

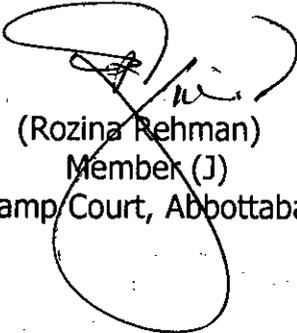
15.02.2020

Learned counsel for the appellant present.

At the very outset, learned counsel for the appellant Mr. Qaiser Rehman Khan, Advocate sought withdrawal of instant service appeal. To this effect, his statement was also recorded.

In view of the request of learned counsel for the appellant, instant service appeal stands dismissed as withdrawn. No order as to costs. File be consigned to the record room.

Announced
15.02.2021


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

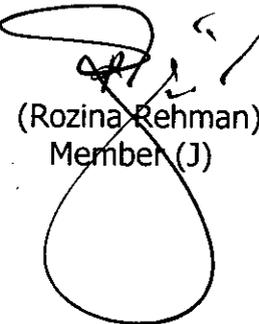
Statement of Qaiser Rehman Khan Advocate, counsel for
appellant, on oath:

As per instructions of appellant, I seek withdrawal of instant
appeal No. 1699/2019 being no longer required.

R.O & A.C

Dated: 15.02.2021

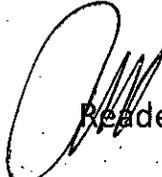

Qaiser Rehman Khan, Advocate.


(Rozina Rehman)
Member (J)

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

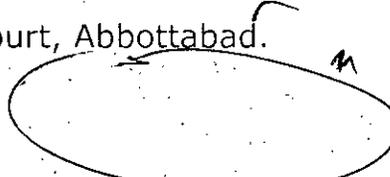
Reader

Due to summer vacation case to come up for the same on
18 19 20 at camp court abbottabad.


Reader

18.09.2020

Mr. Hamayun Khan, Advocate for appellant is present. He is seeking adjournment. Adjourned to 18.11.2020. File to come up for further proceedings alongwith connected Service Appeal No. 1556/2019 before S.B at Camp Court, Abbottabad.


(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

18.11.2020

Appellant is present and person and seeks adjournment on the ground that his counsel is not available today. Adjourned to 15.02.2020 on which date file to come up for preliminary arguments before S.B at Camp Court, Abbottabad.

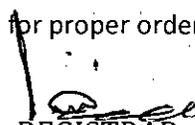
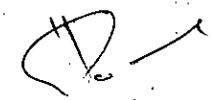

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1699/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/12/2019	<p>The appeal of Mr. Sultan Mahmood received today by post through Mr. Qaisar Rehman Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 05/12/19</p>
2-	24.01.2020	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>24-01-20</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Clerk to counsel for the appellant present and seeks adjournment on the ground that learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 20.03.2020 before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> Member Camp Court, A/Abad</p>

BEFORE THE KHYBER PAKHTUNHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No: 1699 / 2019

Sultan Mehmood S/o Fida Mohammad, resident of Gulfam Town, Mian-de-Seri, Tehsil and District, Abbottabad.

...APPELLANT

V E R S U S

Secretary Forest (Environment) Department, Govt of KPK, Peshawar & Others

...RESPONDENTS

SERVICE APPEAL

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4.	Copy of the letter dated 21/09/2017 issued by DFO Agror Tanawal Forest Division Oghi, District Mansehra.	"C"	21-23
5.	Copy of the reply dated 18/04/2017 by the Appellant	"D"	24-26
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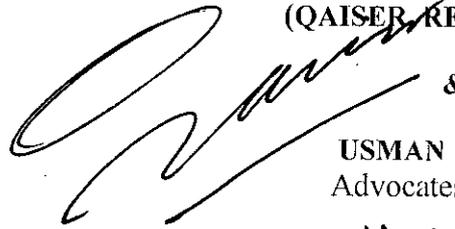


...APPELLANT

Through:

Dated: 25/11 /2019

(QAISER REHMAN KHAN)



USMAN ALI KHAN
Advocates High Court

0314-4408943

BEFORE THE KHYBER PAKHTUNHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: 1699/2019

Sultan Mehmood S/o Fida Mohammad, resident of Gulfam Town, Mian-de-Seri, Tehsil and District, Abbottabad.

...APPELLANT
Khyber Pakhtunkhwa
Service Tribunal

V E R S U S

Diary No. 1771

1. Secretary Forest (Environment) Department, Govt of KPK, Peshawar. 05/12/19
2. Head of Budget and Accounts (Pension) Forestry, Environment and Wildlife Department, Peshawar.
3. Chief Conservator of Forest, Central Southern Region-I, Shami Road, Peshawar.
4. Chief Conservator of Forest Region-II, Abbottabad.
5. Conservator / Project Director Watershed Management Abbottabad.
6. Divisional Forest Officer, Unhar Watershed, Mansehra.
7. Divisional Forest Officer, Agror and Tanawal, Mansehra.

.... RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE OFFICE ORDER NO.1604-06/GE DATED 21/09/2017, OFFICE ORDER NO.139 DATED 10/04/2018 AND OFFICE ORDER NO.2179/UWS DATED 22/04/2019, WHEREBY THE APPELLANT WHO RETIRED FROM FOREST DEPARTMENT KPK ON 07/04/2018 ATTAINING THE AGE OF SUPERANNUATION, HAS NOT BEEN PAID HIS PENSION / POST RETIREMENT EMOLUMENTS BY THE BUDGET AND ACCOUNTS (PENSION) DEPARTMENT GOVT OF KPK (RESPONDENT NO.2), WHICH IS ILLEGAL, PERVERSE, ARBITRARY, UNILATERAL, AGAINST THE SETTLED LAW, RULE AND POLICY, LIABLE TO BE SET ASIDE. APPELLANT IS FULLY ENTITLED TO RECOVER HIS PENSION COMMUTATION / POST RETIREMENT EMOLUMENTS AS PER POLICY OF THE GOVT OF KPK IN VOGUE.

Filed to-day
Registrar
05/12/19

PRAYER:

ON ACCEPTANCE OF INSTANT APPEAL, RESPONDENTS / FOREST DEPARTMENT GOVT OF KPK, PESHAWAR MAY GRACIOUSLY BE DIRECTED TO EXONERATE THE ILLEGAL AND UNFOUNDED ALLEGATIONS LEVELED AGAINST THE APPELLANT REGARDING MISSING TIMBER AND STOLEN KALASHNIKOV AND RESPONDENTS BE DIRECTED TO RELEASE THE PENSION / POST RETIREMENT EMOLUMENTS OF THE APPELLANT FORTHWITH IN THE BEST INTEREST OF JUSTICE ALONWITH THE COMPENSATION AT THE RATE, PREVAILING AT PRESENT IN THE COMMERCIAL BANKS OF PAKISTAN.

Respectfully Sheweth,

Facts giving rise to the instant petition are as under:-

1. That, the Appellant is a respectable citizen of Pakistan who served in the Forest Department of Govt of KPK, for 40 years and retired on 07/04/2018 at the age of superannuation. **(Copy of the retirement order is attached as Annexure "A")**
2. That, since petitioner's retirement on 07/04/2018, till date the Appellant has not been paid his pension / post retirement emoluments by the Budget &Accounts (Pension) Department Govt of KPK (Respondent No.2).
3. That, Chief Conservator of Forests, Central Southern Region-I KPK (Respondent No.3) vide impugned retirement order dated 10/04/2018,

instructed Chief Conservator of Forests Region-II, Abbottabad (Respondent No.4) to recover an amount of Rs.72,490/- from Appellant for an alleged missing timber as well as one number Govt Kalashnikov stolen from Range office Shergarh before submission of Appellant's pension case. The same copy was also sent to Director Budget and Accounts, Govt of KPK Forestry Environment and Wildlife Department (Respondent No.2)

4. That, an enquiry was held against Mr. Dost Muhammad, Forester Shergarh, who was involved in missing timber case. After the inquiry, the inquiry officer found Dost Muhammad guilty/responsible for the missing timber. However, Dost Muhammad Khan was exonerated on the basis of an appeal and personal hearing from the charges and instead Appellant was held guilty / responsible for the missing timber without affording the Appellant a chance / opportunity of personal hearing, which is against the prescribed Rules/ Procedure. **(Copies of the Appeal submitted by Dost Muhammad and other documents are attached as Annexure "B")**

5. That, Divisional Forest Officer Agror Tanawal Forest Division Oghi, District Mansehra (Respondent No.7) issued office order dated 21/09/2017, illegally holding the Appellant guilty / responsible for missing timber from Central Sale Depot Mansehra worth Rs. 72,490/- and directed the appellant to immediately deposit the said amount into Govt treasury failing which, disciplinary proceedings will be initiated against the appellant under the provisions of E&D Rules 2011. **(Copy of**

the letter dated 21/09/2017 issued by DFO Agror Tanawal Forest Division Oghi, District Mansehra is attached as Annexure "C")

6. That, the Appellant submitted a detailed reply dated 18/04/2017 to DFO Agror Tanawal Division, District Mansehra (Respondent No.7) denying the charges leveled against the Appellant. **(Copy of the reply dated 18/04/2017 by the Appellant is attached as Annexure "D")**
7. That, on receipt of retirement order, when appellant applied to obtain NOC from Agror Tanawal Forest Division (Respondent No.7) the Appellant was refused NOC and instead he was asked to remit an amount of Rs. 72,490/- as recovery of missing Timber as well as price /value of stolen one number Govt Kalashnikov (Rs. 100,000/-) without conducting any enquiry to this effect.
8. That, Appellant had also submitted a written application /Appeal dated 06/11/2018 to Chief Conservator Forests Peshawar (Respondent No.3) denying his involvement in the alleged missing timber worth Rs. 72,490/- as well as one number Kalashnikov (worth Rs.100,000/-), which was stolen from the Range Office Shergarh for which an FIR of theft was also lodged in Police Station Oghi, District Mansehra. **(Copy of the application alongwith enclosures is attached as Annexure "E")**
9. That, Divisional Forest Officer Unhar Watershed Division Mansehra (Respondent No.6), issued office order dated 22/04/2019 to the

Appellant with the direction to deposit the outstanding amount of Rs. 172,490/- (Rs.72,490/- for missing timber as well as Rs. 100,000/- for one number stolen Kalashnikov) into Govt Treasury or supply an affidavit on stamp paper regarding deduction of amount in question from his pension commutation so that petitioner's pension case could be re-submitted to the Budget & Accounts Officer Environment (Respondent No.2) for issuance of pension admissibility certificate. **(Copy of letter dated 22/04/2019 sent to the Appellant by Respondent No.6 with regard to deposit the outstanding amount of Rs. 172,490/-, is attached as Annexure "F")**

10. That, it is pertinent to mention that a theft took place at Range office Shergarh in 2012 in which a Govt Kalashnikov and cash amount Rs. 120,000/-, (recovered from defaulters) were stolen. An FIR dated 17/10/2012, was lodged with Police Station Oghi to this effect. However, the Appellant deposited an amount of Rs. 120,000/- from his own pocket to make good the amount which was stolen from the Range Office, Shergarh. The concerned DFO was informed accordingly about the theft as well as registration of FIR with PS Oghi.
11. That, despite clear Rules on payment of pension to Govt Servants, the Appellant is being denied / delayed his rightful pension / post retirement emoluments on the basis of frivolous and unfounded allegations for which no formal enquiry has been conducted by the Forest Department, instead directly held the Appellant guilty / responsible for the missing timber as well as stolen Kalashnikov to which the Appellant had given detailed reply in his application as mentioned in Para-6 & 8 above.

