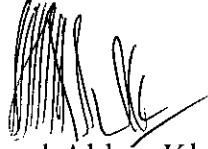
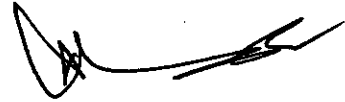


30th Jan, 2023

1. Nobody is present on behalf of the appellant.
2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.
3. *Pronounced in open court in Peshawar and given under our hand and seal of this Tribunal on this 30th day of January, 2023.*



(Muhammad Akbar Khan)
Member (E)

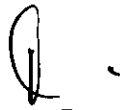


(Kalim Arshad Khan)
Chairman

13th Oct., 2022

Junior to counsel for the appellant present. Mr. Naseerud Din Shah, Asstt. Advocate General for the respondents present.

Request for adjournment was made on behalf of learned senior counsel for the appellant due to his engagement before the Hon'ble Peshawar High Court today. Last opportunity is granted. To come up for arguments on 23.11.2022 before the D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

23rd Nov. 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. A.G for the respondents present.

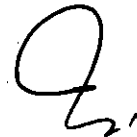
On 11.05.2022, the then learned counsel for the appellant had filed list of legal heirs of the appellant who was stated to have died and the Bench had ordered entry of the names of legal heirs in the memorandum of appeal as well as relevant register but the office has not complied with this order. Explanation of the concerned official be called for. Reader is directed to ensure compliance of the court order today and thereafter put up the file today.

Mr. Muhammad Mahaz Madni Advocate is present on behalf of deceased appellant and stated that he would file Wakalatnama on behalf of legal heirs of the appellant and argue the case on next date. Adjourned. To come up for arguments on 30.01.2023 before the DB.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

944/2018

22nd June, 2022

Junior to counsel for the appellant present. Mr. Naseerud Din Shah, Asstt. AG for the respondents present.

Because of the Departmental Selection Committee proceedings, we could not record the judgment. To come up on 21.07.2022 for order.



(Fareeha Paul)
Member(E)

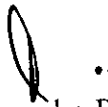


(Kalim Arshad Khan)
Chairman

15th July, 2022

This appeal was fixed for 22.07.2022 but as the Division Bench of the Tribunal, which heard the appeal, was constituted for three days, therefore, it was deemed appropriate to fix this matter today for consideration.

In the meantime one of us (Hon'ble Chairman) remained busy in other administrative and developmental works as well as in the Departmental Selection Committee proceedings. Since some time has passed after hearing the arguments, therefore, in order to refresh our memories and on the request of learned counsel for the appellant and learned Asst: AG for the respondents to make some more submissions, the matter is adjourned for re-arguments on 15 / 9 / 2022 before D.B.



(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

15.08.2022

Proper D.B is not available, therefore, case is adjourned to 13.10.2022 for the same as before.



Reader

11th May, 2022

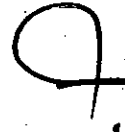
Mr. Yasir Saleem, Advocate for the appellant present.
Naseer-ud-Din Shah, Asstt. AG for the respondents present.

Learned counsel for the appellant stated that the appellant has died. He submitted list of legal heirs of the deceased appellant with the request to implead them as appellants. Application is allowed. Names of legal heirs of the appellant be entered with red ink in the memorandum and grounds of the appeal as well as relevant register in the heading of appeal.

Arguments heard. To come up for order before the D.B on 13.05.2022.



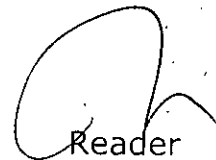
(Fareeha Paul)
Member(E)



Chairman

ORDER
13.05.2022

Deleted. for reconstitution of Bench. To come up for order on 26.05.2022.



Reader

26th May, 2022

None for the appellant present. Mr. Naseer Ud Din,
Assistant Advocate General for respondents present.

To come up for order on 22.06.2022 before D.B.



(Fareeha Paul)
Member(E)



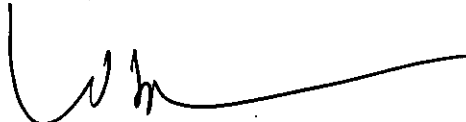
(Kalim Arshad Khan)
Chairman

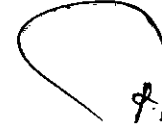
03.08.2021

Nemo for the parties.

Mr. Riaz Painakheil, Assistant Advocate General for respondents present.

Preceding date was adjourned on a Reader's note, therefore, both the parties be put on notice for 13.12.2021 for arguments before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)

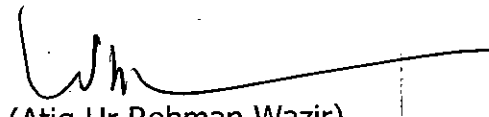

(Rozina Rehman)
Member (J)


P

13.12.2021

Nemo for appellant. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Aurangzeb SDFO for respondents present.

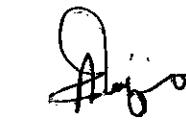
Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments before the D.B on 29.03.2022.


(Atiq Ur Rehman Wazir)
Member (E)


(Salah-ud-Din)
Member (J)

29-3-2022

Proper DB not available the case is adjourned to come up for the same as before on ~~5-9-2022~~ 11-5-2022


Reader

23.11.2020

Due to non-availability of D.B, the case is adjourned to 03.02.2021 for the same as before.


Reader

03.02.2021,

Due to COVID-19, the case is adjourned to 14.04.2021 for the same.


Reader

14.04.2021

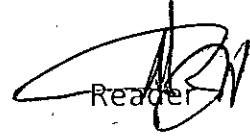
Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 02.08.2021 for the same as before.


READER

12.5.2020

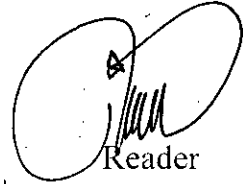
Due to COVID19, the case is adjourned to

4/8/2020 for the same as before.


Reader

04.08.2020

Due to summer vacation case is adjourned to 05.10.2020
before D.B for the same.


Reader


05.10.2020

Appellant in person present.

Mr. Kabir Ullah Khattak learned Additional Advocate
General alongwith Abdul Ghani, SDFO for respondents
present.

Former requests for adjournment as his counsel is
not available due to ailment.

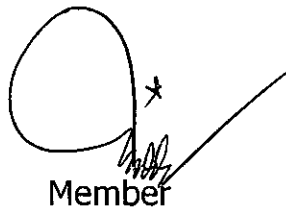
Adjourned to 23.11.2020 arguments before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

12.03.2020

Appellant in person present. Mr. Ziaullah, DDA
alongwith Mr. Shah Jehan, SI for respondents present.
Appellant seeks adjournment as his counsel is not
available today. Adjourned. To come up for arguments
on 12.05.2020 before D.B.

A handwritten signature consisting of a large circle with a vertical line extending downwards from its right side, and a diagonal line extending from the bottom right of the circle. A small asterisk is written above the vertical line.
Member

A handwritten signature consisting of several overlapping, slanted lines.
Member

02.10.2019

Mr. Kamran Khan, Advocate on behalf of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is out of station and cannot attend the Tribunal today. Mr. Ziaullah, Deputy District Attorney for the respondents present. Adjourned to 13.11.2019 for arguments before D.B.

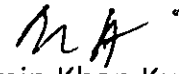

(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

13.11.2019

Mr. Mir Zaman Safi, Advocate on behalf of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is out of station and cannot attend the Tribunal today. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Abdul Ghani Shah, SDFO for the respondents present. Adjourned to 08.01.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

08.01.2020

Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 12.03.2020 before D.B.


Member


Member

08.04.2019 Counsel for the appellant and Addl. AG alongwith Abdul Ghani Shah, SDFO for the respondents present.

The representative of respondents has submitted parawise comments on behalf of respondents No. 2 to 6. The same are placed on file.

To come up for arguments before the D.B. on 24.06.2019. The appellant may furnish rejoinder to the comments within a fortnight, if so advised.

Chairman



24.06.2019 Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Jehangir Syed SDFO present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 26.08.2019 before D.B.

Member



Member

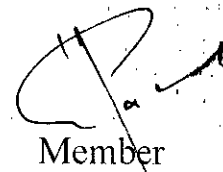


26.08.2019 Appellant in person present. Mr. Ziaullah, DDA for respondents present. Appellant seeks adjournment due to general strike on the call of Peshawar Bar Association. Adjourn. To come up for arguments on 02.10.2019 before D.B.

Member



Member



17.12.2018

Appellant in person and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Arshid Ali AD present. Written reply not received. Representative of the respondents seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 23.01.2019 before S.B



Member

23.01.2019

Appellant in person present. Written reply not submitted. No one present on behalf of respondent department. Notice be issued to the respondent department with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 20.02.2019 before S.B.



Member

20.02.2019

Clerk to counsel for appellant present. Written reply not submitted. No one present on behalf of respondent department. Notice be issued to the respondent department with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 08.04.2019 before S.B



Member

09.10.2018

Petitioner in person present and requested for adjournment. Granted. To come up for preliminary hearing on 05.11.2018 before S.B.


Chairman

(Note)

09.10.2018

Appellant Iftikharud Din alongwith his counsel Adnan Aman Advocate put appearance and heard in limine.

Contentds that the respondents have passed punishment on the appellant without adopting legal procedure on one hand and the appellant well in time informed the respondents regarding release of funds for payment to labor involved in plantation process but his request was not honored on the other hand.

Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 05.11.2018 before S.B.


Chairman

5-11-18




Due to Retirement of Honorable Chairman the Tribunal non functional therefore the case is adjourned to come up for the same on 17-12-18
Ivshad ALSDFO, Mardan Present

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 944/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/07/2018 1-8-18	The appeal of Mr. Iftikhar-ud-Din presented today by Mr. Adnan Aman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR 31/7/18
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17-8-2018</u>  CHAIRMAN
	17.08.2018	Mr. Taimur Ali Khan, Advocate put appearance on behalf of the appellant and made a request for adjournment. Granted. Case to come up for preliminary hearing on 09.10.2018 before S.B.  Chairman

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 944 /2018

Iftikhar ud Din.....Appellant

V E R S U S

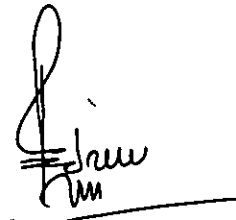
The Govt. of Khyber Pakhtunkhwa
Through Chief Secretary & others.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal		1-7
2.	Affidavit		8
3.	Application for condonation		9-10
4.	Addresses of parties		11
5.	Copies of Letters	A	12-17
6.	Copy of the charge sheet and statement of allegations	B & C	18-20
7.	Copy of the Reply	D	21-26
8.	Copy of the recommendation and impugned order	E & F	27-28 33
9.	Copy of the departmental appeal	G	34-38
10.	Wakalatnama		39


Appellant

Through


Adnan Aman

Adnan Aman

Advocate High Court
15-B, Haroon Mansion,
Khyber Bazar, Peshawar
Cell No.0321-9853530

Dated 21.07.2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 944 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1208

Dated 31-7-2018

① Iffikhar ud Din,
Forest Guard, LSC,
Forest Sub Division, Mardan.....**Appellant**

V E R S U S

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
2. The Secretary Forest to Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
3. The Divisional Forest, Officer, Mardan Forest Division, Mardan
4. The Sub Divisional Forest officer, Patrol Squal, Peshawar
5. The Sub-Divisional Forst Officer, LSC, Forest Sub Division, Mardan
6. The Conservator Forests (Central) Southern Circle Peshawar.....**Respondents**

Filed to-day

Registrar

31/7/18

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED order of
respondent No.3 dated 16.11.2017 and
order of respondnet No.6 dated nil who**

(A) 1

Divide order sheet dated 11-05-2022 legal heirs of the appellant are impleaded as under.

- 1 Mst Raida Begm (widow)
- 2 Mst Saba Gul D/o Iftikhar ud Din.
- 3 Mst Aiman Noor D/o Iftikhar ud Din.
- 4 Mst Laiba Gul D/o Iftikhar ud Din.
- 5 Mst Hiba Gul D/o Iftikhar ud Din.
- 6 Mst Ayesha Siddiqua D/o Iftikhar ud Din.
- 6 Mst Sabiha Gul (widow)
- 7 ' Muhammad Maar s/o Iftikhar ud Din.
- 8 Mohammed Saad s/o Iftikhar ud Din.
- 9 Mohammed Ammar s/o Iftikhar ud Din.

did not pass any order over the departmental appeal of the appellant within the stipulated period of ninety (90) days.

Prayer

By accepting this appeal, the impugned order passed by the respondent no.3 dated 16.11.2017 may please be set aside and consequently the appellant be acquitted of the charges leveled against him.

Respectfully Sheweth:

1. That the appellant was initially appointed as Forest Guard in the respondents department way back in the year 1991.
2. That the appellant having twenty six (26) of service in his credit & have performed his duty with full devotion and commitment and no complaint, whatsoever has been made against him from any quarters.
3. That in January 2017, plantation on Rashakai Nisatta & Rashakai Swabi section of ring road

Mardan was conducted by the respondent department.

4. That the aforesaid plantation process was carried out in the supervision of the appellant along with two other forest guards namely Hamayun and Sami Ullah.
5. That accordingly the Plantation fees for the months of February and March 2017 was paid to the appellant.

It is pertinent to mention here that after March, 2017, no plantation fees was paid to the appellant till September 2017 due to excuse of non availability of funds but despite that fact, work continues till September 2017.

6. That thereafter the appellant wrote several letters to the high-ups of respondents department for release of funds in order to take care of the plantation already made by watering them and at the same time apprehended them that if funds were not released in time the plantation made would be spoiled. (Copies of letters are attached as annexure "A").

7. That astonishingly on 14.09.2017, the appellant was suspended by respondent No.3 and thereafter the appellant was issued a charge sheet alongwith a statement of allegations. (Copy of the charge sheet and statement of allegations are attached as annexure "B" & C").
8. That in response to the aforesaid charge sheet, the appellant submitted his detailed reply to the enquiry officer. (Copy of the reply is attached as annexure "D").
9. That thereafter the enquiry officer, submitted his recommendation to the respondent No.3 and in light of the recommendation of Inquiry Officer, penalty was imposed upon the appellant by the respondent No.3 vide order dated 16.11.2017. (Copy of the recommendation and impugned order are attached as annexure "E" & "F").
10. That thereafter the appellant submitted his departmental appeal to the respondent No.6 but the same has not been responded so far, with in the stipulated period of (90) ninety days. (Copy of the departmental appeal is attached as annexure "G").

11. That the appellant being aggrieved of the aforesaid impugned proceedings and order dated 16.11.2017 is constrained to move this Hon'ble Tribunal for the following amongst other grounds:

GROUND S:-

- A. That as stated in the body of appeal that the appellant was continuously writing to the respondents through several letters (Annexure-A) that if the funds were not released on time, the plantation already mad would became spoil but as the respondents did not pay any heed to the queries made in those letters therefore the appellant cannot be held liable for the for the omission/negligence on part of the respondents department.
- B. That the appellant has been made a scapegoat as he was accompanied by other officials of the forest department in the process of plantation but neither they were charge sheeted nor any show cause notice was issued to them which speaks sound that the appellant has been victimized by the respondents department.

- C. That even otherwise the appellant recorded his strong reservations over the Inquiry Officer by showing no confidence over him but even then he continued with his inquiry as he was all out to show his efficiency to his high-up's and thus on this ground alone, the impugned order is liable to be set aside.
- D. That the appellant several times offered ground inspection to the officers of the respondents department as the plantation is still not spoiled but the respondents turned their deaf ears and blind eyes to the offer made by the appellant as they were all out to teach him a lesson under the grab of the said inquiry.
- E. That the respondents have brutally violated the law on the subject as under the law they were required to issue final show cause notice to the appellant before the passing of the impugned order which speaks truth that they were in such a hurry that they even did not comply with the Rules and law therefore on this ground alone, the appellant is entitled to be acquitted of the charges leveled against him.

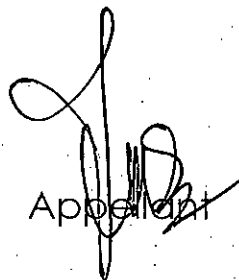
- F. That the appellant has been treated against the law and has also been deprived of equal protection of law.
- G. That any other ground not specifically mentioned will be raised at the time of arguments, with the permission of this Hon'ble Tribunal.

