

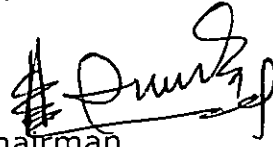
Service Appeal No. 1610/2019

ORDER  
12.10.2021

Appellant alongwith his counsel Syed Asif Shah, Advocate, present. Mr. Muhammad Shakeel, DFO alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, placed on file of Service Appeal bearing No. 1211/2019 titled " Mubashar Ahmad Versus Government of Khyber Pakhtunkhwa through Secretary Wildlife Department, Khyber Pakhtunkhwa Peshawar and three others", the appeal in hand is allowed by setting-aside the impugned orders and the appointment order of the appellant stand restored with all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
12.10.2021



Chairman  
Camp Court A/Abad




(Salah-ud-Din)  
Member (Judicial  
Camp Court A/Abad

12.10.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muhammad Shakeel, DFO for the respondents present.

Learned counsel for the appellant has stated on his own responsibility that he electronically received the application about withdrawal of the impleadment application, through WhatsApp from Babar Khan Yousafzai Advocate on cell phone via Sim# 0345-9484980 alongwith affidavit of the applicant. As the learned counsel for the appellant submits that he received the said application electronically and got them printed and have produced the same after assurance from the counsel for the applicant, therefore, they may be placed on file. Request is accorded. Although the request of the applicant seeking impleadment has been brought on record through proxy of the appellant's counsel but even if there is no such application, we are not inclined to implead a private complainant without locus standi. Moreover, the impleadment has been sought due to some grounds taken in the appeal relating to role of MPA but we are concerned to hear the parties on merits and law relating to terms and conditions of the service as well as legality/irregularity of the proceedings culminating in imposition of penalty upon the appellant. The application for impleadment stands disposed of in the given terms. Both the parties are ready to make submissions on merit. Let the file to come up for arguments forthwith.

  
(Salah-Ud-Din)  
Member (Judicial)  
Camp Court A/Abad

  
Chairman  
Camp Court A/Abad

26.08.2021

Syed Asif Shah, Advocate, for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Shakeel, DFO (Wild Life) for the respondents present.

Ms. Nida Khan, Advocate, present and submitted an application for impleadment of Mr. Laiq Muhammad Khan as respondent in the instant appeal. The application is placed on file of connected Service Appeal bearing No. 1211/2019. Adjourned. To come up for reply as well as arguments before the D.B on 27.09.2021.

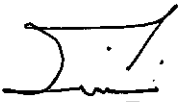
(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

11.10.2021

Appellant in person present. Mr. Muhammad Rasheed, Deputy District Attorney alongwith departmental representative Mr. Muhammad Shakeel, DFO for the respondents present.

Lawyers are on strike. To come up for disposal of the application on 12.10.2021 alongwith connected Service Appeal No. 1211/2019 before the D.B at Camp Court Abbottabad.

  
(Salah-Ud-Din)  
Member (Judicial)  
Camp Court A/Abad

  
Chairman  
Camp Court A/Abad



**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

Umer Farooq son of Umer Khitab, resident of  
Village Bazargay, Tehsil Oghi District  
Mansehra.....**Appellant**

*Put up to the Court with  
relevant app.*

**Versus**

- 28/9/21.*
- 1) Government of Khyber Pakhtunkhwa  
through Secretary Wildlife Department,  
Jhyber Pakhtunkhwa Peshawar
  - 2) Divisional Forest Officer wildlife Division,  
Torghar
  - 3) Chief Conservator Wildlife Division Torghar
  - 4) Conservator Wildlife Division Southern  
Circle Peshawar.....**Respondents**

*Ready*

*Allowed*

*on 10/10/2021*

**SERVICE APPEAL NO. 1610 OF 2019**

**APPLICATION SEEKING FIXATION OF  
THE TITLED SERVICE APPEAL BEFORE  
CAMP COURT ABBOTTABAD FOR ITS  
EARLY DISPOSAL.**

**Respectfully Sheweth!**

- 1) That, the above titled appeal is pending before this Honourable Court since last two years at Camp Court Abbottabad. Meanwhile non availability of Camp Court the instant appeal is fixed before the Principal Seat Peshawar.
- 2) That, now the case in hand pending for arguments.
- 3) That, due to Covid - 19 the non availability of Camp Court at

Abbottabad the above mentioned case transferred to Principal Seat Peshawar for further proceedings.

- 4) That, now the Camp Court Abbottabad is functioning.

It is, therefore, requested that the above titled appeal may graciously be transferred/ fixed from Principal Seat to the Camp Court/Tribunal at Abbottabad for its early disposal/proceedings.

**Dated 25/09/2021**

*Umer*  
**Umer Farooq**  
(Appellant)

Through: -

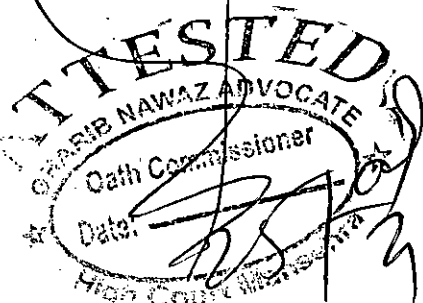
*Asif*  
**SYED ASIF SHAH**  
Advocate High Court,  
District Courts,  
(Mansehra)

**AFFIDAVIT**

I, UMER FAROOQ SON OF UMER KHITAB, RESIDENT OF VILLAGE BAZARGAY, TEHSIL Oghi DISTRICT MANSEHRA (APPELLANT) DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT THE CONTENTS OF THE FORE-GOING APPLICATION ARE TRUE AND CORRECT AND NOTHING HAS BEEN CONCEALED FROM THIS HONOURABLE COURT.

**DATED 25/09/2021**

*Umer*  
**UMER FAROOQ**  
(DEPONENT)



25.06.2021

Counsel for the appellant present. He submitted an application for fixation of the date at Peshawar in the instant service appeal. Previously the appeal was fixed for hearing at Camp Court, Abbottabad for 19.04.2021. However, hearing could not take-place due to cancellation of the tour. It has been stated in the application that the respondents have cancelled appointment order of the appellant due to which he is suffering from severe physical and mental torture. He requested for urgent disposal of the matter. The application is placed on file. Office is directed to fix the case before the D.B at Peshawar for arguments on 09/08 .2021, subject to notice to the respondents.

  
Chairman

09.08.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Muhammad Shakeel D.F.O present.

File to come up alongwith connected Service Appeal No.1211/2019 tilted Mubashir Ahmad Vs. Government of Khyber Pakhtunkhwa on 26.08.2021 before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

18.01.2021

Due to COVID-19, the case is adjourned for the same on 15.02.2021 before D.B.

  
READER

15.02.2021

Nemo for parties.

Riaz Khan Paindakhel learned Assistant Advocate General present.

Preceding date was adjourned on a reader's note, therefore, both the parties be put on notice for 19.04.2021 before D.B for arguments at Camp Court Abbottabad.



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Abbottabad



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

22.10.2020

Appellant in person present.

Usman Ghani learned District Attorney alongwith  
Muhammad Shakeel DFO for respondents present.

Representative of respondents submitted written  
reply/comments. To come up for rejoinder, if any and  
arguments on 18.01.2021 before D.B at Camp Court,  
Abbottabad.



(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad



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

Reader

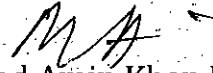
Due to summer vacation case to come up for the same on / 22  
10 / 20 at camp court abbottabad.

  
Reader

10 / 20

18.12.2019

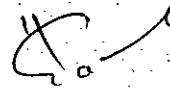
Counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Niaz Muhammad Khan DFO for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further time for submission of written reply/comments Adjourned to 23.01.2020 for written reply/comments before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad.

23.01.2020

Appellant in person present. Written reply not submitted. Niaz Muhammad DFO and Faraz Gul Assistant representatives of respondent department present and requested for time to furnish written reply/comments. Granted. To come up for written reply/comments on 19.02.2020 before S.B at Camp Court Abbottabad.



Member  
Camp Court, A/Abad

02.12.2019

Counsel for the appellant present.

Contends that the appellant was appointed as Wildlife Watcher (BPS-07) in pursuance to an advertisement appearing in the newspaper and after fulfilling all the codal requirements. Consequently, the appellant took over charge of the post on 14.01.2019. On 22.08.2019 another order was issued by respondent No. 2/Divisional Forest Officer, Wildlife Division Torghar, whereby, the appointment order of appellant was cancelled with immediate effect. The grievance of appellant is that before passing of the impugned order no regular/proper enquiry was conducted by the respondents. In the said manner, the appellant was deprived of any opportunity to set-forth his defence. That, the initiation of proceedings against the appellant was politically motivated. Explaining regarding delay in submission of departmental appeal, learned counsel contended that the brother of appellant was kidnapped during the relevant days which held him back from submitting the appeal within the prescribed period. The delay was, therefore, beyond his control. In that regard learned counsel also referred to the order of departmental appellate authority and stated that the appeal was decided on merit, therefore, the appellant has a cause of action in submission of instant service appeal.

In view of arguments of learned counsel and the available record, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 18.12.2019 before S.B at camp court, Abbottabad.

Alongwith the appeal an application for suspension of the operation of impugned order dated 22.08.2019 has been submitted. Notice of application be also given to the respondents for the date fixed.

Chairman





Appellant Deposited  
Security & Process Fee  
2/12/19

Form- A

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 1610/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/12/2019	<p>The appeal of Mr. Umar Farooq presented today by Syed Asif Shah 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 2/12/19</p>
2-	02/12/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/12/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 1610 of 2019  
Umer Farooq.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Wild Life Department, Khyber  
Pakhtunkhwa, Peshawar etc.....Respondents

**SERVICE APPEAL**

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3	Correct addresses of the parties.	.....	20
4	Copies of the CNIC alongwith Domicile Certificate of the appellant.	"A"	21/022
5	Copies of the educational testimonials.	"B"	23/032
6	Copy of the advertisement.	"C"	33
7	Copy of the appointment order.	"D"	34
8	Copy of the arrival report.	"E"	35
9	Copy of the impugned office order/ <u>Inquiry Report</u>	"F" Fa	36/055
10	Copies of departmental appeal.	"G"	56/057
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**Dated 28.11.2019**

*Umer Farooq*  
Umer Farooq  
...Appellant

Through

*[Signature]*  
**SYED ASIF SHAH,**  
Advocate High Court,  
Mansehra.