12. That, feeling aggrieved by the high handedness and illegal action of the Forest Officials, the Appellant preferred a Writ Petition before the Hon'ble Peshawar High Court, Abbottabad Bench and the Hon'ble Peshawar High Court Abbottabad Bench, graciously converted the same writ petition in to Service Appeal and sent it to Khyber Pakhtunkhwa Service Tribunal for its decision in accordance with the law. **(Copy of the Writ Petition alongwith the Judgment / order of Hon'ble Peshawar High Court Abbottabad Bench dated 07/11/2019 is attached as Annexure "G")**

13. That, under the direction of Peshawar High Court, Abbottabad bench, the appellant approaches to this Hon'ble Service Tribunal for redressal of his grievances, inter-alia on the following grounds amongst others:-

GROUND:-

- i. That, stoppage of petitioner's pension, without any reason, is illegal, unlawful and against the Govt Servants (Efficiency and Disciplinary Rules 2011.
- ii. That, the Appellant has served unblemished for almost 40 years in the Forest Department and such baseless allegations of missing timber worth Rs. 72,490/- without conducting any enquiry or proving any misconduct on the part of Appellant as well as recovery of Rs. 100,000/- for the stolen one number Govt Kalashnikov is constant source of mental agony and stress.

- iii. That, the Appellant has been condemned un-heard, which is violative of the principle of natural justice and as much as the Forest Department's high officials did not follow the prescribed procedure and charge sheeted the Appellant without any incriminating evidence regarding the missing timber as was as stolen Govt Kalashnikov.
- iv. That, Appellant's detailed reply to Respondent No.7, has not been paid any heed by the Forest Department officials nor Appellant was provided an opportunity of Personal Hearing. Instead Forest Department issued order to Appellant for depositing Rs. 172,490/- without giving any reason.
- v. That, Appellant's application /appeal to Respondent No.3 has not been considered so far. Resultantly Appellant is suffering an irreparable loss to his goodwill and reputation as well as facing extreme financial hardships due to stoppage of his pension/ post retirement emoluments.
- vi. That, this high handedness and illegal and unlawful act on the part of respondents, is causing delay into release of the pension / post-retirement emoluments of the Appellant which is causing grave inconvenience and financial problems to the petitioner.
- vii. That, this Honourable Court has to determine the quantum of financial sufferings and mental agony being faced by the Appellant at the hands of rigid, illegal and unlawful acts committed by the forest officials / Respondents.

- viii. That, Appellant also reserves a legal right to claim heavy damages against the Forest Department/Respondents for illegally / unlawfully delaying his pension / post retirement emoluments thereby causing the Appellant an extreme financial loss / hardship and severe mental agony.
- ix. That, without conducting any formal enquiry, how can Forest Department hold the Appellant guilty/responsible for an act/omission and blamed the Appellant for an unfounded and baseless allegation of missing timber as well as stolen Kalashnikov for which an FIR had already been registered with the concerned Police Station.
- x. That, rest of the points would be raised at the time of arguments.

It is, therefore, humbly prayed that on acceptance of instant Service Appeal, respondents / forest department Govt of KPK, Peshawar, may graciously be directed to exonerate the illegal and unfounded allegations leveled against the Appellant regarding missing timber and stolen Kalashnikov and Respondent No.2, i.e. Budget and Pension Department of Govt of KPK Peshawar, be graciously directed to release the Pension / Post retirement emoluments of the Appellant forth with, in the best interest of justice.


...APPELLANT

Through:

Dated:-25/11 /2019


KAISER REHMAN KHAN

&

USMAN ALI KHAN
Advocates High Court, Abbottabad

BEFORE THE KHYBER PAKHTUNHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD

Service Appeal No: _____ / 2019

Sultan Mehmood S/o Fida Mohammad, resident of Gulfam Town, Mian-de-Seri, Tehsil and District, Abbottabad.

...APPELLANT

V E R S U S

Secretary Forest (Environment) Department, Govt of KPK, Peshawar & Others

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Sultan Mehmood S/o Fida Mohammad, resident of Gulfam Town, Mian-de-Seri, Tehsil and District, Abbottabad, *Appellant*, do hereby solemnly affirm and declare on Oath that the contents of instant *Service Appeal* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Dated:- 25/11 /2019


...DEPONENT

Verified by:


Qaiser Rehman Khan
Advocate High Court

(10)

(Signature)

Annexure - A

FROM : CCF FORESTS PESH

FAX NO. : 0919211478

19 Apr. 2018 3:11AM P1

OFFICE ORDER NO. 134 DATED PESHAWAR THE 10 /04/2018 ISSUED BY MUHAMMAD SIDDIQUE KHAN KHATTAK CHIEF CONSERVATOR OF FORESTS CENTRAL SOUTHERN FOREST REGION-I, KHYBER PAKHTUNKHWA PESHAWAR.

On attaining the age of 60 years Mr. Sultan Mehmood Forest Ranger (BPS-16) is hereby retired from Government service with effect from 07-04-2018. He is allowed encashment of leave salary in lieu of leave preparatory to retirement equal to 365 days as admissible to him vide Rule-20 of the Khyber Pakhtunkhwa Civil Servants revised leave Rules-1981 as amended vide Government of Khyber Pakhtunkhwa Finance Department Notification No. FT-SO (SR-V) 5-54/81-Vol-II, dated 24/8/1983 and No. FD-SO (SR-V) 5-54/80Vol-III, dated 12/4/1988 and No. SO (FR) FD/5-92/2005/Vol-5, dated 13/12/2012.

Sd/-

(Muhammad Siddique Khan Khattak)
Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

ATTACHED
&
ACCEPTED

(Signature)

No. 3909-10 /E,
P.P.

3909-10

Copy forwarded for information and necessary action to the:-

1. Chief Conservator of Forests Northern Forest Region-II Abbottabad. He is requested to recover the missing timber amounting to Rs.72,490/- as well as one No. Government Kalishonkove from the Forest Ranger as reported by DFO Agror Tanawal before submission of his pension case to this office.
2. Director Budget & Accounts Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department Peshawar.

Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

11

(Signature)

Annexure: B ✓

OFFICE OF THE CONSERVATOR FOR FORESTS UPPER HAZARA FOREST CIRCLE MANSEHRA.

To,

The Divisional Forest Officer
Agror Tanawal Forest Division
Oghi.

No. 204 /GE, dated Mansehra the 11 /07/2017.

Subject: APPEAL AGAINST OFFICE ORDER NO.396, DATED 15/6/2017
PREFERRED BY MR. DOST MUHAMMAD FORESTER.

Memo:

Enclosed please find herewith an appeal preferred by Mr. Dost Muhammad Forester against office order No.396, dated 15/6/2017 for comments alongwith enquiry file for further necessary action.

Encl: as above.

(Signature)
Conservator of Forests
Upper Hazara Forest Circle
Mansehra

ATTACHED
&
ACCEPTED

(Signature)

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بخدمت جناب کنزرویٹر صاحب محکمہ جنگلات اپر ہزارہ فارسٹ سرکل مانسہرہ

عنوان: اپیل برخلاف آفس آرڈر نمبر 396 مجریہ مورخہ 15.06.2017 از دفتر DFO اگرورتاول فارسٹ ڈویژن اوگی

بوساطت: جناب DFO صاحب اگرورتاول

جناب عالی

اپیل کنندہ بحیثیت فارسٹ شیرگرھ سب ڈویژن میں ڈیوٹی سرانجام دے رہا تھا۔ اس نے اپنی ڈیوٹی کے دوران کچھ ضبط شدہ لکڑی سنٹرل ڈپو مانسہرہ پہنچائی۔ جسکی بعد ازاں نیلامی ہو کر خریداروں کو واہگذار کی گئی۔

اس پر اپیل کنندہ کو 4 یا 5 سال بعد چارج شیٹ دیکر انکوآری کا حکم جاری کیا۔ جسمیں تمام لکڑی بمطابق ریکارڈ سنٹرل ڈپو وصول ہو کر نیلام ہو چکی پائی گئی۔ اسوائے 21 ٹک 72.49 مکعب فٹ قسم بیڑ جس کی بابت فاضل انکوآری افسر نے لکھا کہ اپیل کنندہ اس کا کوئی ریکارڈ نہ پیش کر سکا۔ اس پر فاضل انکوآری افسر نے اپیل کنندہ سے اس لکڑی کی قیمت کی وصولی کی سفارش کی۔ جس پر اپیل کنندہ کو شوکانوٹس جاری ہوا۔ جس کا اپیل کنندہ نے نہ صرف مفصل جواب دیا بلکہ 7 فارم F 99/20 مورخہ 23.06.2012 کی عکسی نقل بھی شامل کی۔ اور اصالتاً پیش ہو کر فارم F 99/20 کی اصل کاپی بھی DFO صاحب کو ملاحظہ کرائی۔ لیکن اس کے باوجود جناب DFO صاحب نے اپیل کنندہ پر 21 ٹک قسم بیڑ 72.49 مکعب فٹ کی قیمت کی ریکوری بحوالہ آفس آرڈر نمبر 396 مجریہ مورخہ 15.06.2017 ڈال دی۔

جناب عالی آفس آرڈر نمبر 396 مجریہ مورخہ 15.06.2017 جانبدارانہ ہے۔ جس کی بنا پر قابل تسخ ہے۔

لہذا اپیل کی جاتی ہے کہ آفس آرڈر متذکرہ عنوان منسوخ فرما کر اپیل کنندہ کی سزا معاف فرمائی جائے۔

وجوہات اپیل:

۱۔ یہ کہ اپیل کنندہ نے لکڑی متذکرہ بالا 21 ٹک 72.49 مکعب فٹ بذریعہ فارم D نمبر 28 مجریہ مورخہ اپیل کنندہ

01.06.2012 سنٹرل ڈپو لکڑی پو آفسر کے حوالہ کر کے فارم F نمبر 99/20 مجریہ مورخہ 23.06.2012