It is, therefore most humbly prayed that by accepting this appeal, the impugned order passed by respondent No.3 dated 16.11.2017 who vide the same was pleased to impose penalty upon the appellant and order of respondent no.6 dated nil who did not pass any order over the departmental appeal of appellant within the stipulated period of ninety (90) days, may please be set aside and consequently the appellant be acquitted of all the charges leveled against him.

OR

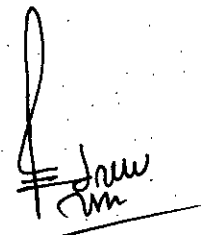
Any other relief deems fit and appropriate in the circumstances of the instant case may please be passed.

Through


Appellant

Adnan Aman

Advocate High Court


Adnan Aman

Dated 21.07.2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2018

Iftikhar ud Din.....**Appellant**

V E R S U S

The Govt. of Khyber Pakhtunkhwa
 Through Chief Secretary & others.....**Respondents**

A F F I D A V I T

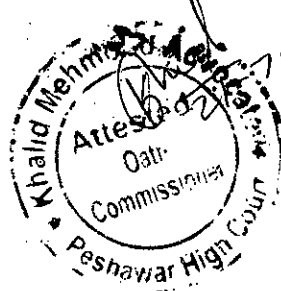
I, Fazal ur Rehman S/o Ajoon Khan, Ex-Ward Orderly, Lady Reading Hospital, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by


Adnan Aman
 Advocate High Court


 DEPONENT

CNIC#: 16202-0919265-3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C. M No. _____/2018

In

Service Appeal No. _____/2018

Iftikhar ud Din.....**Appellant**

V E R S U S

The Govt. of Khyber Pakhtunkhwa

Through Chief Secretary & others.....**Respondents**

APPLICATION OF CONDONATION OF DELAY
IN FILING THE INSTANT APPEAL.

Respectfully Sheweth:

1. That the accompanying appeal is being filed before this Hon'ble Tribunal which is yet to be fixed for its hearing.
2. That the appellant has undergone through ophthalmic surgery and he was advised by the doctors complete bed rest as he is a chronic diabetic and hypertension patient, therefore he was unable to approach this Hon'ble Tribunal within prescribed period.
3. That the delay caused in filing the instant appeal is neither intentional nor willful but due to aforesaid reason.

4. That the law favours adjudication on merit rather than suiting the litigant's mere on technicalities.
5. That it is just fair as well as in interest of justice that the delay caused in filing the instant appeal be condoned.

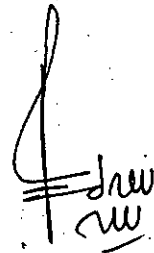
It is, therefore prayed that by accepting this application the delay caused in filing the instant appeal may please be condoned to meet the ends of justice.

Through


Appellant

Adnan Aman


Advocate High Court



Dated 21.07.2018

AFFIDAVIT

It is stated on oath that the contents of the **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Attested
Oath
Commissioner
Khalid Mehman
Advocate
Peshawar High Court
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2018

Iffikhar ud Din.....Appellant

V E R S U S

The Govt. of Khyber Pakhtunkhwa
 Through Chief Secretary & others.....Respondents

ADDRESSES OF PARTIES

A P P E L L A N T:

Iffikhar ud Din, Forest Guard, LSC, Forest Sub Division, Mardan

R E S P O N D E N T S

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
2. The Secretary Forest to Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
3. The Divisional Forest, Officer, Mardan Forest Division, Mardan
4. The Sub Divisional Forest officer, Patrol Squad, Peshawar
5. The Sub-Divisional Forst Officer, LSC, Forest Sub Division, Mardan
6. The Conservator Forests (Central) Southern Circle Peshawar

Through

Appellant

Adnan Aman

Advocate High Court

Dated 21.07.2018

"A" مجوزہ ضابطہ - ۲۰۱۷ء

A

پوسٹل سروس SDF کے تحت

عنوان - اعلیٰ پورے مات کا چورنا / اداسی شواہد کے مطابق اور ملک میں

مذاشرتی ہے کہ صبا اعلیٰ آپ صاحبان کے ہم نوا رہنے اور پھر ملک میں

اور جنوری ۲۰۱۷ء کے بعد اعلیٰ ان مقامات کی شواہد تھا ہے۔ اور ساتھ ساتھ تو وائٹ ٹینک کو

صارفہ و ادیت لگایا ہے۔ ہم نے گذشتہ ماہ سے ان کو روکنا کے اعلیٰ ماہ شواہد ملے جاسکتے ہیں

فہم نے سونے کا وہ ہے ان کی شواہد اور نہ سہل۔ اعلیٰ ان لوگوں کے کام چورنے کی دھمکی دیا

ہے۔ اور اگر ان لوگوں کا کام چورنا تو ہماری (۱) قسم کے فہم پر جاری جاسکتا۔ اور یہ سہل پورے

مراہٹیں۔ اور حکومت کو لاکھوں روپے کا منہ مار مل جاسکتا۔ اور لوگوں کو سونے کے مقامات کو فہم

پر مجبور کر جاسکتے۔ سہل کر کے فہم کا صارفہ جاسکتا ہے۔ ہمارا سہل اس کے سہل

اور کام جاری رکھیں۔ ہمارا سہل اس کے سہل۔ ہمارا سہل اس کے سہل۔ ہمارا سہل اس کے سہل

ہے۔ اور اس صورت میں ہم اس کو سہل و سہل کے ذمہ دار نہیں کرتے

تہہ یہ لوگ سہل کے سہل

الحاج علی بخش
الحاج علی بخش
الحاج علی بخش
الحاج علی بخش

30/05/2017

05/08/017

کرواں
ابو

Attested

[Signature]

Attested
[Signature]
SDFO P/S
(E.O.)

Attested

[Signature]



جدیت صبا - DFo صاحب مردان

عنوان درخواست: درخواست برائے ادائیگی قلمبند و شکر گزارانہ خدمات و دیگر امور صحت

صبا عالی!

گزارش ہے کہ ہم نے الجناح کے حکم پر مردان ونگ اوڈر پر مختلف قسم کے پودا چھاندا۔ 2017 جنوری سے لگاتار کا کام شروع کیا ہے۔ اور ہم کو ماہ اپریل تک قلمبند کی اجرت کی ادائیگی کی گئی تھی۔ اور ماہ اپریل کے بعد آج تک یعنی اگست تک بیماری قلمبند کی تنخواہیں اور شکر گزارانہ خدمات کی رقم نہیں مل سکی۔ اور وہ لوگ ہمیں تنخواہ کی ادائیگی کے لیے پرتسار کر رہے ہیں۔ اور طبی کے ہم نے زبانی اور تحریری طور پر صبا صاحبہ SDFo صاحبہ کو مطلع کیا ہے۔ کہ بیماری پرائیوٹیشن فیصلہ ہونے کا بعد ہم از شدہ ظاہر کیے ہیں اور بار بار مادیاتی کی ہیں۔ لیکن بیماری گزارشات پر کوئی عمل درآمد نہیں کیا گیا۔ اب موجودہ صورت حال یہ ہے کہ ہم نے آج تک قلمبند سے ملنے شکر گزارانہ خدمات سے ملنے کی ہیں۔ اگر آپ کو رو دن میں اجرت کی ادائیگی کی گئی تو آپ کا جاری رکھے اور ملنے کے بعد ادائیگی آپ پریشان ما آئیگا جاری نہ رکھے۔

صبا والا۔ رتنگ اوڈر پر کافی خدمت کی ہیں اور پرائیوٹیشن کی حالت درست اور تبدیلی کی حالت آج قلمبند نے تمام چھوڑ دیا تو رتنگ اوڈر پر حالہ 10/15 دن پیل شدہ پر بارش ہو چکی ہے۔ پرائیوٹیشن میں رو۔ میں جگہ مانی کھڑا ہے۔ اگر اس کی نگرانی کی سہولت نہ کی گئی تو پرائیوٹیشن میں سیکورہ جانے کا خطرہ لاحق ہے۔ صبا والا۔ اگر ہم کو قلمبند کی اجرت بعد شکر گزارانہ خدمات وقت پر نہ دی گئی تو پرائیوٹیشن میں ہونے کا خطرہ ہے۔ تو ہم اس صورت میں کسی قسم کی چارجز اور فرائض نہیں لہو رہے۔ لیکن وارنٹ ہوگا زمین دار ہیں رکھے۔ برائے پرتسار بیماری درخواست پر بعد از کم ضرور کیا جائے گا۔

One copy Revised H/gram

لاہور محمد علی صاحبہ - افسر (البرکت) B.P. اسحاق علی صاحبہ علی رحمان صاحبہ
21/08/17

Attested
Shalimul
SDFo P/S
C.E.O.

Attested
♀

میں کھڑے ہوتے ہیں اور ہم لوگ اسے روز مختلف جگہ جانوں سے اسے جان
 جو اٹھتے ہیں۔ مگر باہر کے ملکوں کی اوت اور اسے شیعہ ریح کے اور ملکوں
 احکامات صادر فرمائیں۔ تاکہ ہر قسم کے شر طائر اور ارضی طریق سے
 کے سکھوں اور ملائیشین قتل ہونے سے بچ جائیں۔ گورنر دکن سے ملائیشین
 ڈیپارٹمنٹ دکن کے گورنر سے اس قسم کی رقم ڈارنٹس میں
 مندرجہ ذیل روپوں کے وجود دورہ مردان ڈیپارٹمنٹ کے احکامات ملائیشین
 کے قتل سے نہیں ہر قسم کی مندرجہ ذیل اسے ڈیپارٹمنٹ دکن سے ملائیشین میں
 رہا رقیب کے احکامات صادر فرمائیں۔ اور اس کے لئے نو روپوں کا
 ملان و ڈارنٹس کے ذریعہ مندرجہ ذیل گورنر سے جو آفندی کے
 دیکھنا کی گورنر کے احکامات کے لئے مندرجہ ذیل
 مریا اور بیاری مندرجہ ذیل ڈارنٹس کو مندرجہ ذیل ہر قسم کی امداد اور
 مندرجہ ذیل سے مندرجہ ذیل ہر مردان غور فرمایا جائے۔ تاکہ گورنر کو
 نقصان نہ ہو۔ ملائیشین کے حالات درست نہ ہوں۔ اور یہی ہے
 زنی سے لکھا اور ڈیپارٹمنٹ دکن سے۔
 عین وارثی

Attested

Handwritten signature

الکافی

ایکٹا لیم خیران امین الدین دکن سے مندرجہ ذیل

Attested

Handwritten signature and B.P.O. Mardan

استغاف علی فامیہ ہارون اور ملائیشین
 مردان سپر ڈیپارٹمنٹ دکن سے فارم


Attested
 SDFO P/S
 Enquiry Officer

10-2018
 0610912017

Handwritten signature and date 06/09/17

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Annexure
" B "

<p>TARIQ KHADIM Divisional Forest Officer</p>		<p>Mardan Forest Division Mardan Ph #: 0937-9230052 Email: mardan.forest.division@gmail.com</p>
<p>No: 683 /A</p>		<p>Dated Mardan the 14/09/2017</p>


To
Mr. Aitzaz Mehfooz
SDFO incharge of Southern Circle
Patrol Squad Party Peshawar

Subject: - ENQUIRY


Memo: -

One set each of charge sheet and statement of allegations against M/S Iftikhar-uddin and Bakhtiyar Ali Forest Guards is enclosed herewith. You are requested to start inquiry proceedings against the aforementioned staff in terms of the statement of allegations and complete the enquiry proceedings within the stipulated period please.


Encl: as above


DIVISIONAL FOREST OFFICER
MARDAN FOREST DIVISION
MARDAN.

No. /A
Copy forwarded to The Conservator of Forests Southern Circle Peshawar for favour of information with reference to his good self letter No.1803/P&D/BTAP dated 08-09-2017 and No.1800/P&D/BTAP dated 08-09-2017.


DIVISIONAL FOREST OFFICER
MARDAN FOREST DIVISION
MARDAN.

Attested


Attested

D.F.O. Mardan

Annexure

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1. Mr. Taha Khatun Divisional Forest Officer, Forest Division, Mardan Ring Road plantation from Raskakal, Nisara and Raskakal to Swabi Road Section of Lower Swabi Canal (LSC) Forest Sub Division rendered himself liable to be proceeded against as he committed the following act within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servant (Discipline and Discharge) Rules, 2011:

STATEMENT OF ALLEGATIONS

1. Mr. Taha Khatun Divisional Forest Officer has incurred expenditure to the tune of Rs. 12527/- on raising of Forty (40) hectares Linear Plantation under Phase-II of "Billion Trees Afforestation Project" along Ring Road from Raskakal, Nisara and Raskakal to Swabi Road Section. The Conservator of Forests Southern Circle Forest Division during inspection of the said plantation in company with DFO Mardan on 03-07-2017 found the said plantation in worst condition. He was given a chance of 12 days for bettering up of fallow vide DFO Mardan letter No. 17-A dated 03-07-2017, but he did not do the needful within more time than the said stipulated period.
2. The said 12 days duration period was extended upto one (01) month as the Conservator of Forests Southern Circle Forest Division inspected the said plantation in company with the DFO Mardan on 30-08-2017 and it was observed that the plantation was still in worst condition.
3. His aforementioned attitude regarding non compliance with the directives of higher authorities clearly speaks of his inefficiency and misconduct which is a clear token to the effect that he has embezzled a handsome amount of the Govt. to the tune of Rs. 12527/-.

For the purpose of enquiry against the said accused with reference to the above allegations, Mr. Atiqur Rehman, Forest Officer, Forest Division, Southern Circle Forest Division is hereby appointed as Enquiry Officer.

The Enquiry Officer shall in accordance with the provisions of the said rules, provide reasonable opportunity of hearing to the accused, record his findings and make within fifteen (15) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

The accused and a well-conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

DIVISIONAL FOREST OFFICER
MARDAN FOREST DIVISION
(COMPETENT AUTHORITY)

Attested

Attested
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~~Amir Mehfooz~~

Annexure

To

Mr. Aitezaz Mehfooz SDFO

"D"

The Enquiry Officer

Subject: REPLY TO THE CHARGE SHEET

Memo:

Reference charge sheet with statement of allegations served upon me by the DFO Mardan received on 25/9/2017.

It is submitted that I do hereby deny the allegations on the following, interalia, **GROUND**s:

- a. The allegations are biased, based on conjectures, suppositions with no substantial material to justify the action taken;
- b. Contents of the allegations are self-contradictory, irrational and are thus uncalled for;
- c. The allegations framed are unjust, with malicious intent without considering my role and job description as provided in the Forest Manual and so, have no legitimacy in the eyes of law.

Para wise reply to the charge sheet is furnished as under:

1. It has been admitted in the charge sheet that I have raised 40 hectares Linear Plantation by incurring expenditure amounting to Rs. 1262716/-. This single fact narrated by the competent authority is, by itself, an undeniable evidence of the fact that no irregularity has been committed by me and this singular fact is sufficient to render voidable initio and nullify the disciplinary proceedings and absolve me of the allegations.

Regarding expenditure, it is an established fact and practice in vogue that the Block Officer or Forest Guard is neither entitled nor responsible to directly disburse wages to the labour. It is mandatory that the Range Officer or the SDFO shall disburse such wages on the identification of the Block Officer/Forest Guard. Therefore, attributing incurring of the amount to me is not correct. Without prejudice to the above and in addition thereto, the PC-I rate is Rs.63355/- per hectares including watering and watch & ward. The aggregating amount of 40 hectares comes to Rs.2534200/-. Payment has been made to the labourers up to March 2017 but even then I kept the plantation in good condition by engaging the labourers through my own sources for which I arranged money from my relatives and friends on loan basis which is still to be refunded. The plantation was in good condition but in some portion the plants were covered by weeds and if the weeds are removed, the plants will become visible. Though fifteen days period was granted to me but no funds were provided. I have tried my best to improve the condition of plantation. There are of course some failures almost less than 10% which is within the permissible limit.

2. The worthy Conservator of Forests Southern Circle Peshawar inspected the plantation on

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SDFO P/S
(E.O.)

