

09th Dec. 2022


Nemo for the appellant. Mr. Naseerud Din Shah, Assistant

*Counsel for the
appellant was informed
telephonically on 26/1/2023*

Advocate General alongwith Syed Jamal shah, Superintendent
and Karim Dad, Assistant for the respondents present.

Since 9th November 2022 was declared as public holiday and
the date was changed on the note reader, therefore, it is deemed
appropriate to issue notices to appellant and his learned counsel
for the next date as last chance. Adjourned to 02.02.2023 for
arguments before the D.B.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

02.02.2023

Clerk of learned counsel for the appellant present. Mr.
Muhammad Riaz Khan Paindakhel, Assistant Advocate General
alongwith Syed Jamal Shah, Superintendent for the respondents
present.

SCANNED
KPST
Peshawar

Clerk of learned counsel for the appellant requested for
adjournment on the ground that learned counsel for the appellant is
not available today due to strike of lawyers. Adjourned. To come up
for arguments on 08.03.2023 before the D.B.


(FAREEHA PAUL)
Member(E)


(SALAH-UD-DIN)
Member (J)

11th Oct. 2022

None for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

This case was heard by us on 11.05.2022 and judgment was reserved for 13.05.2022, but because of non-availability of the bench on 13.05.2022 the order could not be recorded and announced. The matter was fixed for today but in view of the judgment of the august Supreme Court of Pakistan reported as 1996 SCMR 669, the matter was to be reheard. Therefore, the appeal be fixed for its rehearing by fixing on 09.11.2022 before D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

9.11.2022

Since 9th November has been declared as public holiday, case is adjourned to 09.12.2022 for the same as before.




Reader

20th June, 2022


Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant AG for the respondents present.

Because of other multifarious engagement we could not record the judgment. To come up on 27.07.2022 for order.

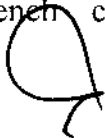

(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

27th July 2022


Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Muhammad Jamal, Superintendent for respondents present.

Since the bench is not available/complete today, therefore, be fixed before the bench concerned for 12.09.2022.


(Kalim Arshad Khan)
Chairman

12.09.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

File to come up alongwith connected Service Appeal No. 238/2015 titled "Iftikhar-uz-Zama, Vs Secretary Environment" on 11.10.2022 before D.B.


(Fareeha Paul)
Member (E)

01.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 11.05.2022 for the same as before.


Reader

11th May, 2022

Mr. Naveed Akhtar, Advocate for appellant present. Mr. Muhammad Rasheed, DDA for respondents present.

Arguments heard. To come up for order/consideration on 13.05.2022 before this D.B.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman


ORDER
13.05.2022

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

26th May, 2022

Reader
Counsel for the appellant present. Mr. Riaz Khan Paindakhel, Assistant Advocate General for respondents present.

To come up for order on 20.06.2022 before D.B.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

17.01.2022

Counsel for the appellant and Mr. Miuhammad Riaz Khan Painsdakhel, Asstt. AG alongwith Said Jamal, Superintendent and Karim Dad, Asstt. for the respondents present.

Former seeks adjournment to further prepare the brief. Request accorded. To come up for arguments on 01.03.2022 before the D.B.



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



Chairman

29.03.2021 Nemo for appellant.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Said Jamal Superintendent and Karimdad S.C for respondents present.

Preceding date was adjourned no a Reader's note, therefore, appellant/counsel be put on notice for 28/06/2021 for arguments, before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

28.06.2021 Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

The Worthy Chairman is on leave, therefore, the Bench is incomplete. To come up for arguments on 15.09.2021 before the D.B.



(Rozina Rehman)
Member(J)

15.09.2021 Nemo for appellant.

Javid Ullah learned Assistant A.G alongwith Said Jamal Superintendent and Karimdad Assistant for respondents present.

File to come up alongwith connected Service Appeal No.238/2015 on 17.01.2022 before D.B.



(Rozina Rehman)
Member (J)



Chairman

14.10.2020

Nemo for appellant.

Mr. Usman Ghani learned District Attorney alongwith Said Jamal Superintendent for respondents present.

Notice be issued to appellant and his counsel for 24.12.2020

before D.B.



(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

24.12.2020

Due to summer vacation, case is adjourned to 29.03.2021 for the same as before.



Reader

13.02.2020

Counsel for the appellant present. Asst: AG alongwith Mr. Ahmad Jan, Supdt for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned To come up for arguments on 09.03.2020 before D.B.


Member


Member

09.03.2020

Iftikhar uz Zaman appellant in the connected service appeal on behalf of appellant present. Mr. Usman Ghani learned District Attorney present. Appellant seeks adjournment as his counsel is not available. Adjourned by way of last chance. To come up for arguments on 22.04.2020 before D.B.


Member


Member

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on. 28-7-2020.


Reader

28.07.2020

Due to COVID19, the case is adjourned to 14.10.2020 for the same as before.


Reader

14.05.2019

Clerk to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Due to leave of the worthy Chairman the case is adjourned to 23.07.2019 for arguments before D.B.


(Hussain Shah)
Member

23.07.2019

Junior counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Syed Jamal, Superintendent for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel is not available today. Adjourned to 10.10.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

10.10.2019

Due to official tour of Hon'ble Members to Camp Court Swat, instant appeal is adjourned to 19.12.2019 for the same.


Reader

19.12.2019

Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 13.02.2020 before D.B. Appellant be put on notice for the date fixed.


Member


Member

21.12.2018

This case is adjourned to 18.02.2019 with connected appeal No. 238/2015.


Reader

18.02.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present.

Learned counsel for the appellant requests for adjournment. Adjourned to 21.03.2019 before the D.B alongwith connected appeals No. 184/2015 & 238/2015,


Member


Chairman

21.03.2019

Nemo for appellant. Addl. AG for the respondents present.

Due to second day of the strike on the call of Bar Council, instant matter is adjourned to 14.05.2019 before the D.B.


Member


Chairman

11.05.2018


This case is adjourned to 12.06.2018 with connected appeal No. 238/2015.



Reader

12.06.2018

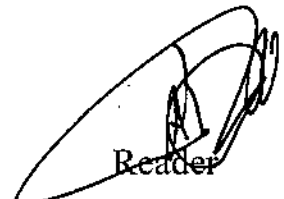
This case is adjourned to 03.08.2018 with connected appeal No. 238/2015.



Reader

03.08.2018

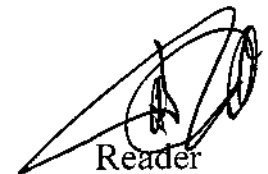
This case is adjourned to 14.09.2018 with connected appeal No. 238/2015.



Reader

14.09.2018

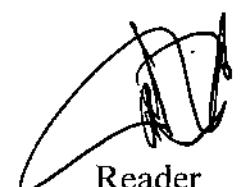
This case is adjourned to 08.11.2018 with connected appeal No. 238/2015.



Reader

08.11.2018


This case is adjourned to 21.12.2018 with connected appeal No. 238/2015.




Reader

19.12.2017


Counsel for the appellant and Asst: AG alongwith Syed Jamal, Supdt for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 19.2.2018 before D.B.


Member


Chairman


19.02.2018

Due to non availability of D.B. Adjourned. To come up on 23.04.2018 before D.B.


Member

23.04.2018

Junior to counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney alongwith Said Jamal Superintendent for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available.. Adjourn. To come up for arguments on 10.05.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

19.07.2017

Clerk of the counsel for appellant present. Mr. Muhammad Hussain, DFO and Mr. Karim Dad, Junior Clerk alongwith Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Due to strike of the bar learned counsel for the appellant is not available today. Adjourned. To come up for rejoinder and arguments on 23.08.2017 before D.B. Till then no recovery be made from the appellant.

(Gul Zeb Khan)
Member

(Muhammad Amin Khan Kundi)
Member

23/8/2017

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Hussain, DFO for the respondents present. Arguments could not be heard due to non-availability of DB. To come up for arguments on 17/11/2017 before DB. Till then no recovery be made from the appellant.

(GUL ZEB KHAN)
MEMBER

17.11.2017

Appellant alongwith counsel and Mr. Ziaullah, DDA alongwith Muhammad Hussain, DFO for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 19.12.2017 before the D.B. Till then no recovery be made from the appellant.

Member

Chairman

09.01.2017

Counsel for the appellant and Mr. Muhammad Hussain, DFO alongwith Addl. AG for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for rejoinder and arguments on 10.02.2017. Till then no recovery be made from the appellant.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIR NAZIR)
MEMBER

10.02.2017

Mr. Hayat Khan, Junior counsel for appellant and Mr. Muhammad Hussain, DFO (Headquarter) alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Rejoinder not submitted. Junior counsel for appellant stated that learned senior counsel for appellant is busy before the Hon'ble Peshawar High Court, Peshawar and requested for adjournment. Adjourned. To come up for rejoinder and arguments on 13.06.2017 before D.B. Till then no recovery be made from the appellant.