حاصل کر کے جناب SDFO صاحب شیرگرھ کے حوالہ کی۔

۲۔ یہ کہ اپیل کنندہ نے وہ لکڑی نہ تو خورد برد کی اور نہ ہی اپنی ڈیوٹی میں کوئی کوتاہی کی۔

۳۔ یہ کہ لاٹ بندی کرنا SDFO شیرگرھ یا ڈپو افسر سنٹرل ڈپو کا کام ہے نہ کہ اپیل کنندہ کا۔

۴۔ یہ کہ لکڑی متذکرہ 21 ٹک 72.49 مکعب فٹ ڈپو سے DFO اگرورتاول کی ریز آرڈر کے بغیر واہگذار نہیں ہو

سکتی۔

۵۔ یہ کہ اپیل کنندہ کو 605 ٹک 2587.55 مکعب فٹ کی چارج شیٹ دی گئی جیسا کہ فاضل انکوآری افسر نے لکھا ہے کہ



یہ دفتر IDFO اگر درتبادل کا کام تھا کہ وہ ریکارڈ کی پڑتال کرتے۔ جو بغیر پڑتال ریکارڈ اپیل کنندہ کو چارج شیٹ کروانے کے لئے
 جملہ لکڑی حوالہ ڈپو انچارج سنٹرل ڈپو کر کے فارم F وصولی لکڑی SDFO صاحب شیر گڑھ کو دے دیئے گئے۔
 ۶۔ یہ کہ اگر 21 بج 72.49 مکتب فٹ لکڑی ریکارڈ سے پتہ نہیں چلا تو اس کا اپیل کنندہ کسی بھی طرح ذمہ دار نہیں
 کیوں کہ اپیل کنندہ نے وہ لکڑی سنٹرل ڈپو پہنچا کر فارم F نمبر 99/20 مجریہ مورخہ 23.06.2012 حوالہ SDFO
 شیر گڑھ کر دیا اپیل کنندہ کی ذمہ داری اتنی ہی تھی۔
 ۷۔ یہ کہ اپیل کنندہ نہ تو ڈپو انچارج تھا اور نہ ہی یہ لکڑی اس کی تحویل میں تھی۔ لہذا اس کی ذمہ داری اگر ریکارڈ سے پتہ نہیں
 چلا تو سنٹرل ڈپو انچارج یا SDFO شیر گڑھ کی ہے کہ اس نے اس کی لاٹ بندی کی یا نہ۔ لیکن اپیل کنندہ کسی بھی طرح
 اس کا ذمہ دار نہیں۔

SENIOR ADVISOR OF EC
 No 115
 Dated 6/7/17

عالیجاہ:

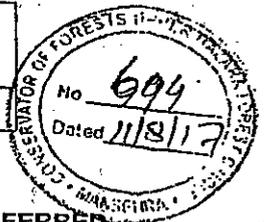
درج بالا حقائق سے واضح ہوتا ہے کہ کسی اور کی ذمہ داری اپیل کنندہ پر ڈال دی گئی ہے جس سے صاف ظاہر ہے کہ آفس آرڈر نمبر
 396 مجریہ مورخہ 15.06.2017 جانبدارانہ ہے۔ اور قابل تنسیخ ہے۔
 لہذا اپیل کی جاتی ہے کہ آفس آرڈر نمبر متذکرہ بالا منسوخ فرما کر اپیل کنندہ کو بری فرمایا جائے۔ مزید اپیل کی جاتی ہے کہ اپیل
 کنندہ کو اصالتاً پیش ہو کر مزید وضاحت کی اجازت مرحمت فرمائی جاوے۔

اپیل کنندہ
 6/07/2017
 دوست محمد فارستر
 شیر گڑھ بلاک

EC
 10/7

15

Mohammad Siddique Divisional Forest Officer		Agror Tanawal Forest Division Oghi Phone # 0997-321244
No. <u>630</u> /GE		Dated <u>10</u> /08/2017



The Conservator of Forests
Upper Hazara Forest Circle Mansehra

Subject: APPEAL AGAINST OFFICE ORDER NO. 396 DATED 15-6-2017 PREFERRED BY MR. DOST MUHAMMAD FORESTER.

Reference Your office letter No. 204/GE dated 11-7-2017

The exposition narrated by appellant in the introductory / preliminary para of his appeal is correct as per record of this office.

Now Para wise comments are furnished as under:-

1. It is correct to the extent of references quoted by the appellant but he would have been a " proactive official" if he would have processed the lot of missing timber despite the fact that this was not the mandatory obligation of the appellant.
2. Correct.
3. Correct to the extent of explanation given in para No. 1.
4. Correct but this office is silent about any such release order entailing the detail of timber in question.
5. No, the appellant alongwith SDFO Shergarh of that era would have provided the exact detail of timber in question.
6. Correct to the extent of explanation given in para-1 consented with para-3
7. Correct to the extent that now present incharge of Central Sale Depot Mansehra can exactly locate the position of the consignment under reference.

To sum up and connect above paras, it is easily concluded that:-

1. The contentious consignment has been surely transported to its destiny at Central Sale Depot Mansehra .
2. The contents of the appeal of the appellant carry weight in the eyes of law and merit/ qualify for sympathetic consideration.
3. The whereabouts of the missing timber (21 Kail Scants = 72.49-Cft) need to be ascertained from the concerned corner.

Hence keeping in view above exposition, it is requested/ recommended that:-

- a. The instant appeal may be valued and thumbed up.
- b. In order to ascertain the factual position of the missing timber, DFO Siran may kindly be approached to get the matter probed through present Incharge. Sale Depot Mansehra.

Handwritten signature and initials: E, CF 11/8

The original enquiry file from page-01 to 70 is enclosed herewith for necessary action and returned when the same are no longer required please.

Handwritten signature
Divisional Forest Officer
Agror Tanawal Forest Division
Oghi

Encl: As Above:

Vertical stamps and handwritten notes:
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dated 17-3-2014, pas
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Employees Trust (PTET)
Dr. Ahmed J.

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Muhammad Younas Conservator of Forests Upper Hazara Forest Circle Mansehra		Jalalabad Chowk, Opp: NBP Shahrahe-Resham Mansehra Phone # 0997-920143 Fax # 0997-381409
No. 1234 /GE		Dated 18/8/2017

To,

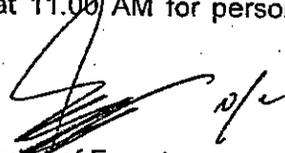
Mr. Dost Muhammad Forester
c/o Divisional Forest Officer,
Agror Tanawal Forest Division Oghi.

Subject: APPEAL AGAINST OFFICE ORDER NO.396, DATED 15/06/2017
PREFERRED BY MR. DOST MUHAMMAD FORESTER.

Memo:

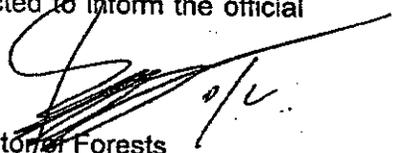
Reference this office No.1009/GE, dated 18/8/2017

Please appear before the undersigned on 08/09/2017 at 11.00 AM for personal hearing in connection with the subject case.


Conservator of Forests
Upper Hazara Forest Circle
Mansehra

No: 1235/GE

Copy in continuation of this office No.1010/GE, dated 18/8/2017, forwarded to DFO Agror Tanawal Forest Division Oghi for information. He is directed to inform the official for personal hearing on due date.


Conservator of Forests
Upper Hazara Forest Circle
Mansehra

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(C.A. No. 8 of 2017)
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(Guzar Ahmed)

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Muhammad Younas Conservator of Forests Upper Hazara Forest Circle Mansehra		Jalalabad Chowk, Opp: NBP Shahrahe-Resham Mansehra Phone # 0997-920143 Fax # 0997-381409
No. <u>1009</u> IGE		Dated <u>18/8/2017</u>

To,

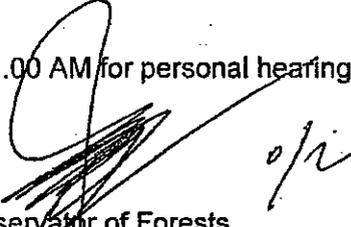
Mr. Dost Muhammad Forester
c/o Divisional Forest Officer,
Agror Tanawal Forest Division Oghi.

**Subject: APPEAL AGAINST OFFICE ORDER NO.396, DATED 15/06/2017
PREFERRED BY MR. DOST MUHAMMAD FORESTER.**

Memo:

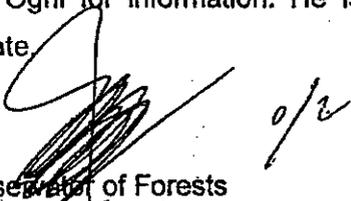
Reference your appeal dated 6/7/2017 and comments of DFO Agror
Tanawal vide No.630/GE, dated 10/8/2017.

Please appear before the undersigned on 05/09/2017 at 11.00 AM for personal hearing
in connection with the subject case.


Conservator of Forests
Upper Hazara Forest Circle
Mansehra

No: 1010 IGE

Copy forwarded to DFO Agror Tanawal Forest Division Oghi for information. He is
directed to inform the official for personal hearing on due date


Conservator of Forests
Upper Hazara Forest Circle
Mansehra

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Muhammad Younas Conservator of Forests Upper Hazara Forest Circle Mansehra		Jalalabad Chowk, Opp: NBP Shahr-Resham, Mansehra Phone # 0997-920143 Fax # 0997-381409
No. <u>1616</u> IGL		Dated <u>19/9/2017</u>

To,

The Divisional Forest Officer
Agror Tanawal Forest Division
Oghi.

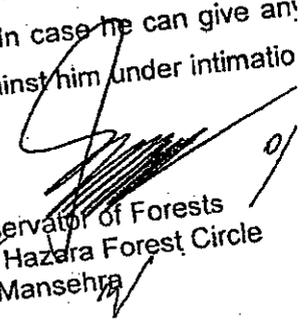
Subject: OFFICE ORDER NO.02, DATED 15/9/2017.

Memo: Reference this office order No.02, dated 15/9/2017.

As cleared from the enquiry proceeding by the enquiry committee that the responsibility of making lots in the depot and accordingly send of the Divisional office is of SDFO concerned.

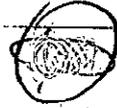
In the instant case, the timber Form-D No.28, dated 01/6/2012 and Form-F No.99/20, dated 23/6/2012 properly carriage to Central Timber Depot Mansehra, out of which 12 Kail scants=66.00 cft has already been auctioned, whereas 21 Kail scants=73.29 cft was not put to auction by the reason best known by the SDFO concerned and the then DFO Agror Tanawal.

It is, therefore you are requested to probe into the matter and thresh out the SDFO of that time and ask him to show the reason for that irregularity. In case he can give any reason for the same, otherwise take necessary legal action against him under intimation to this office please.