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[Signature]
SDFO P/S

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30/8/2017 but his kind honour did not take into account the facts of non-provision of funds on account of labourer charges which were outstanding since April 2017. I have informed all my superior officers in written-through reports on 07/7/2017, 22/8/2017, 03/5/2017, 06/9/2017 and finally on 07/9/2017 (Photostat copies are enclosed) but no arrangement for provision of wages to the daily labourers was made.

- 3. In the light of the facts mentioned in the grounds, in para 1 of the reply, job description, Forest Manual and practice in vogue, the charge of embezzlement on my part is uncalled for and not applicable. In the light of PC-I provision the charge is against facts either. Irrespective of the aforementioned facts, I have raised 11 hectares more plantation and by this way, the total quantum of plantation comes to 51 hectares and the present worthy DFO Mardan has deployed 11 Forest Guards on the said plantation which clearly shows that I had been assigned the task equal to the capacity of 11 persons. Even then I have performed my duty very efficiently and with full devotion but the main impediment was non-provision of funds.

In view of above facts, I am innocent in the instant case and there is nothing irregular on my part. It is therefore prayed that I may graciously be exempted from all the charges leveled against me so that I may continue and perform my duty whole heartedly in the best interest of Government please.

Encl: as above

Attested
Sd/-
Sd/-
Sd/-
Sd/-
(E.O.)

Iftikhar Uddin Forest Guard

Mardan Forest Division

Dated: 03/X/2017

Attested

Attested

مختصر بیان میں درج ذیل باتیں درج ذیل گواہوں کے ذریعہ ثابت کی گئی ہیں۔ (7)

12627/6

مختصر بیان میں درج ذیل باتیں درج ذیل گواہوں کے ذریعہ ثابت کی گئی ہیں۔
مختصر بیان میں درج ذیل باتیں درج ذیل گواہوں کے ذریعہ ثابت کی گئی ہیں۔
مختصر بیان میں درج ذیل باتیں درج ذیل گواہوں کے ذریعہ ثابت کی گئی ہیں۔

Attested

[Signature]
P.O. Mardan

مختصر بیان میں درج ذیل باتیں درج ذیل گواہوں کے ذریعہ ثابت کی گئی ہیں۔

مختصر بیان میں درج ذیل باتیں درج ذیل گواہوں کے ذریعہ ثابت کی گئی ہیں۔

Attested
Prosecutor

مختصر بیان میں درج ذیل باتیں درج ذیل گواہوں کے ذریعہ ثابت کی گئی ہیں۔

مختصر بیان میں درج ذیل باتیں درج ذیل گواہوں کے ذریعہ ثابت کی گئی ہیں۔

مختصر بیان میں درج ذیل باتیں درج ذیل گواہوں کے ذریعہ ثابت کی گئی ہیں۔

مختصر بیان میں درج ذیل باتیں درج ذیل گواہوں کے ذریعہ ثابت کی گئی ہیں۔

مختصر بیان میں درج ذیل باتیں درج ذیل گواہوں کے ذریعہ ثابت کی گئی ہیں۔

مختصر بیان میں درج ذیل باتیں درج ذیل گواہوں کے ذریعہ ثابت کی گئی ہیں۔

مختصر بیان میں درج ذیل باتیں درج ذیل گواہوں کے ذریعہ ثابت کی گئی ہیں۔

Attested

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سوال 14: آپ نے مندرجہ بالا ذکر کیا آرمی نے 1262716 روپے خرچ نہیں کیے اور ان کے بارے میں
یہ باتیں کر رہے ہیں۔ تو کیا یہ لاشعوراً SDF کے حساب کی ذمہ داری ہے۔ یا تار کشی کی ذمہ داری
ہے۔

جواب 1: میں ایسے انکاری ہوں کہ اگر رقم نہ مجھے بذالہ حد تک ملے ہے اور نہ مجھ سے ڈاک کی رسید
لیا گیا ہے۔ البتہ سینٹر کے رقم کی تفصیل کے مطابق سرفیسٹ سے صاف ظاہر ہے اور یہ
تجربہ مند ہے۔ کیونکہ یہ سارا رقم کی فائلوں میں نہیں ہوئی ہے۔ اور گائیڈ ہے۔
یہ سائیکل نہ پورے آفیسر ان چارج کے حکم کی پیروی کرتے ہوئے 44 سیکرٹریز کی کھ
رقم جو کہ ان طرف سے دیے گئے ہیں ان کے بارے میں اور کچھ اپنے کسٹمرز کے بارے میں اعداد سے کہہ سکتے ہیں
کا حکم کی تفصیل ہے۔

سوال 15: مسٹر اور دیگر بلنگ فرج، حوالاتی آفیس نے جو رقم کے بارے میں پوچھا ہے۔ 40 سیکرٹریز
ہے۔ کیا سٹورڈ SDF کے حساب نے جمع کیے ہوئے ہیں۔ کیا آپ یہ سمجھتے ہیں کہ آفیسر ان چارج 40 سیکرٹریز
سے زیادہ کی گئی ہے۔ اس کا بارے میں کچھ کوئی ہو رہا ہے۔

جواب 1: یہ درست ہے۔ 40 سیکرٹریز کی ہو گئی ہے۔ اور سائیکل کے حساب SDF کے حساب میں
اور SDF کے حساب میں ان کو خود معائنہ کی درخواست کا تعلق اور رٹائر آفیسر ان کے موقف
پر سائیکل نقد انعام سے نوازہ گیا۔ اور اس کا بارے میں SDF کے حساب سے پوچھو گئے ہیں۔
یہ اور فیص قابل فہم سیکرٹریز کے حساب نے میں نے عینہ میں بھی انعام سے نوازہ گیا

[Signature]
30/11/17

AKSaid
Prosecutor

Mulham
SDFO P/S
(Enquiry Officer)
Attested

[Signature]
D.P.O. Mard...

Attested

[Signature]

(2)

(8)

تک
تک

سوال 2: کیا آپ کے پاس کوئی شہادت ہے کہ آپ سرکاری ملازم ہیں اور آپ کو دیوٹی
سینے دیا گیا ہے۔ اور آپ کو ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے
کیا ہے ان کی دیوٹی کی بجائے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے

جواب: جی ہاں، میں نے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے
کی دیوٹی کی ہے جو کہ ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے
سر آفسران کو ملنے کے لیے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے
تعمیر کی ہے۔ جو کہ ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے

سوال 3: DEP REP کیا ہے DFo جسے آفسران مالہ ایسٹیمارٹ کی کارکردگی یا ایسٹیمارٹ سے ملنے میں
جواب: نہیں ہے بلکہ ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے ایسے

30/11/17
M. Lalani
EDFO P/S
(Enquiry Officer)
30-10-17

Atsial
Prosecutor

Attested

D. P. O. Mardau

Attested
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سوال نمبر 10: کیا آپ اپنے جوابات کو بددعا ماہ البریل، می اور جون میں نکلانے کی صورت
کی درخواست کا جواب دینا چاہتے ہیں؟

جواب: ہاں میں کہتا ہوں۔ کیونکہ ایک ہزار دو سو چھتیس نمبر کا سرکاری اعلان کا حوالہ
کرتا ہے اور یہ فون پر سنا تھا کہ انہوں نے مجھے چھتیس نمبر دیا ہے۔ خود اس کی اجازت کا جواب
ضرور کرتا ہوں۔

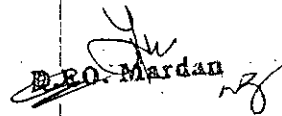


امین اللہ

M. Lalani
SOFO P/S
(Enquiry Officer)

Ahsan
Prosecutor

Attested


M. R. Mardan

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(1)
ENQUIRY REPORT IN DISCIPLINARY CASE OF MR. IFTIKHAR-UD-DIN FOREST GUARD I/C PLANTATION OF MARDAN RING ROAD FROM RASHAKAI-NISSATTA AND RASHAKAI-SWABI ROAD SECTION OF MARDAN FOREST DIVISION, MARDAN.

Annexure

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READ WITH

1. Inquiry Proceedings initiated by Mr. Tariq Khadim, DFO Mardan addressed to undersigned vide DFO Mardan Letter No; 685/A, dated; 14-09-2017
2. DFO Mardan letter No: 17/A, dated 03-07-2017 for beating up of failures
3. Letter by the Enquiry Officer to DFO Mardan for submission of Reply and Nomination of Departmental Representative in the Enquiry vide Letter No: 39/PS-2017, Dated: 28/09/2017
4. DFO Mardan Office Order No; 18, dated; 14-09-2017 regarding suspension of accused forest guard
5. Report of SDFO LSC regarding status of Plantation on 28-08-2017 after taking over the Charge of SDFO LSC.
6. Written Reply submitted by Accused Forest Guard on 02-10-2017.
7. Personal Hearing of the Accused Forest Guard on 16-10-2017 and 30-10-2017

BRIEF HISTORY OF THE CASE:

Plantation on Rashakai-Nissatta and Rashakai-Swabi section of Ring road Mardan was conducted under Phase-II of BTAP. Inspection of the said plantation was conducted by the Worthy Conservator of Forest Southern Circle, Peshawar along with the DFO Mardan on 03-07-2017. Then on 30-08-2017, the Conservator of Forest along with DFO Mardan again inspected the plantation site, but found the said plantation in worst condition. Services of the accused forest were Suspended on 14-09-2017 vide DFO Mardan Office Order No: 18, dated 14-09-2017. Hence, the Enquiry initiated, and the undersigned was appointed as the Enquiry Officer vide DFO Mardan Letter No: 685/A, dated; 14-09-2017.

PROCEEDINGS:

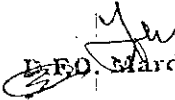
In order to probe the charges, record was perused and the statements of the accused forest guard and the departmental representative were taken into account and the charges perused.

The allegations / Charges leveled on the accused official includes the following, hence kept in view while scrutinizing the conduct of the accused forest guard;

1. An expenditure to the tune of Rs-1262716/- on raising 40 Hectares Linear plantation under Phase-II of BTAP along ring road from Rashakai, Nisatta and Rashakai to

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- Swabi Road Section have been made. The plantation was found in worst condition by the Conservator of Forest Southern Forest Circle during visit on 03-07-2017, hence was given the time of 15 days for beating up of failures vide DFO Mardan letter No; 17/A dated 03-07-2017, but he did not do the needful.
2. The said 15 days duration was extended up to 01 month as the Conservator of forest again inspected the said plantation in company with DFO Mardan on 30-08-2017 and it was observed that the plantation was still in worst condition.
 3. His aforementioned attitude regarding non-compliance with the directives of higher authorities speaks of his in-efficiency and misconduct which is a clear token to the effect that you have embezzled a handsome amount of the govt; to the tune of Rs-1262716/-

Discussion:

Regarding the first charge, it is stated that an amount of Rs. 12,62,716/- have been incurred on the said plantation site of 40 Hac, but during the inquiry proceedings, the documents provided by the departmental representative, reveals the following;

Table – 1: Detail of incurred money as per M/Rolls on 40 Hac Plantation

S.No	M / Roll No	Month	Amount	Remarks	Status of M/Rolls
1	45/LSC BTAP	01/2017	53500/-	Plantation on 3.72 Hac area	Sanctioned
2	46/LSC BTAP	01/2017	33000/-	Plantation on 2.30 Hac	Sanctioned
3	132/LSC BTAP	02/2017	443000/-	Plantation on 16.31 Hac and Maintenance of 22.33 Hac Plantation	Sanctioned
4	156/LSC BTAP	03/2017	439500/-	Plantation on 12.67 Hac and Maintenance/ Hand watering of 35 Hac plantation	Sanctioned
5	06/LSC BTAP	07/2017	207500/-	Plantation on 05 Hac and Maintenance on 40 Hac	Sanctioned
6	45/LSC BTAP	08/2017	94500/-	Maintenance on 40 Hac	Sanctioned

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7	Bill for Carriage of plants	03/2017	12670/-	Bill for Carriage of 13620 plants	Sanctioned
	TOTAL		1189170/-	40 Hac,	
8	170/LSC BTAP	04/2017	264500/-	03 times Watering and maintenance of 40 Hac Plantation	Un-sanctioned
9	200/LSC BTAP	05/2017	264500/-	03 times Watering and maintenance of 40 Hac Plantation	Un-sanctioned
10	218/LSC BTAP	06/2017	264500/-	03 times Watering and maintenance of 40 Hac Plantation	Un-sanctioned
	TOTAL		7,93,500/-		
	G.TOTAL		19,82,670/-		

As per record, the amount of Rs-19,82,670/- have been incurred on plantation and claimed by the accused Forest Guard on Rashakai-Nisatta and Rashakai-Swabi section of Ring road, under the instant Inquiry. The amount mentioned in the Charge Sheet is of Rs-12,62,716/- but the record of M/Rolls produced contained the above mentioned details for amount of Rs. 19,82,670/-. Out of which an amount of Rs. 11,89,170/- vide S.No. 01 to 07 have been sanctioned and disbursed by the field formation, while an amount of Rs. 7,93,500/- pending to be sanctioned by the authority (but claimed by the accused forest guard) for the reasons mentioned in the statement of departmental representative below. It is pertinent to mention that as per PC-I, unit cost per hac of Linear plantation in Phase-II is 0.063 million (Rs. 63000/- per Hectare), inclusive of the fencing cost i.e., purchase of fencing wire, poles and fixation of poles, hence total amount for 40 Hac comes to be 25,20,000/-. But since no fencing has been carried out, so the actual liability incurred stands at Rs 19,82,670.

In a question from the accused forest guard regarding the allegation of embezzlement of Rs. 12,62,716/- incurred on 40 Hac plantation; he rejected the allegation of expenditure for the said amount of Rs. 12,62,716 which have not been given to him for disbursement, as it is the duty of the SDFO concerned to disburse the amount. But the amount incurred is clear from Table-1. Furthermore, he states that he has only supervised the labour and funds handed over to him are only for digging of pits and plantation by the SDFO till from 03/2017 and then 07/2017 and 08/2017, hence the

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amount incurred on the Maintenance of plantation during the months of 04/2017, 05/2017 and 06/2017 are still pending to be made. Hence, the plantation was worsened as the labour refused to do the work, but on the other hand, compliance of the directives of worthy Conservator of Forest had to be made. In this connection, a letter to DFO Mardan has also been made by me for the request of funds, so that the directives of Conservator of forest could be implemented. When asked that whether he is not a civil servant and isn't it the duty of a forest guard to carry out plantation and be Incharge Plantation; he stated that yes he is a civil servant and the Incharge of plantation but the target allotted has been completed by him and the higher-ups have been satisfied from his work. When asked from the Departmental Representative regarding his work completion and satisfaction by the higher-ups; he rebutted the statement made by accused forest guard and argued that if the higher ups were satisfied, the official would not have been suspended and kept under enquiry.

When inquired from Departmental Representative about the pendency of amount for 03 M/Rolls for the month of 04/17, 05/17, and 06/17, he argued that firstly huge cut on funds demanded initially were made, secondly funds were released late and thirdly, being the SDFO LSC when the Charge as SDFO LSC was taken over, the plantation on Ring Road was found hardly 50-55% successful, hence 45% failure; (as mentioned in the report of SDFO LSC dated 28-08-2017; attached as Annexure-B). Moreover, the worthy Conservator of Forest along with DFO Mardan had also inspected the plantation site firstly on 03-07-2017 and then on 30-08-2017 but even after a lapse of 02 months period, the plantation was in worst condition, hence the work done on the ground did not commensurate with the expenditure incurred.

To probe further into the charge of embezzlement, it is pertinent to dig out, whether the plantation carried out on the ground commensurate with the amount claimed / incurred / accrued on the plantation and have the payments been made to the labours judiciously? This point could be assessed after consulting the record and the statements of accused forest guard during personal hearing. As per record of M/Rolls w.e.f. 01/2017 to 08/2017, the amount claimed by the accused forest guard on account of Plantation and Maintenance of Plantation, hence it means that the plantation has actually been carried out. Similarly, also mentioned in the report of SDFO LSC, which mentions that 45% failure and necessary maintenance of plantation were not carried out i.e., lack of watering, excess of water due to storage / stagnation of water, enormous weeds and uneven spaces between the plants were observed, hence the amount embezzled by not utilizing as per requirement and not making payments to the labour as well; which is evident from the complaint produced by departmental representative attached as Annexure-B. Moreover, as per job description of forest guard in Forest Manual Volume - II and the practice in vogue, payments are disbursed on the identification of

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concerned Forester or Forest Guard to the labour honestly and judiciously, so his ill supervision and management lead to the failure of plantation.