(ASHFAQUE TAN)
MEMBER


(MUHAMMAD AMIR NAZIR)
MEMBER

13.06.2017

Junior counsel for the appellant present. Mr. Muhammad Hussain, DFO alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that senior counsel for the appellant is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for rejoinder and arguments on 19.07.2017 before D.B. Till then no recovery be made from the appellant.



(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

18.08.2016

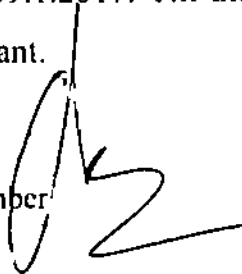
Counsel for the appellant, Mr. Munir, Junior Clerk and Mr. Karim Dad, Junior Clerk alongwith Adll: AG for respondents present. Rejoinder not submitted. Requested for adjournment. To come up for rejoinder and final hearing on 29.09.2016.


Member


Member

29.09.2016

Counsel for the appellant and Adll. AG alongwith Mr. Muhammad Hussain, DFO (Hqrs) for the respondents present. Counsel for the appellant requested for adjournment. To come up for final hearing before the D.B on 09.1.2017. Till then no recovery be made from the appellant.


Member


Chairman

03.09.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is punished twice on the same allegations regarding which appeal of the appellant bearing No. 184/2015 has already been admitted to regular hearing by this Tribunal.

In view of the above, this appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 28.10.2015 before S.B.

Appellant Deposited
Security & Process Fee




Chairman

28.10.2015

Counsel for the appellant and Mr. Syed Jamal, Supdt. alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 23.02.2016 before S.B.


Chairman

23.02.2016

Counsel for the appellant and Mr. Muhammad Hussain, DFO alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 27.4.2016 before S.B.


Chairman

27.4.2016

Agent of counsel for the appellant and Mr. Muhammad Hussain, DFO (Hqrs.) alongwith Addl: A.G for respondents present. Written reply by the respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 18.08.2016.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 963/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25.08.2015	<p>The appeal of Mr. Said Kamal resubmitted today by Mr. Naveed Akhtar Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	25-8-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>27-8-15</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
3	27.08.2015	<p>Norie present for appellatant. The appeal be relisted for preliminary hearing for 3.9.2015 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>


SCANNED
KPST
Peshawar

The appeal of Mr. Said Kamal Deputy Conservator Wild Life Division Peshawar received to-day i.e. on 31.07.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal against the impugned order is not attached with the appeal which may be placed on it.
- 2- In the memo of appeal places have been left blank which may be filled in.

No. 1145 /S.T.


Dt. 31/7 /2015.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Naveed Akhtar Adv. Pesh.

R/sir

Resubmitted after the necessary completion.


15-8-15

IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

Service Appeal No. 963 /2015

Said Kamal Deputy Conservator Wild Life Division
Peshawar.....**Appellant**

V E R S U S

Secretary Environment & Wild Life Khyber Pakhtunkhwa Peshawar and
others**Respondents**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Writ Petition		1-5
2.	Affidavit		6
3.	Addresses of Parties		7
4.	Copies of charge sheet, statement of allegations and reply are attached as	"A", "B", & "C"	8-14
5.	Copies of the questionnaire, its reply and the inquiry report are attached as	"D", "E" & "F"	15-28
6.	Copies of the show cause notice and reply are attached as	"G" & "H"	29-32
7.	Copy of the impugned order is attached	"I"	33
8.	Copy of the corrigendum is attached	"J"	34
9.	Copy of letter dated 6-12-2013 & letter 24-10-13	"K"	35-36
10.	Wakalat Nama & Deptt Appeal.		37-38

Through

Appellant

Naveed Akhtar
Naveed Akhtar

Advocate Supreme Court

Cell: 0290-9596181

0322-9055969

Date: ___/___/2015

IN THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

Service Appeal No. _____/2015

Said Kamal Deputy Conservator Wild Life Division Peshawar
.....Appellant

V E R S U S

1. Secretary Environment & Wild Life Khyber Pakhtunkhwa Peshawar
2. Chief Secretary Khyber Pakhtunkhwa Peshawar
3. Chief Minister Khyber Pakhtunkhwa through Principal Secretary Peshawar
4. Chief Conservator Wild Life Khyber Pakhtunkhwa Peshawar

.....Respondents

APPEAL U/S 4 OF THE SERVICES
TRIBUNAL ACT, 1974 AGAINST THE
ORDER DATED 24-10-2013 BY THE
FORESTRY, ENVIRONMENT AND WILD
LIFE DEPARTMENT KHYBER
PAKHTUNKHWA WHEREBY A RECOVERY
OF RS. 112,700/- HAS BEEN ORDERED
FROM THE APPELLANT AND AGAINST
THE NON DISPOSAL OF DEPARTMENTAL
REPRESENTATION DATED 26-03-2015
AGAINST THE SAME ORDER

Respectfully Sheweth:

1. That appellant is currently serving as Deputy Conservator Wild Life Division Peshawar in BPS-18.
2. That throughout his career the appellant has performed his duty in accordance with the law to the satisfaction of the Department and no chance of complaint has ever been given during this long tenure.
3. That the Department issued a charge sheet and statement of allegation to the petitioner on 29-03-2013, which was duly replied by the appellant. (Copies of charge sheet, statement of allegations and reply are attached as Annexure "A", "B", & "C" respectively).
4. That thereafter, an inquiry officer was appointed and so-called inquiry was conducted, wherein the appellant participated as and when required by the inquiry officer. (Copies of the questionnaire, its reply and the inquiry report are attached as Annexure "D", "E" & "F" respectively).
5. That on conclusion of the so-called inquiry, the competent authority was pleased to issue the appellant a show cause notice on 28-10-2013 to the effect of withholding of three annual increments for three years, which was duly replied too. (Copies of the show cause notice and reply are attached as Annexure "G" & "H" respectively).

6. That to the astonishment of the appellant, an order dated 28-01-2014 was issued, wherein a **major** penalty of withholding three annual increments for three years was imposed upon the appellant. (Copy of the impugned order is attached as Annexure "I").
7. That later on, a corrigendum was issued, wherein the word "**major penalty**" was subsisted with the word "**minor penalty**" on 14-02-2014. (Copy of the corrigendum is attached as Annexure "J").
8. That the appellant filed a service appeal No. 185/2015 before this honourable Tribunal which is pending adjudication and is fixed for 13-08-2015.
9. That before the conclusion of inquiry and during pendency of the departmental proceedings a letter dated 24-10-2013 was issued wherein recovery of Rs. 6.66038/- was ordered but the appellants were verbally told that since the inquiry was still pending therefore no recovery shall be made. (Copy of the letter dated 24-10-2013 is Annexure "K").
10. That as is clear from the inquiry report, no finding has been given regarding recovery of the said amount nor any penalty regarding recovery has been imposed upon the appellant, filed a representation against the order dated 24-10-2013 which was not responded to, hence this appeal inter alia on the following grounds.

GR OUNDS:

- A. That the impugned order dated 24-10-2013 is against the law and facts on the file.
- B. That inquiry report besides, being silent regarding any penalty of recovery against the appellant speaks of abundant malafidies against the appellant which was conducted long after the appellant was posted out as Deputy conservator Wild Life Mansehra .
- C. That the case was initiated against the appellant after three four years when the appellant was posted in the area and no heed was paid to the long time passed since the appellant was posted out of the area.
- D. That strangely the whole proceedings was silent as to how and whose complaint the inquiry has been initiated and how the govern exchequers suffered losses.
- E. That on one hand the inquiry has been based may be on spot inspection of the area while on the other hand the officer who was currently serving there, name Muhammad Hussain has been exonerated of the charges which speaks of malafide of the inquiry officer against the he appellant.
- F. That it is pertinent to bring into the notice of this Hon'ble Tribunal that the Department itself has expressed its concerns over the strange and novel proceedings of the inquiry officer vide the letter dated 06-12-2013 written by respondent No. 4 to the Establishment Department Govt. Of Khyber Pakhtunkhwa. (Copy of letter dated 6-12-2013 is attached as Annexure "K").

- G. That no opportunity of hearing was given to the appellant before passing the impugned order.
- H. That since the appellant is suffering monetary loss due to impugned order and the same being a recurring cause, the question of limitation therefore does not arise.
- I. That for the recovery of the amount neither any separate has been conducted nor any finding has been given in the main inquiry report.
- J. That appellant may kindly be allowed to bring additional documents/arguments at the time hearing of the instant appeal.

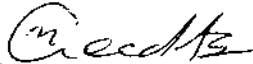
It is, therefore, humbly prayed that on acceptance of the instant appeal impugned order dated 24-10-2013 may kindly be set aside and the appellant may kindly be exonerated /exempted from recovery of the amount Rs. 6.66038 /-

Any other order / relief deemed proper and appropriate by this Honourable Tribunal, in circumstances of the case, may kindly be passed as well.