Conservator of Forests
Upper Hazara Forest Circle
Mansehra

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OFFICE ORDER NO. 02 DATED MANSEHRA THE 15 /09/2017, ISSUED BY
MUHAMMAD YUNAS, CONSERVATOR OF FORESTS, UPPER HAZARA FOREST CIRCLE
MANSEHRA.

READ WITH:

- i. Charge Sheet bearing No.3871-73/GE, dated 16/02/2016.
- ii. Statement of allegation No.3859-61/GE, dated 16/02/2016.
- iii. Reply to the charge sheet/statement of allegation furnished by Dost Muhammad Forester dated 31/05/2016.
- iv. Personal hearing of accused dated 24/11/2016.
- v. Report of enquiry officer vide letter No.4398/GE, dated 29/11/2016.
- vi. DFO Agror Tanawal show cause notice No.2407/GE, dated 12/01/2017.
- vii. Reply to the show cause notice dated 24/4/2017.
- viii. Personal hearing of the accused dated 18/5/2017.
- ix. Appeal of the accused official.
- x. Comments submitted vide DFO Agror Tanawal letter No.630/GE, dt: 10/8/2017.
- xi. Personal hearing of the accused dated 08/09/2017.

BRIEF HISTORY OF THE CASE

Consequent upon detection of shortage in timber transported from various localities of Agror Tanawal Forest Division to Central Timber Sale Depot Mansehra through Form-D, Mr. Dost Muhammad Forester was charge sheeted vide DFO Agror Tanawal Forest Division endorsement No.3871-73/GE, dated 16/02/2016 and Mr. Muhammad Riaz DFO Siran was appointed as an Enquiry Officer to initiate disciplinary proceedings against the accused official.

After detail enquiry under the domain of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 and in pursuance with the recommendation of Enquiry Officer contained in enquiry report, the DFO Agror Tanawal in the capacity of Authority after completion of coddle formalities imposed recovery of Rs.72490/- on the accused Forester on account of shortage of 72.49 Cft Kail timber at prevailing market rates of Rs.1000/- vide office order No.396, dated 15/6/2017.

Being aggrieved, Mr. Dost Muhammad Forester preferred an appeal dated 06/7/2017 before the undersigned being Appellate Authority which was sent to DFO Agror Tanawal vide Conservator of Forests, Upper Hazara Forest Circle letter No.240/GE, dated 11/7/2017 for comments. In compliance, the DFO Agror Tanawal Forest Division Oghi vide his letter No.630/GE, dated 10/8/2017 furnished para-wise comments with the following recommendations:

- a. The instant appeal may be valued and thumbed up.
- b. In order to ascertain the factual position of the missing timber, DFO Siran may be approached to get the matter probed through present Incharge Sale Depot Mansehra.

The appellent also heard in person on 8/9/2017 as per provision of rules during which he substantiated and reviewed his stance as mentioned in the appeal.

DISCUSSION

According to the rules and procedure in vogue, it was the prime responsibility of SDFO Shergarh to arrange transportation of seized/confiscated or departmentally procured timber either from Sub-Divisional headquarter or elsewhere to Timber Sale Depot at Mansehra through Form-D to be signed under his own signature and then assigned the task to any official to

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accompany the vehicle loaded with timber upto the mentioned destination and get the said consignment acknowledged from Depot Incharge on Form-F. Thereafter it was sole responsibility of SDFO Shergarh to prepare lot and transmit lot-wara to Divisional Office for its further processing for disposal/sale under the settled procedure. The appellant in compliance with the directives of his incharge, SDFO Shergarh, has transported 21 Kail Scants=73.29 Cft from Shergarh Forest Sub-Division to Central Sale Depot Mansehra alongwith other consignment through Form-D bearing No.28 and handed over the same in Central Sale Depot Mansehra by obtaining proper Form-F bearing No.99/20 on 23/6/2012 which indicates that the appellant Mr. Dost Muhammad Forester accomplished the assigned task most swiftly. It was the liberty of SDFO Shergarh to prepare proper sizewara of timber/lot for submission to Divisional Office and to ensure its disposal through open auction on scheduled date but he failed.

CONCLUSION

The crux of the above discussion invariable concludes that the appellant has accomplished the assigned task properly and dedicatedly therefore the punishment so awarded by the DFO Agror Tanawal is not justified. It was the liberty of SDFO Shergarh to follow the matter with regard to disposal of mentioned consignment after its receipt in Central Timber Sale Depot Mansehra for which he shall be asked for.

ORDER

Keeping in view the above discussion and conclusion, the undersigned in the capacity of Appellate Authority do hereby order that:

1. The DFO Agror Tanawal Forest Division Oghi office order No.396, dated 15/6/2017 is hereby set-aside and Mr. Dost Muhammad Forester is exonerated from the charges which resulted into the recovery of Rs.72490/-.
2. The Depot incharge as recommended by the DFO Agror Tanawal in his referred letter is not responsible for the mentioned timber. The SDFO Shergarh shall have to consult record pertaining to the said timber and its further status. In case of failure recovery should be made from the then SDFO Shergarh after fulfillment of pre-requisites as per rules.

Sd/-
(Muhammad Younas)
Conservator of Forests
Upper Hazara Forest Circle
Mansehra

Copy forwarded to:

1. Divisional Forest Officer, Agror Tanawal Forest Division Oghi for information and necessary action. The enquiry file received vide your above cited letter is returned herewith.
2. Mr. Dost Muhammad Forester for information and necessary action.
3. Office order file.

Conservator of Forests
Upper Hazara Forest Circle
Mansehra

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The appellate authority ordered that DFO A.T office order No. 396 dated 15-9-2017 is hereby set-aside and Mr. Dost Muhammad Forester is exonerated from the charges which resulted into the recovery of Rs. 72490/- and the Depot Incharge as recommended by the DFO A.T in his referred letter is not responsible for the mentioned timber. The SDFO Shergarh at that time shall have to consult record pertaining to the said timber and its further status and recovery should be made from the then SDFO Shergarh.

To conclude above ex-position you being the then Incharge Shergarh Forest Sub-Division guilty/responsible for the said missing timber from Central Sale Depot Mansehra with.

You are therefore directed to immediately deposit the recovery amount viz Rs. 72490/- into Government Treasury immediately and provide Treasury Challan to this office, so that further action could be taken in the matter accordingly, in case of failure disciplinary proceeding will be initiated against you under the provision of E&D Rules, 2011.

Divisional Forest Officer
Agror Tanawal Forest Division
Oghi

No. 1604-06 IGE

Copy forwarded to :-

1. The Conservator of Forests Upper Hazara Forest Circle Mansehra for favour of information with reference to his office order No. 02 dated 15-9-2017 & No. 1616/GL dated 19-9-2017 please.
2. The Divisional Forest Officer Unhar Watershed Division Mansehra for information and necessary action. He is requested to deliver the above letter to the above named Deputy Ranger under proper receipt which should be sent to this office for further course of action please.
3. Divisional Accountant for information and necessary action.

Encl: As Above:

(Signature)
Divisional Forest Officer
Agror Tanawal Forest Division
Oghi

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ATTESTED & ACCEPTED

(Signature)

Divisional Forest Officer
Agror Tanawal Forest Division
Oghi

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Muhammad Younas Conservator of Forests Upper Hazara Forest Circle Mansehra		Jalalabad Chowk, Opp: NBP Shakrahe-Resham, Mansehra Phone # 0997-920143 Fax # 0997-381409
No. 1850 IGE	Dated 02 10/2017	

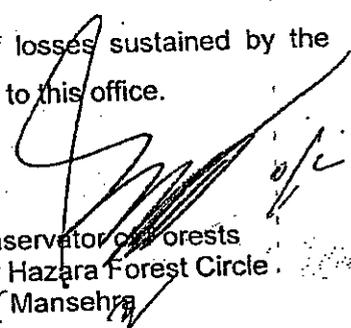
To,

The Divisional Forest Officer
 Agror Tanawal Forest Division
 Oghi.

Subject: NON PREPARATION OF LOT OF CONFISCATED TIMBER OF SHERGARH FOREST SUB-DIVISION- RECOVERY THEREOF.

Memo: Reference your endorsement No.1604-06/GE, dated 21/9/2017.

Please pursue the case vigorously and ensure recovery of losses sustained by the Govt: amounting to Rs.72490/- at the earliest under intimation to this office.


 Conservator of Forests
 Upper Hazara Forest Circle
 Mansehra

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Annexure: D

To

Divisional Forest Officer
Agror Tanawal Forest Division
Oghi

Subject:

NON PREPARATION OF LOT OF CONFISCATED TIMBER OF SHERGARH
FOREST SUB DIVISION - RECOVERY THEREOF.

Memo:

Reference your office letter No. 1603/GE dated 21.09.2017.

In response to the letter under reference the undersigned clarified my position as under:

1. The following timber confiscated from various places of Shergarh Forest Sub Division was carried to Sub Divisional headquarter at Shergarh and subsequently transported to Central Sale Depot, Mansehra vide Form-D No. 28 dated 01.06.2012 & Form-F No. 99/20 dated 23.06.2012 through Mr. Dost Muhammad Forester and handed over to Mr. Mir Afzal Forester I/C of the depot under proper receipt.

12 Kail Scants	=	66.0 Cft
21 Kail Scants	=	73.29 Cft
Total	=	139.29 Cft

On pointing out of short fall during 2016 DFO Siran was appointed as Enquiry Officer, who conducted proceeding and recommended recovery of Rs. 72490/- @ Rs 1000/- per Cft as sale value of 72.49 Cft miss-appropriated timber vide your Office Order No. 396 dated 15.06.2017. On acceptance of the said order, the Conservator of Forests Upper Hazara vide his Office Order No. 2 dated 15.09.2017 has ordered that:

- i. Agror Tanawal Office Order No. 396 dated 15.06.2017, is hereby set-aside and Mr. Dost Muhammad Forester is exonerated from the charges resulted into recovery of Rs. 72490/-
- ii. The depot I/C as recommended by the DFO Agror Tanawal in his letter referred is not responsible for the mentioned timber. The SDFO Shergarh shall have to consult record pertaining to the said timber and its further status. In case of failure recovery should be sought from the then SDFO Shergarh after fulfillment of pre-requisites as per rules.

In view of the above:

- a. The undersigned did not provided opportunity to consult record of said timber.
- b. The CF Upper Hazara or DFO Agror Tanawal has not conducted Denove enquiry to probe the matter and fix the responsibility.
- c. The CF Upper Hazara Circle Mansehra has not ordered for recovery from the undersigned rather asked for fulfillment of pre-requisite as per rules.