It is pertinent to mention that in every Govt department, payments are made only when the bill is produced. Moreover, a certificate by the concerned Incharge of work is submitted to the Authority that the work done is satisfactory and the amount has actually been spent on ground and commensurate with the work done. This could be cleared through an example; C&W dptt. awards contracts but payment of the bills are made only after the work is completed and the work done is satisfactory. Hence, in the instant case, the payments have been made to the staff; in some cases in time but in some cases late, but all sorts of payments accrued either on plantation or its maintenance are incurred by the department. The forest guard has only to manage, supervise the labour and ensure the proper utilization of money by commensurating with the same amount of work on the ground.



Furthermore, asset of the department i.e., plantation area cannot be left to the mercy of nature and other anthropogenic factors, for which the government has incurred huge expenditures. And giving just a lame excuse that no funds have been provided, hence the plantation failed is not justifiable. But the question is; what is the progress/ survival/ success of activity of initial plantation, for which the labour has been paid. This has been discussed above relating to the aspect of replanting and maintenance of the plantation by the SDFO LSC after suspension of accused forest guard on 18-09-2017, hence incurring more money that attributes to embezzlement i.e., dubious payments, the non-judicious and unjustified utilization of the government money by the accused official.

In one of the question, the departmental representative stated that after pressing hard by the higher ups to make the plantation a success story, presently tiresome efforts have been made and the plantation made successful through beat-up and maintenance during 10/2017.

It is inferred from the above discussion that embezzlement in the total expenditure incurred on plantation i.e., Rs-19,82,670/- with reasons of; plantation of less number of plants, un-even spacing, improper maintenance, the amount incurred on beat-up of plantation for corrective measure for the second time during 10/2017, improper, unjustified and non-judicious utilization of government money on plantation and non-commensuration of the actual amount incurred on the work done on ground by the accused forest guard lead to the failure of plantation. All these observations/deficiencies lead to the charges of in-efficiency and misconduct on the part of accused forest guard. Hence, M/Rolls for the 03 months i.e., 03/2017, 04/2017 & 05/2017 for amount of Rs 7,93,500/- are dubious and the payment claimed is not justifiable, hence the same

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amount is also pending due to the reasons mentioned above, hence the charges of embezzlement have been proved.


FINDINGS:

It is concluded that as the forest guard has claimed the total amount of Rs.19,82,670/-. Out of which the amount of Rs 7,93,500/- claimed by the accused forest guard as per M/Rolls for the months of 04, 05 and 06/2017 did not commensurate with the work done on ground and the payments made are dubious, unjustified, non-judicious and in an improper manner which shows his irresponsible attitude. Hence, the said amount is considered as recovery on his part, therefore the said M/Rolls are null and void.

Moreover, directives of the higher-ups regarding beating-up efforts have not been complied with, and hefty efforts have been carried out at a belated stage for making the plantation a successful one, which otherwise would not have been required if amount claimed and spent on the plantation were judicious and justified. Therefore, the charges of in-efficiency and mis-conduct are proved.

RECOMMENDATIONS:

- It is recommended that the charges of in-efficiency and mis-conduct are proved, hence Minor penalty be imposed.
- A recovery to the tune of Rs. 7,93,500/- be made and M/Rolls for the months of 04/2017, 05/2017 and 06/2017 should not be sanctioned in order to recover the loss sustained to government due to deliberate irresponsible attitude of accused forest guard.


Sub Divisional Forest Officer
Patrol Squad, Southern Circle,
Peshawar. (Enquiry Officer)

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D.E.O. Mardan

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Annexure

"F"

OFFICE ORDER NO. 60 DATED MARDAN THE 16 / 11 / 2017 ISSUED BY MR. TARIQ KHADIM DIVISIONAL FOREST OFFICER MARDAN FOREST DIVISION MARDAN.

Read With:

1. DFO Mardan Office letter No.685/A dated 14-09-2017 along with Charge Sheet and Memo of Allegations.
2. DFO Mardan Office Order No.18 dated 14-09-2017.
3. Enquiry Report conducted by Mr. Aitzaz Mehfooz SDFO

Brief History of the case:

Mr. Iftikhar uddin Forest Guard while holding the charge of Ring Road plantation from Rashakai Road to Nisatta and Rashakai to Swabi Section sustained financial loss to Govt: to the tune of Rs.793500/- because the said plantation was failed to the maximum extent. As a result, he was charge sheeted and his services were placed under suspension vide DFO Mardan Office Order No.18 dated 14-09-2017 and the task of enquiry was assigned to Mr. Aitzaz Mehfooz SDFO in-charge of Southern Circle Patrol Squad Party. The Enquiry Officer conducted enquiry into the matter and submitted his Enquiry Report through his letter No.63/PS-17 dated 06-11-2017. In the enquiry Report, the Enquiry Officer established the charge of in-efficiency and misconduct against the aforesaid accused Forest Guard and recommended minor penalty to be imposed upon the said accused Forest Guard. The Enquiry Officer has also recommended the recovery amounting to Rs.793500/- to be made from the concerned Forest Guard for which the pending Muster Rolls for the months of 04/2017, 05/2014 and 06/2017 should not be sanctioned.

Decision:

The undersigned agrees with the recommendations of the Enquiry Officer and the following punishments are hereby awarded to Mr. Iftikhar Uddin Forest Guard of LSC Forest Sub Division:

1. Two (02) Annual Increments due on 01/12/2017 and 01/12/2018 are hereby stopped with accumulative effect.
2. Recovery amounting to Rs.793500/- is hereby ordered to be made from Mr. Iftikhar Uddin Forest Guard for which his Muster Rolls of the aforementioned plantation for the months of 04/2017, 05/2017 and 06/2017 will not be sanctioned and payment to the labourers of the aforementioned amount will be made by said accused Forest Guard from his own sources.

Sd/-
 DIVISIONAL FOREST OFFICER
 MARDAN FOREST DIVISION
 MARDAN

No. 1526-30 /E

Copy forwarded to:

1. The Conservator of Forests Southern Circle Peshawar for favour of information please.
2. SDFO LSC Forest Sub Division for information for information and follow up action. He is directed to recover the aforementioned amount from Mr. Iftikhar Uddin Forest Guard and subsequently disburse the same to the concerned labourers of the aforementioned plantation site under intimation to this office.
3. Divisional Accountant for information and follow up action.
4. In-charge Establishment Branch for information and follow up action.
5. Official Concerned.

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DIVISIONAL FOREST OFFICER
 MARDAN FOREST DIVISION

Attested

بخدمت جناب کنزروئٹر صاحب، مسٹرل سمارن سرکل پشاور

بوساطت:- ڈویژنل فارسٹ آفیسر ڈی، آئی، خان فارسٹ ڈویژن

Annexure

عنوان :- آپیل بر خلاف آفس آرڈر نمبر 60 مورخہ
16.11.2017 ڈی ایف او مردان۔

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جناب عالی،

بحوالہ متذکرہ بالا حکم ڈی ایف او مردان بر خلاف من اپیل کنندہ مسمی افتخار الدین فارسٹ گارڈ بسلسلہ ناقص شجرکاری بدوران ماہ جنوری تا ماہ اگست 2017 معروض ہوں کہ،

1. فیصلہ جانبدارانہ ہے اور مبنی برانصاف نہیں ہے۔
2. انتہائی ضروری اور ناگزیر (Pre- Requisite) کو پس پشت ڈال کر Skip out کیا گیا ہے جس کی وجہ سے فیصلہ غیر موثر بر حقوق ملزم ہے۔ انکوائری رپورٹ میں جب الزام ثابت ہو جاتا ہے تو آخری فیصلہ کرنے سے پہلے انتہائی ملزم کو شوکاز نوٹس جاری کرتا ہے۔ اور ذاتی شنوائی کا موقع دیتی ہے، جو کہ موجودہ کیس میں نہیں کیا گیا ہے۔ لہذا قانونی تقاضے پورے نہیں کیے گئے، اور یوں E&D Rules 2011 کی سرخ خلاف ورزی کی گئی ہے،
3. انکوائری رپورٹ تضادات کا مجموعہ ہے Self-Conductory ہے۔ ایک طرف مانا گیا ہے کہ ماہ اپریل، مئی، جون 2017 لیبیر payment نہیں کی گئی ہیں، جبکہ دوسری طرف انہی مسٹرول ہائے رقم کو Embezzlement خرد برد ظاہر کیا گیا ہے جو کہ کسی بھی عقل سلیم کی رو سے ناممکن ہے۔
4. مزید ستم ظریفی یہ کہ ماہ اپریل، مئی، جون میں ظاہر کردہ کو ناجائز بتایا گیا ہے۔ اور مبینہ فیل شدہ پلانٹیشن کی مرمت اکتوبر 2017 میں بتائی گئی ہے، لیکن اس دوران میں مزید گیارہ 11 ہیکٹیر پلانٹیشن مزید کی گئی ہے۔ اور اس کو جولائی کے مہینے میں چارج کیا گیا ہے۔ جو کہ اس انکوائری آفیسر کے بیان کے تردید اور ناقابل تردید ثبوت کے مترادف ہے۔ تو اس سے صاف پتہ چل سکتا ہے کہ پلانٹیشن میں کام جاری رکھا گیا، اور اسکے علاوہ مزید عرض کرتا چلوں کہ ماہ جولائی، اگست کے مسٹرول/ بل ہائے رقم کی منظوری آدائیگی کی گئی ہیں جو کہ انکوائری آفیسر کے موقف کی صاف تردید ہے۔
5. محکمہ جنگلات میں مسٹرول جری کرنے اور آدائیگی کا سرٹیفیکیٹ ان تمام امور کیلئے مروجہ طریقہ برسوں سے قائم ہے، جس سے انکار انگنی سے سورج کو

Attested

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چھپانے کے مترادف ہے۔ ان تمام امور کے ذمہ داری ان کا اختیار مختلف کیڈرز اور مختلف عہدوں کیلئے پہلے سے طے شدہ ہے۔ ان تمام امور بلاک آفیسر یا ٹارگت گارڈ کا کام صرف مزدوروں کی نگرانی مسٹروں بنانا اور آدائیگی کے وقت مزدوروں کی شناخت ہے۔ جبکہ مسٹروں پر چکینگ رپورٹ مسٹروں سے پہلے تخریخت بنانا مسٹروں پر آدائیگی سرٹیفیکٹ خزانے سے رقم کی وصولی اور لیبر کو آدائیگی ایس، ڈی، ایف، او / رینج آفیسر کا کام ہے مذکورہ حقائق کی روشنی میں یہ بات روز روشن کی طرح عیاں ہے کہ اس پورے معاملے میں اکیلا سنجیے قربانی کا بکرا بنایا گیا ہے جو کہ سراسر زیادتی اور مبنی بر النصف نہیں ہے۔

6. چارج شیٹ میں لگانے گئے الزامات کے نوعیت عمومی سطحی ہے اور کسی خاص نقطے یا خاص بے قاعدگی کی طرف اشارہ نہیں کیا گیا نہ تو یہ ذکر ہے، کہ پوداجات کتنی تعداد میں فیل ہیں اور نہ ہی spacing میں بے قاعدگی کا کوئی خاص تعین کیا گیا ہے اس صورت بفرض محال اگر سرکار کو کوئی نقصان ہوا بھی ہے، تو اس کا اندازہ کیسے لگایا گیا کیونکہ مالی نقصان کا اندازہ physical losses کی تعین کے بعد ممکن ہے اور Physical losses کا تعین کنے بغیر ماں نقصان کا تعین نا ممکن ہے، اس وجہ سے بھی مجھ پر ڈالی گئی ریکوری خلاف منطق اور خلاف قانون ہے۔ پراسیکیوشن سے فنڈز ایٹ ہونے کی تحقیق کی گئی تو پراسیکیوشن نے بھی بجٹ لیٹ ہونے کی تصدیق کی ہے، جس کی وجہ سے مزدور بیٹ آف فیلور سے انکاری تھے۔ اور میں نے کسی نہ کسی طریقے سے چوکیداران کو حفاظت چوکیداری اور محدود پیمانہ پر فیل شدہ پوداجات کی دوبارہ نگرانی پر راضی کرتا رہا اور مجبور کرتا رہا اور ساتھ ساتھ کنزروٹنٹر صاحب کے احکامات کی بجا آوری کرتے ہوئے جیسا کہ مندرجہ بالا عرض کر چکا ہوں کہ مزید 11 بیکٹیر پلانٹیشن کو بھی مکمل کیا، جو کہ فنڈز کی عدم دستیابی کے باوجود میں نے اپنی عزیز و اقارب سے قرض لے کر آفسران بالا کی حکم کی تعمیل کی، جو کہ میرے ڈیوٹی اور پیشہ ورانہ امور کی زندہ ثبوت ہے۔ لیکن عجیب بات ہے کہ پراسیکیوشن نے پھر کہا کہ کنزروٹنٹر صاحب کے احکامات کی بجا آوری میری ذمہ داری تھی۔ اس سلسلے میں عرض ہے کہ کنزروٹنٹر صاحب کے احکامات کی بجا آوری تمام ماتحت عملہ بشمول DFO, SDFO / رینج آفیسر اور بلاک آفیسر کی مشترکہ ذمہ داری ہوتی ہے۔

کنزروٹنٹر صاحب کے دو دفعہ دورہ کرنے کے بعد پھر DFO اور پھر SDFO بے خبر نہیں رہے تو ایسی صورت میں اکیلا مجھے کیسے ذمہ دار ٹھہرایا جا سکتا ہے۔

7. انکوائری رپورٹ میں SDFO مردان تسلیم کیا ہے، کہ اس کے چارج لینے کے وقت پلانٹیشن جزوی طور فیل تھی لیکن اس بابت انہوں نے مجھ سے کسی قسم کی جواب

Attested

طلبی/وضاحت نہیں مانگی گئی ہے، اور مزید براں جولائی، اگست کے مسٹرویز بک بھی کی گئی اور اس SDFO صاحب نے خود آدائیگی بھی کی ہے، جو کہ یا تو آفیسر مذکورہ کی تضاد بیانی ہے یا پھر انہی کی طرف سے ہے قاعدگی Financial فارسٹ ڈویژن میں خشک سالی کی وجہ سے 30% فیل ہے۔ جس کی رپورٹنگ اعلیٰ حکام تک کی گئی ہے 30% فیلور نکال کر باقی 70% بچتا ہے اگر اس میں 50% فیصد کو کامیاب لکھا جائے تو بھی فرق صرف 20% کا رہ جاتا ہے۔ اور اس 20% کیلئے بھی اکیلا میں دمہ دار نہیں ہوں لیکن یہاں یہ عرض کرنا چلوں کہ اگر کسی جگہ پر پلانٹیشن فیل بھی ہو جائے تو اس کیلئے باقاعدہ کمیٹی تشکیل دی جاتی ہے اور پھر ان کمیٹی کے سفارشات کی روشنی میں متعلقہ اہلکار کو شوکاز / جواب طلبی اور باقاعدہ گواہی ہوتی ہے، لیکن یہاں عجیب ماجرہ ہے کہ ایک فرد واحد کے رپورٹ کو حرف آخر سمجھ کر سیدھی انکوائری اور چارج شیٹ جاری کی گئی اور پھر انکوائری کی طریقہ کار کے قانونی تقاضے پورے کئے بغیر مجھ پر ریکوری اور سالانہ انکریمنٹ کی بندش سمیت بہت بڑی سزا یکسر ڈلوانا قانونی اور انصاف کے اصولوں کی کھلی خلاف ورزی کی مترادف ہے، کیونکہ انکوائری آفیسر نے انصاف کے بجائے یکطرفہ کاروائی کا اکیلا مجھے مستحق ٹھہرایا ہے جو کہ سراسر زیادتی اور خلاف قانون ہے میں نے دوران انکوائری، انکوائری آفیسر اور آتھارٹی کو بار بار اصرار کیا کہ Ground Reality کا موقع دیکھا جائے تاکہ فیصلہ موقع کے مناسبت اور انصاف پر مبنی ہو سکیں۔ لیکن اسکی طرف کسی قسم کی توجہ اور میری موقف کو کسی قسم کی اہمیت نہیں دی گئی جو کہ مبنی پر انصاف اور E&N Rules کی کھلی خلاف ورزی کی گئی۔ اور صرف کاغزی حد تک کاروائی کی گئی۔ جو کہ خلاف قانون اور انصاف کے اصولوں کے منافی ہے SDFO صاحب جو کہ خلاف حقیقت ہے۔ اور اصل پلانٹیشن 70% فیصد تک کامیاب ہے۔ آفسران نے صرف فیل شدہ حصہ دیکھا ہے جو کہ 30% سے کسی صورت زیادہ نہیں اور دیدہ دانستہ نظر انداز کیا گیا۔