~~A~~

Appellant

Through


Naveed Akhtar
Advocate Supreme Court

Date: ___/___/2015

IN THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

Service Appeal No. _____/2015

Said Kamal Deputy Conservator Wild Life Division Peshawar

.....Appellant

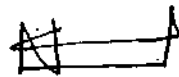
V E R S U S

Govt. of KPK through

1. Secretary Environment & Wild Life Khyber Pakhtunkhwa Peshawar and others.....**Respondents**


AFFIDAVIT

I, Said Kamal, do hereby solemnly affirm and declare on oath that contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Identified by

DEPONENT


Naveed Akhtar
Advocate Supreme Court



IN THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

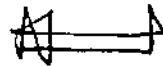
Service Appeal No. _____/2015


ADDRESSES OF PARTIES

Said Kamal Deputy Conservator Wild Life Division
Peshawar **Appellant**

V E R S U S

1. Secretary Environment & Wild Life Khyber Pakhtunkhwa
Peshawar
2. Chief Secretary Khyber Pakhtunkhwa Peshawar
3. Chief Minister Khyber Pakhtunkhwa through Principal
Secretary Peshawar
4. Chief Conservator Wild Life Khyber Pakhtunkhwa
Peshawar **Respondents**



Through Appellant

Naveed Akhtar
Advocate Supreme Court

Date: ___/___/2015

CHARGE SHEET

Annul R. 22 An 13

8

I, Justice (R) Tariq Parvez Khan, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Said Kamal, Deputy Conservator Wildlife (BS-18), Khyber Pakhtunkhwa Wildlife Department, as follows:

That, you remained posted as Divisional Wildlife Officer, Manshera from 12.09.2006 to 15.08.2008, committed the following acts of omissions:

- a. That you failed to safeguard the interest of the government in managing the Saiful Malook National Park in a way to preserve its ecological significance and its outstanding scenery, flora and fauna in a natural state. Similarly, the tourist facilities and other buildings within the park have been developed in a way, which is impairing the objectives of the park. The kiosks and tuck shops have been developed outside the service area and those too were giving a disorderly look. A large number of boats were there in the pristine lake, which was again definitely beyond the capacity of the lake. A large number of horses were freely roaming all around the lake and its surrounds. The ground flora was also not observed due to intense grazing. All these factors contributed towards compromising the outstanding scenery of the park.
- b. That you failed to control haphazard boating within the lake. In the light of status quo granted by the court, the number of boats should have been kept at the level when the status quo was granted (3-4 boats). However the number of boats within the lake increased to 35 or more. This indicates that you failed to limit the number of boats within the park. Your ineffective management not only altered the natural values of the park but in doing so you also violated the status-quo granted by the court.
- c. That due to your loose administration and poor management, the number of horses within the park could not be controlled to the lowest possible number. Initially you made registration of fifty horses, however later-on the number of horses increased upto 200 during the peak tourist season. This uncontrolled horse riding played havoc with the ecological values of the park by wiping out the entire ground flora and in absence of any animal waste disposal arrangements, these dropping / feces of horses were spread all over the park area and was also contaminating the pristine lake of the national park.
- d. That due to your loose administration, cattle grazing could not be checked. Due to this free grazing, the ecological values of the park were further deteriorated and all this contributed towards disappearance of ground flora.
- e. That you failed to utilize the public money for recuperating the overall ecology of the park and improving the tourist facilities within the park. Two developmental schemes were executed with a total expenditure of Rs. 16.064 Million, to check the mushroom growth of kiosks, tuck shops and restaurants; regulate boating in the lake and ensure cleanliness in the park. These schemes should have resulted in some improvement within the national park. But the miserable condition of the park clearly indicates that an amount of Rs. 7.242 million has gone down the drain due to poor execution of the developmental schemes by you.

Ali - 500
(w)

(A)

(9)

f. That due to your loose administration and ineffective management the park has been exposed to multiple disturbances and irrational development, resulting in compromising the ecological significance of the park. As such, there is no hope that the park can fulfil its objectives in protecting its scenery, flora or fauna.

2. By reason of the above, you appear to be guilty of misconduct, in-efficiency and corruption under rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of penalties specified in rule-4 of the Rules ibid.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the enquiry officer/enquiry committee, as the case may be.

4. Your written defence, if any, should reach the enquiry officer/enquiry committee 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 follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

(JUSTICE (R.) TARIQ PARVEZ KHAN)
CHIEF MINISTER, KHYBER PAKHTUNKHWA.

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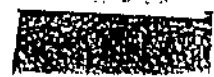
DISCIPLINARY ACTION.

I, Justice (R) Tariq Parvez Khan, Chief Minister, Khyber Pakhtunkhwa, as competent authority, am of the opinion that Mr. Said Kamal, Deputy Conservator Wildlife (BS-18), Khyber Pakhtunkhwa Wildlife Department, has 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 Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- a. That he failed to safeguard the interest of the government in managing the Saiful Malook National Park in a way to preserve its ecological significance and its outstanding scenery, flora and fauna in a natural state. Similarly, the tourist facilities and other buildings within the park have been developed in a way, which is impairing the objectives of the park. The kiosks and tuck shops have been developed outside the service area and those too were giving a disorderly look. A large number of boats were there in the pristine lake, which was again definitely beyond the capacity of the lake. A large number of horses were freely roaming all around the lake and its surrounds. The ground flora was also not observed due to intense grazing. All these factors contributed towards compromising the outstanding scenery of the park.
- b. That he failed to control haphazard boating within the lake. In the light of status quo granted by the court, the number of boats should have been kept at the level when the status quo was granted (3-4 boats). However the number of boats within the lake increased to 35 or more. This indicates that he failed to limit the number of boats within the park. His ineffective management not only altered the natural values of the park but in doing so he also violated the status-quo granted by the court.
- c. That due to his loose administration and poor management, the number of horses within the park could not be controlled to the lowest possible number. Initially he made registration of fifty horses, however later on the number of horses increased upto 200 during the peak tourist season. This uncontrolled horse riding played havoc with the ecological values of the park by wiping out the entire ground flora and in absence of any animal waste disposal arrangements, these dropping / feces of horses were spread all over the park area and was also contaminating the pristine lake of the national park.
- d. That due to his loose administration, cattle grazing could not be checked. Due to this free grazing, the ecological values of the park were further deteriorated and all this contributed towards disappearance of ground flora.
- e. That he failed to utilize the public money for recuperating the overall ecology of the park and improving the tourist facilities within the park. Two developmental schemes were executed with a total expenditure of Rs. 16.064 Million, to check the mushroom growth of kiosks, tuck shops and restaurants; regulate boating in the lake and ensure cleanliness in the park. These schemes should have resulted in some improvement within the national park. But the miserable condition of the park clearly indicates that an amount of Rs. 7.242 million has gone down the drain due to poor execution of the developmental schemes by him.

(Signature)



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f. That due to his loose administration and ineffective management the park has been exposed to multiple disturbances and irrational development, resulting in compromising the ecological significance of the park. As such, there is no hope that the park can fulfil its objectives in protecting its scenery, flora or fauna.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an enquiry officer/enquiry committee, consisting of the following, is constituted under rule 10(1)(a) of the Rules ibid:

i) MK: Akbar, Ishaq, Mawla (P.E.G 135-197)

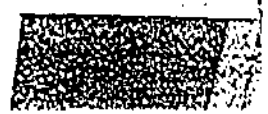
ii) _____

3. The inquiry officer/inquiry committee shall, in accordance with the provisions of the Rules ibid, provide reasonable opportunity of hearing to the accused; record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. 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/enquiry committee.

(JUSTICE (R) TARIQ PARVEZ KHAN)
CHIEF MINISTER, KHYBER PAKHTUNKHWA.

29.3.2013



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Annexure "C"

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It is submitted that before responding to the charges mentioned in the charge sheet it is pertinent to mention here that I have never received any explanation in this regard nor have been offered any opportunity of personal hearing before framing the charges against me.