ATTESTED
&
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- d. Has any procedure adopted by the competent forum and undersigned provided with opportunity of personal hearing or made a part and parcel of any enquiry proceedings. If not then how he can be held guilty for miss-appropriation of timber or imposed hypothetic penalty of recovery. This is against the natural justice and fundamental law of the country.
- e. As the consignment of 33 Scants = 139.29 Cft timber reached the depot under a single and same Form-D out of which 12 Scants = 66 Cft disposed off through open auction then how the remaining timber i.e. 21 Scants = 73.29 Cft is miss-appropriated.

It is requested to re-enquire the subject case for providing justice to all stock holder of the case.

The case of Kalashnikov so far is concerned the undersigned on the telephonic directions of the then DFO Agror was on visit to Darband on 15 & 16.10.2012. The Chowkidar of Shergarh Forest Sub Division was directed for proper look after but he being suffering complex mentally did not paid due care properly. When I came back to office/residence found missing one Kalashnikov bullets and amount of Rs. 120000/- as compensation recovered from various offenders.

The undersigned immediately lodged FIR No. 384 dated 17.10.2012 in Police Station Oghi and reported the matter to Divisional Office vide SDFO Shergarh No. 43 dated 17.10.2012 and 31.01.2013. The theft amount of Rs. 120000/- was remitted into the Govt. account from my own pocket and case of Kalashnikov was under enquiry with Police.

The undersigned was subsequently transferred from Shergarh Job Division during January 2013, therefore neither Department nor Police has contacted/called for any investigation/enquiry. After my transfer the DFO Agror Tanawal & SDFO Shergarh were duty bound to pursue the case with concerned Police Station for recovery of theft assets.

It is therefore requested that the charges of Rs. 72490/- and one Kalashnikov against the undersigned be withdrawn please.

Your faithfully

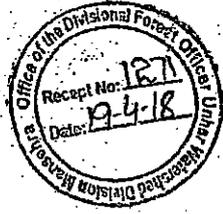
Sultan Mehmoed
Sultan Mehmoed Ex-Forest Ranger 18/04/2018

Copy to DFO Unhar Watershed Division Manshehra for favor of information and further needful into the case please.

Write to DFO AT in the context of the letter of the Officer with copy to all concerned

DFG 19/04/2018

Sultan Mehmoed
Sultan Mehmoed Ex-Forest Ranger 18/04/2018



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FOREST DEPARTMENT UNHAR WATERSHED DIVISION MANSEHRA		Phone # 0997-920142 No. <u> </u> /UWS, Dated <u>27/4/2018</u>
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To

Divisional Forest Officer
Agror Tanawal Forest Division
Mansehra

Subject: NON PREPARATION OF LOT OF CONFISCATED TIMBER OF SHERGARH FOREST SUB DIVISION - RECOVERY THEREOF.

Memo:

Reference your office letter endsit: No. 1604-6/GE dated 21.09.2017.

Enclosed please find herewith reply of your office letter No. 1603/GE dated 21.09.2017 furnished by Mr. Sultan Mehmood Ex-Forest Ranger for further necessary action in your office. In this connection also link this office letter No. 2156/UWS dated 19.04.2018.

Encl: As Above

Divisional Forest Officer
Unhar Watershed Division
Mansehra

No. 2204-09/UWS

Copy along with photo copy of reply of the Ex-Forest Ranger in-continuation of this office endsit: No. 2157-59/UWS dated 19.04.2018 forwarded for favor of information to:-

1. Chief Conservator of Forests Central Southern Forests Region-I Peshawar.
2. Chief Conservator of Forests Northern Forests Region-II Abbottabad.
3. Director Budget & Account Forestry, Environment & Wildlife Department Peshawar.
4. The Conservator of Forests/PD Watershed Management Circle Abbottabad.
5. The Conservator of Forests Upper Hazara Forests Circle Mansehra.
6. Mr. Sultan Mehmood Forest Ranger.

Divisional Forest Officer
Unhar Watershed Division
Mansehra

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Annexure: E

بخدمت جناب چیف کنزرویٹرز صاحب ماحولیات (جنگلات) KPK پشاور

مضمون: درخواست برائے حصول انصاف تھرور پراجیکٹ

جناب عالی!

مودبانہ گزارش ہے کہ سائل نے تقریباً 40 سال محکمہ میں مکمل کئے ہیں۔ سائل نے دوران سروس کوئی ایسا کام نہیں کیا۔ جس سے سائل اور محکمہ کے ساتھ محروح ہو، اپنی ڈیوٹی بڑی دیانتداری اور لگن سے انجام دی ہے۔ افسران بالانے جہاں بھی پوسٹ کیا بخوشی احسن قبول کر کے ڈیوٹی جان کی اور اپنا کام خوش اسلوبی سے انجام دیا ہے۔ کوئی ناخوشگوار واقعہ دوران سروس پیش نہیں آیا۔ سائل نے سال 2012ء میں شیرگڑھ سب ڈویژن کا چارج سنبھالا۔ اگرچہ حالات ناگفتہ بہ تھے۔ لیکن سائل نے اپنا ایک سال مکمل کیا۔

۱۔ ریٹائر میٹ کے وقت جب NOC کے لیے اگر درتداول فارمسٹ ڈویژن سے رابطہ کیا۔ تو نہ دی گئی بلکہ ایک الزام جو کہ سال 2012ء کا تھا۔ لگا کر اس دوران کچھ لکڑے غائب ہو گئی تھی۔ اور 72490 روپے کی Recovery مجھ پر ڈالی گئی۔

میں نے اس کا جواب بھی دے دیا ہے۔ ساتھ منسلک ہے۔ جبکہ فارمسٹ دوست محمد اپنے جواب میں تسلیم کرتا ہے کہ وہ لکڑے فارم نمبر 28D تاریخ 01-06-2012 اور فارم نمبر F99/20 تاریخ 23-06-2012 سینٹرل ڈپو ماہنامہ پہنچا چکا ہے۔ اس وقت ڈی ایف اوصاحب نے نیلامی کر کے لکڑے واگزار کر دی۔ انکوٹری افسرنے بھی ذمہ داری دوست محمد فارمسٹ پر ڈالی اور اس سے Recovery کا لکھا۔ لیکن سائل کو معلوم نہیں کہ کس طرح جناب کنزرویٹرز صاحب Uper Hazara بغیر انکوٹری اور ریکارڈ کے تصدیق کرنے سے Recovery سائل پر ڈال دی۔ جو کہ سراسر زیادتی اور قانونی تقاضے پورا نہیں کرتی اور ریکارڈ بغیر چیک کرنے کے وہ Recovery کس طرح سائل پر ڈال دی گئی۔ سائل امید کرتا ہے کہ آپ جیسا ایماندار افسر انصاف کے تقاضے کے تحت اس پر غور فرمائیں اور انصاف مہیا کریں گے۔ فارمسٹ دوست محمد کا جواب ساتھ منسلک ہے۔

۲۔ کلاشکوف جو کہ دفتر رینج میں پڑی تھی سائل گشت پر تھا۔ رینج آفس کا دروازے کالا ک توڑ کر چوکیدار کی ملی بھگت کلاشکوف چوری کر دی گئی تھی۔ میں نے چوکیدار سے دواڑہ توڑنا اور چوری کی مکمل چھان بین کی تو معلوم ہوا۔ کہ چوکیدار نے یہ کام کیا تھا۔ جسکی FIR پولیس سٹیشن اوگی میں درج کروائی گئی اور DFO کو بھی تحریری آگاہ کیا۔ FIR ساتھ منسلک ہے۔ سائل بے گناہ ہے اور آپ جیسے ایماندار و مخلص افسر سے توقع رکھتا ہے کہ آپ DFO اگر درتداول اور کنزرویٹرز صاحب Uper Hazara کو ہدایت جاری کریں تاکہ وہ NOC جاری کرے کیونکہ 06.06 گزر گئے ہے مگر سٹیشن کے کاغذات برائے منظوری مجاز اتھارٹی کو ارسال نہیں کیے گئے۔ سائل کی مالی پوزیشن بہت ہی خراب ہو چکی ہے۔ سائل کا خاندان بھی بری طرح متاثر ہو چکا ہے۔ اور سائل آپ سے انصاف کی توقع رکھتا ہے کہ آپ ضرور انصاف کریں گے۔ سائل دعا گو رہے گا۔

الحاض

سلطان محمود (EX. Forest Ranger) 6111018

محکمہ جنگلات آنہار واٹرشیڈ ڈویژن ماہنامہ Co. Forest RANGER

ATTESTED & ACCEPTED

- (۱) کاپی برائے اطلاع DFO اگر درتداول
- (۲) کاپی برائے اطلاع Uper Hazara CF
- (۳) کاپی برائے اطلاع CCF II ایبٹ آباد پزارہ

28

27/11

To

Divisional Forest Officer
Agror Tanawal Forest Division
Oghi

Subject:

NON PREPARATION OF LOT OF CONFISCATED TIMBER OF SHERGARH
FOREST SUB DIVISION - RECOVERY THEREOF.

Memo:

Reference your office letter No. 1603/GE dated 21.09.2017.

In response to the letter under reference the undersigned clarified my position as under:

1. The following timber confiscated from various places of Shergarh Forest Sub Division was carried to Sub Divisional headquarter at Shergarh and subsequently transported to Central Sale Depot Mansehra vide Form-D No. 28 dated 01.06.2012 & Form-F No. 99/20 dated 23.06.2012 through Mr. Dost Muhammad Forester and handed over to Mr. Mir Afzal Forester I/C of the depot under proper receipt.

i.	12 Kail Scants	=	66.0 Cft
ii.	21 Kail Scants	=	73.29 Cft
	Total	=	139.29 Cft

On pointing out of short fall during 2016 DFO Siran was appointed as Enquiry Officer, who conducted proceeding and recommended recovery of Rs. 72490/- @ Rs. 1000/- per Cft as sale value of 72.49 Cft miss-appropriated timber, vide your Office Order No. 396 dated 15.06.2017. On acceptance of appeal preferred by Mr. Dost Muhammad Forester dated 06.7.2017 against the said order, the Conservator of Forests Upper Hazara vide his Office Order No. 2 dated 15.09.2017 has ordered that:

- i. DFO Agror Tanawal Office Order No. 396 dated 15.06.2017, is hereby set-aside and Mr. Dost Muhammad Forester is exonerated from the charges resulted into recovery of Rs. 72490/-.
- ii. The depot: I/C as recommended by the DFO Agror Tanawal in his letter referred is not responsible for the mentioned timber. The SDFO Shergarh shall have to consult record pertaining to the said timber and its further status. In case of failure recovery should be made from the then SDFO Shergarh after fulfillment of pre-requisites as per rules.

In view of the above:

- a. The undersigned did not provided opportunity to consult record of said timber.
- b. The CF Upper Hazara or DFO Agror Tanawal has not conducted Denove enquiry to probe the matter and fix the responsibility.
- c. The CF Upper Hazara Circle Mansehra has not ordered for recovery from the undersigned rather asked for fulfillment of pre-requisite as per rules.