8. میں نے انکوائری رپورٹ Submit کرنے سے پہلے انکوائری آفیسر سے متعلق اپنی عرض داشت آتھارٹی کو زبانی اور تحریری طور پر پیش کی تھی اور اپنی تحفظات کا اظہار کیا تھا۔ کہ مذکورہ آفیسر کے بجائے کوئی بھی دوسرا انکوائری آفیسر تعینات کیا جائے۔ لیکن میری اس عرض داشت کو پزیرائی نہیں ملی۔ جو کہ نہ صرف میری قانونی حق تلفی کی گئی بلکہ پاکستان کے آئین کے رو سے یہ بنیادی انسانی حقوق کے بھی منافی ہے۔

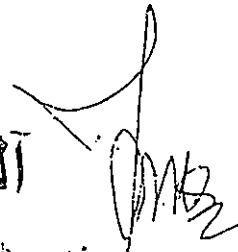
Attested

4

9. مندرجہ بالا نقاط یہ ثابت کرنے کیلئے کافی ہیں، کہ میری سزا اور سچیے بدنام کرنے کا فیصلہ پہلے سے طے ہوا تھا موجودہ انکوائری رپورٹ اور موجودہ فیصلہ صرف اس فیصلے تک پہنچنے کیلئے خانہ پری کی گئی fill in the blanks جو کہ سراسر زیادتی نا انصافی اور خلاف قانون اور انسانی حقوق کی پامالی کے مترادف ہے۔ میں بے گناہ ہوں میں نے پیشہ ورانہ طور میں کسی قسم کی کوتاہی یا غفلت وغیرہ کا ارتکاب نہیں کیا، اور نہ سرکاری رقم خرد برد کی ہے۔ اور اپنی دیوثی ایمانداری اور دیانتداری سے سر انجام دی ہے۔ اور آفسران بالا کے احکامات کی ہمیشہ بجاوری اور انکی اعتماد کو کبھی ٹھیس نہیں پہنچائی۔ اور محکمے کی 27 سالہ سروس میں حقیقی معنوں میں خدمت کی ہے۔ اور سرکاری پیسہ میں کسی قسم بے قاعدگی نہیں کی ہے۔ میں استدعا کرتا ہوں کہ مجھ پر لگانے گئے الزامات بے بنیاد اور من گھڑت ہیں میری سزا معاف پر مانی جائے۔ میں غریب آدمی ہوں اور میرے چھوٹے چھوٹے بچے ہیں۔ میں اور میرے بال بچے تا حیات دعا گو رہینگے۔ میرے چارج شیٹ میں لگانے گئے الزامات اور جناب ڈی، ایف، او صیاحب کے آفیس آرڈر نمبر 60 مورخہ 16.11.2017 میں تجویز کردہ ریکوری اور سالانہ انکرینٹ کی بندش کے فیصلے کو معطل فرما کر مذکورہ الزامات سے بڑی الزمہ قرار دیا جسے میں ان جناب کی خدمت میں اپنی تحریری دستاویزات جو کہ میں نے دوران انکوائری، انکوائری آفیسر کو مہیا کیے تھے جو کہ اس نے نا میری زبانی اور تحریری گزارشات کو نہ مان کر بالا طاق رکھا اور میرے خلاف یک طرفہ کارروائی کی جو کہ سراسر ظلم اور زیادتی کے مترادف ہے برائے نظر ثانی اپیل ہزاہ کے ساتھ منسلک ہے۔

تا حیات دعا گو رہونگا۔

العارض


14/12/2017

آپ کا تابعدار افتخار الدین فارست گارڈ ڈیرہ اسماعیل خان فارست ڈویژن

Attested



38

REFRACTION

	RIGHT EYE			LEFT EYE		
	Spherical	Cylindrical	Axis	Spherical	Cylindrical	Axis
Distance						
Near						

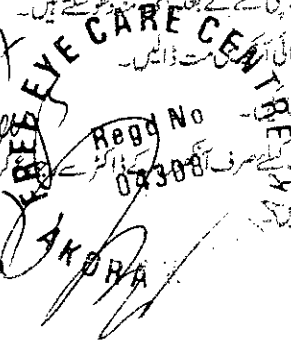
0334
9091694

(SIGNATURE)

مریض کیلئے ہدایات

- 1۔ آنکھ میں اچانک شدید درد سرخی یا پانی بہنے کی صورت میں فوراً ہسپتال سے رجوع کریں۔
- 2۔ ایک ہفتے تک نمازیں سجدہ اشارے سے کریں اور وزن اٹھانے والے اور بگن کے کام سے پرہیز کریں۔
- 3۔ آپریشن کے بعد دن سے پٹی لٹھنے کے لئے اور تھوڑے وقت میں دیکھ سکتے ہیں۔
- 4۔ سرمد یا کسی اور طرح کی دوائی آنکھ میں نہ ڈالیں۔
- 5۔ معمول کے مطابق کھانا کھائیں۔
- 6۔ کسی بھی ہدایت یا وضاحت کیلئے صرف 04308 پر کال کریں۔

Complete Rest
Bed for 16 days
(Instruments)



فری آئی کیئر سینٹر



(Iraq Abad Akora Khattak Nowshera)
(Regd No. 04308)



DISCHARGE CARD

ADMISSION NO. 40300

NAME Jahi Khan

AGE _____ GENDER (M) BED NO. (9)

DATE OF ADMISSION 5-4-18

DATE OF OPERATION 5-4-18

DATE OF DISCHARGE 5-4-18

DIAGNOSIS Rt Cat

PROGNOSIS	GOOD	FAIR	POOR	GUARDED
-----------	------	------	------	---------

OPERATION Rt Sies e 100 Power

CODE NO A1

REVIEW IN OPD NO 6-4-18

Attested
[Signature]

DATE

POST - OP FOLLOW-UP

POST OP - MEDICATIONS

1- Moxigan E/D

ایک قطرہ ہر ایک گھنٹہ بعد

1) Vigamox

2- Pred Forte E/D

ایک قطرہ ہر ایک گھنٹہ بعد

2) Maxidex

3- Eyebradex E/Oint

رات سوتے وقت

4- Tab Brufen 200mg

1+1 ایک گولی حسب ضرورت

حوالہ سے لیں اور
رہائی

FIRST FOLLOW-UP

DEXIMDA

1- e-e-e-e
1- e-e-e

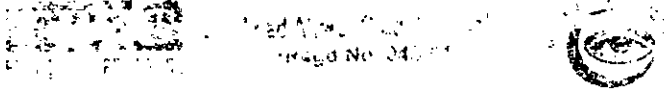
SECOND FOLLOW-UP

1- e-e

1- e
1- e

THIRD FOLLOW-UP

پری آپریشن کیپسول



REGISTRATION NO. 40300

40300 5-4-18
Jfikhah
Sawabi

Rt cat
Rt sics 5-4-18
5-4 (AI)

C-clear
Fed in place

C

50



43977



ایڈوکیٹ: محمدناں امان

بار کونسل ایسوسی ایشن نمبر 4253-13-bc

رابطہ نمبر: 0321-9853530

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: خیبر پختونخواہ سروسز ٹریڈ سونل پشاور

منجانب: اپیلانڈ افخار الدین

افخار الدین بنام گورنمنٹ
وغیرہ

دعویٰ:

علت نمبر:

موضوع:

جرم:

تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام پشاور کیلئے محمدناں امان، کرسٹیا ضلعی جج کو وکیل 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 تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور 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 وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 21-07-2018

بداوا شد

مقام: Attested & Accepted کے لیے منظور ہے۔

C Form 17

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Law
firm

Afikhar-nd-din (Appellant)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.944/2018

Iftikhar ud Din Forest Guard LSC Forest Sub Division Mardan..... **APPELLANT**

VERSUS

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary Forest to Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Divisional Forest, Officer, Mardan Forest Division, Mardan.
4. The Sub Divisional Forest Officer, Patrol Squad, Peshawar.
5. The Sub Divisional Forest Officer, LSC, Forest Sub Division, Mardan.
6. The Conservator of Forests (Central) Southern Circle
Peshawar..... **RESPONDENTS**

Parawise Comments of Reports. No. 2 to 6

Preliminary objection:

1. That the appellant has no cause of action or locus standi.
2. Appeal of the Appellant is considerably time bared i.e. by four months and seven days, therefore, it is prayed before this Honourable Court that it may neither be entertained nor any condonation may be granted in the limitation period of appeal because it will become a precedent for other appellants and in this way the very purpose of rules/order framed for filing of appeal will be spoiled.
3. Performance of the Appellant is very poor which is evident from the fact that the task of raising of 40 hectares Linear Plantation along Mardan Ring Road was assigned to him. He incurred an amount of Rs.1243501/- from the Govt: exchequer on raising of this plantation. On 03-07-2017, the Conservator of Forests Southern Circle Peshawar inspected the said plantation and found it failed from 40% to 50%, however taking a lenient view of the case, he was given a chance of 15 days for beating up of failures

and restoration of the condition of plantation vide DFO Mardan letter No.17/A dated 03-07-2017 (Annex-1) but he did not comply with the said directives.

4. That the appellant has been estopped by his own conduct to file the instant appeal.
5. His services were placed under suspension and was charge sheeted because he incurred further expenditure amounting to Rs.19215/- from the Govt: exchequer on the said plantation and as such the total amount which wasted due to his inefficiency comes to Rs.1262716/- while the plantation was still failed by 50%.

Respectfully Sheweth:

Facts:

1. Needs no comments pertain to record.
2. It is not correct. He has not performed his duty with full devotion but contrary to this he remained under inquiries ^{in notorious} regarding different nature of allegations and his overall reputation in the Department is not good. A brief of his dissatisfactory performance is given as under:
 - i. He was charge sheeted in the year 2014 for illicit cutting of trees and other irregularities committed by him, copy of the charge sheet is enclosed herewith as (Annex-2).
 - ii. He was again charge sheeted in the year 2017 for embezzlement ⁱⁿ of Govt: money in raising of plantation, copy enclosed as (Annex-3).
 - iii. Copy of DFO Mardan letter No.2223 /E dated 30-04-2014 addressed to Conservator of Forests Southern Circle is enclosed herewith (Annex-4) regarding his misconduct and immediately transferred from Mardan Forest Division.
 - iv. The Appellant is habitual to lodge complaints against his superior Officers and other staff due to which he was attached with the office of Divisional Forest Officer Bannu Forest Division vide Conservator of Forests Southern Circle Peshawar Office Order No.49 dated 30-05-2014 (Annex-5).

- v. Subsequently he apologized in written vide (Annex-6) and ^{stated} said that he will never be involved in illicit cutting of trees nor will lodge any sort of complaint which is a token of his misconduct and presumption of his past irregular activities.
3. Incorrect. The denuded land along Mardan Ring Road was planted up for landscaping and beautification of the said road.
 4. As the location of plantation i.e. Mardan Ring Road was coming ^{under his supervision} in the jurisdiction of place of duty of the Appellant, therefore, it was his duty to supervise the plantation work.
 5. Incorrect & misconceived. The amount paid to the petitioner was not fees for the plantation but was on account of the daily-wage labourers charges. As the plantation failed due to inefficiency of the petitioner, therefore, no further payment was made to the Appellant.
 6. Incorrect. The petitioner was directed to restore the condition of plantation but he did not comply with the directives because he had embezzled ⁱⁿ the Govt: money already paid to him on account of labourer charges as he had not engaged sufficient labourers on the plantation work which was resulted in failure of the plantation. As a matter of rules, he was required to replace the failed plants by planting new saplings at his own expenses, therefore, he used to make lame excuses and attributed the failure of plantation with non provision of funds.
 7. Incorrect & misleading. The fact is that the Appellant was given the chance of 15 days for beating up the failures as elaborated in Para-2 of aforementioned preliminary objections but he failed to do the needful within the stipulated period, therefore, his services were placed under suspension after alapse of considerable period which was more than 15 days.
 8. He submitted reply to the charge sheet because he was legally bound to do so but his reply was not satisfactory.
 9. Incorrect & misleading. ~~as~~ the said order issued by respondents No.3 on 16-11-2017 was regarding recovery of the financial loss already sustained to the Govt:

treasury by the Appellant after fulfilling of all codal formalities. (copies of charge sheets, statement of allegation, reply, inquiry report, A, B, C and D).

- preferred*
10. Incorrect. The Petitioner performed appeal to the next higher authorities i.e Conservator of Forests however, he did not wait for the decision on his appeal by the Appellate Authority and he gone to Service Tribunal with service appeal. In terms of Rules 19 (2) of the E&D Rules 2011, if a decision on a departmental appeal or review petition, as the case may be, filed under rule 17 is not communicated within a period of sixty days of filing thereof, the affected Government servant may file an appeal in the Khyber Pakhtunkhwa Province Service Tribunal within a period of thirty days of the expiry of the aforesaid period, whereafter, the authority with whom the departmental appeal or review petition is pending, shall not take any further action.
11. He was required to fulfill the deficiencies in the plantation but instead of this he filed appeal before this Honourable Court which is ineffective and baseless and only wastage the precious time of the Court.

Grounds:

- due to*
- A. As per relevant of rules, the Appellant being a Forest Guard cannot make direct correspondence with the respondent No.3 and *this* is the reason that no documents of the Appellant are available on the record of the office of respondent No.3. However, it is a lame excuse of the petitioner because sufficient amount of the Govt: exchequer has been paid to the Appellant on account of labourer's charges however he could cannot spent the amount in the BTAP activities.
- B. Incorrect. Actions under the E&D Rules 2011 were taken against other colleagues of the Appellant vide DFO Mardan Office Order No.02 dated 03-07-2017 (Annex-7).
- C. Incorrect, ~~because~~ *T* The Appellant does not take care of the service discipline and always lodges complaints against his higher ups and uses unofficial language which is clearly evident from the contents of this Para of his appeal and further

50



43977



ایڈوکیٹ: محمدناں امان

بار کونسل ایسوسی ایشن نمبر 4253-13-bc

رابطہ نمبر: 0321-9853530

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: حیدر بختونخواہ سروس ٹریڈ سونل پشاور

منجانب: ایڈوکیٹ احتضار الدین

احتضار الدین بنام گورنمنٹ
وغیرہ

دعویٰ:

علت نمبر:

مورخہ:

جرم:

تھانہ:

بامث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام پشاور کیلئے محمدناں امان، کرسٹیا ضلعی جج کو پیش 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 تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور 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 وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 21-07-2018

Attested & Accepted

C Form 17

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Attikhar-ud-din (Appellant)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.944/2018

Iftikhar ud Din Forest Guard LSC Forest Sub Division Mardan..... APPELLANT

VERSUS

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary Forest to Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Divisional Forest, Officer, Mardan Forest Division, Mardan.
4. The Sub Divisional Forest Officer, Patrol Squad, Peshawar.
5. The Sub Divisional Forest Officer, LSC, Forest Sub Division, Mardan.
6. The Conservator of Forests (Central) Southern Circle
Peshawar..... RESPONDENTS

Parawise Comments of Respts. No. 2 to 6

Preliminary objection;

1. That the appellant has no cause of action or locus standi.
2. Appeal of the Appellant is considerably time bared i.e. by four months and seven days, therefore, it is prayed before this Honourable Court that it may neither be entertained nor any condonation may be granted in the limitation period of appeal because it will become a precedent for other appellants and in this way the very purpose of rules/order framed for filing of appeal will be spoiled.
3. Performance of the Appellant is very poor which is evident from the fact that the task of raising of 40 hectares Linear Plantation along Mardan Ring Road was assigned to him. He incurred an amount of Rs.1243501/- from the Govt. exchequer on raising of this plantation. On 03-07-2017, the Conservator of Forests Southern Circle Peshawar inspected the said plantation and found it failed from 40% to 50%, however taking a lenient view of the case, he was given a chance of 15 days for beating up of failures

and restoration of the condition of plantation vide DFO Mardan letter No.17/A dated 03-07-2017 (Annex-1) but he did not comply with the said directives.