However, serial reply to the charges mentioned in the charge sheet issued vides Govt. of Khyber Pakhtunkhwa, Environment Department Notification No. SO (Estt)Env/2-50(20)/2k12 dated 3rd April 2013 is furnished as under:

- a. The undersigned remained posted as Divisional Forest Officer Wildlife Mansehra from 12/09/2006 to 15/08/2008 and had taken over the charge of said position from my predecessor i.e. Mr. Illikhar Uz-Zaman. The undersigned tried his level best to maintain and preserve ecological significance, outstanding scenery, flora and fauna of Saiful Malook National Park to the best possible manner. The development works and tourists facilities so executed were as per government approved PC-I titled "Management of National Park in Kaghan Valley". However during implementation of the project due attention was given to maintain the ecology of the park through least disturbance to flora, fauna and scenic beauty of the park. The Kiosk and Luck shops were not encouraged but managed in a manner to restrict them to the service area. The boats were restricted to four (4) in numbers which was providing healthy recreational facilities to the tourists on one hand and was not burden on ecological aspect of the lake on the other. The horses of the local communities were managed keeping in view balance between their livelihood opportunities and the undisturbed ecology of the park. Attempts for controlled over grazing were yielding the flora of the locality in an established and effective manner.
- b. During my tenure, boats were restricted to four (4) only and were properly leased out to the contractor (photocopy of agreement annexed). The ambiguity that the contractor created through the status quo order by the court of law does not relate to my period of posting, please

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- c. During tenure of undersigned, the number of horses were never allowed to exceed minimum permissible limit i.e fifty (50) horses at a time. Horses were circumscribed and confined only to the recreation zone of the park and were never allowed to the core zone of the National Park to protect the natural vegetation and soil from the adverse impacts of compaction, grazing and defecation of the horses. Proper sanitation staff was in place for proper collection and subsequent disposal of the feces of the horses. The violators were properly proceeded against and challans were chalked out against them (List of Challans attached). Had the situation been other way around the complaints would have been registered during visits of VIPs and dignitaries. But with the grace of Allah no such incident were reported during the tenure of the undersigned.
- d. No free grazing was allowed in the premises of the lake and the core area of 302 Kanal was acquired during the tenure of undersigned. No cattle were allowed within the premises of the scenic lake to avoid negative repercussion of grazing on soil and fresh water of the lake. Due to these intensive efforts grazing was fully controlled and flora of the periphery of the lake flourished resultantly. No complaint or observation regarding free grazing and depletion of natural flora and fauna were made during tenure of the undersigned.
- e. The project "Management of National Park in Kaghan Valley" had been under implementation well before taking over the charge of Mansehra Wildlife Division by the undersigned. An expenditure to the tune of Rs.3,336,744/- including Pay of staff worth Rs.796,836/- and other expenditure of Rs.2,539,908/- were incurred on various developmental activities strictly in lieu with the provisions of the PC-I. Each penny was properly utilized for the betterment of the National Park. Hence no question of misappropriation or embezzlement arises during tenure of undersigned. (Breakup of expenditure annexed).

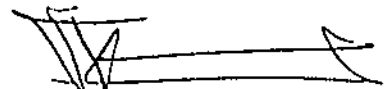
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- f. As explained above, during my tenure all the developmental activities were carried out according to the provision of PC-I. No activities to the detriment of the objective of establishment of National Park were allowed during the period and hence no adverse impacts on natural ecology, flora and fauna and scenic value of lake were allowed to happen during tenure of the undersigned.
2. As explained in the aforementioned facts, the undersigned has not committed any misconduct, inefficiency and corruption under Rule-3 of the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules 2011, I humbly request to kindly exonerate me of all the charges given in the charge sheet.
3. I also request for personal hearing, please.



(Said Kamal)
Deputy Conservator
Wildlife

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QUESTIONIAR

Annex. (D)

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During your posting as D.F.O Wildlife Mansehra from 12.9.2006 to 15.8.2008 (Approximately two years) what steps you have taken in the light of following questions:-

1. The Saiful Maliik National Park was declared as National Park in year 2003 vide Notification bearing No.SO (Technical)/VII-Gen/2003, dated 28.4.2003. What was the status of land escape of area declared as National Park especially pertaining to its scenic beauty flora, Fauna including the lake and its surrounding area?
2. In what condition the Saiful Malook National Park especially pertaining to its complete disarray distribution of Kiosks and Tuck Shops all around the lake was handed over to you by your predecessor?
3. What steps you have taken to preserve the outstanding scenery flora, fauna including the systematic developments i.e. Kiosks, Truck, Shops and other tourist facilities?
4. Has proper permission/approval been granted by Higher Authorities for making agreement with one particular person for plying boats in Saiful Malook lake?
5. How the number of boats increased from 4 to 35 or more?
6. Has proper approval been granted by any higher authority for Registration of Horses for riding of Tourists in Saiful Malook National Park?
7. How the number of Horses increased from registered 50 numbers to 200.
8. What measures you have taken to control from trampling of flora, collection and disposal of animal wastes?
9. Have you been granted permission by higher authorities to increase the registration of Horses for local people in order to keep their livelihood in better condition?

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10. What measures you have taken to control haphazard and free illegal cattle grazing in Saiful Malook National Park area?

11. You have spent 7.242 million out of two projects launched for development of tourist facilities in Saiul Malook National Park. What achievements you have made from this expenditure?

12. What steps you have taken administratively to overcome the disturbance caused due to tourist inflow and irrational development for protection of ecological significance of the park?

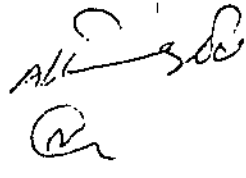
While responding to these questions you should specifically submit any documentary proof of your tenure.

Intimate whether you desire to be heard in person?





(Akbar Khan Marwat)
Addl: Secretary (OP)/Enquiry Officer
Law Department.

Said Kamal
D.F.O. Wildlife, Mansehra.



Reply to the Questionnaire received from Mr. Akbar
Khan Marwat, Additional Secretary (OP)/Enquiry
Officer Law Department vide letter
No. AS (OP)/LD/Enq/1-1/2013/8145-46 dated 24-05-2013

1. The question pertains ^{to} April 2003 and the undersigned took over the charge in September 2006 after 3 years. I can not comment on the status of the landscape at that time.
2. Before my taking over the charge the land acquisition was not complete and the legal containment of the Kiosks and other such structures in certain patterns was an issue. The land acquisition process completed in January 2008 and then most of these structures were confined to service area declared as such in a short period before my transfer. Some of the Kiosks owners were also challaned who were not agreeing to move to service area.
3. Tourist facilities which could have a damaging look and effect on the outstanding scenery, flora, and fauna were not constructed by the department and were not allowed by any private party. After completion of acquisition proceeding of land, the service area was declared to have a systematic development of facilities like Kiosks, tuck shops, vehicle parking.
4. This has been a practice in vogue before my taking over the charge and the agreement were signed in 2005 and before which were then followed during 2006 and 2007. During May 2008, the Chief Conservator Wildlife directed the undersigned to execute agreement with boat operators in Lulu Pat lake on the pattern of Saif ul Maluk Lake. This is clear evidence of the permission/approval of the Higher Authorities.
5. The number of boats remained four during my tenure. I have no knowledge of any increase afterwards.
6. There has been no such formal order conveyed by higher ups during my tenure however, this planning of maximum number of 50 horses was contemplated and implemented as Divisional Forest Officer in consultation with lower staff, colleagues, and higher ups. This was never increased from 50 horses and the horses were also confined out of the core area during my tenure.
7. As explained vide serial number 6 above, this was never increased from 50 during my tenure.
8. The trampling of flora could be caused by horses but the horses were confined to recreational area and were allowed to be driven on defined routes well marked available to the horse drivers. Some violations did occur and challans were issued against them. In the recreation zone also where horses were plying proper labor was engaged for safe collection and disposal of animal waste.
9. As already explained there was no increase of horse registration during my tenure.
10. The core zone i.e. lake and its periphery where the land was owned by the govt no grazing was allowed of any kind whatsoever. There was no violation of any kind of grazing of livestock in this core area and the staff was particularly watchful about this.

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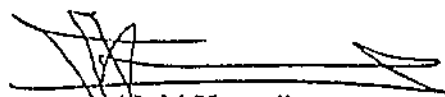
In the rest of the national park area which spread over large mountains and valleys, the land is owned privately and there have been no legal and formal institutional regulation to stop the grazing in these vast areas. This was yet to be made a subject of management plan to have been written with community participation. During my tenure the activities on this aspect were conducted to raise awareness among the communities about the objectives and benefits of national park.

11. The total expenditure during 2006-07 and 2007-08 during my tenure amount to Rs.3.33 million and not Rs.7.242 million, out of this Rs.3.33 million, Rs.2.53 million was spent on works and other overhead expenditures as per PC-1 provision and about Rs. 0.796 million were accounted for salaries.


Some of the achievements are listed as follows:

1. Daily labor for cleaning and maintenance of the park
 2. Construction/repairing of Naran Hut.
 3. Construction of wooden bridge.
 4. Development of service area and vehicle parking.
 5. Construction of trails.
 6. Construction of camping grounds.
 7. Various publicity and awareness boards.
 8. Land acquired
12. In the capacity of Divisional Forest Officer wildlife the following steps are worth mentioning to overcome disturbance due to tourist inflow. There was however, no irrational development which could be harmful to the ecological significance of the park.
1. Training of staff and community based tourist guides through Adventure Foundation, Pakistan, Cleaning and collection of solid waste with safe disposal was exercised as part of training.
 2. The service area was declared and core area was protected from disturbance due to tourist influx. Number of horses and number of boats were confined to least to avoid disturbance.
 3. Campaigns of environmental awareness and conducting the tourists properly to avoid the core area from disturbance were the major activities of the staff and daily waged labor engaged.
 4. The improperly located tuck shops and Kiosks were shifted through the owners to the service area marked for this purpose.
 5. The bridal path was well marked for the horse riders around the lake.