(29)



- d. Has any procedure adopted by the competent forum and undersigned provided with opportunity of personal hearing or made a part and parcel of any enquiry proceedings, if not then how he can be held guilty for miss-appropriation of timber or imposed hypothetic penalty of recovery. This is against the natural justice and fundamental law of the country.
- e. As the consignment of 33 Scants = 139.29 Cft timber reached the depot under a single and same Form-D out of which 12 Scants = 66 Cft disposed off through open auction then how the remaining timber i.e. 21 Scants = 73.29 Cft is miss-appropriated.

It is requested to re-enquire the subject case for providing justice to all stack holder of the case.

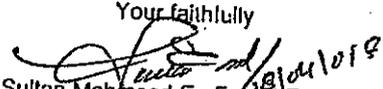
The case of Kalashnikov so far is concerned the undersigned on the telephonic directions of the then DFO Agror was on visit to Darband on 15 & 16.10.2012. The Chowkidar of Shergarh Forest Sub Division was directed for proper look after but he being suffering complex mentally did not paid due care properly. When I came back to office/residence found missing one Kalashnikov bullets and amount of Rs. 120000/- as compensation recovered from various offenders.

The undersigned immediately lodged FIR No. 384 dated 17.10.2012 in Police Station Oghi and reported the matter to Divisional Office vide SDFO Shergarh No. 43 dated 17.10.2012 and 31.01.2013. The theft amount of Rs. 120000/- was remitted into the Govt. account from my own pocket and case of Kalashnikov was under enquiry with Police.

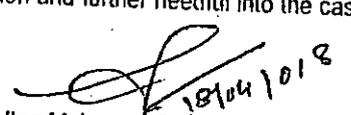
The undersigned was subsequently transferred from Shergarh Sub Division during January 2013, therefore neither Department nor Police has contacted/called for any investigation/enquiry. After my transfer the DFO Agror Tanawal & SDFO Shergarh were duty bound to pursue the case with concerned Police Station for recovery of theft assets.

It is therefore requested that the charges of Rs. 72490/- and one Kalashnikov against the undersigned be withdrawn please.

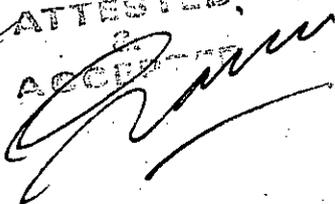
Your faithfully


Sultan Mehmood Ex-Forest Ranger

Copy to DFO Unhar Watershed Division Mansehra for favor of information and further needful into the case please.


Sultan Mehmood Ex-Forest Ranger

ATTESTED
&
ACCEPTED



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10

The DFO,
Agror Tanawal,

Subject: Non-Preparation of lot Confiscated Timber
of Shergarh Sub-division.

Sir, Ref:- No 1603/GE Dated 21/9/17
It is stated that in the reply of
Mr. Dost Muhammad Forester, he confessed that the
said timber i.e. 21 Kail Scants he had carried
from Shergarh to Manshera Central Timber
Depot through Form D No: 28 dated: 01-06-2012 &
obtained Form F No: 99/20 dated: 23-06-2012 from
the incharge of central Depot. and also
admitted that at that time he fulfilled
all the formalities and DFO Agror Tanawal
(authority for auction) has auctioned the
Timber accordingly.

So, it is clear that at that time Forest
had performed his duty on behalf of SDFO
Shergarh. He also mentioned that after preparing
the lot & size wara and informed the DFO
Agror Tanawal for auction. The Timber had
been auctioned by DFO Agror Tanawal.
The Forester also obliged to say that, the
Timber have been auctioned and Timber
form NO 17 have been mentioned at that
time. So may kindly be checked.

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خدمت جناب ڈیڑیئرلٹ مارشل انٹیر صبا سرن مارشل ڈیڑیئرلٹ ماہرہ
(ڈیڑیئرلٹ انٹیر)

عنوان
جانچ شدہ

جناب ڈیڑیئرلٹ مارشل انٹیر صبا سرن مارشل ڈیڑیئرلٹ ماہرہ نے
اس بات پر افسانہ کاروائی کا اجرا کیا کہ عدوی بدوران علم مارچ 2012 تا 31 جنوری
2015 کے دوران میں بھی کلر شپرز ٹھہر سب ڈیڑیئرلٹ سے ڈھلایا اور ڈیڑیئرلٹ ڈیڑیئرلٹ
تھا کہ ان کو کوئی ریکارڈ موجود ہے اور نہ ہی موقع پر لکڑی باوجود اسے کہنے
اس ضمن میں باقاعدہ آڈٹ بھی کر لیا گیا ہے۔

عدوی بدوران باقاعدہ آڈٹ کے الزام کی حکمت سے باوجود ذیل انکاری ہے کہ
اس الزام کے بعد از قیاس اس کے کلمات اور عدوی کی سابقہ ذمہ داری کو داغدار کرنے
کی وجہ سے ناگرم سازش ہے۔

1- یہ کہ کلر شپرز عدوی بدوران کے الزامات شپرز ٹھہر سب ڈیڑیئرلٹ کے مختلف بلڈ
شپرز سے ضبط کرنے شپرز ٹھہر سب ڈیڑیئرلٹ آڈٹ میں عدوی بدوران انٹیر
شپرز کا ریکارڈ بنیات ہے۔ جبکہ بلڈ میں وہیں ڈیڑیئرلٹ اور شپرز ٹھہر سب کے حکم پر
نہیں مارشل ڈیڑیئرلٹ ماہرہ ڈھلایا کرتے اور نام "A" حاصل کرنے کے بعد اس کا
جناب اسے ایف ایف او صبا کے والہ کرنا میری ذمہ داری تھی جو میں نے اس وقت
سے سرانجام دی۔ جملہ 2587-55 مکینٹ کلر شپرز سے کلر شپرز سب ڈیڑیئرلٹ مارشل
زیر نگرانی ڈھلایا گیا تھا اور کہ عدوی بدوران کا ڈیڑیئرلٹ۔

2- جب نام "A" ریڈیئرلٹ ڈیڑیئرلٹ ڈیڑیئرلٹ جاری کرتا ہے تو اس کے بعد اس کلر شپرز
جملہ ذمہ داری اس پر عاید ہوتی ہے اور اسے زیر نگرانی باقاعدہ ڈیڑیئرلٹ ڈیڑیئرلٹ میں وجود
جملہ کلر شپرز کی چیک اپ کرنا ہے۔ اسے کلر شپرز کی ڈیڑیئرلٹ ڈیڑیئرلٹ کی معاونت سے

3- اگر عدوی بدوران صبا سرن مارشل ڈیڑیئرلٹ ماہرہ ڈھلایا کرتے کے بعد عدوی بدوران کی جانچ کا
جملہ ریکارڈ تفصیل سے چیک کرتے تو زیر نگرانی ڈیڑیئرلٹ ڈیڑیئرلٹ کی نوبت ہی نہ آتی تھی
شپرز الزامات میں ڈیڑیئرلٹ ڈیڑیئرلٹ ڈیڑیئرلٹ ڈیڑیئرلٹ ڈیڑیئرلٹ ڈیڑیئرلٹ
ہونے کے بعد عدوی بدوران کی نہ واجبات۔ فتح کرنے کے آڈٹ سے وہیں مارشل کے باوجود

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زیر تجویز انوائسری کا اجرا کرنے میں دستخط کی شہرت۔ جانبداری کو داغدار کر
 گا راہ انوائسری کے۔ جیکہ جملہ ریل روڈ دفتر میں موجود ہے اور بجائے زیر تجویز انوائسری
 کے اجرا کے حقیقہ دفتر ایڈکار سے جو کچھ گھوٹا گیا ہوتی تو حقیقت سامنے آجاتی۔

4- جناب ڈی ایف او صاحب کے دفتر میں بار بار نوٹس باٹ کی طرف توجہ دینے کی کوشش
 کی گئی ہے مگر وہ غور و فکر نہیں کرتے۔ ریل روڈ کو مدد فرم لینا جائز ہے تاہم حقائق سامنے آجائیں
 تو جانے تو اس میں جرم کوئی ذمہ دار نہیں رہتا۔ حالانکہ جی ڈاٹ وارہ میں
 نہ پیدا ہو۔

5- مذکورہ کارس کا ذمہ داری سے سرانجام دیا ہے۔ جملہ نوٹس کی تفصیل لیدر ڈیوٹی
 سٹیڈ ڈیو اور دھولکی نامہ ایف ڈاٹ وارہ مرتب کرتے ہیں۔ اس میں ڈی ایف او صاحب
 شہر ڈیو دفتر ڈی ایف او صاحب ارسال کرتے رہے۔ اگر مئی 2015ء تا جنوری 2015ء
 کا جملہ ریل روڈ کو مدد فرم کیا جائے تو حقیقت سامنے آجائے گی۔

6- یہاں بیان کیا گیا ہے کہ ریل روڈ ڈیو ماہرہ جائزہ ٹیسٹ میں درج جملہ نوٹس لیدر ڈیو
 مذکورہ مختلف لاپتہ ہائے سربراہ آفٹا کر کے گئے ہیں۔ جس کی تفصیل لیدر ڈیو
 افسوس اس بات کا ہے کہ جملہ ریل روڈ دفتر میں جو جو ہونے سے باہر ہو مذکورہ
 کا حقیقت کو بدنام کرنے کی مذکورہ کوشش کی گئی جس کے نتیجے میں زیر تجویز انوائسری
 کاربہر ایک ہیں۔ جو مذکورہ کے ساتھ سرانجام دینا اور نا انصافی ہے۔
 مذکورہ نے ہمیشہ اپنی ڈیوٹی نہایت اہمیت کے ساتھ سرانجام دینے کی کوشش کی اور
 کر پندرہ بجے اس پر کاربہر رہیں۔

7- جناب سے التماس کی جا رہی ہے کہ مذکورہ کے ادب سے اس کے جملہ
 الزامات جو کہ حقائق کے بالکل متناقض ہیں بری فرمایا جائے۔

الکرافٹ

روست نر ناسٹر شہر ڈیو ناسٹر سب ڈیو ڈیو

31/05/2016

Handwritten initials and marks.

ATTESTED & ACCEPTED

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To

The Divisional Forest
Officer Agror-Tanawal
Forest Division

Subject: Non preparation of lot
of confiscated timber
Let No 1603/GE dated 2.09.017

Sir. With due respect I beg to
submit that your letter received
on 25/09/17 in which you explain
that the lot was not prepared
during June 2017, therefore provide
me the following information regarding
that timber.