①

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

Service Appeal No. 1610 of 2019

Umer Farooq son of Umer Khitab resident of  
village Bazaargay, Tehsil Oghi District  
Mansehra, Ex-Watcher (BPS-7) Wild Life Tehsil  
Kandar District Torghar ..... **Appellant**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1697

**VERSUS**

Date 02/12/2019

1. Government of Khyber Pakhtunkhwa through Secretary Wild Life Department, Khyber Pakhtunkhwa, Peshawar.
2. Divisional Forest Officer, Wild Life Division, Torghar.
3. Chief Conservator, Wild Life Division, Torghar <sup>at</sup> Peshawar
4. Conservator, Wild Life Division, Southern Circle Peshawar ..... **Respondents.**

Filed to-day

Registrar

2/12/19

**SERVICE APPEAL UNDER SECTION 4 OF**  
**KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL ACT, 1974 TO THE EFFECT**  
**THAT THE APPELLANT BEING DULY**  
**APPOINTED WATCHER IS ENTITLED**  
**FOR COMPLETION OF HIS SERVICE AS**  
**PER RELEVANT LAW, RULES AND**  
**REGULATIONS. ORDER BEARING NO.04**  
**ENDST. NO.232-60/WL-TG DATED**  
**22.08.2019 WHEREBY THE**  
**APPOINTMENT ORDER OF THE**  
**APPELLANT WAS CANCELLED BY THE**

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RESPONDENTS ON THE BASIS OF SO-  
CALLED INQUIRY REPORT AND THE  
DISMISSAL OF DEPARTMENTAL  
REPRESENTATION FILED BY THE  
APPELLANT VIDE ORDER BEARING  
NO.5634-36/WL(SC) DATED 15.11.2019 ARE  
WRONG, ILLEGAL, AGAINST THE LAW  
AND FACTS, ARBITRARY, FANCIFUL,  
PERVERSE, WITHOUT LAWFUL AUTHORITY,  
AGAINST THE CANNONS OF JUSTICE,  
BASED ON POLITICAL VICTIMIZATION/  
POLITICAL INTERFERENCE, AGAINST  
THE FUNDAMENTAL RIGHTS OF THE  
APPELLANT HENCE LIABLE TO BE SET  
ASIDE.

PRAYER: -

On acceptance of the instant appeal, the impugned order bearing No.04 Endst. No.232-60/WL-TG dated 22.08.2019 alongwith order bearing No.5634-36/WL(SC) dated 15.11.2019 regarding dismissal of departmental representation filed by the appellant passed/issued by the respondents may please be set aside and while restoring the appointment order of the appellant, the appellant may please be re-instated in service with all back benefits or any other relief as this Honourable Tribunal deems fit

and appropriate in the circumstances of the case, may also be issued/passed.

Respectfully Sheweth!

1. That, the appellant is bonafide resident of District Torghar.

*(Copies of the CNIC alongwith Domicile Certificate of the appellant are annexed as annexure "A").*

2. That, the respondents initially advertised some posts of Watchers (BPS-7) in Wild Life Department through advertisement and the appellant being local, qualified, experienced and eligible in all respects duly applied for the said post.

*(Copies of the educational testimonials alongwith advertisement are annexed as annexure "B&C").*

3. That, the respondents later on conducted test/interview which was duly qualified by the appellant as per law, rules and criteria mentioned in advertisement and after fulfillment of all the legal and codal formalities, the appellant was duly appointed against post of Watcher vide appointment order.



*(Copy of the appointment order is annexed as annexure "D").*

4. That, from his appointment, the appellant is performing his assigned duties with due diligence, honestly and to utmost satisfaction of his superiors and the appellant also received his salaries for about 09 months.

*(Copy of the arrival report is annexed as annexure "E").*

5. That, during the service period of the appellant, local MPA of PK-32 on the basis of political influence, victimization initiated a so-called inquiry through provisional inspection team and under the influence of the said MPA, the committee and inquiry officers cancelled the appointment order of the appellant vide office order No. 04 Endst. No.232-60/WL-TG dated 22.08.2019.

*(Copy of the impugned office order is annexed as annexure "F").*

6. That, the appellant also preferred his departmental appeal before the respondents which was also dismissed vide order dated 15.11.2019.

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*(Copies of departmental appeal alongwith order are annexed as annexure "G & H").*

7. That, the appellant being aggrieved from the impugned order passed by the respondents ran from pillar to post for redressal of his grievances but in vain, hence being aggrieved, the appellant seeks the gracious indulgence of this Honourable Tribunal by way of instant appeal, inter alia, on the following grounds: -

#### **GROUND**

- a. That, the impugned orders passed/ issued by the respondents on the basis of so-called inquiry report are wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, without lawful authority, against the canons of justice, based on political victimization, against the fundamental rights of the appellant hence being unconstitutional liable to be struck down.

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- b. That, the appellant was appointed being qualified, experienced and meritorious in all respects and never remained negligent in performance of his assigned duties hence there arise no question for termination/dismissal order of the appellant's services.
- c. That, no show cause notice has been issued to the appellant prior to cancellation of the appointment order of the appellant, which was mandatory. Similarly, the appellant has not been given the chance of hearing and all the proceedings have been carried out by the respondents in sheer violation of the relevant law, rules and regulations.
- d. That, it is well settled principle of law and natural justice that no one should be condemned unheard but in the instant case, the appellant has not been given a chance of hearing by the respondents rather all the proceedings have been conducted by keeping the appellant in dark which is not only against the law but also constitutionally guaranteed rights of the appellant.
- e. That, the respondents making themselves pawn in the hands of the

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local MPA have conducted all the proceedings mere on the whims and wishes of the political figures and never considered the relevant law, rules and regulations on the subject hence the appellant has been victimized mere on the personal vengeance of the political figures of the area which is not permissible under the law.

- f. That, there is no legal flaw or any illegality/ irregularity in the appointment order of the appellant rather the appellant was appointed after fulfillment of all the legal and codal formalities and after due verification/satisfaction hence the appellant's appointment order can never be cancelled in such a cursory and slip shod manner but by cancelling the appointment order of the appellant, the appellant has been deprived from legal, valid and legitimate right mere on the basis of malafide.
- g. That, the so-called inquiry has also been carried out in clear violation of the relevant law, rules and regulations on the subject and the appellant has never been given a chance of joining the inquiry proceedings. It was incumbent upon the respondents to call the

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appellant during the course of inquiry and to provide him ample opportunity of being heard which is Constitutionally guaranteed right of the appellant but such right of the appellant has been denied by the respondents which shows that the sole purpose of the respondents was to terminate the services of the appellant under the garb of the so-called inquiry. Further pre-requisites of inquiry have also been missing in the instant case.

- h. That, infact Local MPA wants to appoint his blue eyed chaps during the appointment/recruitment process but he failed to do so and later on he staged the drama of so-called inquiry just to terminate the appellant and accommodate his blue eyed chaps hence all the proceedings including inquiry etc. have no legal sanctity in the eyes of law.
- i. That, it was not an inquiry rather it was an after thought effort of the respondents to get the posts vacant just to make happy the local MPA and the appellant being the political opponent of said MPA have been victimized by the

respondents in a sheer malafide manner.

- k. That, the departmental appeal of the appellant has also not been considered by the respondents rather the same was dismissed on mere technicalities which is against the well settled precedents laid down by the apex country.
- l. That, the powers or jurisdiction are vested in an authority to exercise it justly, fairly, honestly, judiciously and in accordance with the mandate of law, rules and regulations but the respondents have transgressed upon their powers/jurisdiction while dealing with the matter in hand.
- m. That, it is an inalienable right of the appellant to enjoy the protection of law, rules and regulations but such right of the appellant has been infringed by the respondents in a sheer malafide manner.
- n. That, delay in filing the accompanying appeal is not deliberate nor was in control or reach of the appellant rather after the process of impugned order, real brother of the appellant namely Mazhar Hayat son of Umer Khitab resident of Bazaargay, Tehsil

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Oghi District Mansehra who was misplaced from the year 2008-09 and in this context FIR was also lodged in the relevant police station and the Honourable Supreme Court of Pakistan while taking suo-moto action proceeded the matter but till now the brother of the appellant has not been recovered. After the passage of impugned order dated 22.08.2019, it came into the knowledge of appellant and his father that the brother of the appellant is in Balochistan and for search of his brother, the appellant alongwith his father proceeded to Balochistan from where it came into the knowledge of the appellant that the brother is in Karachi, therefore, the appellant rushed towards Karachi in this regard and in the meanwhile two and a half months elapsed, therefore, the appellant could not file the appeal within time. Further feeling free from the above mentioned proceedings, the appellant after receiving the impugned order, immediately filed departmental representation and record of the above mentioned proceedings was also annexed with the departmental representation but the same was not considered and the representation was dismissed on 15.11.2019 and the instant appeal is being preferred.



*(Copy of the FIR alongwith relevant record are annexed as annexure "I").*

.....**PRAYER**.....

**It is, therefore, most humbly prayed** that on acceptance of the instant appeal, the impugned order bearing No.04 Endst. No.232-60/WL-TG dated 22.08.2019 alongwith order bearing No.5634-36/WL(SC) dated 15.11.2019 regarding dismissal of departmental representation filed by the appellant passed/issued by the respondents may please be set aside and while restoring the appointment order of the appellant, the appellant may please be re-instated in service with all back benefits or any other relief as this Honourable Tribunal deems fit and appropriate in the circumstances of the case, may also be issued/passed.

