Order file.

Handwritten signature
Conservator of Forests
Southern Circle, Peshawar

25

Better Copy

OFFICE ORDER NO. 23 DATED PESHAWAR THE 20/10/2021 ISSUED ON MR. GULZAR UR REHMAN CONSERVATOR OF FORESTS SOUTHERN CIRCLE PESHAWAR.

READ WITH: -

1. DFO Kohat letter No. 267/G dated 11.08.2021.
2. Appeal of Mr. Aziz ur Rehman Forest Guard of Kohat Forest Division dated 29.06.2021.
3. Personal hearing on 15.10.2021 vide Conservator of Forest Southern Circle letter No. 2294/E-22 dated 13.10.2021.

BRIEF HISTORY DISCUSSION

During the course of inspection of Kalashnikov issued to Kohat Forest Division headed by SDFO Patrol Squad Southern Circle Peshawar dated 16.03.2020, it has been pointed out that the Kalashnikov No. nh 1986 Russian Made issued to Mr. Aziz ur Rehman Forest Guard of Kohat Forest Division was found missing. On the inquiry it was disclosed that the Govt Kalashnikov in question has been wrenched by some unknown person for which the DFO Kohat vide letter No. 1257-SRO dated 09.04.2009, reported the matter to DPO Hangu for checking of an FIR but till date no response progress received to DFO Kohat Office. Fact finding inquiry was conducted through Muhammad Rashid the then SDFO Hangu vide DFO Kohat office order No. 130 dated 30.06.2020. The inquiry officer vide his letter No. 20/H dated 31.10.2020 has submitted his report, wherein it has been proved that the case has not properly been pursued and resultantly the Government has sustained loss to Rs. 150000/-.

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Opportunity of the personal bearing was also given to the official so as to safeguard the allegation but in vain.

The DFO Kohat in the capacity of competent authority under Rule -4(a)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, imposed the recovery of Rs. 150000/- being the cost of Kalashnikov imposed upon Mr. Aziz ur Rehman Forest Guard in Ten (10) equal installments.

DECISION:

In light of Rules 2 (1) (b) of Khyber Pakhtunkhwa Govt Servant (E&D) Rules-2011, the undersigned (Appellate Authority) is pleased to impose the recovery of Rs. 150000/- (one hundred & fifty thousand) on account of cost government Kalashnikov bearing No. ah 1986 against Mr. Aziz ur Rehman Forest Guard of Kohat Forest Division in 30 equal installments, with a warning to be careful in future.

Sd/-

(Gulzar ur Rehman)
Conservator of Forests
Southern Circle, Peshawar

No. 2407-09/E

Copy forwarded to:

1. The Divisional Forest Officer Kohat for information and further necessary action. This is w/r to his letter No cited above.
2. Mr. Aziz ur Rehman Forest Guard C/O DFO Kohat for information and necessary action. This is w/r to his application dated 29.06.2021.
3. Office order file.

Sd/-

Conservator of Forests
Southern Circle, Peshawar

AHestah

وکالت نامہ

بعدالت جہا - خیر کھٹون قواہ سروک سوسل سٹیم
ضلع: معنگو
مقدمہ فوجداری ادیوانی
مخانب: اپیل سٹیم

علت: مورخہ جرم: تھانہ:
عنبریز المرحمان بنام گواہینہ و خیر کھٹون قواہ
باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام۔ یہ سب کچھ کیلئے

محمد الیاس اور کزئی ایڈوکیٹ ہائی کورٹ، پشاور اینڈ محمد شبیر

خلیل ایڈوکیٹ ہائی کورٹ، پشاور مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو

مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دیئے جواب دعویٰ اور

اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط

کرنے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیر دامت کرنے اپیل نگرانی و پیروی کرنے کا

اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہو

گا دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل

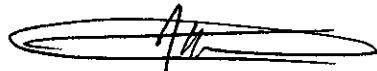
صاحب پابند ہوں گے۔ کہ پیروی مذکورہ کریں۔

لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم:- 28 ماہ 10 2021ء

عنبریز المرحمان و خیر کھٹون قواہ سروک سوسل سٹیم (اپیل سٹیم)
بمقام سٹیم کل منظر

Attested & Accepted



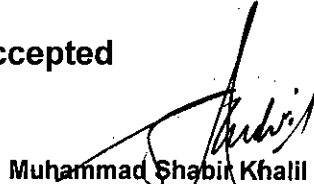
Muhammad Ilyas Orakzai

Advocate High Court

BC No:- 10-3471

CNIC 14101-0798923-7

Cell 0333-9191892



Muhammad Shabir Khalil

Advocate High Court

BC No:- 11-10999

CNIC 17301-1490356-7

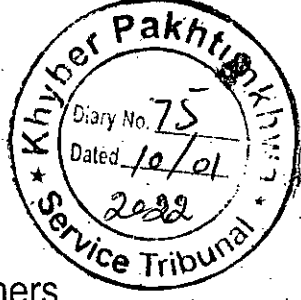
Cell 0333-9047138

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

CM No:- _____/2022

In

Service Appeal No:- 7695/2021



Aziz Ur Rehman

Versus

Govt: of KPK & others

..... Appellant

..... Respondents

**APPLICATION FOR WITHDRAWAL OF THE ABOVE
TITLED SERVICE APPEAL.**

Respectfully Sheweth:-

- 1. That the above titled Service Appeal is pending adjudication before this Honourable Tribunal, which is fixed for 24/02/2022.*
- 2. That the petitioner/appellant wants to withdraw the above titled Service Appeal as his promotion case is pending before the Higher authorities for the reason the petitioner does not want to continue the instant appeal.*

It is, therefore, humbly prayed that on acceptance of this application the applicant/ petitioner may graciously be allowed to withdraw the above titled Service Appeal with the permission to file fresh service appeal if his case was not considered for promotion.

Dated:- 10/01/2022

Through:-

Petitioner

Muhammad Ilyas Orakzai
Advocate High Court,
Peshawar.

*Put up to the worthy chain - ew
with relevant appeal.*

Reader

10/1/22.

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

CM No:- _____/2022

In

Service Appeal No:- 7695/2021

Aziz Ur Rehman

Versus

Govt: of KPK & others

..... Appellant

..... Respondents



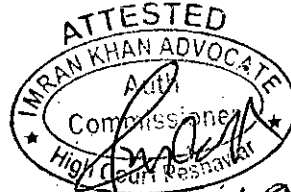
AFFIDAVIT

I, *Aziz Ur Rehman* (Forest Guard) S/o *Muhammad Afzal*,
*R/o Mohallah Aziz Abad, Village Shinawari, P/o Zargari, Tehsil
Thall District Hangu,* (The appellant) do hereby solemnly affirm
and declare on oath that the contents of this accompanying *service
appeal* are true and correct to the best of my knowledge and belief
and nothing has been concealed from this Honourable Court.

DEPONENT

CNIC No:- 14101-6011172-7

Cell No:- 0336-0979798



16-01-2021

Before the Khyber Pakhtoonkhwa Service
Tribunal Peshawar.

CM No. ——— 2022
in Service Appeal No. 7695/2021

Aziz-ur-Rehman vs Govt. of P.K.

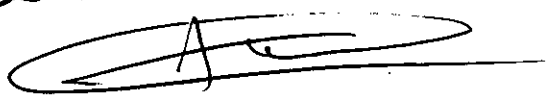
Application for Early Hearing
of the above titled appeal
on the following ground.

Respectfully Sheweth:-

- ① That the above titled appeal
is pending adjudication before this
Honble Tribunal and fixed for 24.2.2022.
- ② That appellant want to withdraw
the instant appeal on the
ground as mentioned in application
of withdrawal.

It is therefore most humbly
prayed that on receipt
of this application the
Honble Tribunal may kindly
cancel the appeal No. 7695/2021
and may kindly permit for early
hearing in the best interest of
justice.

Dated: 10-1-2022.


Aziz-ur-Rehman
Appellant
in Court.