1. Copy of Form D No 28.
2. Copy of Form E No 99/20 dt-23.06.2012
3. Reply of Mr. Dost Ahmad - Fr.
4. order of auction report
5. The official who designated for
auction during that time

Yours faithfully,

[Signature]

Mr Sultan mehmood / Rang
TC of Alad w/ shes Range

ATTESTED
&
ACCEPTED

[Signature]

others

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Annexure: F

FOREST DEPARTMENT UNHAR WATERSHED DIVISION MANSEHRA		Phone # 0997-381022 No. 2179 /UWS Dated 22/04/2019
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To

Mr. Sultan Mehmood Ex-Forest Ranger
Residence of Village Gulfam Town (Mian De Seri),
Post Office: Abbottabad Public School
Tehsil & District: Abbottabad.

Subject: PENSION CASE IN RESPECT OF MR. SULTAN MEHMOOD EX-FOREST RANGER.

Memo:

Enclosed please find herewith Conservator of Forests/PD Watershed Management Circle Abbottabad endsst: No. 6033/E-21 dated 05.04.2019 alongwith its enclosure for information and further necessary action.

You are directed either to remit the outstanding amount viz: Rs. 172490/- into Govt. Treasury on Challan or supply affidavit on stamp paper regarding deduction of amount in question from your pension commutation at the earliest so that pension case could be re-submitted to Budget & Account Officer Environment for issuance of pension admissibility certified

Encl: As Above

Divisional Forest Officer
Unhar Watershed Division
Mansehra

ATTESTED
&
ACCEPTED



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Copy of Chief Conservator of Forests, Northern Forest Region-II Abbottabad letter No.6015/E dated 02/04/2019 addressed to this office.

Subject: **PENSION CASE IN RESPECT OF MR. SULTAN MEHMOOD EX-FOREST RANGER**

Reference this office endorsement No.4686/E, dated 20/02/2019.

Enclosed please find herewith copy of Chief Conservator of Forests Central Southern Forest Region-I Peshawar letter No.3764/E dated 28/03/2019, alongwith its enclosures in original for information and further necessary action.

Sd/-
Chief Conservator of Forests
NFR-II, Abbottabad

Encl: As above

No. 6033 /E-21, dated Abbottabad the 05/04/2019

Regd.

Copy alongwith its enclosures (in original) forwarded to Divisional Forest Officer Unhar Watershed Division Mansehra for information and necessary action as desired by high ups.

[Signature]
Conservator of Forests/PD
Watershed Management Circle
Abbottabad

Encl: As above

Est.
[Signature]



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Government of Khyber Pakhtunkhwa
Forestry, Env't & Wildlife Department

No. B&A/Pen-I(A.125)/ 961-62
Dated Peshawar the 25/3/2018

P.P
23/3/18
EX-RR

To,

The Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa, Peshawar.

P-154

P-163

Subject:- PENSION CASE IN RESPECT OF MR. SULTAN MEHMOOD, EX-FOREST RANGER.

Memo: Kindly refer to your letter No. 3401/E, dated 06.03.2019 and No. 3575/E, dated 18.03.2019 on the subject noted above.

The pension claim papers and connected documents in respect of above named Ex-Forest Ranger received with your memo under reference are returned in original with the following remarks:-

1. Pension papers received from your office on old format, according to Govt: instructions the same may be prepared on new format and furnished with pension case.
2. As regard deduction/recovery of Rs.172,490/- from his pension on account of (missing timber of Rs.72,490/- and Rs.100,000/- one No. Govt. Kalashnikov) is concerned Ex-Forest Ranger has not given affidavit for the said deduction therefore this office is not in a position to make effect any recovery without his consent.

In his retirement order it was reflected that before recovery of the outstanding amount the pension case will not be processed by your office, which was ignored.

It is requested that the outstanding dues of the Govt: may either be recovered from him and documentary evidence may be furnished or Affidavit regarding deduction from his pension commutation on stamp paper may be furnished.

BUDGET AND ACCOUNTS OFFICER

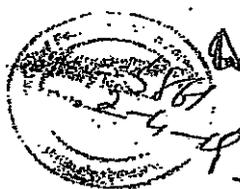
Regd

No. 3764 /E, Dated Peshawar the 28/03/2019.

Copy along with its enclosures (in original) forwarded to the Chief Conservator of Forests Northern Forest Region-II, Abbottabad for information and further necessary action.

Encl: As above.

Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar



27/4
V. CEFTI -

39

Chief Conservator of Forests Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar		Shami Road Peshawar Ph: 091-9212177 Fax # 9211478 E-mail: ccfforests.pesh@gmail.com
No. 3401 /E	Dated Peshawar the 6 /03/2019	

The Director Budget and Accounts,
Government of Khyber Pakhtunkhwa
Forestry, Environment & Wildlife Department
Peshawar

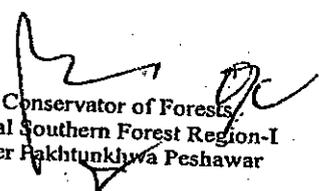
Subject: - PENSION CASE OF MR.SULTAN MEHMOOD EX-FOREST RANGER.

Memo:-

Enclosed please find herewith the following documents in respect of Mr. Sultan Mehmood Ex-Forest Ranger for information and further necessary action.

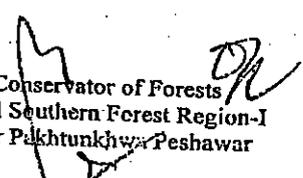
S.No	Forms	Total
1.	Pension application form	In duplicate
2.	Statement showing calculation of Pension	In duplicate
3.	Specimen Signature of Officer	In duplicate
4.	Finger impression	In duplicate
5.	Undertaking	In duplicate
6.	Declaration	In duplicate
7.	No Demand Certificate	In duplicate
8.	Photo copy of National Identity Card	In duplicate
9.	Photographs	In duplicate
10.	Last pay certificate	In duplicate
11.	Option	In duplicate
12.	List of Family members	In duplicate
13.	Copy of retirement order	In duplicate

It is pertinent to mention that as per No Demand Certificate there is an amount due of Rs.72,490/- on account of missing timber and one number of Government Kalashnikov is also outstanding against the Ex-Forest Ranger.


Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

No. 3402 /E.

Copy forwarded to Chief Conservator of Forests Northern Forest Region-II, Abbottabad for information with reference to his letter No. 4685/E, dated 20/2/2019. He is requested to intimate the price/ value of the Kalashnikov, so that the same could be recovered from the gratuity/ Pension.


Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

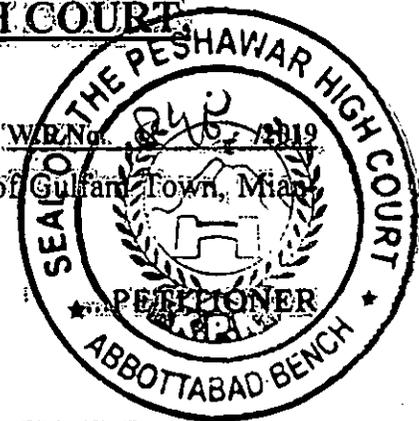
Establishment-20

Recd - Mr 155
B&A Peshawar
13/03/2019
for
the record of Pension
from ccff Peshawar

BEFORE THE PESHAWAR HIGH COURT
PESHAWAR.

WR No. 246/2019

Sultan Mehmood S/o Fida Mohammad, resident of Gulshan Town, Mian
de-Seri, Tehsil and District, Abbottabad.

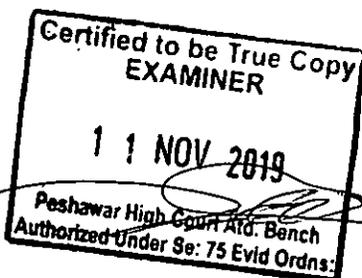


VERSUS

1. Secretary Forest (Environment) Department, Govt of KPK, Peshawar.
2. Divisional Forest Officer, Agror and Tanawal, Mansehra.
3. Head of Budget and Accounts (Pension) Forestry, Environment and Wildlife Department, Peshawar.
4. Chief Conservator of Forest, Central (Southern Region), Shami Road, Peshawar.
5. Chief Conservator of Forest Region-II, Abbottabad.
6. Conservator / Project Director Watershed Management Abbottabad.
7. Divisional Forest Officer, Unhar Watershed, Mansehra.

.... **RESPONDENTS.**

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, TO THE EFFECT THAT THE PETITIONER SERVED IN THE FOREST DEPARTMENT OF GOVT OF KPK FOR 40 YEARS AND RETIRED ON: 07/04/2018, BUT TILL NOW THE PETITIONER HAS NOT BEEN PAID HIS PENSION / POST RETIREMENT EMOLUMENTS BY THE BUDGET AND ACCOUNTS (PENSION) DEPARTMENT GOVT OF KPK (RESPONDENT NO.3), WHICH IS ILLEGAL, PERVERSE, ARBITRARY, UNILATERAL, AGAINST THE SETTLED LAW, RULE AND POLICY.



PRAYER:

ON ACCEPTANCE OF INSTANT WRIT PETITION, RESPONDENTS / FOREST DEPARTMENT GOVT OF KPK, PESHAWAR, MAY GRACIOUSLY BE DIRECTED TO

EXONERATE THE ILLEGAL AND UNFOUNDED ALLEGATIONS LEVELED AGAINST THE PETITIONER REGARDING MISSING TIMBER, AND STOLEN KALASHNIKOV AND RESPONDENT NO.3, I.E. BUDGET AND PENSION DEPARTMENT OF GOVT OF KPK PESHAWAR, BE DIRECTED TO RELEASE THE PENSION / POST RETIREMENT EMOLUMENTS OF THE PETITIONER FORTHWITH IN THE BEST INTEREST OF JUSTICE ALONWITH THE COMPENSATION AT THE RATE, PREVAILING AT PRESENT IN THE COMMERCIAL BANKS OF PAKISTAN.

Respectfully Sheweth,

Facts giving rise to the instant petition are as under:-

1. That, the petitioner is a respectable citizen of Pakistan who served in the Forest Department of Govt of KPK, for 40 years and retired on 07/04/2018 at the age of superannuation.
2. That, since petitioner's retirement on 07/04/2018, till date the petitioner has not been paid his pension / post retirement emoluments by the Budget & Accounts (Pension) Department Govt of KPK (Respondent No.3).
3. That, Chief Conservator of Forests, Central Southern Region-I KPK (Respondent No.1), issued petitioner's retirement order on 10/04/2018 with a copy forwarded to Chief Conservator of

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Authorized Under Se: 75 Evid Ordns.

Forests Region-II, Abbottabad with instructions to recover an amount of Rs.72,490/- from petitioner for an alleged missing timber as well as one number Govt. Kalashnikoy stolen from Range office Shergarh before submission of petitioner's pension case. The same copy was also sent to Director Budget and Accounts, Govt of KPK Forestry Environment and Wildlife Department. (Copy of the retirement order, is attached as Annexure "A")

4. That, on receipt of retirement order, when petition applied to obtain NOC from Agror Tanawal Forest Division, the petitioner was refused NOC and instead he was asked to remit an amount of Rs. 72,490/- as recovery of missing Timber as well as price /value of stolen one number Govt. Kalashinkoy without conducting any enquiry to this effect.