**Dated 28.11.2019**

*Umer Farooq*  
Umer Farooq  
...Appellant

Through

  
**SYED ASIF SHAH,**  
Advocate High Court,  
Mansehra.



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

Service Appeal No. \_\_\_\_\_ of 2019

Umer Farooq.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Wild Life Department, Khyber  
Pakhtunkhwa, Peshawar etc.....Respondents

**SERVICE APPEAL**

**AFFIDAVIT.**

I, Umer Farooq son of Umer Khitab resident of  
village Bazaargay, Tehsil Oghi District  
Mansehra, Ex-Watcher (BPS-7) Wild Life Tehsil  
Kandar District Torghar, appellant, do hereby  
solemnly affirm and declare on oath that the  
contents of the foregoing service appeal are true  
and correct and nothing has been concealed from  
this Honourable Court.

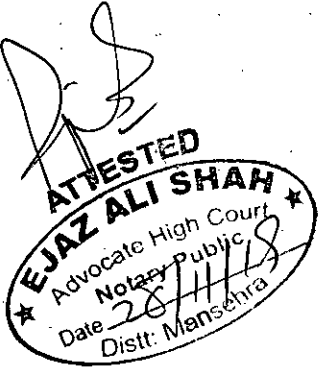
Dated 28.11.2019

*Umer Farooq*  
Umer Farooq  
CNIC:  
CELL:

**(DEPONENT)**

**IDENTIFIED BY**

*[Signature]*  
**SYED ASIF SHAH,**  
Advocate High Court,  
Mansehra.



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

Service Appeal No. \_\_\_\_\_ of 2019

Umer Farooq.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Wild Life Department, Khyber  
Pakhtunkhwa, Peshawar etc.....Respondents

**SERVICE APPEAL**

**APPLICATION FOR SUSPENSION OF THE  
OPERATION OF IMPUGNED ORDERS DATED  
22.08.2019 AND 15.11.2019 AND FOR ISSUANCE OF  
TEMPORARY INJUNCTION TO THE EFFECT THAT  
THE RESPONDENTS MAY PLEASE BE RESTRAINED  
FROM APPOINTING ANY PERSON AGAINST THE  
POST OF THE APPELLANT, FROM ADVERTISING THE  
IMPUGNED POST, FROM CARRYING OUT ANY  
TEST/INTERVIEW ON THE IMPUGNED POST, FROM  
ISSUING ANY APPOINTMENT ORDER TO ANY OTHER  
PERSON OR FROM DOING ANY OTHER ACT WHICH  
DIRECTLY OR INDIRECTLY AFFECTS THE RIGHTS OF  
THE APPELLANT TILL THE DISPOSAL OF THE TITLED  
SERVICE APPEAL.**

Respectfully Sheweth!

1. That, this application may please be considered as part and parcel of the titled Service appeal.
2. That, the appellant has a prima facie appeal and there is every hope of its success.

3. That, the balance of convenience also tilts in favour of the appellant.
4. That, if the temporary injunction has not been granted then the appellant would suffer an irreparable loss and purpose of the titled appeal would become infructuous.

.....PRAYER.....

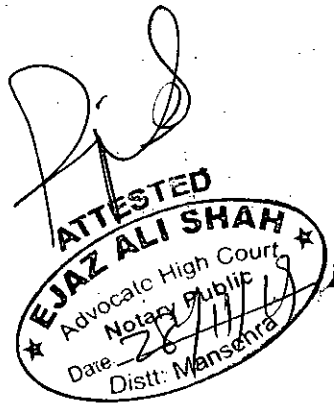
**It is, therefore, most humbly** requested that on acceptance of the instant application, operation of the impugned orders may please be suspended and the temporary injunction as mentioned in the heading of the instant application may please be granted till the disposal of the titled service appeal.

Dated 28.11.2019

*Umer Farooq*  
Umer Farooq  
...Appellant

Through

*[Signature]*  
**SYED ASIF SHAH,**  
Advocate High Court,  
Mansehra.



**AFFIDAVIT.**

I, Umer Farooq son of Umer Khitab resident of village Bazaargay, Tehsil Oghi District Mansehra, Ex-Watcher (BPS-7) Wild Life Tehsil Kandar District Torghar, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct and nothing has been concealed from this Honourable Court.

Dated 28.11.2019

*Umer Farooq*  
Umer Farooq  
(DEPONENT)

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

Service Appeal No. \_\_\_\_\_ of 2019

Umer Farooq.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Wild Life Department, Khyber  
Pakhtunkhwa, Peshawar etc.....Respondents

**SERVICE APPEAL**

**APPLICATION UNDER SECTION 5 OF  
LIMITATION ACT, 1908 FOR CONDONATION  
OF DELAY IN FILING THE TITLED  
SERVICE APPEAL.**

Respectfully Sheweth!

***Applicant submits as under: -***

1. That, the appellant is filing the accompanying appeal, the contents of which may graciously be considered as integral part of the instant petition.
2. That, the appellant has brought a good prima facie case and balance of convenience also lies in favour of the appellant.
3. That, the valuable rights of re-instatement in service of the appellant are involved in the tilted appeal.

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4. That, delay in filing the accompanying appeal is not deliberate nor was in control or reach of the appellant rather after the process of impugned order, real brother of the appellant namely Mazhar Hayat son of Umer Khitab resident of Bazaargay, Tehsil Oghi District Mansehra who was misplaced from the year 2008-09 and in this context FIR was also lodged in the relevant police station and the Honourable Supreme Court of Pakistan while taking suo-moto action proceeded the matter but till now the brother of the appellant has not been recovered. After the passage of impugned order dated 22.08.2019, it came into the knowledge of appellant and his father that the brother of the appellant is in Balochistan and for search of his brother, the appellant alongwith his father proceeded to Balochistan from where it came into the knowledge of the appellant that the brother is in Karachi, therefore, the appellant rushed towards Karachi in this regard and in the meanwhile two and a half months elapsed, therefore, the appellant could not file the appeal within time. Further feeling free from the above mentioned proceedings, the appellant after receiving the impugned order, immediately filed departmental representation and record of the above mentioned proceedings was also annexed with the departmental

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representation but the same was not considered and the representation was dismissed on 15.11.2019 and the instant appeal is being preferred.

5. That, the appellant shall suffer irreparable loss if the delay is not condoned and it is the consensus of the apex court of the country that the cases must be decided on merits after affording ample opportunity of being heard to the parties and no one be knocked out on mere technicalities, therefore, for the ends of justice, delay is necessary to be condoned.

.....PRAYER.....

**It is, therefore, most humbly prayed** that on acceptance of the instant application, the delay in filing the above-tilted appeal may graciously be condoned on humanitarian grounds as well and may very magnificiously be decided on its merits in the interest of justice.

**Dated 28.11.2019**

*Umer Farooq*

Umer Farooq  
...Appellant

Through

  
**SYED ASIF SHAH,**  
Advocate High Court,  
Mansehra.

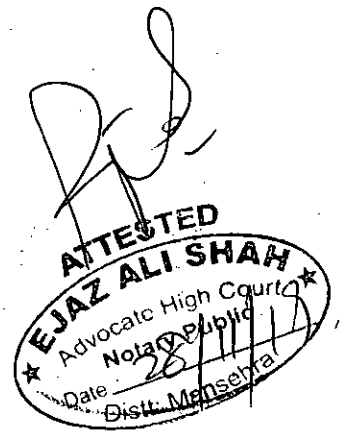
18

## AFFIDAVIT.

I, Umer Farooq son of Umer Khitab resident of village Bazaargay, Tehsil Oghi District Mansehra, Ex-Watcher (BPS-7) Wild Life Tehsil Kandar District Torghar, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct and nothing has been concealed from this Honourable Court.

**Dated 28.11.2019**

*Umer Farooq*  
Umer Farooq  
(DEPONENT)



(A)

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

Service Appeal No. \_\_\_\_\_ of 2019

Umer Farooq.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Wild Life Department, Khyber  
Pakhtunkhwa, Peshawar etc.....Respondents

**SERVICE APPEAL**

**APPLICATION FOR EARLY HEARING**

Respectfully Sheweth!

1. That, the titled appeal is being filed today.
2. That, the matter involved in the titled appeal is an urgent one and needs early disposal, therefore, the titled appeal may please be fixed before this Honourable Tribunal at Peshawar.

**It is, therefore, most humbly** prayed that on acceptance of the instant application, titled appeal may please be filed before this Honourable Tribunal at Peshawar and be fixed for an early date.

**Dated 28.11.2019**

*Umer Farooq*

Umer Farooq  
...Appellant

Through

*[Signature]*  
**SYED ASIF SHAH,**  
Advocate High Court,  
Mansehra.



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

Service Appeal No. \_\_\_\_\_ of 2019

Umer Farooq.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Wild Life Department, Khyber  
Pakhtunkhwa, Peshawar etc.....**Respondents**

**SERVICE APPEAL**

**CORRECT ADDRESSES OF THE PARTIES**

**APPELLANT**

Umer Farooq son of Umer Khitab resident of village  
Bazaargay, Tehsil Oghi District Mansehra, Ex-  
Watcher (BPS-7) Wild Life Tehsil Kandar District  
Torghar.

**RESPONDENTS**


1. Government of Khyber Pakhtunkhwa through  
Secretary Wild Life Department, Khyber  
Pakhtunkhwa, Peshawar.
2. Divisional Forest Officer, Wild Life Division,  
Torghar.
3. Chief Conservator, Wild Life Division, Torghar.
4. Conservator, Wild Life Division, Southern Circle  
Peshawar.

**Dated 28.11.2019**

*Umer Farooq*

Umer Farooq  
.....Appellant

Through

  
**SYED ASIF SHAH,**  
Advocate High Court,  
Mansehra.

(22)

# DOMICILE CERTIFICATE

(NORTH WEST FRONTIER PROVINCE)



I declare that I am born of parents who are permanently de  
N.W.F.P province having belonged to it by birth/settled.

I belong by birth to village KANDAR TOWARA (K.D)

Tehsil OGHI District MANSEHRA

*Umer Farooq*  
Signature of the applicant

Date 17/04/2006

Pursuance to the declaration dated 17/04/2006 filled  
by Mr. UMER FAROOO S/O UMER KHITAB

hereby certified that the said UMER FAROOO is born of parents, who  
are permanent residents of the N.W.F.P, having belonged to it by birth/settled in it.