I also request to be heard in person.


(Said Kamal)

Divisional Forest Officer Wildlife



~~SECRET~~ Annexure-F

Enquiry Report (19)

in compliance with the order bearing Notification No. SO(Estt)Env/2-51 (20)/2K-12 dated 03.04.2013 of Environment department, issued after approval of Competent Authority (Notification is at Annexure-A), enquiry to the charges/allegations leveled against accused officers/officials mentioned in the above order was conducted. Detailed report is submitted as under:

Background

1. In April 2003, the Secretary to the Government of Khyber Pakhtunkhwa Environment Department exercising powers U/S-16(2) of NWFP Wildlife (Protection, Preservation, Conservation & Management) Act 1975 vide Notification No. SO(Technical)/VIII-Gen/2003 dated 28.04.2003 (Copy is at Annexure-B) declared/established a National Park on 12026 acres area on community land, around Lake Saif-Ul-Malook in Mauza Kaghan Tehsil District Mansehra. After this, preparatory work was started by the department and prepared first proper PC-I. The first PC-I with total cost of 8.300 million for three years was approved by DDWP in meeting held on 15.03.2005. (Copy of minutes of meeting is at Annexure-C). Administrative approval was accorded by the competent authority on 09.04.2005 (Copy enclosed at Annexure-D).
2. Detail cost of the project as per first PC-I with break up is as under:
 1. Local Cost:
 - a. From Government = 4.900 M
 - b. From Local Sources = 3.400 M (to be generated)
 2. Foreign Exchange = Nil

Total = 8.300 M

From Local Sources Rs. 1.7 M shall be annually generated with the following activities:

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1. Visitors' fee @ Rs.10/head (1,00,000 visitors per season) Rs. 10,00,000/-.
 2. Parking Fee @ Rs. 10/Vehicle (50,000 Vehicles per season) Rs. 5,00,000/-.
 3. Leasing of Boats per season (50,000 per season) Rs. 50,000/-.
 4. Leasing of Camping Sites per season = Rs. 50,000/-.
 5. Leasing of Restaurants and Tuck Shop = Rs.1,00,000/-.

Total.= Rs. 1.700 (M)

This 1.700 M has been reflected in PC-I as recurring annual expenditure to be made for continuation of this project.

3. Implementation activities as per 1st PC-I started in year 2005. Later on, a revised PC-I with total cost of Rs. 1.02 M specifically for management of national parks in Kaghan Valley was approved on 13.12.2007 (copy enclosed as Annexure-E). Then another scheme namely Establishment and Management of National parks in NWFP ADP Schemes No. 633 for the period 2008-2010 with total cost of 39.950 M was approved vide Administrative Order dated 03.04.2009 (Copy at Annexure-F). In this scheme, besides establishment of 3 National parks at other places, management of national park at Lake Saif-UI-Malook was also included. With this for management of National parks in Kaghan valley, especially for management and development of Lake Saif-UI-Malook National park, approximately 18 (M) were sanctioned.

4. The objectives enlisted in the first PC-I are reproduced below:

1. To rehabilitate endangered wildlife species of dry temperate ecosystem such as snow Leopard, Brown Bear, Weasel, Lynx, Himalayan Ibex, Snow Cock, Snow Partridge etc.
2. To preserve the serenity and prestinity of legendry Lake Saif-UI-Malook, Dulusar and Dodipatsar.
3. To promote education and awareness among the masses for conservation of nature and natural resources.

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For achievement of these objectives following 15 activities were proposed to be performed for better management and development of National Park at Lake Saif-UI-Malook.

1. Acquisition of 1000 Kana1 of land around the three lakes.
2. Construction of information centre cum office.
3. Construction of public toilets.
4. Provision of 12 Nos. of rain/sun shelters for tourists.
5. Development of Camping Grounds.
6. Provision of Trash Bins/Dust Bins.
7. Construction of incinerator.
8. Publicity and awareness.
9. Repair and improvement of paths.
10. Removal of trash and garbage.
11. Paving of outlet with proper path and water storage regulation arrangement.
12. Development of parking area at Lake Saif-UI-Malook.
13. Training of tourist guides.
14. Landscaping of restaurants and tuck shops.
15. Erection of signs and caution boards.

5. However, year wise amount released for management and Development of Lake Saif-UI-Malook National park is given below:

S.No.	Year	Amount Released
01	2004-05	1.000M
02	2005-06	3.5000M
03	2006-07	0.600 M
04	2007-08	2.570M
05	2008-09	No Release
06	2009-10	2.336 M
07	2010-11	2.651 M
08	2011-12	2.749M
Total		15.000M

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Hence total amount of Rs. 15.000M released.

So, for performance of the above activities expenditures were incurred. The gist of total year wise detail expenditure under head of the account A-03970 without pay and allowances made by officers is given below:

<u>S.No.</u>	<u>Year</u>	<u>Total Expenditure</u>	<u>Remarks</u>
01	06/2005	8,58,000/-	Made by Iftekhar Uz Zaman as Range Officer
02	08/2005 to 09/2006	15,97,045/-	Made as DFO
03	10/2006 to 06/2008	19,08,071/-	Saed Kamal DFO
05	07/2008 to 2009	-	Funds not released
06	02/2009 to 03/2010	5,37,080/-	Made by Muhammad Husnain DFO
07	04/2010 to 09/2010	9,13,569/-	Muhammad Faique DFO
08	10/2010 to 06/2012	20,64,185/-	Iftekhar Uz Zaman as DFO
Total		95,72,910/-	

PROCEEDING

1. Upon receipt of Notification at Annexure-A, accused officers/officials were summoned for 16.04.2013. Charge sheet and statement of allegations were handed over to them. On 24.04.2013, Iftekhar-Uz-Zaman, Saed Kamal and Muhammad Faique submitted detailed reply to the charge sheet and statement of allegations. One Niaz Muhammad Range Officer sent a reply through post. Muhammad Hussain DFO Wildlife Mansehra and three wildlife watchers submitted their replies on 23.04.2013. Representative of Department was busy in a workshop and hence did not attend on 24.04.2013. He was summoned for 29.04.2013. He was asked to furnish copies of all PC-Is, minutes of meeting of DDWP and administrative

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approval of PC-I's, Calendar of activities of DFOs during project period and internal and external audit reports of project. He furnished all the documents except calendar of activities. Perhaps the same has been misplaced from him during compilation and submission.

2. Replies to charge sheet and statement of allegations of officers and officials are from (Annexure G to N). Then questionnaires were drafted for each officer and official with the help of representative of Department (Copies from Annexure O to V). Questionnaires were sent/delivered to officers/officials through Chief Conservator Wildlife Department. The accused officers/officials submitted replies to questionnaire on post and at different dates. These are from Annexure-W to D1. Meanwhile, spot visit of Lake Saif-UI-Malook was made on 10.06.2013 as per visit programme at Annexure-E1.
3. As all the accused officers/officials and representative of Department Mr. Saifur Rahman, Chief Conservator Wildlife accompanied undersigned on 10.06.2013 so the situation on Lake Saif-UI-Malook was under control. But as boats in lake were 31 but were not plying on 10.06.2013. So, I sensed that other violations as per charge sheet might be made on spot. Therefore, on 11.06.2013, I made a surprise visit of Lake Saif-UI-Malook and observed quite different situation on spot. Though boats were not plying but its numbers were 30 to 32 at different locations on 11.06.2013 meaning by that these were stopped at the corner immediately where these were nearer to Lake Saif-UI-Malook corners after seeing my vehicle. The number of horses as enumerated through my real nephew Muhammad Iqbal were 165. Nearly 30 to 35 horses were roaming on open places in vicinity of outlet of lake. Moreover, lower staff were found busy in other activities. There was complete mismanagement all around bank of the lake (water body). A hotel was being run at the point where water was entering in lake and where horses are being hired by the visitors/tourists for a trip to Ansoo Lake.

