


FORM OF ORDER SHEET

Court of _____

Case No.- _____ **192/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/1/2023	<p>The appeal of Mr. Sultanat Khan presented today by Mr. Imdad Ullah Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____ Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No 192 of 2023

Sultanat Khan Ex-Forest Guard Alpuri Forest Division, Alpuri, District Shangla.

...Appellant

VERSUS

The Secretary Forest Department Government of Khyber Pakhtunkhwa, Peshawar
and Others.

...Respondents

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Appellant Through

Ullah

Imdad Ullah

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,

Mingora Swat, Cell 0333 929 7746

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 192 of 2023

Sultanat Khan Ex-Forest Guard Alpuri Forest Division,
Alpuri, District Shangla.

...Appellant

VERSUS

1. The Secretary Forest Department Government of Khyber Pakhtunkhwa, Peshawar.
2. The Chief Conservator of Forests, Malakand Forest Region (Region III), Saidu Sharif, District Swat.
3. The Conservator of Forest, Malakand Circle East, Mingora, District Swat.
4. Divisional Forest Officer Alpuri, District Shangla.
5. District Accounts Officer, Alpuri, District Shangla.

...Respondents

SERVICE APPEAL UNDER SECTION 4
OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 FOR
THE RELEASE OF THE GENERAL
PROVIDENT FUND, FOR WHICH
PURPOSE THE APPELLANT
PREFERRED A DEPARTMENTAL
APPEAL, BUT THE SAME WAS NOT
RESPONDED TO DESPITE THE LAPSE
OF STATUTORY PERIOD OF TIME.

PRAYER:

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That on acceptance of this service appeal the respondents may very kindly be directed to release the General Provident Fund along with Compassionate Pension of the Appellant in accordance with rules.

Respectfully Sheweth:

Facts:

- i. That the Appellant was appointed as Forest Guard on 27-09-1972 in the Respondent Department. Copy of the order dated 27-09-1972 is enclosed as Annexure "A".*
- ii. That the Appellant performed his duties honestly and with punctuality, and due to that very reason no complaint was ever received by the authorities.*
- iii. That the Appellant was involved in a case FIR No. 424 dated 20-10-2014 under section 302/324 PPC and got convicted in the same. Copy of the FIR is enclosed as Annexure "B".*
- iv. That as a result of the conviction the Appellant was dismissed from service vide order No. 65 dated Alपुरi the 10-10-2017. Copy of the order is enclosed as Annexure "C".*
- v. That the Appellant then filed a departmental appeal and finally service appeal for his reinstatement, but the same was withdrawn in order to approach the authorities for the release*

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of his GP Fund and also to grant Compassionate Pension under the rules.

- vi. That the Appellant subsequently filed a departmental appeal for the release of the GP Fund and also requested for the grant of Compassionate Pension, but the same was not responded to despite the lapse of statutory period of time. Copy of the departmental appeal is enclosed as Annexure "D".
- vii. That the Appellant still feeling aggrieved and having no other option for the redressal of his grievances this Honourable Tribunal is approached on the following grounds.

Grounds:

- A. That treatment in accordance with the law is the fundamental right of every citizen, but in case of the Appellant the law and rules have been bulldozed and the Appellant is denied to be treated in accordance with the law and rules.
- B. That the law and rules are very much clear yet the Appellant is not being treated accordingly and his due rights are being denied to the utter detriment of the Appellant.
- C. That the Respondents are not using the authority vested in them and are abusing their authority and using the same in a very fanciful manner.

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It is, therefore, very respectfully prayed that on acceptance of this service appeal the Respondents may very kindly be ordered to release the General Provident Fund and also grant the Appellant Compassionate Pension as per the rules.

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

Appellant

Sultanat Khan

Sultanat Khan

Through Counsels,

Aziz-ur-Rahman

Aziz-ur-Rahman

Imdad Ullah

Imdad Ullah

Advocates Swat

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2023

Sultanat Khan Ex-Forest Guard Alpuri Forest Division,
Alpuri, District Shangla.

...Appellant

VERSUS

The Secretary Forest Department Government of Khyber
Pakhtunkhwa, Peshawar and Others.

...Respondents

AFFIDAVIT

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

ATTESTED



Deponent
Sultanat Khan
Sultanat Khan

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2023

Sultanat Khan Ex-Forest Guard Alpuri Forest Division,
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...Appellant

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...Respondents

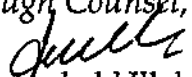
ADDRESSES OF THE PARTIES

Appellant:

Sultanat Khan Ex-Forest Guard Alpuri Forest Division,
Alpuri, District Shangla.

Respondents:

1. The Secretary Forest Department Government of Khyber Pakhtunkhwa, Peshawar.
2. The Chief Conservator of Forests, Malakand Forest Region (Region III), Saidu Sharif, District Swat.
3. The Conservator of Forest, Malakand Circle East, Mingora, District Swat.
4. Divisional Forest Officer Alpuri, District Shangla.
5. District Accounts Officer, Alpuri, District Shangla.