*P.N.T. R.D*  
I have satisfied my self from personal/my knowledge verification that the above  
declaration is trues and certify.

This 31<sup>st</sup> day of March 2007.

*Attested*  
*Syed Asif Shah*  
**SYED ASIF SHAH**  
ADVOCATE HIGH COURT

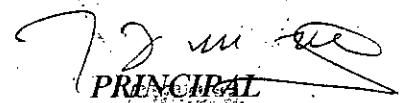
No. \_\_\_\_\_ /A.K.D Dated \_\_\_\_\_

*Umer Farooq*  
**ADMINISTRATOR**  
**KALA DHAKA DISTT. MANSEHRA**  
District Mansehra

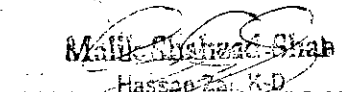
Countersigned:  
DISTRICT COORDINATION OFFICER  
MANSEHRA

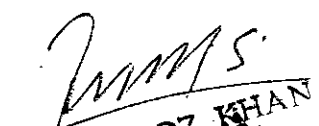
*1667* *9/4/07*  
*Umer Farooq*  
District Coordination Officer  
Mansehra

It is to certify that UMAR FAROOQ S/O UMAR KHITAB is the regular student of our Academy. He passed his Primary Education from this Academy and His Admission No. is (61) according to our school record.

  
PRINCIPAL  
Islamic Primary School  
G.S.I.

تصدیق کی جاتی ہے کہ منسی عمر فاروق والد عمر خطاب ساکنہ نزد الموارہ (مالاڈھا)  
کا آباؤ اجداد سے راج کٹی پیدا کٹی رکنی پورہ اور صیہا اپنی ذاتی طور پر جاننا  
عبدالرزاق  
عبدالقدیر ولد ماجور سے ساکنہ نزد الموارہ  
محمد ہفتوم  
عمر مہوم ولد محمد رحیم اندر خان ساکنہ نزد الموارہ

  
Malik Ghazwan Shah  
Hassan Zai, K.D.  
Teh: Digi, Manshra

  
NAMROZ KHAN  
SYED ASIF SPAN  
ADVOCATE HIGH COURT

Attested as above

31.3.07

Annex 'B' (23)

S.No. ADA: 418471

Roll No. 102690



SYED ASIF SHAH  
DISTRICT JUDGE HIGH COURT

Altered  
✓

**BOARD OF INTERMEDIATE & SECONDARY EDUCATION**

Abbottabad, Khyber Pakhtunkhwa, Pakistan.  
**SECONDARY SCHOOL CERTIFICATE EXAMINATION**  
SESSION ANNUAL 2012

This is to certify that UMER FAROOQ

Son/Daughter of UMER KHITAB

A candidate from ISLAMIC ORIENTAL ACADEMY OGHI MANSEHRA

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in March/April, 2012 as a regular candidate. He/She has obtained 475 marks out of 1050 and has been placed in Grade D Representing FAIR

The candidate passed in the following subjects:

- |            |              |                  |                |          |
|------------|--------------|------------------|----------------|----------|
| 1. ENGLISH | 2. URDU      | 3. ISL-EDUCATION | 4. PAK STUDIES | 5. MATHS |
| 6. PHYSICS | 7. CHEMISTRY | 8. BIOLOGY       |                |          |

Date of Birth according to admission form is THIRD APRIL

One Thousand Nine Hundred and NINETY-SIX (03-04-1996)

Asstt. Secretary

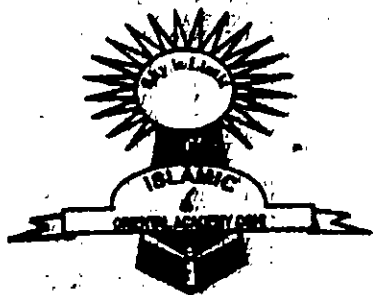
This certificate is issued without alteration or erasure.

Secretary

(24)

S. No: 542

# ISLAMIC ORIENTAL ACADEMY



OGHI MANSEHRA.

## PROVISIONAL CERTIFICATE ANNUAL / SUPPLEMENTARY

Session 2012

Roll No 102691 Registration No 1105961007 Admission No     

Certified that Mr./Miss Amna Farooq

S/D/O      has passed Secondary School Certificate

Examination from the Board of Intermediate and Secondary Education Abbottabad. Held in

March 2012 Annual / Supplementary as a regular Student of this School.

Date of Birth (in Words) Third April, Nineteen Ninety Six

(In figures) 03-04-1996

### She / He passed in the following subject:

- |                     |                  |                    |                         |
|---------------------|------------------|--------------------|-------------------------|
| 1 <u>English</u>    | 2 <u>Urdu</u>    | 3 <u>Math</u>      | 4 <u>Islamiyat Comp</u> |
| 5 <u>P. Studies</u> | 6 <u>Physics</u> | 7 <u>Chemistry</u> | 8 <u>Biology</u>        |

Marks Obtained 475 Out of 1050

Grade D Conduct Good Game Cricket

P.C. No      Date 14-06-2012

Prepared by:     

Checked by:     

PRINCIPAL  
Islamic Oriental Academy  
School  
Oghi Mansehra

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# ISLAMIC ORIENTAL ACADEMY



## SCHOOL & COLLEGE

Affiliated With B.I.S.E Abbottabad Regd.No:3063

OGHI MANSEHRA

Ph: No 0997-320511 / 320516

### CHARACTER CERTIFICATE

Ref No. 130

Date 14-6-12

This is certified that Mr./Miss. Umair Farooq

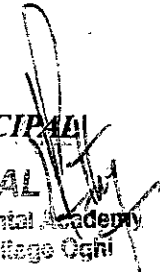
S/O, D/O

Umair Farooq Was a bonafide and regular student of this institute.

He/She bears good moral character. He/She is not found in any activity which is against to the rules and regulations of institute. Beside this He/She participated actively in co-curricular activities & extra curricular activities.

Therefore He/She is the liking students of staff as well as management.

I wish him/her best of luck in every sphere of life.

PRINCIPAL  
  
PRINCIPAL  
Islamic Oriental Academy  
School & College Oghi

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Certificate No: AB 680674

**BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD**



Roll No: 102690

Group: SCIENCE

**SECONDARY SCHOOL CERTIFICATE EXAMINATION  
PROVISIONAL & DETAILED MARKS CERTIFICATE**

( CLASS X )

Session: 2012 (Annual)

Name : UMER FAROOQ  
Father's Name : UMER KHITAB  
Date of Birth : 03-APR-96  
Reg: No: 0105961007  
Institution / District : ISLAMIC ORIENTAL ACADEMY Oghi MANSEHRA

has secured the marks shown against each subject in the Secondary School Certificate Examination (Class 10) held in the month of March/April as a Regular Candidate.

Subjects	Marks	Part-I		Part-II		Total	Marks in Words
		Th	Pract	Th	Pract		
English	150	49	--	34	--	83	Eighty-Three
Urdu	150	25	--	35	--	60	Sixty Only
Islamiat Comp	75	35	--	--	--	35	Thirty-Five
Pakistan Studies	75	--	--	31	--	31	Thirty-One
Mathematics	150	27	--	29	--	56	Fifty-Six
Physics	150	25	4	37	7	73	Seventy-Three
Chemistry	150	22	5	33	7	67	Sixty-Seven
Biology	150	23	6	34	7	70	Seventy Only

Total : 1050

475-D Four-Hundred Seventy-Five Only

Remarks :

Dated: 13-JUN-12

Checked by: [Signature]

[Signature]  
Controller of Examinations

Note:- Errors/Omissions excepted. Any mistake in the Name, Father's Name etc must be intimated within 30 days of the issuance date of this certificate to BISE Abbottabad.

Visit us: [www.biseatd.edu.pk](http://www.biseatd.edu.pk)

S. No. 0307069

Roll No. 68960

**Board of Intermediate and Secondary Education**  
**Abbottabad**

**Khyber Pakhtunkhwa - Pakistan**

**HIGHER SECONDARY SCHOOL CERTIFICATE EXAMINATION**

**HSSC (A) 2014**

**Pre Engineering Group**

This is to certify that UMER FAROOQ

Son/Daughter of UMER KHITAB

A candidate from ISLAMIC ORIENTAL ACADEMY OGHU MANSEHRA

has passed the Higher Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in May/June, 2014 as a Regular Candidate. He/She has obtained 617 marks out of 1100 and has been placed in Grade C Representing GOOD. The candidate passed in the following Subjects:

1. ENGLISH

2. URDU

3. ISL. EDU-PAK STUDIES

4. MATHEMATICS

5. PHYSICS

6. CHEMISTRY

Asstt. Secretary

This certificate is issued without alteration or erasure.

Secretary



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S.No. 28

Regd No 3063

# ISLAMIC ORIENTAL ACADEMY



## SCHOOL & COLLEGE OGHI MANSEHRA

### PROVISIONAL CERTIFICATE ANNUAL/ SUPPLEMENTARY

Session Annual 2014

Roll No. 68960 Registration No. 0125477025 Admission No. B-986

Certified that Mr./Miss UMIER FAROOQ

S/D/O UMIER KHITAR has passed S.S.C / H.S.S.C

Examination from the Board of Intermediate and Secondary Education Abbottabad.

Held in May 2014 Annual/ Supplementary as regular Student of this school

Date of Birth (in words) 03-04-1996

(in Figures) Third of April N.H. & Ninety Six

#### He/She Passed the following subjects:

1. English 2. Urdu 3. Maths 4. Islmiyat Comp

5. P. Studies 6. Physics 7. Chemistry 8. Biology

Marks Obtained 617 Out of 1100

Grade C Conduct Wholesome Game Cricket

P.C. No. - Date 04-08-2014

Prepared by [Signature]

Checked by [Signature]

PRINCIPAL  
Islamic Oriental Academy  
Princip School & College  
Islamic Oghi Mansehra  
School & College Oghi

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# ISLAMIC ORIENTAL ACADEMY



## SCHOOL & COLLEGE

Affiliated With B.I.S.E Abbottabad Regd.No:3063

OGHI MANSEHRA

Ph: No 0997-320511 / 320516

### CHARACTER CERTIFICATE

Ref No. \_\_\_\_\_

Date . 04-08-2014

This is certified that Mr./Miss. UMER FAROOQ ✓ S/O, D/O

UMER KHITAR Was a bonafide and regular student of this institute.