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FINDINGS/CONCLUSIONS

During the proceeding conducted in respect of the enquiry following findings/conclusions are drawn and submitted:

1. Specific/Chargewise:

- a. First portion of this charge could not be proved because the Department had not supported his version through video and visual means, the previous status of flora, fauna and scenery of Lake Saif-Ul-Malook at the time of framing of this part of charge. The remaining portion of this charge proved to the extent of number of horses and boats but the tuck shop kiosk and hotels, though not managed properly, but were confined to service area to some extent.
- b. The Charge at Serial (b) proved against all officers because no specific approval from competent authority for erection of barriers had been accorded.
- c. Rule-7(2) Clause-g of Central Treasury Rules, Vol-I gives protection to Iftekhar-Uz-Zaman accused officer in respect of this charge. The same is reproduced below:
"Rule-7 Sub-Rule-2 Clause-(g) "in case of cash received by the forest Department and utilized in the meeting immediate local expenditure"
- d. Charge at Sr. d stood proved after surprise visit on 11.06.2013.
- e. Ditto
- f. This charge stands proved upto the extent that the wildlife Department had very loose administration and management on account of many factors. The main one is that the community people had not yet mentally accepted the authority of the Government on their own landed property, though acquired.
- g. This charge is proved against the accused officers for unjustified expenditure made by them from the head of account A-03970 (Conservancy & Management). The detail of wrong and unjustified

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expenditure except pay and allowances made by each officer is given in the table below:

S.No.	Name of Accused Officer	Period of posting as RO/DFO	Total Expenditure made	Justified	Unjustified	Remarks
01	Ifttekhar-Uz-Zaman	RO	85,800	87,700	7,60,300	Against provision of PC-I and no bathroom or shelter was found on spot
02	Ifttekhar-Uz-Zaman	As DFO 08/2005 to 09/2006	15,97,045	13,79,930	2,17,115	No activity due to the earthquake
03	Said Kamal	2006 to 2008	19,08,071	12,42,033	6,66,038	against provision of PC-I
04	Muhammad Hussain	02/2009 to 18.03.2010	5,37,080	5,37,080	Nil	All justified
05	Muhammad Faique	04/2010 to 09/2010	9,13,569	8,00,869	1,12,700	Against Provision of PC-I
06	Ifttekhar-Uz-Zaman	10/2010 to 30.06.2012	20,65,185	16,37,578	4,27,607	-Do-

It has been proved as explained in preceding paragraph (f).

2. General Findings:

- The declaration/establishment of Lake Saif-Ul-Malook National Park on community land vide Notification at Annexure-B was in sheer contravention of section 16(i) of NWFP Wildlife (Protection, preservation, conservation & Management) Act 1975. Section-16(i) of Act Ibid is reproduced below:

"Section 16(i) of NWFP Wildlife Act 1975"

With a view to the protection and preservation of Scenery, Flora and fauna in the natural estate, Government may by Notification in official Gazette, declare any area which is property of Government or otherwise Government has propriety rights to be a National Park and may demarcate it in such manner as may be prescribed."

With plain reading of above provision of law, the Notification for establishment of National Park at Lake Saif-Ul-Malook on community land was

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illegal void and has no footings because the land as per Revenue record upon which Lake Saif-UI-Malook National Park has been established including the water body of lake is *Shamilat-e-Deh* as per ownership column of jamabandi and has an entry "Maqbooza Malikan" (*موقوفہ مالکان*) in cultivation column. As per Section 16(i) of wildlife Act 1975 the land of National Park of Lake Saif-UI-Malook even the water body of lake is not the property of Government and the Government has also no proprietary rights in it. Hence, the whole process i.e. establishment of National Park at Lake Saif-UI-Malook, preparation of PC-I for the project was futile exercise as per law and Revenue record before proper acquisition was made because the Land Acquisition process was started later on. The establishment of National Park at Lake Saif-UI-Malook and preparation of PC-I must be started after completion of land acquisition process and taking over the physical and constructive possession of the land acquired.

There is no scope of inquiry in case and substantive
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Activities were not carried out as per first PC-I by all the officers and officials. No tangible achievements have been made against expenditure made on them. As per PC-I the Department has to construct a bathroom and 12 rain/sun shelters. In June-2005, the Department has made total expenditure of Rs. 7,60,300/- on construction of 8 bathrooms and 8 sun/rain shelters and one dispensary but on spot these were not constructed actually because their remains/scraps were not shown to the undersigned on spot and also at Naran, if as per version of DFO Iftekhar-uz-Zaman who was incharge Range Officer of Naran National Park project and that these have damaged due to earthquake but their remains and scraps must be available on spot and at Naran. Moreover, Iftekhar-uz-Zaman DFO in his reply to charge sheet and as per revised PC-i, no activities were performed in the whole year 2006. But it is astonishing that he had expenditure of Rs. 15,97,045/- including land acquisition compensation of Rs. 13,50,000/-. Now, if an amount of land compensation is deducted, then expenditure of Rs. 2,47,045/- made from 06/2005 to 06/2006 seems to be fake and unjustified and likely to be paid from him. Moreover, he had also made unjustified expenditure of

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Rs. 4,27,607/- from 10/2010 to 06/2012. So, the aggregate amount of Rs. 14,35,052/- is recoverable from him.

4. All the accused officers/officials have utilized the resources/funds provided by the Government against activities of PC-I but utterly failed to fulfill the liabilities i.e. viz for generation of funds through local sources as per PC-I except one officer Muhammad Hussain who made expenditure of Rs. 5,37,080/- and recovered 4,11,000/- in head Entry Fee, which is also not upto the mark.
5. Mr. Said Kamal DFO has made expenditure of Rs. 19,08,071/- but did not generate funds from local sources besides the fact that he was the person to sign the agreement for leasing the boating rights with private parties. He also silently allowed the horse riding though each horse registered at Rs. 500/- per season. The number of horses and boats increased during his tenure which is now uncontrollable.
6. All the officers failed to actively pursue the case for taking possession of land after auction proceedings completed in year 2008 and mutation No. 14182 dated 29.11.2010 except one Muhammad Hussain DFO and Niaz Muhammad Range Officer, who made one attempt and made quarrel with the locals on spot as well.
7. Zonation on spot is not definite and it is fake and presumptive.


Recommendations:

1. Accused officers Iftekhar-Uz-Zaman, Said kamal, Muhammad Faique shall deposit the unjustified expenditure made by them as per table at Para g of Specific/Chargewise Findings. The stoppage of three annual increments of accused officers Iftekhar-Uz-Zaman, Said kamal, Muhammad Faique is also recommended.
2. Muhammad Hussain DFO and Niaz RO are exonerated upto extent that they had made justified expenditure while Muhammad Hussain had contributed Rs. 4,11,000/- on account of entry fee etc. Moreover, Niaz Muhammad RO had made commendable work during his short tenure of one month.

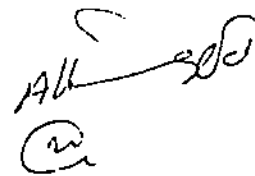
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3. Muhammad Hussain DFO is hereby censured because charges at "d" & "e" had been proved after surprise visit.
4. Syed Nazar Hussain, Fiaz Muhammad and Muhammad Aalam wildlife watchers of Lake Saif-UI-Malook project have failed to perform their duties in respect of management of the park on spot. Therefore, minor penalty of stoppage of four increments (without accumulating effect) is to be imposed on each of them.
5. Control and management of Lake Saif-UI-Malook National Park is to be taken from wildlife Department and be handed over to the Forest Department.
6. Acquisition of landed property of Khasra No. 5559/5553/219/2/2 measuring 190K be withdrawn while possession of land acquired of Khasra No. 5559/5553/2/1 measuring 111K-16M be taken and be maintained. Then with the amount saved from compensation and unjustified expenditure recovered from accused officer, complete fencing of water body of lake bearing Khasra No. 220 measuring 912K-11M (Ghair Mumkin Talab) alongwith Khasra No. 5559/5553/219/2/1 measuring 111K-16M total area 1024K-07M be made with one entry gate/point. Visitors be strictly prohibited to carry food items or fruit inside the fenced area or to establish any camp.

Dated: 22.07.2013


Akbar Khan Marwat,
Additional Secretary Law (Opinion),
Khyber Pakhtunkhwa Law Department
Peshawar.

22/7/2013





GOVERNMENT OF KHYBER PAKHTUNKHWA

SHOW CAUSE NOTICE

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Said Kamal, Divisional Wildlife Officer (BPS-18), Wildlife Department, as follows:

- 1 (i) that consequent upon the completion of enquiry conducted against you by the Enquiry Officer, for which you were given opportunity of hearing vide office communication No.SO(Estt)Envt/ 2-50(20)/2k12/2244-45 dated 03/04/2013; and
- (ii) on going through the findings and recommendations of the Enquiry Officer, the material on record and other connected papers including your defence before the Enquiry Officer;

I am satisfied that you have committed the following acts/omissions specified in the Rule-3 of the said Rules:

1. Inefficiency.
2. Misconduct.

2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalties of Withholding of three annual increments for a specific period (for three years) under rule-14(4)(b) of the Rules *ibid*.

3. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days of its receipt by you, it shall be presumed that you have no defence to put in and in that case, an ex-parte action shall be taken against you.

5. A copy of the findings of the Enquiry Officer is enclosed.

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER,
KHYBER PAKHTUNKHWA/
COMPETENT AUTHORITY
08.10.2013

Said Kamal

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REPLY TO THE SHOW CAUSE NOTICE SERVED UPON SAID KAMAL
DIVISIONAL FOREST OFFICER WILDLIFE VIDE GOVT OF KHYBER
PAKHTUNKHWA ENVIRONMENT DEPTT: LETTER NO. SO (ES II) ENVT/2-
50(20) /2K6 /585/WL DATED 24/10/2013.