Appellant
Through Counsel,

Imdad Ullah
Advocate Swat

Office Order No. 41 dated Mingora, the 27th Sept: 1972, by Sardar Wazir Muhammad Khan, P.F.S. (I), Divisional Forest Officer, Malakand Forest Division, Mingora, Swat. Annexure "A" 7

Mr. Sultan Khan s/o Abdul Sattar of village Lalasa District Swat is hereby appointed as Forest Guard in the time scale of Rs. 100-2-116/3-140 against a temporary vacancy with effect from the date the individual reports for duty in the Divisional office at Mingora (not later than 10.10.1972).

His appointment is purely temporary and can be terminated at any time, with one month's notice without assigning any reasons, at any time or on the payment of one month's salary in lieu of the notice.

The appointment is subject to the production of the following certificates:-

1. Medical fitness certificate from the Civil Surgeon, certifying that the candidate fulfills the physical standards as laid down in the rules i.e. height 5'-7", chest 33-34" and eyesight 6/6 (both eyes), on the prescribed forms (in duplicate)
2. Character certificate from the Principal/Head Master of the College/school last attended by the candidate.
3. Character certificate from two responsible persons, not being the relatives, who are well acquainted with the character and antecedents of the candidate.

Sd/- (S. Wazir Muhammad Khan),
P.F.S. (I),
DIVISIONAL FOREST OFFICER,
MALAKAND FOREST DIVISION,
MINGORA, SWAT.

NO. 81164 /G, dated Mingora, the 27th Sept: 1972.

Copy forwarded to Mr. Sultan Khan s/o Abdul Sattar of village Lalasa, Tehsil Kanulla, Distt: Swat for information and necessary action with reference to his interview, test and examination etc; held on 8.9.1972. He should produce the above mentioned certificates alongwith his arrival report. In case he fails to report for duty in this office on or before 10.10.1972, this appointment order rests cancelled automatically and the post will then be offered to the next candidate on the merit list.

Attested
[Signature]
Advocate

ATTESTED
[Signature]

(S. WAZIR MUHAMMAD KHAN)
DIVISIONAL FOREST OFFICER,
MALAKAND FOREST DIVISION,
MINGORA, SWAT.

Annexure "C"

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OFFICE ORDER NO. 65 DATED ALPURI THE 10/10/2017
ISSUED BY MUHAMMAD AMJAD DIVISIONAL FOREST
OFFICER ALPURI FOREST DIVISION
ALPURI DISTRICT SHANGLA

Tel: 0996/850033 Fax: 0996/851008

In light of instruction contained in Sl: No.160 of ESTA code, Mr. Sultanat Khan Forest Guard, having been convicted under section 302/324 of PPC, is hereby dismissed from service.

Sd/-
(MUHAMMAD AMJAD)
DIVISIONAL FOREST OFFICER,
ALPURI FOREST DIVISION,
ALPURI SHANGLA.

No. 1015-18 IG.

Copy forwarded to the:-

1. Chief Conservator of Forests, Malakand Forest Region (Region-III) saidu Sharif Swat
2. Conservator of Forests, Malakand Forest Circle East, Mingora for favour of information please.
3. SDFO Karora
4. Mr. Sultant Khan S/o Abdul Satar of village Lahor Besham District Shangla
5. Divisional Accountant/Head Clerk.
For information

DIVISIONAL FOREST OFFICER,
ALPURI FOREST DIVISION,
ALPURI SHANGLA.

ATTESTED

Attested,
Advocate

Annexure "D"

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TO THE CONSERVATOR OF FORESTS, MALAKAND FOREST
CIRCLE EAST, MINGORA SWAT

Sultanat Khan Ex-Forest Guard. _____

Appellant

VERSUS

The Divisional Forest Officer, Alpuri Forest Officer, Alpuri Forest Division.

_____ Respondent

Subject: Departmental appeal for the release of GP Fund and
Compassionate pension.

Respected Sir,

The Appellant submits as under;

1. That the Appellant joined the Forest Department in the year 27-09-1972 in the post of Forest Guard.
2. That the Appellant performed his duties successfully and honestly.
3. That the Appellant was dismissed from service through order No. 65 dated Alpuri the 10-10-2017 after the convection of the Appellant in a criminal case.
4. That the Appellant has more than 40 years of service and had enough fund in the GP Fund account.
5. That in according with the pension rules the Appellant also requests for the release of compassionate pension also and the GP Fund too.
6. That the Appellant is old and unable to do any labour and job and no source is there for the day to day needs in these hard times.

Attested

Advocate

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It is, thus very humbly requested that your good self accept the departmental appeal and order the release of the GP Fund and also release of compassionate pension.

Appellant

Sultanat Khan

Sultanat Khan

20/10/2022

Attested

[Signature]

Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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In the matter of:-

[Signature] Appellant

VERSUS

[Signature] Respondent

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

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

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

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

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

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

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

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 2 day of 01 2023

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees

[Signature]
(AZIZ-UR-RAHMAN)

Advocate High Court
Office: Khan Plaza, Gulshone Chowk
G.T. Road Mingora, District Swat.
Cell No. 0300 907 0671

[Signature]
(IMDAD ULLAH)

Advocate High Court
Office: Khan Plaza, Gulshone Chowk,
G.T. Road, Mingora, District Swat
Cell No. 0333 929 7746