He/She bears good moral character. He/She is not found in any activity which is against to the rules and regulations of institute. Beside this He/She participated actively in co-curricular activities & extra curricular activities.

Therefore He/She is the liking students of staff as well as management.

I wish him/her best of luck in every sphere of life.

Principal  
Islamic Oriental Academy  
PRINCIPAL Oghi

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**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION  
ABBOTTABAD**

268960145

**Khyber Pakhtunkhwa (Pakistan)**

Higher Secondary School Certificate Examination

**PROVISIONAL & DETAILED MARKS CERTIFICATE**

Roll No: 68960

Group: PRE-ENGG

**Part - II**

Session: 2014 (Annual)

Name: UMER FAROOQ

Father Name: UMER KHITAB

Reg No: 0125477026

Institution/  
District: ISLAMIC ORIENTAL ACADEMY OGI MANSEHRA



has secured the marks shown against each subject in the Higher Secondary School Certificate Examination Part-II held in the month of May/June as a Regular Candidate.

Subjects	Marks	Marks Obtained					
		Part-I		Part-II		Total	Marks in Words
		Theory	Pract	Theory	Pract		
English	200	50	--	55	--	105	One Hundred Five
Urdu (Comp)	200	46	--	59	--	105	One Hundred Five
Islamyat Compulsory	50	24	--	--	--	24	Twenty-Four
Pakistan Studies	50	--	--	31	--	31	Thirty-One
Mathematics	200	70	--	40	--	110	One Hundred Ten Only
Physics	200	47	7	61	11	126	One Hundred Twenty-Six
Chemistry	200	40	8	54	14	116	One Hundred Sixteen

Total: 1100

617-C Six Hundred Seventeen Only

Date: 25 July, 2014

Remarks:

Checked By:

**Controller of Examinations**

S.No 009974

Roll No 463



# Trade Testing Education Council

Established Under Act XXI of 1860, Govt. Of KPK, Pakistan

## Diploma

This is to certify that Umer Farooq

S / D / W of Umer Khitab

Registration No TTEC / ECIT / 463

has successfully completed the 1 Year programme of instructions from Oct 2016 to Sep 2017

in Computer Softwares

He / She has passed the examination as a whole securing 806 marks out of 1000 and has been placed in A grade. Internal assessment / examination of the student held by the

The Excellence Knowledge Core Computer & English Language Institute Oghi

Training Center / Workshop Campus of Trade Testing Education Council

In recognition thereof

### This Diploma is Awarded

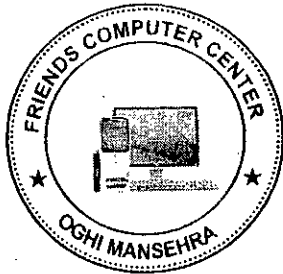
On the 23 day of November 2017

Managing Director  
**THE EXCELLENCE**  
Knowledge Core Computer  
& English Language Institute.

Na  
CHAIRMAN

Visit: [www.ttec.com.pk](http://www.ttec.com.pk) for Online Verification

Note: This Diploma / Certificate is issued without alteration or erasure. Errors / omissions expected



# Friends Computer & Composing Center

OGHI MANSEHRA

## Certificate of Completion

Roll No 1412

Session 2014-15

It is certified that Mr./Mrs/Miss Umer Farooq  
S/D/O Umer Khitab

has completed his/her 06 months diploma in computer courses.

the duration of his course was from 01-09-2014 to 28-02-2015

he completed the following courses/programs. Office Automation (MS word, MS Excel,

MS powerpoint, Impage, Internet, Windows Installation

During his stay here in the institute we have found him a diligent and hard-working individual, bearing good moral conduct

we wish him/her the very best of luck

08-03-2015  
Date of issue

**FRIENDS**  
Computer & Composing  
Center  
Instructor

(65)

# Annex A آسامیاں خالی ہیں

حکومت جنگلی حیات صوبہ خیبر پختونخوا اور وزیر وائلڈ لائف ڈویژن میں وائلڈ لائف ایکٹ (BPS-07) اور ڈرائیو (BPS-03) کی عارضی آسامیوں پر بھرتی کیلئے خواہشمند امیدواروں سے درخواستیں بمقام کل بائیو ڈیٹا (جس میں امیدوار کی تعلیمی قابلیت اور ہر امتحان میں حاصل کردہ نمبرات و درجہ ان گریڈ تعلیمی ایڈورڈ گرام، ڈیپارٹمنٹ، کام کا تجربہ اور کل پروفون نمبر کی تفصیل شامل ہے) اور اس کی تصدیق شدہ فتوے کے ہمراہ مندرجہ ذیل تفصیل مندرجہ ذیل ہے۔

تعداد آسامی	عمر کا درجہ	تعلیمی قابلیت	جسمانی معیار وائلڈ لائف راج کیلئے	ڈویژن
12 وائلڈ لائف میناچ (BPS-07)	30 تا 48 سال	انٹرمیڈیٹ یا اس کے برابر	1. 5'2" تا 5'8" کم از کم 2. 35 تا 38" کم از کم 3. نظر 6-7 (یکہ کیساتھ) ہر آنکھ بالترتیب 6x6 4. 20 تا 25 سینٹی میٹر 2 گونجیڑا کھلی کرنا	شمالی ڈویژن
01 ایگزیکٹو (BPS-06)	40 تا 20 سال	ترتیباً پڑھا لکھا اور ترقی یافتہ (LTV) لائسنس کا حامل اور ملتان ہائیڈرو پاور میں تین سالہ تجربہ کا حامل		شمالی ڈویژن

Attested  
SYED ASIF SHAH  
ADVOCATE HIGH COURT

مذکورہ شرائط (1) امیدوار اپنی درخواستیں بمقام بائیو ڈیٹا (C.V)، وائی ٹیک ہوسٹل کے باہر امرتس چشم (C.V) سیکشن کے جاری کردہ اصل سرٹیفکیٹ کے ہمراہ ڈی۔ ایف۔ او وائلڈ لائف اور ڈویژن وائلڈ لائف ڈویژن بمقام جہاں کے دفتر میں مورخہ 10-01-2018 تک جمع کروا سکتے ہیں۔ اصل تعلیمی دستاویزات ٹیسٹ و انٹرویو کے وقت پیش کرنا ہوں گی۔ (2) مذکورہ تاریخ گزرنے کے بعد کوئی بھی درخواست وصول نہیں کی جائے گی۔ (3) سرکاری ملازمین اپنی درخواستیں اپنے ٹیکس کے توسط سے ارسال کر سکتے ہیں۔ (4) کامیاب ہونے والے امیدوار کو کھرتی ہونے کے بعد وائلڈ لائف راج کیلئے مختص ٹریڈنگ خیبر پختونخوا اور راجسٹریٹریٹ کے ساتھ ہارڈ سے کرنی ہوں گی۔ (5) عمر کی حدود درخواست وصولی کیلئے مقررہ تاریخ تک شمار ہوں گی۔ (6) میرٹ پر آنے والے امیدواروں کے اسناد کی تصدیقی متعلقہ اداروں سے کی جائے گی جس کے چارج امیدوار خود کرنا ہوں گے۔ اگر کسی امیدوار کی اسناد اصل قرار پائی تو اس کے خلاف قانونی چارہ جوئی کی جائے گی۔ (7) ٹیسٹ و انٹرویو کیلئے آنے والے امیدواروں کو TANDA میں دیا جائے گا۔ (8) معصوبہ والا وائلڈ لائف پر پورا اترنے والے امیدوار درخواست دہندہ کی تصدیق کریں۔

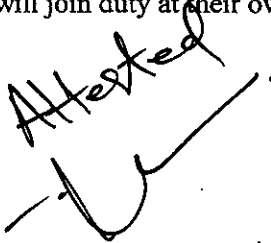
**Annex 'D' (34)**

**OFFICE ORDER NO. 20 DATED TORGHAR THE 04/01/2019, ISSUED BY MR. NIAZ MUHAMMAD DIVISIONAL FOREST OFFICER TORGHAR WILDLIFE DIVISION TORGHAR**

On acceptance of resignation of Syed Saleem Shah Wildlife Watcher S/o Syed Hanif Shah accepted vide this office order No.01 dated 11/10/2018, the post of Wildlife Watcher became vacant, therefore, the candidate on 1<sup>st</sup> position of waiting list of the Departmental Selection Committee meeting held on 13/11/2018, constituted vide this office order No.04, dated 30-10-2018, **Mr. Umer Farooq S/O Mr. Umer Khitab resident of Kandar Tehsil Kandar District Torghar** is hereby appointed as Wildlife Watcher BPS-07 (Rs.10990-610-29290) along with usual allowances admissible as per rules of the Government of Khyber Pakhtunkhwa against the regular vacant post in Torghar Wildlife Division with immediate effect and subject to the following terms and conditions:

**TERMS AND CONDITIONS**

1. His service will be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973, all the laws applicable to the Civil Servants and the Rules made there under.
2. He shall be on probation as per Rules-15 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
3. His service will be liable to termination at 15 days notice at any time without assigning any reason irrespective of the fact that he holds a post other than the one to which they were originally recruited.
4. In case he wishes to resign at any time, an advance notice of one month shall be necessary or in lieu thereof his one month pay shall be forfeited to government.
5. The appointment is subject to the production of clearance certificate from District Police Officer Torghar and necessary medical fitness certificate from the Medical Superintendent of District Headquarters Hospital Torghar before joining of the position.
6. His service will start from the date of his arrival for duties.
7. If he failed to report arrival for duty within fifteen (15) days of the receipt of this order, the appointment will stand cancelled automatically.
8. He will have to verify their academic certificates, degrees and transcripts / DMCs from respective boards and universities before joining of the position.
9. He will have to undergo one year training course of Forest Guard / Wildlife Watcher at the Khyber Pakhtunkhwa Forest School Thai Abbottabad.
10. Verification of domicile certificates from Deputy Commissioner Torghar.
11. The incumbent will be posted anywhere in the jurisdiction of Torghar Wildlife Division / Province.
12. In case of any political influence for posting/transfer for favorable station or undue favour which is against the public interest, the service of the incumbents will be terminated.
13. He will join duty at their own expense, and no TA/DA shall be admissible there-for.