It is submitted that view point with regard to the charges leveled against me in the charge sheet is that which I have explained in my reply. However it is once again clarified that:-

I have taken over the charge of Mansehra Wildlife Division on 12/09/2006 and remained on the said position till 15/08/2008. During the above mentioned period I have tried my best to maintain and preserve ecological significance, outstanding scenery, flora and fauna of Saifal Malok National Park. The Developmental activities undertaken and other facilities provided to the Tourists were according to the provision of PC-I

In the charge leveled against me it has been disclosed that number of boats and horses were kept in the lake beyond the required limit. In this regard it is pointed out that during my tenure four boats owned to one Mahmood Ahmed Khan S/O Mohammad Zaman Khan of Balakot were registered under proper agreement with due permission granted by the Chief Conservator Wildlife vide his letter No.6113/WI (E) dated 11/05/2008 (photo copy attached as Annex-I). The number of boats so increased in the later stage is not known to me.

Similarly the numbers of horses in my tenure were 50 and were confined to recreational zone, just to protect natural resources. The number of 50 horses was acute need of the Tourist. So far lifting of dung and other wastes in the park is concerned, proper staff was recruited and they were bound to keep the park area clean for attraction of the visitors.

Further more free grazing in the premises of park has never been allowed. In case if any violation was noticed stern action has timely been initiated under the rules against the offenders as a result Rs.1821093/- were realized as revenue during the year 2006-07 & 2007-08 (statement of revenue is attached for ready reference as annex -II.)

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So for the issue of mismanagement of the park is concerned no tourist or higher ups during their visit to the park have ever complained for any discrepancies/ short comings in the management or arrangement of the park and adjacent areas.

It is also pertinent to point out here that almost all pre-requisites of the project were completed by my predecessor, 302 kanal land against the provision of 200 Kanal was acquired by me under section IV of the land acquisition Act 1894, which was properly protected from free grazing (photo copy is attached as annex-III).

In the Enquiry report, the enquiry officer has mentioned total release of my tenure as Rs.3170000/-. Out of which Rs.1908071/- has been shown as spent during the financial year 2006-07 & 2007-08. Beside out of the spent amount Rs.1242033/- has been reported as justified while Rs.666038/- as unjustified without mentioning any solid reasons in the remarks column to ascertain loss sustain to the Govt. exchequer.

This calculation of the enquiry officer is totally in correct to the extent that during financial years 2006-07 and 2007-08 Rs.3242381/- were allocated / released, against which Rs.3242552/- were spent on the developmental activities and sairy etc of the manpower engaged for the project activities against the sanctioned strength (For ready reference photo copies of the actual statements are attached as annexure IV) hence it is crystal clear that expenditure so incurred in my tenure were totally justified and no irregularities has been committed.

In this regard it is further clarified that proper audit of Govt. funds is conducted by External/Internal audit parties who had examined whole record of my period and no embezzlement/omissions except some minor observations have been pointed out which is clear witness that my performance both physically and financially was satisfactory and the question of unjustified expenditure worth Rs.666038/- pointed out by the enquiry officer does not arise. Any how all the record along with vouchers and other auditable documenters are on the record of DFO Wildlife Mansehra and can be verified for authentication of my statement.

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More so the enquiry officer has confined the leveled charges against to his tour date i.e. 10/06/2013 whereas I have handed over the charge of Mansehra Wildlife Division on 15/8/2008, and it was difficult rather impossible for the enquiry officer to calculate and attribute the present shortfalls notices by him to my period. Taking into account such unavoidable situation the findings of the enquiry officer are contrary to the facts and figures and totally against the general justice.

During my tenure as DFO Wildlife Mansehra I have always kept in loop with the District Administration for taking in time action against the offenders and to discourage them to refrain from illegal encroachment of government property(for ready reference photo copies of the documents are attached as annexure V) My such and outstanding and devotional performance of official duties shows my efficiency and good conduct. because I have left no stone unturned in discharging of my official duties just to gain entire satisfaction of my superiors.

Keeping in view the above exposition and documentary proof on the subject issue, it is humbly prayed that charges of inefficiency and misconduct recommended by the enquiry officer against me may kindly be reexamined and exonerated from the unjustified charges enabling me to perform my future duties for the best interest of the state.

I also wish to be heard in person please.

(Said Kamal)

Divisional Forest Officer
Buner Wildlife Division
Dagger

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request for personal hearing was turned down - means condemned Unheard

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Amir Khan - 2014



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ENVIRONMENT DEPARTMENT
GOVERNMENT OF HYDERABAD

Dated Hyderabad, 28th January, 2014



NOTIFICATION

WHEREAS, Mr. Said Kamal, Divisional Wildlife Officer (BPS-18) was proceeded against under the Hyderabad Government Servants (Efficiency & Discipline) Rules, 2011, for the charges as mentioned in the Charge Sheet and Statement of Charges dated 28.1.2013, served upon the said officer;

AND WHEREAS, Enquiry Officer, Mr. Akbar Khan Mawaj, PCS EG BS-19, Additional Secretary, Law Department was constituted to conduct the inquiry against the said accused officer and other

AND WHEREAS, the Enquiry Officer, after having examined the charges, evidence on record and explanation of the accused officer, submitted its report wherein the charges against the officer being of serious nature have been established beyond reasonable doubt;

AND WHEREAS, the Competent Authority, after considering the Inquiry Report and other related documents, of the case, served a Show Cause Notice upon the said officer to which he replied, and provided him opportunity of personal hearing;

NOW THEREFORE, the Competent Authority, after having considered the charges, evidence on record, findings of the Enquiry Officer, the explanation of the accused officer, and having taken into account and exercising his powers under Rule-14(2)(ii) read with Rule 4(1)(b)(i) of the Hyderabad Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose a major penalty of "Withholding of three annual increments for a specific period for three years" upon the said officer (BPS-18), Wildlife Department.

CHIEF MINISTER,
HYDERABAD PAKISTAN

Dated Hyderabad, 28th January, 2014

Ref No: W-2013/2014/127

Copy is forwarded to:

- 1) To the Chief Minister, Hyderabad
- 2) To the Secretary, Environment Department
- 3) To the Director, Wildlife, Hyderabad
- 4) To the Director, Hyderabad Environment Department
- 5) To the Officer concerned (O-1), Hyderabad Wildlife, Hyderabad
- 6) To the person in charge of the officer concerned
- 7) Master file
- 8) Office copy

SECTION OFFICER (EST)
(MR SAID KAMAL)

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CORRIGENDUM

GOVERNMENT OF KHYBER PAKHTUNKHWA
ENVIRONMENT DEPARTMENT

Dated Pesh: 14th February, 2014

CORRIGENDUM

NOTIFICATION

No.SO(Estt)Envt/2-50(20)/2k12: The word major penalty mentioned in this Department Notification bearing No.SO(Estt)Envt/2-50(20)/2k12/473-480 dated 28.1.2014, may be corrected and read as "minor penalty" instead of "major penalty".

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
ENVIRONMENT DEPARTMENT.

Endst: No. SO(Estt)Envt/2-50(20)/2k10 971-978

Dated Pesh: 14th February, 2014.

Copy is forwarded to:-

- 1) PSO to Chief Minister, Khyber Pakhtunkhwa.
- 2) PS to Secretary Environment Department.
- 3) Chief Conservator Wildlife, Khyber Pakhtunkhwa.
- 4) Director Budget and Accounts Environment Department.
- 5) Official concerned C/O Chief Conservator Wildlife, Khyber Pakhtunkhwa.
- 6) Personal file of the officer.
- 7) Master file.
- 8) Office order file.


(MIR ZALI KHAN)
SECTION OFFICER (ESTT)

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OFFICE OF THE CHIEF CONSERVATOR WILDLIFE
KHYBER PAKHTUNKHWA
PESHAWAR

Amirullah
R. (35)

To

The Section Officer (Establishment)
Government of Khyber Pakhtunkhwa
Environment Department
Peshawar.

No. 2132/WL(E)

Dated Peshawar the 6 - 12 - 2013

Subject: SHOW CAUSE NOTICE

Reference: Your Endorsements No. SO(Estt) Env/2-50(20)2k6/ (580-81, 583-84, 586-87, 589-90, 592-93, 595-96 & 598-99, dated 24-10-2013

It is submitted that this department has never been consulted while framing/drafting of the charge sheets and initiation of the disciplinary proceedings against the accused officers/officials despite being Head of Attached Department and their controlling officer.

The Administrative Department acted directly merely on the basis of an enquiry conducted by a Conservator of Forest with all his professional rivalry and prejudice. Neither the enquiry officer involved this office during the course of enquiry nor has the report of the enquiry officer submitted by him been shared with the Khyber Pakhtunkhwa Wildlife Department.

As contained in the section 143 of the Manual of Secretariat and established procedure, either the Head of Attached Department initiates the proceedings against its officers and submit draft charge sheet for further processing or the Administrative Department asks the attached Department to draft and submit charge sheet for processing as was required in the instant case. Instead the Head of Attached Department was kept uninformed and isolated while initiating the process and the charge sheets were framed by the Administrative Department directly.