4. That the appellant has been estopped by his own conduct to file the instant appeal.
5. His services were placed under suspension and was charge sheeted because he incurred further expenditure amounting to Rs.19215/- from the Govt: exchequer on the said plantation and as such the total amount which wasted due to his inefficiency comes to Rs.1262716/- while the plantation was still failed by 50%.

Respectfully Sheweth:

Facts:

1. Needs no comments pertain to record.
2. It is not correct. He has not performed his duty with full devotion but contrary to this he remained under inquiries ^{in NOXIOUS} regarding different nature of allegations and his overall reputation in the Department is not good. A brief of his dissatisfactory performance is given as under:
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 - iii. Copy of DFO Mardan letter No.2223 /E dated 30-04-2014 addressed to Conservator of Forests Southern Circle is enclosed herewith (Annex-4) regarding his misconduct and immediately transferred from Mardan Forest Division.
 - iv. The Appellant is habitual to lodge complaints against his superior Officers and other staff due to which he was attached with the office of Divisional Forest Officer Bannu Forest Division vide Conservator of Forests Southern Circle Peshawar Office Order No.49 dated 30-05-2014 (Annex-5).

- v. Subsequently he apologized in written vide (Annex-6) and ^{stated} said that he will never be involved in illicit cutting of trees nor will lodge any sort of complaint which is a token of his misconduct and presumption of his past irregular activities.
3. Incorrect. The denuded land along Mardan Ring Road was planted up for landscaping and beautification of the said road.
 4. As the location of plantation, i.e. Mardan Ring Road was coming ^{under his supervision} in the jurisdiction of place of duty of the Appellant, therefore, it was his duty to supervise the plantation work.
 5. Incorrect & misconceived. The amount paid to the petitioner was not fees for the plantation but was on account of the daily-wage labourers charges. As the plantation failed due to inefficiency of the petitioner, therefore, no further payment was made to the Appellant.
 6. Incorrect. The petitioner was directed to restore the condition of plantation but he did not comply with the directives because he had embezzled ⁱⁿ the Govt: money already paid to him on account of labourers charges as he had not engaged sufficient labourers ^s on the plantation work which was resulted in failure of the plantation. As a matter of rules, he was required to replace the failed plants by planting new saplings at his own expenses, therefore, he used to make lame excuses and attributed the failure of plantation with non provision of funds.
 7. Incorrect & misleading. The fact is that the Appellant was given the chance of 15 days for beating up the failures as elaborated in Para-2 of aforementioned preliminary objections but he failed to do the needful within the stipulated period, therefore, his services were placed under suspension, after a lapse of considerable period which was more than 15 days.
 8. He submitted reply to the charge sheet because he was legally bound to do so but his reply was not satisfactory.
 9. Incorrect & misleading. ~~as~~ the said order issued by respondents No.3 on 16-11-2017 was regarding recovery of the financial loss already sustained to the Govt:

treasury by the Appellant after fulfilling of all codal formalities. (copies of charge sheets, statement of allegation, reply, inquiry report, A, B, C and D).

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11. He was required to fulfill the deficiencies in the plantation but instead of this he filed appeal before this Honourable Court which is ineffective and baseless and only wastage the precious time of the Court.


Grounds:

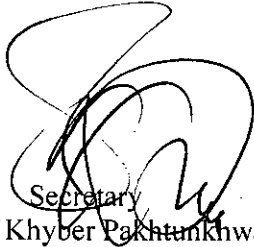
- due to*
- A. As per relevant of rules, the Appellant being a Forest Guard cannot make direct correspondence with the respondent No.3 and ~~this~~ is the reason that no documents of the Appellant are available on the record of the office of respondent No.3. However, it is a lame excuse of the petitioner because sufficient amount of the Govt: exchequer has been paid to the Appellant on account of labourer's charges however he could ~~cannot~~ spent the amount in the BTAP activities.
- B. Incorrect. Actions under the E&D Rules 2011 were taken against other colleagues of the Appellant vide DFO Mardan Office Order No.02 dated 03-07-2017 (Annex-7).
- C. Incorrect, ~~because~~ ^T The Appellant does not take care of the service discipline and always lodges complaints against his higher ups and uses unofficially language which is clearly evident from the contents of this Para of his appeal and further


reveals from the then DFO Mardan letter No.2223/E dated 30-04-2014 as per annexure-04


- D. Incorrect. Actually due to inefficiency of the Appellant, the plantation failed. Moreover, it is beyond the status of Officers of a Department to keep mala-fide intentions against a subordinate employee of Scale-07. The contents of this Para of the appeal are also against the service decorum and discipline.
- E. Incorrect all codal formalities have been fulfilled.
- F. Incorrect. No illegal action has been taken against the Appellant.
- G. It is requested that the Appellant may not be allowed to conceal the facts and bring the same before this Honourable Court through his this appeal so as to enable the respondents to furnish appropriate replies to the same.


In view of the above it is humbly prayed that the instant appeal of the Appellant being ineffective and baseless may kindly be dismissed in limine.


Conservator of Forests
Southern Circle Peshawar.
(R. No. 6)

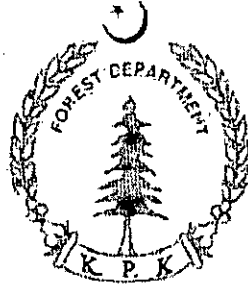

Secretary
Govt of Khyber Pakhtunkhwa
Forestry, Environment and
Wildlife Department
Peshawar.
(R. No. 2)


Divisional Forest Officer
Mardan Forest Division
Mardan
(R. No. 3)


Sub Divisional Forest Officer
LSC Forest Sub Division
Mardan
(R. No. 5)


Sub Divisional Forest Officer
Patrol Squad Peshawar
(R. No. 4)

TARIQ KHADIM
Divisional Forest Officer



Mardan Forest Division

Mardan

Ph #: 0937-9230052

Email: mardan.forest.division@gmail.com

No: 17

/A

Dated Mardan the

03/07/2017

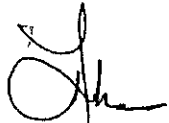
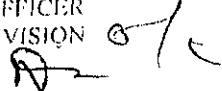
To

Mr. Iftikhar Uddin Forest Guard
C/o SDFO LSC Forest Sub Division

Subject: - POOR CONDITION OF RING ROAD PLANTATION.

Memo: -


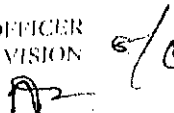
Today on 03-07-2017, the honourable Conservator of Forests Southern Circle Peshawar inspected the Ring Road Plantation from Swabi Road towards Nisatta Road in company with the undersigned as well as SDFO LSC Forest Sub Division and observed that the said plantation is failed from 40% to 50% from perusal of record it is pertinent that amount of Rs.1243501/- has been incurred on the said plantation from Govt. Exchequer. You being in-charge of the aforementioned plantation are therefore directed to restore the condition of the said plantation by beating up of all the failures within 15 days at any cost, otherwise, proper disciplinary action will be taken against you under the E & D Rules 2011 on account of your in-efficiency and misconduct.


DIVISIONAL FOREST OFFICER
MARDAN FOREST DIVISION
MARDAN. 

No. 18-19/A

Copy forwarded to:

1. Conservator of Forests Southern Circle Peshawar for favour of information.
2. SDFO LSC Forest Sub Division for information and necessary action.


DIVISIONAL FOREST OFFICER
MARDAN FOREST DIVISION
MARDAN. 

Attested


D.F.O. Mardan

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21

CHARGE SHEET


I, Mr. _____ as competent authority, hereby charge sheet Mr. Ifikhar uddin Forest Guard in-charge Mardan Block of Lower Swat Canal Forest Sub Division as follows:


That you being in-charge of Mardan Block of Lower Swat Canal Forest Sub Division committed the following irregularities:

1. Nine (09) Nos of Eucalyptus trees having about 12 to 24 inches Dia have illicitly been cut and removed along Mardan Swabi Road. According to the report of SDFO LSC Forest Sub Division, these trees have been cut and sold by you mere to provide an opportunity to the owner of a weighing unit (Kanta) which has been established along this road, to encroach upon Govt. land by making approach road to his weighing unit. Besides this, two Eucalyptus trees having about 31" dia have also been cut and sold by you in order to provide the opportunity of encroachment to another private person by making approach road to his residential building which is under-construction along this road.
2. According to the report of M&E committee, you have misappropriated 2785 nos of fruit plants at the time of distribution of these plants amongst the farmers and general public because some of the persons to whom you have provided the fruit plants as per record maintained by you are not traceable.
3. While you were holding the charge of Rashakai Inter Change Forest Check Post during the period from 09/2013 to 02/2014, you have realized an amount of Rs.13,81,950/- from the transporters of various forest produce on account of revenue but as per record you have remitted an amount of Rs.9,33,050/- out of the same while rest of amount of Rs.4,48,900/- are still lying with you which clearly shows that you have embezzled the said amount.
4. By reason of the above, you appear to be guilty of:
 - a. In-efficiency
 - b. Misconduct

Under Rule 3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in Rules 4 of the rules ibid.

5. You are therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the inquiry officer/inquiry committee, as the case may be.
6. Your written defence if any should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you. Intimate whether you desired to be heard in person.
7. A statement of allegations is enclosed.


COMPETENT AUTHORITY
Divisional Forest Officer
Mardan Forest Division
Mardan.

02/7/14
Attested

I.F.O. Mardan

CHARGE SHEET

4. Mr. Tariq Khadim Divisional Forest Officer Mardan Forest Division as Competent Authority, hereby charge sheet you Mr. Iftikhar-uddin Forest Guard in-charge Ring Road plantation Mardan from Rashakai Nisatta and Rashakai to Swabi Road Section of Lower Swat Canal (LSC) Forest Sub Division as under:

1. You have incurred expenditure to the tune of Rs.1262716/- on raising of Forty (40) hectares Linear Plantation under Phase-II of "Billion Trees Afforestation Project" along Ring Road from Rashakai, Nisatta and Rashakai to Swabi Road Section. The Conservator of Forests Southern Circle Peshawar during inspection of the said plantation in company with DFO Mardan on 03-07-2017 found the said plantation in worst condition. You were given a chance of 15 days for beating up of failures vide DFO Mardan letter No.17/A dated 03-07-2017, but you did not do the needful within more time than the said stipulated period.
2. The said 15 days duration/period was extended upto one (01) month as the Conservator of Forests Southern Circle Peshawar again inspected the said plantation in company with the DFO Mardan on 30-08-2017 and it was observed that the plantation was still in worst condition.
3. Your aforementioned attitude regarding non compliance with the directives of higher authorities clearly speaks of your inefficiency and misconduct which is a clear token to the effect that you have embezzled a handsome amount of the Govt: to the tune of Rs. 1262716/-.

By reason of the above, you appear to be guilty of In-efficiency and Misconduct under Rule 3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in Rules 4 of the rules ibid.

You are therefore, required to submit your written defence within three (07) days of the receipt of this charge sheet to the Enquiry Officer.

Your written defence if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you. Intimate whether you desired to be heard in person.

A statement of allegations is enclosed herewith.

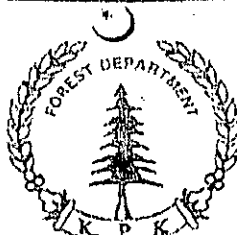
Attested

D.F.O. Mardan


DIVISIONAL FOREST OFFICER
MARDAN FOREST DIVISION

(COMPETENT AUTHORITY)

99

<p>MR. ALI HAIDER Divisional Forest Officer</p>	 <p>FOREST DEPARTMENT K P K</p>	<p>Mardan Forest Division Mardan Ph #: 0937-9230052</p>
<p>No: 2223 / E Dated Mardan the 30 / 04 / 2014</p>		

To

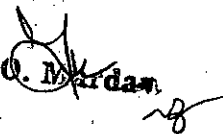
The Conservator of Forests
Southern Circle Peshawar.

Subject: - TRANSFER OF FOREST GUARD.

It is submitted that Mr. Iqbal-ud-din Forest Guard is very inefficient, notorious and misconduct nature of government employee. He always tries his best to be posted on attractive places of his own choice like check posts and private timber markets etc. His utmost struggles for posting on Rashakai Interchange Forest Check Post is evident from the fact that he compelled the higher-ups for posting on NCC Block mere to take the possession of Rashakai Interchange Forest Check Post vide office order No.34 dated 8-10/2013 copy enclosed for ready reference.

In order to safeguard the government interest, the undersigned segregated some important units from NCC Block just to avoid the chances of corruption etc vide this office order No.32 dated 10-10-2013 copy enclosed, which is self-explanatory. But the said segregated units were re-attached with NCC Block by the higher-ups. Though the said Forest Guard has been removed from Rashakai Check Post by my predecessor but still he has been assigned the duties of other attractive units of NCC Block like private timber depots /timber markets. Beside, this the said Forest Guard is still trying his best to be posted on Rashakai Interchange Forest Check Post. His overall reputation and integrity is

Attested


U.F.O. Mardan

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completely doubtful therefore his further retention in this Forest Division is not only against the interest of Government but is also causing of loss to the government exchequer.

In view of the above I feel it my sacred duty to request your kind honour for immediate transfer of Mr. Istikhar-ud-din Forest Guard from this Forest Division on aggravated basis so as to safeguard the government interest.

a/c 30/4/14
DIVISIONAL FOREST OFFICER
MARDAN FOREST DIVISION
MARDAN

No. 2224 /E

Copy forwarded to Chief Conservator of Forests Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar for favour of information please.

a/c 30/4/14
DIVISIONAL FOREST OFFICER
MARDAN FOREST DIVISION
MARDAN

E:\doe\letters\TRANSFER OF FOREST GUARD.doc

Attested

E.O. Mardar

102

OFFICE ORDER NO. 49 DATED PESHAWR THE 30 MAY 2014, ISSUED BY CONSERVATOR OF FORESTS CENTRAL SOUTHERN CIRCLE, PESHAWAR.


Mr. Iftikhar-Ud-Din Forest Guard is hereby attached with Divisional Forest Officer, Bannu Forest Division with immediate effect till further orders. However, he will draw his pay from Mardan Forest Division.

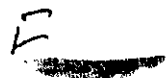
Sd/-
Conservator of Forests,
Central Southern Circle,
Peshawar

No. 9329-25/E, Dated Peshawar the 30 May, 2014.

Copy forwarded to:

1. Chief Conservator of Forests-I Khyber Pakhtunkhwa for information with reference to his letter No.4012/E, dated 28-5-2014. The complaint is anonymous and the complainant has also mentioned the name of Honourable Parliamentary Secretary Mr. Fazle Ilahi. Therefore, I am not competent to carry out such type enquiry, in this case. Therefore, it is proposed that the enquiry be entrusted to a proper and competent forum, please.
2. Divisional Forest Officer Bannu for information and necessary action.
3. Divisional Forest Officer Mardan for information and necessary action.
4. Mr. Iftikhar Ud Din Forest Guard C/O DFO Mardan.


Conservator of Forests,
Central Southern Circle,
Peshawar



No. 8529-30 /E

Dated 03 /06/2014


Copy forwarded to:


1. SDFO LSC Forest Section Division

2. Mr. Iftikhar-ud-din Forest Guard for information and necessary action

The Forest Guard concerned hereby stands relieved of his duty in the afternoon of 30-5-2014, therefore, the SDFO LSC is directed to make local arrangements of the beat of the relieved Forest Guard.