*Attested*  


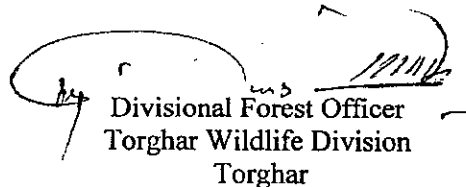
**SYED ASIF SHAH**  
ADVOCATE HIGH COURT

(Niaz Muhammad)  
Divisional Forest Officer  
Torghar Wildlife Division  
Torghar

No.286-89/WL-TG

Copy forwarded to the

1. Chief Conservator Wildlife Khyber Pakhtunkhwa for favour of information, please.
2. Conservator Wildlife Southern Circle Peshawar for favour of information, please.
3. **Mr. Umer Farooq S/O Mr. Umer Khitab resident of Kandar Tehsil Kandar District Torghar** District Torghar for information and necessary action.
4. Personal File.

  
Divisional Forest Officer  
Torghar Wildlife Division  
Torghar

The Divisional Forest Officer  
Tonghar Wildlife Division

Sub: Annual Report.

With reference to office order  
Oct 04-03-2019 the undersigned hereby  
submitting my annual report in the  
office of DFO Wildlife Division on  
14-01-2019 at 9:50 AM.

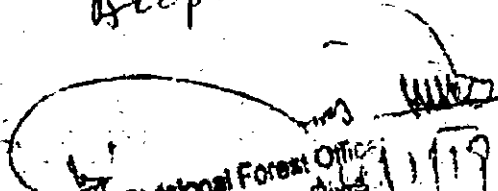
Your faithfully,

Umar Farooq

UMAR FAROOQ

UMAR KHAN

Accepted.

  
Divisional Forest Officer  
Tonghar Wildlife Division  
Tonghar

1/11/19



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**BETTER COPY**

To,

The Provisional Forest Officer,  
Torghar Wildlife Division.

Sub: **ARRIVAL REPORT.**

With reference to office order No.20 Oct  
04.01.2019, the undersigned hereby  
submitting my arrival report in the office of  
DFO Wildlife Division on 14.01.2019 at 09:30  
AM.

Your faithfully

**ACCEPTED.**

Divisional Forest Officer,  
Torghar Wildlife Division,  
Torghar.

**UMER FAROOQ**  
S/o Umer Khitab

بند 36

(36)

OFFICE ORDER NO.04 DATED TORGHAR THE 22/08/2019 ISSUED BY MR. NIAZ MUHAMMAD KHAN, DIVISIONAL FOREST OFFICER TORGHAR WILDLIFE DIVISION TORGHAR

Anexure 'B'

The following 12 Wildlife Watchers were appointed in Torghar Wildlife Division vide office orders mentioned against each:

S. No.	Name of Wildlife Watcher	Office order No. and date	Remarks
1.	Mr. Fazal Nawaz Khan	Officer order No. 06 Dated Torghar the 14-11-2018	
2.	Mr. Faiz Ur Rehman	Officer order No. 07 Dated Torghar the 14-11-2018	
3.	Mr. Anwar Khan	Officer order No.08 Dated Torghar the 14-11-2018	
4.	Mr. Hafeez Ur Rehman	Officer order No. 09 Dated Torghar the 14-11-2018	
5.	Mr. Hazratullah	Officer order No. 10 Dated Torghar the 14-11-2018	
6.	Mr. Hussain Ahmad	Officer order No.11 Dated Torghar the 14-11-2018	
7.	Mr. Riaz Ahmad	Officer order No. 12 Dated Torghar the 14-11-2018	Already resigned vide this office order No. 23 dated, 11/03/2019.
8.	Mr. Muhammad Irfan	Officer order No.13 Dated Torghar the 14-11-2018	
9.	Mr. Majid Khan	Officer order No. 14 Dated Torghar the 14-11-2018	
10.	Mr. Mubasher Ahmad	Officer order No.15 Dated Torghar the 14-11-2018	
11.	Mr. Haroon Khar	Officer order No. 16 Dated Torghar the 14-11-2018	
12.	Mr. Muhammad Tayyab	Officer order No. 17 Dated Torghar the 14-11-2018	
13.	Mr. Umer Farooq	Officer order No. 20 Dated Torghar the 04-01-2019	

On the complaint dated 24-11-2018 of Mr. Laiq Muhammad Khan Member Provincial Assembly, an inquiry against the above appointments was conducted through Provincial Inspection Team. The Provincial Inspection Team besides other actions recommended cancellation of appointment of the said 12 Wildlife Watchers. The inquiry report was conveyed through Government of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department vide letter No.SO (E&W)/FE&WD/11-6/DSC/2765-69, dated 25-7-2019 and endorsed to this office vide Conservator Wildlife Southern Circle Peshawar No.1570/WL(SC) dated Peshawar the 02/08/2019 for implementation.

In compliance of directives of Administrative Department, the appointment of the 12 Wildlife Watchers appointed vide office orders mentioned against each above are hereby cancelled with immediate effect.

Attested  
Attested

Sd/-  
(Niaz Muhammad Khan)  
Divisional Forest Officer  
Torghar Wildlife Division  
Torghar

No.232-60/WL-TG

Copy forwarded for information and necessary action to the following:

1. Section Officer (Estt) Government of Khyber Pakhtunkhwa, Forestry, Environment and Wildlife Department with reference to his letter cited above.
2. Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar.
3. Conservator Wildlife Southern Circle Peshawar with reference to his endorsement cited above.
4. Sub-Divisional Wildlife Officer Torghar.
5. Range Officer Wildlife Torghar.
6. All concerned Ex-Wildlife Watchers.
7. Personal files of the concerned Ex-Wildlife Watchers.

MOSEF SHAH  
JUDGE-COURT

Divisional Forest Officer  
Torghar Wildlife Division

Annex F(1)

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CONFIDENTIAL



PROVINCIAL INSPECTION TEAM, KHYBER PAKHTUNKHWA

INQUIRY REPORT

SUBJECT: INQUIRY AGAINST ILLEGAL APPOINTMENT IN WILDLIFE DEPARTMENT DISTRICT TORGHAR.

1. ORDER OF INQUIRY

Orders of the inquiry were received to Provincial Inspection Team from Chief Minister's Secretariat, Khyber Pakhtunkhwa vide letter No. SO/1/CMS/KPK/3-8/2018/22343-44 W/E dated 14.12.2018 (Annex: A).

2. COMPLAINT:

Mr. Laiq Muharamad Khan, MPA PK-35, Torghar submitted a letter to Chief Minister Khyber Pakhtunkhwa wherein he raised the issue of illegal appointment of Wildlife Watcher in Wildlife division District Torghar (Annex: B).

The gist of the allegations is as under:

According to him, Wildlife Torghar advertised 12 posts of Wildlife Watcher and 27 candidates were shortlisted after conducting physical. Medical test on 27.2.2018. The Selection Committee found the testimonials of the 27 candidates correct and accord approval. But astonishingly, after 9 months physical test was re-arranged on 17.1.2018 which was an illegal act.

After 9 months, the chest and height of some candidates were reduced and out of 27 candidates, 12 blue eyed candidates were finalized

Attested

SYED ASIF SHAH  
ADVOCATE HIGH COURT

Page 02/14

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These candidates were appointed by taking bribe which was injustice with other candidates.

iii. The honourable MPA requested to cancel these illegal appointments in Wildlife division District Torghar and to re-advertise the said posts so that the eligible candidates could be able to get their right.

3. INQUIRY PROCEEDINGS

- a. After receipt of the reference, a two member team of PIT visited District Torghar in connection with the subject inquiry (Annex: C).
- b. PIT requested Divisional Forest Officer (DFO), Torghar to provide attendance register of the newly appointed Wildlife Watcher vide letter dated 11.1.2019 (Annex: D). In response, DFO, Torghar replied vide letter dated 11.1.2019(Annex: E).
- c. The officials of District Police Office (DPO), Torghar and DFO Wildlife, Torghar recorded their statement as per given detail;

S.No.	Name	Designation	Annexure
1.	Abdul Sami	Asst. Member of the 1 <sup>st</sup> Committee	F
2.	Muhammad Ali	Head Constable Member of the 1 <sup>st</sup> Committee	
3.	Khan Muhammad	Head Constable Member of the 1 <sup>st</sup> Committee	
4.	Sajid	Head Constable Member of the 1 <sup>st</sup> Committee	
5.	Aamir Khan Swati	Head Constable Member of the 2 <sup>nd</sup> Committee	G
6.	Khan Muhammad	Head Constable Member of the 2 <sup>nd</sup> Committee	
7.	Syed Afzal	LHC, Member of the 2 <sup>nd</sup> Committee	
8.	Sardar Ali Khan	Range Officer, Wildlife Torghar	H
9.	Asif Nawaz	Watcher, Wildlife Torghar	I
10.	Fazal Wahab	Deputy Ranger, Wildlife Torghar	J

d. DFO Wildlife Torghar recorded his statement vide (Annex: K). later on, he attended PIT on 7.2.2019 and recorded his supplementary statement vide (Annex: L).

e. PIT served a questionnaire upon DFO Wildlife Torghar vide letter dated 13.2.2019 followed by reminder dated

Attested  
S. L.

SYED ASIF SHAN  
JUDGE, HIGH COURT

19.2.2019(Annex: M). DFO Wildlife responded to the same letter dated 19.2.2019(Annex: N).