5. That, Chief Conservator Forest Central Southern Forest Region-I, Govt of KPK (Respondent No.1), forwarded petitioner's pension documents to Director Budget and Accounts, Govt of KPK Forestry, Environment & Wildlife Department, Peshawar (Respondent No.3) with an additional note that there is an amount of Rs. 72,490/- is outstanding against the petitioner with a copy to Chief Conservator of Forests, Region-II, Abbottabad to intimate price /value of the Kalashnikoy so that the same could be recovered from the gratuity /pension (Copy of the letter issued by Respondent No. 4 vide which the pension

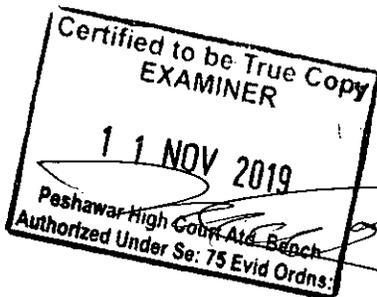
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Peshawar High Court Ad. Bench
Authorized Under Sec. 75 Evid Ordns.

documents of the petitioner was forwarded to Respondent No. 3, is annexed as Annexure "B")

6. That, Divisional Forest Officer Unhar Watershed Division Mansehra (Respondent No.7), sent a letter dated 22/04/2019 to the petitioner with the direction to deposit the outstanding amount of Rs. 172,490/- (regarding missing timber as well as one number stolen Kalashnikov) into Govt Treasury so that petitioner's pension case could be re-submitted to the Budget & Accounts Officer Environment (Respondent No.3) for issuance of pension admissibility certificate. (Copy of letter dated 22/04/2019 sent to the petitioner by Respondent No.7 with regard to deposit the outstanding amount of Rs. 172,490/-, is attached as Annexure "C")

7. That, petitioner had submitted a written application dated 06/11/2018 to Chief Conservator Forests Peshawar denying his involvement in the alleged missing timber worth Rs. 72,490/- as well as one number Kalashnikov (worth Rs.100,000/-), which was stolen from the Range Office Shergarh for which an FIR of theft was also lodged in Police Station Ogi, District Mansehra. (Copy of the application alongwith enclosures is attached as Annexure "D")

8. That, a theft took place at Range office Shergarh in 2012 in which a Govt Kalashnikov and cash amount Rs. 120,000/-, (recovered



from defaulters), was stolen. An FIR dated 17/10/2012, was lodged with Police Station Ogi to this effect. The petitioner deposited an amount of Rs. 120,000/- from his own pocket to make good the amount which was stolen from the Range Office, Shergarh.

9. That, despite clear Rules on payment of pension to Govt Servants, the petitioner is being denied / delayed his rightful pension / post retirement emoluments on the basis of frivolous and unfounded allegations for which no formal enquiry has been conducted by the Forest Department, instead directly charge sheeted the petitioner for the missing timber as well as stolen Kalashnikov to which the petitioner had given detailed reply in his application as mentioned in Para-7 above. (Reply submitted by the petitioner to Divisional Forest Officer Agror Tanawal Forest Division Mansehra denying all the allegations in detail, is attached as Annexure "E").

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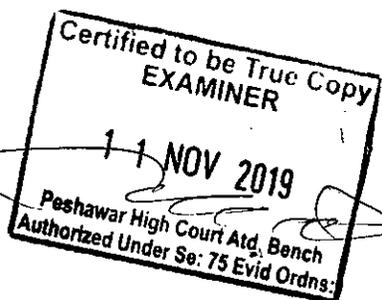
That, it is pertinent to mention that an enquiry was held against Mr. Dost Muhammad, Forester Shergarh, who was alleged for the same missing timber, however, Dost Muhammad Khan was exonerated on the basis of an appeal and Personal hearing from the charges and instead Petitioner was held guilty / responsible for the missing timber without affording the petitioner a chance / opportunity of personal hearing, which is against the prescribed Rules/ Procedure. (Copies of the Appeal submitted by Dost

Muhamamd and other relevant document are attached as Annexure "F")

11. That, no other efficacious remedy is available to the petitioner, hence this writ petition inter-alia on the following grounds amongst others:-

GROUNDS:-

- i. That, stoppage of petitioner's pension, without any reason, is illegal, unlawful and against the Govt Servants (Efficiency and Disciplinary Rules 2011 (Rule-5).
- ii. That, the petitioner has served unblemished for almost 40 years in the Forest Department and such baseless allegations of missing timber worth Rs. 72,490/- without conducting any enquiry or proving any misconduct on the part of petitioner as well as recovery of Rs. 100,000/- for the stolen one number Govt Kalashnikov is constant source of mental agony and stress.
- iii. That, the petitioner has been condemned un-heard, which is violative of the principle of natural justice and as much as the Forest Department's high officials did not follow the prescribed procedures and charge sheeted the petitioner without any incriminating evidence regarding the missing timber as was as stolen Govt Kalashnikov.
- iv. That, petitioner's detailed reply against the charge sheet has not been paid any heed by the Forest Department officials nor



petitioner was provided an opportunity of Personal Hearing. Instead Forest Department issued order to petitioner for depositing Rs. 172,490/- without giving any reason. (Annexure "G")

v. That, this high handedness and illegal and unlawful act on the part of respondents, is causing delay into release of the pension / post retirement emoluments of the petitioner which is causing grave inconvenience and financial hardship to the petitioner.

vi. That, this Honourable Court has to determine the quantum of financial sufferings and mental agony being faced by the petitioner at the hands of rigid, illegal and unlawful acts committed by the forest officials / Respondents.

vii. That, the petitioner's pension / post retirement emoluments are held by the respondents illegally for which petitioner needs to be compensated at the current rate of interest as prevailing in the commercial banks.

viii. That, petitioner also reserves a legal right to claim heavy damages against the Forest Department/Respondents for illegally / unlawfully delaying his pension / post retirement emoluments thereby causing the petitioner an extreme financial loss / hardship and severe mental agony.

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ix. That, without conducting any formal enquiry, how can forest depart charge sheet the petitioner and blamed the petitioner for an unfounded and baseless allegation of missing timber as well as

stolen Kalashnikov for which an FIR had already been registered with the concerned Police Station.

- x. That, rest of the points would be raised at the time of arguments.
- xi. That, proper court fee is attached and notices has been sent to the respondents. (Copies of Notice and Postal receipt are annexed as Annexure "G")

It is, therefore, humbly prayed that on acceptance of instant writ petition, respondents / forest department Govt of KPK, Peshawar, may graciously be directed to exonerate the illegal and unfounded allegations leveled against the petitioner regarding missing timber and stolen Kalashnikov and respondent no.3, i.e. Budget and Pension Department of Govt of KPK, Peshawar, be directed to release the Pension / Post retirement emoluments of the petitioner forthwith, in the best interest of justice.

...PETITIONER

[Signature]

Through:

Dated:- 24.7.2019

QAISER REHMAN KHAN

[Signature]

USMAN ALI KHAN
Advocates High Court, Abbottabad

VERIFICATION:-

Verified that the contents of the instant Writ Petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court:

Dated:- 24.7.2019

[Signature]

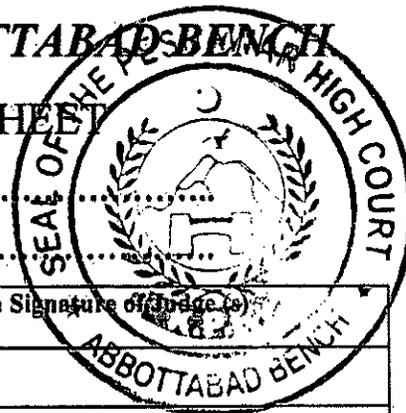
...PETITIONER

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Peshawar High Court Ad. Bench
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PESHAWAR HIGH COURT, ABBOTTABAD BENCH

FORM OF ORDER SHEET

Court of.....
Case No.....of.....



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s)
1	2
07.11.2019	<p><u>WP No. 846-A/2019.</u></p> <p>Present: M/s. Qaiser Rehman Khan and Usman Ali Khan, Advocates, for petitioner.</p> <p style="text-align: center;">***</p> <p><u>IJAZ ANWAR, J.</u> Through this petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner namely <i>Sultan Mehmood</i> has made the following prayer:-</p> <p style="text-align: center;"><i>That on acceptance of instant writ petition, respondents/ forest department Govt of KPK, Peshawar may graciously be directed to exonerate the illegal and unfounded allegations levelled against the petitioner regarding missing timber and stolen Kalashnikov and respondent No. 3 i.e Budget and Pension Department of Govt of KPK Peshawar, be directed to release the Pension/Post retirement emoluments of the petitioner forthwith, in the best interest of justice.</i></p> <p>2. Learned counsel for petitioner heard at some length in motion, while the record available gone through.</p> <p>3. It is evident from record of the case, that the</p>

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Peshawar High Court Atd. Bench
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(P)



RECEIVED
11/11/2012
COURT OF APPEALS
11/11/2012

petitioner has submitted departmental appeal against the order of recovery after the lapse of statutory period of 90 days, the petitioner was required to have approached service tribunal but instead he approached this Court through the instant petition. Therefore, in the peculiar facts and circumstances of the present writ petition, this Court in the larger interest of justice treat this petition as service appeal and send it to the Khyber Pakhtunkhwa Service Tribunal for its decision, in accordance with the law.

scd JUDGE

scd JUDGE

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Peshawar High Court Atd. Bench
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DBA number

611

BC No.

14 - 5098

S.No. 97551



Name of Advocate

قائم ریحان خان

وکالت نامہ

SECRETARY
District Bar Association
Abbottabad

چیسٹ مین کروٹس ٹریڈنگ کمپنی

بعدالت

سکریٹری جنرل، فاریسٹ ڈیپارٹمنٹ، ریکڑہ

عنوان: سلطان محمود

مخاطب: سائبر مدعی

توعیت مقدمہ سرسوں اسٹیل

باعث تحریر آنکھ میں نے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطہ پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایسٹریٹس ایس کے لیے

صیور رحمان خان ایڈووکیٹ عثمان علی صلیب ایڈووکیٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روز بعدالت حاضر ہونا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا بخاندان کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختمہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرنے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا نظر در درخواست حکم امتناعی یا قرق یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ایگلی علیحدہ محتاجہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 2019/11/22

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ دن ماہ سال

Accepted

QAISER REHMAN KHAN
ADVOCATE HIGH COURT
ABBOTTABAD

0313-58376

0314-4408

SULTAN MEHMOOD