Attested


D.F.O. Mardan


DIVISIONAL FOREST OFFICER
MARDAN FOREST DIVISION
MARDAN

افسار نامہ

میں سہمی افتخار الدین فارسی کا ڈرائیور تھا کہ میں اٹھواڑھ بجے اپنی زبان
 کو لگام دوں گا۔ اور اپنے سٹیئر افسران احمد شافی کی اعتراض کروں گا۔
 کسی کجاچیے یا تین پینس کروں گا۔ اور نہ کسی خلاف شکایت درخواست کروں گا۔
 اور اپنے ڈرائیور ایما نداری اور احسن کمرے انجام دوں گا۔ اور نہ کسی غیر قانونی
 کام مجھے غیر قانونی درخت کی کٹائی، ٹھکانڈ اور اپنے مشافی نہ کسی قسم کی شکایت
 پینس کروں گا۔ اگر مندرجہ بالا کسی کام میں ملوث یا شامل ہوں، ان سب ایشیا کی خلاف ورزیوں
 کا۔ تو افسران بالا کو مکمل اختیار ہے جو میرے خلاف قانونی کارروائی کریں

افتخار الدین
 فارسی کا ڈرائیور
 13-6-2014

① گواہ رہے

لطیف حسین سب ڈویژنل انسپکشن
 اسٹیبل

② گواہ رہے

احسن الدین خان

R/ASP

(Handwritten signatures and stamps)

Attested

D.O. Mardan

OFFICE ORDER No. 02 DATED MARDAN THE 03/07 /2017 BY MR. FARIQ KHADIM DIVISIONAL FOREST OFFICER MARDAN FOREST DIVISION MARDAN.

The honourable Secretary Govt: of Khyber Pakhtunkhwa Forestry, environment and Wildlife Department Govt: of Khyber Pakhtunkhwa inspected the Ring Road Plantation and showed his great concerns regarding the poor condition of the said plantation and directed the undersigned to restore the condition of the plantation by beating up of all the failures and accelerate the pace of said work which was subsequently endorsed by the undersigned to the SDFO LSC and subordinate staff to improve the condition of the said plantation vide his letter No.5238/A dated 19-06-2017, but they did not comply with the said directives of higher authorities and undersigned. Today on 03-07-2017. The Conservator of Forests Southern Circle Peshawar along with the undersigned inspected the said plantation in company of SDFO LSC Forest Sub Division and his concerned field staff and it was observed that the said plantation is still 80% failed at Malakand Road to Nisatta Road and Nisatta Road to Katlang Road. On the other hand, a huge amount of Rs.19,09,001/- has been incurred from the Govt: exchequer on raising of the said plantation.

Keeping in view the aforementioned situation, the services of M/S Akbar Hussain, Khan Zeb and Ali Rehman Forest Guards are hereby placed under suspension and they are attached with the office of DFO D.I. Khan Forest Division. Moreover, their pay during the suspension period is also hereby stopped till further order. In the meanwhile, Mr. Mohib Ullah SDFO Hangu Forest Sub Division is hereby appointed as Enquiry Officer to conduct proper enquiry into the matter and submit a fact-finding enquiry report based on the ground reality within 15 days to the undersigned without fail.

Sd/-
DIVISIONAL FOREST OFFICER
MARDAN FOREST DIVISION
MARDAN

No. 11-16 /17

Copy for forwarded to:

1. The Conservator of Forests Central Southern Circle Pakhtunkhwa Peshawar for favour of information with reference to his good self directives dated 03-07-2017 please.
2. SDFO LSC Forest Sub Division. He is directed to relieve the aforementioned staff by today the 3rd of July 2017 and direct them to report their arrival to the DFO D.I.Khan by tomorrow at any cost.
3. DFO D.I Khan for information and till further directives from the Conservator of Forests Southern Circle Peshawar.
4. DFO Kohat for information.
5. Mr. Mohib Ullah SDFO Hangu Forest Sub Division for information and follow up action
6. All concerned field staff.

DIVISIONAL FOREST OFFICER,
MARDAN FOREST DIVISION
MARDAN

Attested

D.F.O. Mardan

CHARGE SHEET

Mr. Tariq Khadim Divisional Forest Officer Mardan Forest Division as Competent Authority, hereby charge sheet you Mr. Itikhar-uddin Forest Guard in-charge Ring Road plantation Mardan from Rashakai Nisatta and Rashakai to Swabi Road Section of Lower Swat Canal (LSC) Forest Sub Division as under:

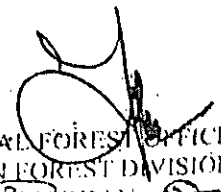
1. You have incurred expenditure to the tune of Rs.1262716/- on raising of Forty (40) hectares Linear Plantation under Phase-II of "Billion Trees Afforestation Project" along Ring Road from Rashakai, Nisatta and Rashakai to Swabi Road Section. The Conservator of Forests Southern Circle Peshawar during inspection of the said plantation in company with DFO Mardan on 03-07-2017 found the said plantation in worst condition. You were given a chance of 15 days for beating up of failures vide DFO Mardan letter No.17/A dated 03-07-2017, but you did not do the needful within more time than the said stipulated period.
2. The said 15 days duration/period was extended upto one (01) month as the Conservator of Forests Southern Circle Peshawar again inspected the said plantation in company with the DFO Mardan on 30-08-2017 and it was observed that the plantation was still in worst condition.
3. Your aforementioned attitude regarding non compliance with the directives of higher authorities clearly speaks of your inefficiency and misconduct which is a clear token to the effect that you have embezzled a handsome amount of the Govt. to the tune of Rs. 1262716/-.

By reason of the above, you appear to be guilty of In-efficiency and Misconduct under Rule 3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in Rules 4 of the rules ibid.

You are therefore, required to submit your written defence within three (07) days of the receipt of this charge sheet to the Enquiry Officer.

Your written defence if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you. Intimate whether you desired to be heard in person.

A statement of allegations is enclosed herewith.


 DIVISIONAL FOREST OFFICER
 MARDAN FOREST DIVISION
 (COMPETENT AUTHORITY)

20
DISCIPLINARY ACTION

Annexure
" B "

1. Mr. Tariq Khadim Divisional Forest Officer Mardan Forest Division as Competent Authority am of the opinion that Mr. Iftikhar-uddin Forest Guard in-charge Mardan Ring Road plantation from Rashakai, Nisatta and Rashakai to Swabi Road Section of Lower Swat Canal (LSC) Forest Sub Division rendered himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011:

STATEMENT OF ALLEGATIONS.

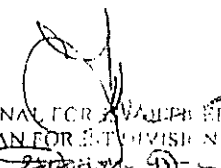
1. Mr. Iftikhar Uddin Forest Guard has incurred expenditure to the tune of Rs. 1262716/- on raising of Forty (40) hectares Linear Plantation under Phase-II of "Billion Trees Afforestation Project" along Ring Road from Rashakai, Nisatta and Rashakai to Swabi Road Section. The Conservator of Forests Southern Circle Peshawar during inspection of the said plantation in company with DFO Mardan on 03-07-2017 found the said plantation in worst condition. He was given a chance of 15 days for beating up of failures vide DFO Mardan letter No. 17/A dated 03-07-2017, but he did not do the needful within more time than the said stipulated period.
2. The said 15 days duration/period was extended upto one (01) month as the Conservator of Forests Southern Circle Peshawar again inspected the said plantation in company with the DFO Mardan on 30-08-2017 and it was observed that the plantation was still in worst condition.
3. His aforementioned attitude regarding non compliance with the directives of higher authorities clearly speaks of his inefficiency and misconduct which is a clear token to the effect that he has embezzled a handsome amount of the Govt. to the tune of Rs. 1262716/-.

For the purpose of enquiry against the said accused with reference to the above allegations, Mr. Aitzaz Mehfooz Sub Divisional Forest Officer I/C of Southern Circle Patrol Squad Party is hereby appointed as Enquiry Officer.

The Enquiry Officer shall in accordance with the provisions of the said rules, provide reasonable opportunity of hearing to the accused, record its finding and make within fifteen (15) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

The accused and a well-conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

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DIVISIONAL FOREST OFFICER
MARDAN FOREST DIVISION
(COMPETENT AUTHORITY)

Attested

2017

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Annexure - C

To

Mr. Aitezaz Mehfooz SDFO

The Enquiry Officer

Subject:

REPLY TO THE CHARGE SHEET

Memo:

Reference charge sheet with statement of allegations served upon me / the DFO Mardan received on 25/9/2017.

It is submitted that I do hereby deny the allegations on the following, interalia, GROUNDS.

- a. The allegations are biased, based on conjectures, suppositions with no substantial material to justify the action taken;
- b. Contents of the allegations are self-contradictory, irrational and are thus incalled for;
- c. The allegations framed are unjust, with malicious intent without considering my role and job description as provided in the Forest Manual and so, have no legitimacy in the eyes of law.

Para wise reply to the charge sheet is furnished as under:

1. It has been admitted in the charge sheet that I have raised 40 hectares Linear Plantation by incurring expenditure amounting to Rs. 1262716/-. This single fact narrated by the competent authority is, by itself, an undeniable evidence of the fact that no irregularity has been committed by me and this singular fact is sufficient to render void the initiation and nullify the disciplinary proceedings and absolve me of the allegations.

Regarding expenditure, it is an established fact and practice in vogue that the Block Officer or Forest Guard is neither entitled nor responsible to directly disburse wages to the labour. It is mandatory that the Range Officer or the SDFO shall disburse such wages on the identification of the Block Officer/Forest Guard. Therefore, attributing incurring of the amount to me is not correct. Without prejudice to the above and in addition thereto, the P.W. rate is Rs. 63355/- per hectares including watering and watch & ward. The aggregating amount of 40 hectares comes to Rs. 2534200/-. Payment has been made to the labourers up to March 2017 but even then I kept the plantation in good condition by engaging the labourers through my own sources for which I arranged money from my relatives and friends on loan basis which is still to be refunded. The plantation was in good condition but in some portion the plants were covered by weeds and if the weeds are removed, the plants will become visible. Though fifteen days period was granted to me but no funds were provided. I have tried my best to improve the condition of plantation. There are of course some failures almost less than 10% which is within the permissible limit.

2. The worthy Conservator of Forests Southern Circle Peshawar inspected the plantation on

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SDFO P/S
(E.O.)

Attested

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Secretary

Forest Officer

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Annexure - C

(Signature)

30/8/2017 but his kind honour did not take into account the facts of non-provision of funds on account of labourer charges which were outstanding since April 2017. I have informed all my superior officers in written through reports on 07/7/2017, 22/8/2017, 03/9/2017, 06/9/2017 and finally on 07/9/2017 (Photostat copies are enclosed) but no arrangement for provision of wages to the daily labourers was made.

- 3. In the light of the facts mentioned in the grounds, in part 1 of the reply job description, Forest Manual and practice in vogue, the charge of embezzlement on my part is called for and not applicable. In the light of PC-I provision the charge is against facts either. In spite of the aforementioned facts, I have raised 11 hectares more plantation and by this way, the total quantum of plantation comes to 51 hectares and the present worthy DFO Mardan has deployed 11 Forest Guards on the said plantation which clearly shows that I had been assigned the task equal to the capacity of 11 persons. Even then I have performed my duty very efficiently and with full devotion but the main impediment was non-provision of funds.

In view of above facts, I am innocent in the instant case and there is nothing irregular on my part. It is therefore prayed that I may graciously be exempted from all the charges leveled against me so that I may continue and perform my duty whole heartedly in the best interest of Government please

Enclosed above

Attested
Sd/-
DFO P/S
(E.O.)

(Signature)

Mukhtar Uddin Forest Guard

Mardan Forest Division

Dated: 03/X/2017

Attested

(Signature)

Attested

(Signature)

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Annexure - D

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ENQUIRY REPORT IN DISCIPLINARY CASE OF MR. IFTIKHAR-UD-DIN FOREST GUARD I/C PLANTATION OF MARDAN RING ROAD FROM RASHAKAI-NISSATTA AND RASHAKAI-SWABI ROAD SECTION OF MARDAN FOREST DIVISION, MARDAN.

LEAD WITH

- 1. Inquiry Proceedings initiated by Mr. Tariq Khadim, DFO Mardan addressed to undersigned vide DFO Mardan Letter No; 685/A, dated; 14-09-2017
- 2. DFO Mardan letter No: 17/A, dated 03-07-2017 for beating up of failures
- 3. Letter by the Enquiry Officer to DFO Mardan for submission of Reply and Nomination of Departmental Representative in the Enquiry vide Letter No: 39/I S-2017, Dated: 28/09/2017
- 4. DFO Mardan Office Order No; 18, dated; 14-09-2017 regarding suspension of accused forest guard
- 5. Report of SDFO LSC regarding status of Plantation on 28-08-2017 after taking over the Charge of SDFO LSC.
- 6. Written Reply submitted by Accused Forest Guard on 01-10-2017.
- 7. Personal Hearing of the Accused Forest Guard on 16-10-2017 and 30-10-2017

BRIEF HISTORY OF THE CASE:

Plantation on Rashakai-Nissatta and Rashakai-Swabi section of Ring road Mardan was conducted under Phase-II of BTAP. Inspection of the said plantation was conducted by the Worthy Conservator of Forest Southern Circle, Peshawar along with the DFO Mardan on 03-07-2017. Then on 30-08-2017, the Conservator of Forest along with DFO Mardan again inspected the plantation site, but found the said plantation in worst condition. Services of the accused forest were Suspended on 14-09-2017 vide DFO Mardan Office Order No: 18, dated 14-09-2017. Hence, the Enquiry initiated, and the undersigned was appointed as the Enquiry Officer vide DFO Mardan Letter No: 685/A, dated; 14-09-2017.

PROCEEDING(S):

In order to probe the charges, record was perused and the statements of the accused forest guard and the departmental representative were taken into account and the charges perused.

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The allegations / Charges leveled on the accused official includes the following, hence kept in view while scrutinizing the conduct of the accused forest guard;

- 1. An expenditure to the tune of Rs-1262716/- on raising 40 Hectares Linear plantation under Phase-II of BTAP along ring road from Rashakai, Nisatta and Rashakai to

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DFO Mardan

Swabi Road Section have been made. The plantation was found in worst condition by the Conservator of Forest Southern Forest Circle during visit on 03-07-2017, hence was given the time of 15 days for beating up of failures vide DFO Mardan letter No. 17/A dated 03-07-2017, but he did not do the needful.

2. The said 15 days duration was extended up to 01 month as the Conservator of forest again inspected the said plantation in company with DFO Mardan on 30-08-2017 and it was observed that the plantation was still in worst condition.
3. His aforementioned attitude regarding non-compliance with the directives of higher authorities speaks of his in-efficiency and misconduct which is a clear token to the effect that you have embezzled a handsome amount of the govt; to the tune of Rs-1262716/-

Discussion:

Regarding the first charge, it is stated that an amount of Rs. 12,62,716/- have been incurred on the said plantation site of 40 Hac, but during the inquiry proceedings, the documents provided by the departmental representative, reveals the following;

Table - 1: Detail of incurred money as per M/Rolls on 40 Hac Plantation

S.No	M / Roll No	Month	Amount	Remarks	Status of M/Rolls
1	45/LSC BTAP	01/2017	53500/-	Plantation on 0.72 Hac area	Sanctioned
2	46/LSC BTAP	01/2017	33000/-	Plantation on 1.30 Hac	Sanctioned
3	132/LSC BTAP	02/2017	443000/-	Plantation on 16.31 Hac and Maintenance of 22.33 Hac	Sanctioned
4	156/LSC BTAP	03/2017	439500/-	Plantation on 12.67 Hac and Maintenance/ Hand watering of 35 Hac plantation	Sanctioned
5	06/LSC BTAP	07/2017	207500/-	Plantation on 05 Hac and Maintenance on 40 Hac	Sanctioned
6	45/LSC BTAP	08/2017	94500/-	Maintenance on 40 Hac	Sanctioned

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DFO Mardan

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amount incurred on the Maintenance of plantation during the months of 04/2017, 05/2017 and 06/2017 are still pending to be made. Hence, the plantation was worsened as the labour refused to do the work, but on the other hand, compliance of the directives of worthy Conservator of Forest had to be made. In this connection, a letter to DFO Mardan has also been made by me for the request of funds, so that the directives of Conservator of forest could be implemented. When asked that whether he is not a civil servant and isn't it the duty of a forest guard to carry out plantation and be Incharge Plantation; he stated that yes he is a civil servant and the Incharge of plantation but the target allotted has been completed by him and the higher-ups have been satisfied with his work. When asked from the Departmental Representative regarding his work completion and satisfaction by the higher-ups; he rebutted the statement made by accused forest guard and argued that if the higher ups were satisfied, the official would not have been suspended and kept under enquiry.