**OBSERVATIONS**

After scrutiny of the available record/documents, detailed discuss written statements and replies of the concerned staff, observations of are as under:-

i. Perusal of the record showed that Divisional Forest Officer (Dl Wildlife District Torghar advertised 12 posts of Wildlife Watcher (BPS-07) through information Department in daily Mashriq dated 15-12-2017(Annex: O). Qualification for the post of Wildlife Watcher (BPS-07) was as follows;

Wildlife Watcher (BPS-07)	<p>a) At least 2<sup>nd</sup> class Intermediate Certificate with Matric Science from a recognized Board; and</p> <p>b) <u>Physical fitness:</u></p> <p>i. Height: five feet and six inches (minimum);</p> <p>ii. Chest Size: 34-36 inches (minimum); and</p> <p>iii. Eye Sight: V: 6J (with glasses), each eye 6x6.</p> <p>Note: It is essential that the candidate will have to qualify Marathon race of 2-Km within 20 minutes.</p>	18-30 years	By initial recruitment.	<p>Note: The candidates who have been recruited will have to undergo compulsory one year Training Course of Forest Guard or Wildlife Watcher at the Khyber Pakhtunkhwa Forest School, Thal Abbottabad.</p>	Annex: P
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ii. In the said advertisement, it was mention in the conditions that candidates will have to submit eye certificate with regard to correct eye sight issued by eye specialist alongwith bio-data(CV) to the office of DFO Wildlife Division Torghar till 10.01.2018. After the closing date i.e. 10.01.2018, total 251 applications were received. DFO Wildlife notified a Scrutiny Committee, for Scrutiny documents of the candidate vide his office order dated 6.2.2019 comprised of the following members:

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**Attested**  
*Handwritten signature*

**AYED ASIF SHAH**  
 ATTORNEY AT LAW

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- i. Mr. Sardar Ali Khan Rang Officer, Wildlife Torghar
- ii. Fazal Wahab, Deputy Ranger
- iii. Asif Nawaz, Watcher Wildlife, Torghar

iii. The Scrutiny Committee submitted a verified list on 12.2.2018(Annex:Q). According to the list, 153 applicants were found eligible while 98 applicants were found ineligible. Afterwards, DFO Wildlife Torghar notified another committee, having the same members of the scrutiny committee, for the physical test vide his office order dated 6.2.2018(Annex:R). On the same day, DFO Wildlife Torghar requested DPO Torghar to depute three officials to conduct physical test i.e. including 2 Km Marathon, height and Chest Measurement. In response, DPO Torghar deputed the following four (4) officials for physical test (Annex: S):

- i. ASI Sami Khan SRC/DPO Office
- ii. HC Sajid Khan A/LO Police Line
- iii. LHC Khan Muhammad A/OHC DPO Office
- iv. FC Pervaiz No. 73/N/OHC DPO Office

iv. Physical test of 153 candidates was conducted on 27.2.2018, wherein 27 candidates qualify the test (Annex:T). Member of both committees (Police & Wildlife) signed the list of 27 candidates who qualified the physical test and the same was forwarded to DFO Wildlife, Torghar for further process (Annex:U). Meanwhile, District Nazim Torghar wrote a letter to Chief Conservator, Wildlife KP on 6.9.2018 wherein he stated that he received various complaints of the general public about embezzlement/political involvement during the physical test of Wildlife Watcher Torghar. In the said letter, he requested to cancel and re-arrange the physical test (Annex: V).

The request of District Nazim Torghar was honoured and DFO Wildlife Torghar re-arranged the physical test. The DFO Wildlife deputed the same committee who conducted the 1<sup>st</sup> physical test while DPO Torghar changed the members of the committee for 2<sup>nd</sup> physical test. The District Nazim Torghar also recommended two

*Attested*

**SYED ASIF SHAH**  
ADVOCATE HIGH COURT

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(02) candidates who disqualified the 1<sup>st</sup> test. The 2<sup>nd</sup> physical test of 29 candidates (27 qualified candidates of 1<sup>st</sup> test and 2 candidate recommended by District Nazim Torghar) was conducted on 13.11.2018. In the 2<sup>nd</sup> physical test, 15 candidates qualified the test while 14 candidates including the two (2) recommended candidate of District Nazim disqualified the test(Annex:W). List of the 15 qualified candidates duly signed by the members of police committee and countersigned by DPO Torghar was furnished to DFO Wildlife Torghar on 15.11.2018(Annex: X).

vi.

Thereafter, Departmental Selection Committee (DSC), notified vide office order dated 30.11.2018, conducted interview of 15 candidates on the same day and recommended 12 candidates for the post of Wildlife Watcher(BPS-7) while two (2) candidates were placed on waiting list(Annex:Y).

viii) The inquiry team visited District Torghar wherein they directed DFO Wildlife Torghar to present the qualified and disqualified candidates of 2<sup>nd</sup> physical test before the team so as to re-measure their chest size & height to substantiate as the levelled allegations were true or otherwise. On 9.1.2019, out of 14 disqualified candidates, only six (6) appeared before inquiry team. The detail of their re-measurement of chest size & height and comparison with 2<sup>nd</sup> physical test is given as under;

S. No	Name of Candidate	Father Name	Measurement in the 2 <sup>nd</sup> Physical test		Actual Measurement in the presence of inquiry team		Annexure
			Height	Chest	Height	Chest	
1.	Ihtisham Khan	Qasam Khan	5x9	33x35 <sup>1/2</sup>	5x9	32x34 <sup>1/2</sup>	Z
2.	Saeed Khan	Taj Mehmood	5x8	33x35	5x8 <sup>1/2</sup>	33x35 <sup>1/2</sup>	
3.	Izhar Ahmad	Hikmat Khan	5x6 <sup>1/2</sup>	33x35 <sup>1/2</sup>	5x6 <sup>1/2</sup>	33x36	
4.	Azeem ul Haq	Naseeb ullah	5x6	33x35	5x6	33 <sup>1/2</sup> x35 <sup>1/2</sup>	
5.	Syed Jalid Shah	Khadi Shah	5x5 <sup>1/2</sup>	33 <sup>1/2</sup> x35 <sup>1/2</sup>	5x5 <sup>1/2</sup>	33x36	
6.	Syed Hameed ulan	Mukaram Shah	5x8 <sup>1/2</sup>	33x35	5x8 <sup>1/2</sup>	33x35	

Attested

SYED ASIF SHAH  
ADVOCATE HIGH COURT

- vii. The above comparison showed some increase/decrease in height/chest of the 6 candidates but none of the candidate full the required qualifying criteria. (i.e. height: 5 feet 6 inches & chest 34x36 inches).
- viii. On 10.1.2019, out of 12 selected candidates, 11 appeared before team except Mr. Majid Khan, who according to DFO Wile Torghar, was ill and was unable to appear before inquiry team. Detail of the re-measurement of height/chest of the selected candidates and comparison with the 2<sup>nd</sup> physical test is given under;

S.No	Name of Candidate	Father Name	Measurement in the 2 <sup>nd</sup> Physical test		Actual Measurement in the presence of inquiry team.	
			Height	Chest	Height	Chest
1.	Hussain Ahmad	Abdul Hologic	5x7	36x38 <sup>1/2</sup>	5x7 <sup>1/2</sup>	36x39
2.	Anwar Khan	Asar Khan	5x6 <sup>1/2</sup>	34x36 <sup>1/2</sup>	5x6 <sup>1/2</sup>	35x37
3.	Mubashir Ahmad	Momin Gul	5x8	34x36 <sup>1/2</sup>	5x8	34 <sup>1/2</sup> x33
4.	Fazal Nawaz Khan	Mir Nawaz Khan	5x7 <sup>1/2</sup>	34x36	5x7 <sup>1/2</sup>	34 <sup>1/2</sup> x33
5.	Muhammad Irfan	Muhammad Tahir	5x6	34x36	5x6 <sup>1/2</sup>	34x36
6.	Riaz Ahmad	Muhammad Saleh	5x7 <sup>1/2</sup>	34x36	5x8	34x36 <sup>1/2</sup>
7.	Faiz ur Rehman	Sahib ur Rehman	5x7	38x40	5x7 <sup>1/2</sup>	37x39
8.	Haroon Khan	Hazrat Hussain	5x7 <sup>1/2</sup>	35 <sup>1/2</sup> x38	5x8 <sup>1/2</sup>	36x38
9.	Hafeez ur Rehman	Sahib ur Rehman	5x7 <sup>1/2</sup>	35x37	5x7 <sup>1/2</sup>	34x36
10.	Muhammad Tayyab	Nawab Nabi	5x8 <sup>1/2</sup>	34x36	5x8 <sup>1/2</sup>	35x37
11.	Hazrat Ullah	Bakhrullah	5x6 <sup>1/2</sup>	35x37 <sup>1/2</sup>	5x7	35x38

vii. The above comparison showed some increase/decrease in height/chest of the 11 candidates but besides these changes their si (chest/height) was found according to the required criteria. None of the selected candidate was found below the required criteria. (i.e. height: 5 feet 6 inches & chest 34x36 inches). Hence, the result of the 2<sup>nd</sup> test in term of chest/height was found correct.