The undersigned has gone through the replies to the charge sheet submitted by the accused alongwith enquiry report which is clear indication of a bias and predetermined decision. Involvement of 04 senior officers in a petty case and ignoring all the norms of financial procedures and process of developmental projects speaks hidden hatred against the Department. This particular case has adversely affected the moral of all the officers of the Department and they are now hesitant to take initiatives and being proactive. This office is also of the view that imposing of any penalty on the officers without considering facts and figures in their replies will lead to frustration besides cropping up of the court cases

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It is therefore proposed that before taking further action in the matter another committee may kindly be constituted to evaluate the enquiry report in the light of replies to the charge sheets and official records of Wildlife Department to ensure justice to the accused.

The replies to the show cause notices alongwith enclosures submitted by the accused officers/officials are enclosed herewith please.

[Signature]
6/12
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar
6/12

No. _____ /WL(E)

Copy forwarded to PS to Secretary to Govt. of Khyber Pakhtunkhwa Environment Department, Peshawar.

[Signature]
6/12
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar
6/12

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ENVIRONMENT DEPARTMENT
NO.SO(Estt)/Env/1476/2K13
Dated Pesh: 24th October, 2013

The Director,
Budget & Accounts Cell,
Environment Department.

SUBJECT: DISCIPLINARY PROCEEDINGS AGAINST OFFICERS /OFFICIALS KHYBER PAKHTUNKHWA WILDLIFE DEPARTMENT.

I am directed to refer to the subject cited above and to say that the Chief Minister Khyber Pakhtunkhwa being competent authority, on submission of case to him through summary, has desired to ensure the recovery of unjustified expenditure from the three officers as indicated by the inquiry committee in its report. Copies of the relevant documents/summary for CIP & inquiry report are attached for further necessary action

2. I am accordingly directed to ask that immediate necessary action in the matter of recovery of unjustified expenditure from the three officers, as mentioned at para-10(1) of the summary, may be taken and this department may also be apprised about progress.

Encls: 10. & Date even 21-10-2013

SECTION OFFICER (ESTT)

Copy is forwarded to:-

1. The Chief Conservator of Wildlife, Peshawar copies of the relevant documents are also enclosed for similar necessary action.
2. To Secretary, Environment Department.

No 2152-60 (N.O.E)

Dated Peshawar

SECTION OFFICER (ESTT)

the 28/10/2013.

Copy forwarded for information and necessary action to the:-

1. Conservators Wildlife Southern Circle Peshawar alongwith a copy of enquiry proceeding
2. Mr. Iftikhar-uz-Zaman DFO Wildlife Kohistan.
3. Mr. Muhammad Hussain DFO Wildlife Mansehra.
4. Mr. Muhammad Farque Khan DFO Wildlife Abbottabad.
5. Mr. Saad Kamal DFO Wildlife Buner.
6. Mr. Naz Muhammad Range Officer Wildlife Batagram.
7. Mr. Muhammad Aiam Wildlife Watcher
8. Mr. Fiaz Ahmad Wildlife Watcher.
9. Mr. Nazar Shah Wildlife Watcher.

The enquiry report has already been sent to the concerned officers/officials at S.No.2 to S.No.9 by the Administrative Department with their show cause notice.

Better copy (36)

To

The Director,
Budget & Accounts Cell,
Environment Department.

Subject: DISCIPLINARY ^{Proceeding} ACTION AGAINST OFFICERS / OFFICIALS KHYBER PAKHTUNKHWA WILD LIFE DEPARTMENT.

I am directed to refer to the subject cited above and to say that the Chief Minister Khyber Pakhtunkhwa being competent authority on submission of case to him through summary has desired to ensure the recovery of unjustified expenditure from the three officers as imitated by the inquiry committee in its report. Copies of the relevant documents/summary for CM & inquiry report are attached for further necessary action.

I am accordingly directed to ask that immediate necessary action in the matter of recovery unjustified expenditure from the three officers are mentioned at Para-10(1) of the summary may be taken and this department may also be apprised about progress.

Endst: No & date even:

Section Officer (Estt)

Copy is forwarded to:

1. The Chief Conservator of wildlife Peshawar copies of the relevant documents are also enclosed for similar action.
2. PS to Secretary Environment Department.

Section Officer (Estt)

No. 2152-60 Dated Peshawar the 28/10/2013

Copy forwarded for information and necessary action to the

1. Conservator wildlife Southern Circle Peshawar along with a copy of enquiry proceeding.
2. Mr. Iftekhar-uz-Zaman DFO Wildlife Kohistan.
3. Mr. Muhammad Hussain DFO Wildlife Mansehra.
4. Mr. Muhammad Faique Khan DFO Wildlife Abbottabad.
5. Mr. Said Kamal DFO Wildlife Buner.
6. Mr. Niza Muhammad Range Officer Wildlife Batagram
7. Mr. Muhammad Alam Wildlife Watcher.
8. Mr. Fiaz Ahmad Wildlife Watcher.
9. Mr. Nazar Shah Wildlife Watcher

The enquiry report has already been sent to the concerned officer/officials at S.No 2 to S.No. 9 by the Administrative Department with their show cause notice.

AM-420
To be True Copy

**BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Appeal No.963 of 2015

Mr. Said Kamal
Deputy Conservator Wildlife Appellant

VERSUS

1. Secretary, Government of Khyber Pakhtunkhwa,
Forestry, Environment and Wildlife Department
2. Chief Secretary Khyber Pakhtunkhwa Peshawar
3. Chief Minister Khyber Pakhtunkhwa through
Principal Secretary Peshawar
4. Chief Conservator Wildlife Khyber Pakhtunkhwa Respondents

Parawise comments on behalf of respondents:

Preliminary Objections:

1. The appellant has no locus standi.
2. The appeal is time barred.
3. The appeal is not maintainable on the basis of non-joinder and mis-joinder.
4. The appellant has got no cause of action to file instant appeal.

On Facts


1. Incorrect. The appellant is working as Deputy Conservator Wildlife (BPS-18) at Buner.
2. In-correct. This pertains to his service record.
3. Correct to the extent of charge sheet and statement of allegation and its reply which was thoroughly examined by the enquiry officer and fulfilled all the codal formalities during enquiry proceedings.
4. In-correct. It was a proper enquiry under the Khyber Pakhtunkhwa Government Servant "E&D" Rules 2011 by the approval of the competent authority. His reply was properly examined during the course of enquiry.
5. In-correct as per para-4. Furthermore after receiving the reply of appellant and the show cause notice, the appellant repeated the reply of charge sheet in the reply of show cause notice. There was no plausible reason on part of the appellant, but still the competent authority gave the opportunity of personal hearing which was availed by the appellant. However he did not give any satisfactory answer in his defense.
6. In-correct. In this connection, a corrigendum was issued timely.
7. Correct as explained in para-6.
8. Correct to the extent that the appellant filed a service appeal No.184/2015 before the services tribunal against the minor penalty imposed upon him.


9. In-correct. On the recommendation of the enquiry officer, the competent authority was pleased to issue an order regarding recovery. It is also not correct that he was verbally communicated any information. All official transactions are made through proper correspondence as per law.
10. In-correct. The enquiry officer recommended the recovery/deposit, of the un-justified expenditure made by the appellant and other as per table of para-G of specific/charge-wise findings in said enquiry report.


Grounds

- A. In-correct. Order has been passed after adopting proper procedure. Hence tenable, as per law.
- B. In-correct. As per para-10 of Facts. It has been clearly mentioned in the recommendation of enquiry report for recovery of un-justified expenditure and competent authority has accordingly issued orders for recovery which has not yet recovered.
- C. In-correct. There is no bar for conducting of enquiry or taking disciplinary action after more than three-four years against the official relates to his previous posting under the rules.
- D. In-correct. Complaint for disciplinary action against any Govt. servant is not requirement under the rules. The competent authority can initiate such action any time.
- E. In-correct. The enquiry officer explained the role of all accused officers and has narrated the respective action logically in the enquiry report.
- F. In-correct. Any thing stated and recorded during the enquiry are personal approach of the individuals, officers or witnesses which are placed on record for clarification of the issue before the competent authority and are weighed by the authority while deciding the fate of the case on respective tenures.
- G. In-correct. Proper opportunity of personal hearing was provided to the appellant which was availed.
- H. In-correct. The Govt. loss by the officials is recoverable and the action in this regard has properly been taken.
- I. In-correct. The detail is available in the finding of enquiry report.
- J. The respondents seek permission to raise additional grounds at the time of arguments.

In view of above facts, the appeal may be dismissed on merit.


Secretary to Government of
Khyber Pakhtunkhwa
Forestry, Environment and Wildlife
Department


Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar


Chief Secretary
Khyber Pakhtunkhwa
Peshawar

10/03/14