When inquired from Departmental Representative about the pendency of amount for 03 M/Rolls for the month of 04/17, 05/17, and 06/17, he argued that firstly huge cut on funds demanded initially were made, secondly funds were released late and thirdly, being the SDFO LSC when the Charge as SDFO LSC was taken over, the plantation on Ring Road was found hardly 50-55% successful, hence 45% failure; (as mentioned in the report of SDFO LSC dated 28-08-2017; attached as Annexure-B). Moreover, the worthy Conservator of Forest along with DFO Mardan had also inspected the plantation site firstly on 03-07-2017 and then on 30-08-2017 but even after a lapse of 02 months period, the plantation was in worst condition, hence the work done on the ground did not commensurate with the expenditure incurred.

To probe further into the charge of embezzlement, it is pertinent to dig out, whether the plantation carried out on the ground commensurate with the amount claimed / incurred / accrued on the plantation and have the payments been made to the labours judiciously? This point could be assessed after consulting the record and the statements of accused forest guard during personal hearing. As per record of M.Rolls w.e.f. 01/2017 to 03/2017, the amount claimed by the accused forest guard on account of Plantation and Maintenance of Plantation, hence it means that the plantation has actually been carried out. Similarly, also mentioned in the report of SDFO LSC, which mentions that 45% failure and necessary maintenance of plantation were not carried out i.e., lack of watering, excess of water due to storage / stagnation of water, enormous weeds and uneven spaces between the plants were observed, hence the amount embezzled by not utilizing as per requirement and not making payments to the labour as well; which is evident from the complaint produced by departmental representative attached as Annexure-B. Moreover, as per job description of forest guard in Forest Manual Volume - II and the practice in vogue, payments are disbursed on the identification of

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DFO. Mardan

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concerned Forester or Forest Guard to the labour honestly and judiciously, so his supervision and management lead to the failure of plantation.

It is pertinent to mention that in every Govt department, payments are made only when the bill is produced. Moreover, a certificate by the concerned Incharge of work is submitted to the Authority that the work done is satisfactory and the amount has actually been spent on ground and commensurate with the work done. This could be clear through an example, C&W dptt. awards contracts but payment of the bills are made only after the work is completed and the work done is satisfactory. Hence, in the instant case, the payments have been made to the staff; in some cases in time but in some cases late, but all sorts of payments accrued either on plantation or its maintenance are incurred by the department. The forest guard has only to manage, supervise the labour and ensure the proper utilization of money by commensurating with the same amount of work on the ground.

Furthermore, asset of the department i.e., plantation area cannot be left to the mercy of nature and other anthropogenic factors, for which the government has incurred huge expenditures. And giving just a lame excuse that no funds have been provided, hence the plantation failed is not justifiable. But the question is; what is the progress/ survival/ success of activity of initial plantation, for which the labour has been paid. This has been discussed above relating to the aspect of replanting and maintenance of the plantation by the SDFO LSC after suspension of accused forest guard on 18-09-2017, hence incurring more money that attributes to embezzlement i.e., dubious payments, the non-judicious and unjustified utilization of the government money by the accused official.


In one of the question, the departmental representative stated that after pressing hard by the higher ups to make the plantation a success story, presently tiresome efforts have been made and the plantation made successful through beat-up and maintenance during 10/2017.

It is inferred from the above discussion that embezzlement in the total expenditure incurred on plantation i.e., Rs-19,82,670/- with reasons of; plantation of less number of plants, un-even spacing, improper maintenance, the amount incurred on beat-up of plantation for corrective measure for the second time during 10/2017, improper, unjustified and non-judicious utilization of government money on plantation and non-commensuration of the actual amount incurred on the work done on ground by the accused forest guard lead to the failure of plantation. All these observations/deficiencies lead to the charges of in-efficiency and misconduct on the part of accused forest guard. Hence, M/Rolls for the 03 months i.e., 03/2017, 04/2017 & 05/2017 for amount of Rs 7,93,500/- are dubious and the payment claimed is not justifiable, hence the same

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D.F.O. Mariani

amount is also pending due to the reasons mentioned above, hence the charges of embezzlement have been proved.

FINDINGS:

It is concluded that as the forest guard has claimed the total amount of Rs.19,32,670/-. Out of which the amount of Rs 7,93,500/- claimed by the accused forest guard as per M/Rolls for the months of 04, 05 and 06/2017 did not commensurate with the work done on ground and the payments made are dubious, unjustified, non-judicious and in an improper manner which shows his irresponsible attitude. Hence, the said amount is considered as recovery on his part, therefore the said M/Rolls are null and void.

Moreover, directives of the higher-ups regarding beating-up efforts have not been complied with, and hefty efforts have been carried out at a belated stage for making the plantation a successful one, which otherwise would not have been required if amount claimed and spent on the plantation were judicious and justified. Therefore, the charges of in-efficiency and mis-conduct are proved.

RECOMMENDATIONS:

- It is recommended that the charges of in-efficiency and mis-conduct are proved, hence Minor penalty be imposed.
- A recovery to the tune of Rs. 7,93,500/- be made and M.Rolls for the months of 04/2017, 05/2017 and 06/2017 should not be sanctioned in order to recover the loss sustained to government due to deliberate irresponsible attitude of accused forest guard.

M. Akbar
 Sub Divisional Forest Officer
 Patrol Squad, Southern Circle,
 Peshawar (Enquiry Officer)

Attested

Y. M. Mardan
 D.E.O. Mardan

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[Signature]

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 944/2018

Iftikhar ud Din.....**Appellant**

Versus

The Govt. of KPK & others.....**Respondents**

**APPLICATION FOR PERMISSION TO BRING
ON RECORD THE LIST LEGAL HEIRS OF THE
APPELLANT**

Respectfully Sheweth:

1. That the tilted Service Appeal is pending before this Hon'ble Tribunal for today i.e. 11.05.2022.
2. That during the pendency of instant Service Appeal, the appellant has died his natural death on 10th February 2022. **(Copy of death certificate is attached).**
3. That the appellant was survived by the following legal heirs as under:
 - i. Mst. Raida Begum (Widow)
 - ii. Mst. Saba Gul D/o Iftikhar ud Din
 - iii. Mst. Aiman Noor D/o Iftikhar ud Din
 - iv. Mst. Laiba Gul D/o Iftikhar ud Din

- v. Mst. Hiba Gul D/o Iftikhar ud Din
- vi. Mst. Ayesha Siddiqa D/o Iftikhar ud Din
- vii. Mst. Sabiha Gul (Widow)
- viii. Muhammad Maaz S/o Iftikhar ud Din
- ix. Muhammad Saad S/o Iftikhar ud Din
- x. Muhammad Ammar S/o Iftikhar ud Din

All residents of Mohallah Barcham, Village Kalabat, P.O Lalabat, Tehsil Toppi District Swabi

It is therefore most humbly prayed that on acceptance of this application, the above mentioned legal heirs of the appellant namely Iftikhar ud Din may kindly be brought on record.

Through

Appellant/Applicant



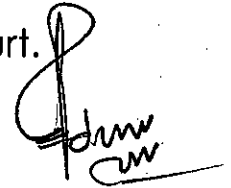
Adnan Aman

Advocate High Court

Dated 11.05.2022

AFFIDAVIT

It is stated, do hereby solemnly affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT



حکومت خیبر پختونخوا پاکستان

Govt of Khyber Pakhtunkhwa Pakistan



اندراج وفات سرٹیفکیٹ

3

Tracking Id: 91100002877011

CRMS No. D778800888

Death Registration Certificate

دفتر اندراج : Kalabat_500786

OLD/M REG #:

Deceased Person's Details

متوفی کے کوائف

Old CRMS No.:

Name :	Iftikhar Ud Din	نام :	افتخار الدین
Nationality :	Pakistan	قومیت :	پاکستان
CNIC No :	16202-0919265-3	شناختی کارڈ :	16202-0919265-3
Date of Birth :	17-Feb-1973	تاریخ پیدائش :	17-Feb-1973
Gender :	Male	جنس :	مرد
Religion :	Islam	مذہب :	اسلام
Sickness Period :	00 Days 00 Months 00 Years	مدت علالت :	00 دن 00 ماہ 00 سال
Date of Death :	10-Feb-2022	تاریخ وفات :	10-Feb-2022
Date of Burial/Last rite :	10-Feb-2022	تاریخ تدفین/آخری رسومات :	10-Feb-2022
Place of Death :	Kalabat	جائے وفات :	کلابٹ
Reason of Death :	Natural	وجہ وفات :	قدرتی
Nature of Death :	Normal	کیفیت وفات :	عام
Burial/Last rite at :	Shafyan Graveyard Kalabat	جگہ تدفین/آخری رسومات :	شفیان قبرستان کلابٹ

Parental Information

والدین کے کوائف

Father's Name :	Hassan Din	والد کا نام :	حسن دین
CNIC No :		شناختی کارڈ :	
Mother's Name :	Meher Taja	والدہ کا نام :	مہر تاجہ
CNIC No :		شناختی کارڈ :	

Address

پتہ

Address :	Mohallah Barcham Village Kalabat , Post Office Kalabat , Postal Code 23520	پتہ :	محلہ برجم گاؤں کلابٹ ، ڈاکخانہ کلابٹ ، پوسٹل کوڈ 23520
Tehsil :	Topi	تحصیل :	ٹوپی
District :	Swabi	ضلع :	صوابی

Applicant's Details

درخواست دہندہ کے کوائف

Name :	Nisar Ud Din	نام :	نثار الدین
CNIC No :	16202-9225269-3	شناختی کارڈ :	16202-9225269-3
Relation with Deceased :	Brother	متوفی سے رشتہ :	بھائی

Information of Burial/Last rite by

تدفین/آخری رسومات کنندہ کے کوائف

Name :	Farman Uddin	نام :	فرمان الدین
CNIC No :	16202-2090395-3	شناختی کارڈ :	16202-2090395-3
Relation with Deceased :	Other	متوفی سے رشتہ :	دیگر

Entry Date : 01-Mar-2022

تاریخ اندراج : 01-Mar-2022

Issue Date : 01-Mar-2022

تاریخ اجراء : 01-Mar-2022

Entry Status : Normal

اندراج اسٹیٹس : نارمل

Additional Information : Nil

اضافی معلومات : نہیں

دستخط سیکرٹری

ویلج کونسل کلابٹ 2

تحصیل ٹوپی ضلع صوابی

Secretary
V/C Kalabat-II

4



"EA80863332"

REGISTRATION CERTIFICATE

Applicant Name: Rada Begum
Citizen Number: 1620291549502
Document Number: EA80863332
Family Members: 7

It is hereby certified that the family comprising of the following members is registered in NADRA with the particulars mentioned below as per the information provided.

Name: Iqbal Ull Din
Identity No: 1620291549503
Date of Birth: 11/02/1973
Father Name: Farooq Khan
Mother Name: M. Noor Tahir
Relation With Applicant: Brother

محمد اقبال
11/02/1973
فاروق خان
م. نور تھیر
بھائی

Name: Rada Begum
Identity No: 1620291549502
Date of Birth: 11/03/1973
Father Name: Nazir Din
Mother Name: Tayyaba
Relation With Applicant: Self

رادا بیگم
11/03/1973
نازیر دین
تھیرا
خود

Name: Safa Gul
Identity No: 1620292504200
Date of Birth: 17/12/1972
Father Name: Iqbal Ull Din
Mother Name: Rada Begum
Relation With Applicant: Daughter

سفا گل
17/12/1972
محمد اقبال
رادا بیگم
دختر

Name: Aamir Noor
Identity No: 1620292900020
Date of Birth: 07/02/2004
Father Name: Iqbal Ull Din
Mother Name: Rada Begum
Relation With Applicant: Daughter

امیر نور
07/02/2004
محمد اقبال
رادا بیگم
دختر

Name: Latifa Gul
Identity No: 16202927164188
Date of Birth: 04/04/2003
Father Name: Iqbal Ull Din
Mother Name: Rada Begum
Relation With Applicant: Daughter

لطیفہ گل
04/04/2003
محمد اقبال
رادا بیگم
دختر

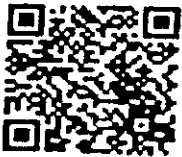
Name: Hiba Gul
Identity No: 1620292528188
Date of Birth: 24/04/2008
Father Name: Iqbal Ull Din
Mother Name: Rada Begum
Relation With Applicant: Daughter

ہیبا گل
24/04/2008
محمد اقبال
رادا بیگم
دختر

- Note:**
- The above mentioned family members are linked in NADRA database
 - There could be other family members that may be registered but not linked to this family in NADRA database

Dr. Saqib Hameed

REGISTRAR GENERAL OF PAKISTAN



Date of Issue: 09/03/2022



"1620291549502"

This certificate can be verified at <https://id.nadra.gov.pk/id>

5



GOVERNMENT OF PAKISTAN
NATIONAL DATABASE AND REGISTRATION AUTHORITY
MINISTRY OF INTERIOR



EA80883332



Name: Ayesha Siddiqi
Identity No: 162021549502-8
Date of Birth: 09/02/2014
Father Name: Ishaq Iqbal Dan
Mother Name: Randa Begum
Relation With Applicant: Daughter

امیہ سیدی
ایڈیٹیو نمبر
تاریخ پیدائش

Note:

1. The above mentioned family members are linked in NADRA database
2. There could be other family members that may be registered but not linked to the family in NADRA database



The certificate can be verified at <https://nl.nadra.gov.pk/vs-1d>

A. Imtiaz

REGISTRAR GENERAL OF PAKISTAN

Date of Issue: 09/03/2023



1620281549502



6



EA31327412

FAMILY REGISTRATION CERTIFICATE

Applicant Name: Sabiha Gul
Citizen Number: 1620213800280
Document Number: EA31327412

Family Members: 5

It is to certify that the family comprising of the following members is registered in NADRA with the particulars mentioned below as per the information provided.

1



Name: Ifikhar Ud Din
Identity No: 16203-0919265-3
Date of Birth: 17/02/1973
Father Name: Hassan Din
Mother Name: Mcher Taja
Relation With Applicant: Husband

پدر نام: افتخار الدین
والد کا نام: حسن دین (مرحوم)
والدہ کا نام:

2



Name: Sabiha Gul
Identity No: 16202-1380028-0
Date of Birth: 18/04/1978
Father Name: Wisal Muhammad
Mother Name: Gul Mina
Relation With Applicant: Self

پدر نام: مسیحہ گل
والد کا نام: وسال محمد
والدہ کا نام: گل مینا

3



Name: Muhammad Manz
Identity No: 16203-0397157-3
Date of Birth: 15/07/2009
Father Name: Ifikhar Ud Din
Mother Name: Sabiha Gul
Relation With Applicant: Son

پدر نام: محمد سجاد
والد کا نام: افتخار الدین
والدہ کا نام: مسیحہ گل

4



Name: Muhammad Saad
Identity No: 16203-0397158-1
Date of Birth: 23/07/2010
Father Name: Ifikhar Ud Din
Mother Name: Sabiha Gul
Relation With Applicant: Son

پدر نام: محمد سجاد
والد کا نام: افتخار الدین
والدہ کا نام: مسیحہ گل

5



Name: Muhammad Anwar
Identity No: 16203-0397156-7
Date of Birth: 23/08/2013
Father Name: Ifikhar Ud Din
Mother Name: Sabiha Gul
Relation With Applicant: Son

پدر نام: محمد انوار
والد کا نام: افتخار الدین
والدہ کا نام: مسیحہ گل

Note:

1. The above mentioned family members are linked in NADRA database
2. There could be other family members that may be registered but not linked to this family in NADRA database

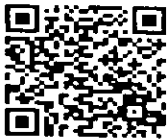
Dr. Farhatullah Khan

REGISTRAR GENERAL OF PAKISTAN

Date of Issue: 08/03/2022



1620213800280



This certificate can be verified at <https://nid.nadra.gov.pk/e-4d/>