*Attested*

**SYED ASIF SHAH**  
ADVOCATE HIGH COURT



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ix. It is pertinent to mention that out of 27 candidates, 17 candidates (11 qualified + 6 disqualified) of 2<sup>nd</sup> test appeared before the inquiry team for re-measurement of chest/height. As the above observation confirmed the accuracy of the result of 2<sup>nd</sup> test to great extent. Hence, it casted doubts that the 1<sup>st</sup> test might not be conducted accurately and favour was extended to those 12 qualified candidates who disqualified the 2<sup>nd</sup> test.

x. To ascertain the factual position, DFO Wildlife Torghar was directed to present all the candidates who were declared disqualified in 1<sup>st</sup> physical test. In response, out of 126 candidates (153-27), six (6) candidates appeared before the inquiry team. The details of their re-measurement of height/chest and comparison with physical test is given as under:

S.No	Name of Candidate	Father Name	Measurement in the 1 <sup>st</sup> Physical test		Actual Measurement in the presence of team	
			Height	Chest	Height	Chest
1.	Fateh Ullah	Amrullah	5x6 <sup>1/2</sup>	37x39 <sup>1/2</sup>	5x7	35x38
2.	Suleman Khan	Yakmin Khan	5x5	31x32 <sup>1/2</sup>	5x5	29x31
3.	Hameed ur Rehman	Zaibullah	5x5 <sup>1/2</sup>	33x34	5x5 <sup>1/2</sup>	33x34
4.	Namzeed Khan	Mahabat	5x9	31x35	5x9.5	29 <sup>1/2</sup> x32
5.	Zabeullah	Sabilullah	5x8	33x34 <sup>1/2</sup>	5x8 <sup>1/2</sup>	31x33
6.	Sakhi Badsha	Muhammad Zahir Shah	5x5 <sup>1/2</sup>	33 <sup>1/2</sup> x35	5x7	32x34 <sup>1/2</sup>

xi. The above comparison showed that the last five (5) candidates, who were disqualified in the 1<sup>st</sup> physical test, did not qualify the required passing criteria even before the inquiry team. However, the size of chest/height of Mr. Fateh Ullah S/o Amrullah (the candidate at S.No 1) was found according to the set criteria of Wildlife Watcher and per result he passed the 1<sup>st</sup> physical test but his name was not reflected in the list of 27 qualified candidates signed by all the members of the committee. This made the result of 1<sup>st</sup> physical test dubious. Therefore, the result of 1<sup>st</sup> physical test was examined and tallied with the list of 27 qualified candidates which transpired the following defects/flaws/irregularities in the 1<sup>st</sup> test:

*Attested*  
*Syed Asif Shah*  
**SYED ASIF SHAH**  
ADVOCATE HIGH COURT

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a. None of the candidate recorded their signature against their result/measurement in the column meant for the purpose. With regard to this query, DFO Wildlife replied that the list was handed over to Police for mentioning of result in the list. The police had not recorded the signature of candidates in the signature column in the said list due to unknown reason. The reply of DFO Wildlife raised questions that why they were not ask to do so and what was the purpose/duty of DFO committee in the physical test. Hence, non-availability of signature of candidates against their result casted doubts and put question mark on the sanctity/validity of result of 1<sup>st</sup> test.

b. The result of Marathon & Eye Certificate was not provided and due to lack of proper attention, was recorded in a vague manner in the list. These columns were either left blank or filled by recording tick mark which did not give clue about the score/result of the process. In this regard, DFO Wildlife replied that for the result of marathon race slips were handed over to the police. After marathon the police officials returned the same and recommended that all candidates were qualified due to easy marathon i.e. 2 Km in 20 minutes. But no such remarks were found on the record. The token provided by DFO Wildlife Torghar contain Name, F/Name and Signature of the candidate but did not contain the result i.e. whether he qualified/disqualified the test and what was his score.

c. Similarly, according to advertisement/service rules, the criteria for eye sight was V-6J (with glasses), each eye 6x6, which was part of the physical fitness and was required to be checked during the test but it was observed that the eye sight was not checked on the spot of the test instead candidates were requested to provide eye certificate from eye specialist alongwith application till using date of advertisement. The same was confirmed by DFO Wildlife vide his reply that eye sight test were checked at the submission of documents and all

Attended  
[Signature]

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the candidates found fit and called for further process. The reply of DFO was suffice to prove the process defective as the eye sight was checked 16 days before the physical test and that too by any eye specialist.

d. A candidate Mr. Haroon Khan at S.No.18 fulfilled the required height/chest criteria while his Eye Certificate/ Marathon columns were left blank. On the basis of this result, he was considered qualified and his name was included in the list of 27 qualified candidates and later on he was selected against the post of wildlife watcher. However, the name of Mr. Zahid Shah at S. No. 60(though some overwriting was observed in his measurement) was not included in the list of 27 qualified candidates who had almost the same result.

e. Two candidate i.e. Mr. Fateh ullah at S.No 16 & Mr. Zahid Shah at S.No. 60 (as mentioned above) who qualified the test in term of chest/height were not included in the list of the 27 qualified candidates. Therefore, they did not avail the opportunity of further competition, did not appear in the 2<sup>nd</sup> test and subsequently were not called for interview. Mr. Fateh ullah appeared before the inquiry team. His chest/height was found within the required parameters of chest/height. (For reference see table at para-ix, Serial No. 1).

f. Two candidates i.e. Mr. Intisham Khan, at S.No. 83 & Muhammad Yaqoob at S.No. 20, who disqualified the 1<sup>st</sup> test in term of chest/height were included in the list of 27 qualified candidates. They both availed the opportunity to appeared in the 2<sup>nd</sup> test wherein they again failed the test and did not qualify for interview. Mr. Intisham Khan s/o Qasim Khan appeared before PIT team for re-measurement of chest/height and he did not fulfill the required criteria of Wildlife Watcher (For reference see table at para-viii, Serial No. 1). Regarding this query, DFO Wildlife replied that the names of disqualified candidates were included in qualified list by the

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SYED ASIF SHAH  
ADVOCATE HIGH COURT

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police and after signature the same was provided to them. It raised a question that why the same was not verified/attested by the members of DFO scrutiny committee instead recording signature blindly. It revealed their collusion as the recruitment process was mandate of their department not the police department.

g. The list of 27 qualified candidates of 1<sup>st</sup> physical test was not signed by Mr. Pervaiz and Mr. Asif Nawaz, the notified members of Police & Wildlife committees respectively. Instead the same was signed by Muhammad Ali Shah and Salim Shah who were not the members of the respective committees. In this regard, DFO Wildlife Torghar replied that due to some emergency, Mr. Asif Nawaz Wildlife Watcher left the same process and senior wildlife watcher Mr. Saleem Shah signed the list. Moreover, Muhammad Ali Shah signed the list instead of Mr. Pervaiz which was nominated by District Police Officer Torghar. The said incumbent was also from Police Department. The reply of DFO seems not correct as Mr. Asif Nawaz did not mention any emergency vide his statement. Furthermore, they had to issue notification for the replacement of members before initiating the process.

xii. As discussed above at para-e that Mr. Patch ullah and Mr. Zahid Shah was dropped from further competition. Hence, it raised question that whether there was possibility of their selection if they were allowed to interview and whether they could affect the merit list. To ascertain this situation, the merit list of selected candidates and the educational qualification of the two deprived candidates, provided by DFO office Wildlife Torghar, was examined which showed the following details;

Attested  
SYED ASIF SHAH  
ADVOCATE

Merit list of the selected Candidates for the post of Wildlife Watcher

S. No.	Name	Father Name	Qualification	Minimum prescribed qualification marks out of 70		Higher Qualification Marks out of 12	Experience marks out of 10	Total marks	Interview marks out of 8	Grand Total
				Metric	Enter					
1	Fazal Nawaz Khan	Mir Nawaz Khan	SSC <sup>1st</sup> FSc <sup>1st</sup> BS(Hons) <sup>1st</sup>	35	35	05				
2	Faiz ur Rehman	Sahib ur Rehman	SSC <sup>1st</sup> FSc <sup>2nd</sup> BS(Hons) <sup>1st</sup>	35	27	05		20	05	
3	Anwar Khan	Asar Khan	SSC <sup>1st</sup> DAE <sup>1st</sup>	35	35	--		20	04	74
4	Hafeez ur Rehman	Sahib ur Rehman	SSC <sup>1st</sup> FSc <sup>1st</sup>	35	35	--		20	04	74
5	Hazrat Ullah	Bakht Ullah	SSC <sup>1st</sup> FSc <sup>2nd</sup>	35	27	--		62	05	67
6	Hussain Ahmad	Abdul Haleem	SSC <sup>1st</sup> FSc <sup>2nd</sup>	35	27	--		62	04	66
7	Riaz Ahmad	Muhammad Saleh	SSC <sup>1st</sup> FSc <sup>2nd</sup>	35	27	--		62	04	66
8	Muhammad Irfan	Muhammad Tahir	SSC <sup>1st</sup> FSc <sup>2nd</sup>	35	27	--		52	03	55
9	Majid Khan	Azmat Khan	SSC <sup>2nd</sup> FSc <sup>2nd</sup>	26	27	--		53	07	60
10	Mubasher Ahmad	Momin Gull	SSC <sup>2nd</sup> FSc <sup>2nd</sup>	26	27	--		53	07	60
11	Haroon Khan	Hazrat Hussain	SSC <sup>2nd</sup> FSc <sup>2nd</sup>	26	27	--		53	05	58
12	Muhammad Bayyab	Nawab Hafeez	SSC <sup>2nd</sup> FSc <sup>2nd</sup>	26	27	--		53	04	57

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xi. The academic qualification of the deprived candidates and total marks before interview as per criteria would be as under:

Name	Father Name	Qualification	Minimum prescribed qualification marks out of 70		Higher Qualification Marks out of 12	Experience marks out of 10	Total marks	Merit position before interview
			Metric	Inter				
Zahid Shah	Salami Shah	SSC DAE	26	35	..	..	61	At S No. 9
Faiz Ullah	Amrullah	SSC FA	26	27	..	..	53	Fall within the brackets of S No. 10 to 12

xii. The above facts revealed that if both the deprived candidates were allowed to interview then there were chances of their selection. Especially, in the case of Mr. Zahid Shah whose selection was confirmed even though he got minimum score in the interview.

xiii. A question was asked from members of 1<sup>st</sup> Committee of Police that they declared 27 candidates successful which were re-examined by the 2<sup>nd</sup> committee of police department who declared further 14 candidates disqualified. Moreover, re-examination by PIT team, the result showed decrease in their size i.e. height & chest. What was the reason? They replied that they conducted the said test upto optimum care and responsibility so as to make it transparent. According to them, they conducted 1<sup>st</sup> test of 153 candidates with regard to 2 km Marathon, height chest. Proper list was prepared of the candidates showing height chest size. So far Marathon test is concerned, they stated that the token were allotted by Wildlife Department and the detail was available with them. Out of 153 candidates only 27 candidates were qualified fulfilling the laid down criteria. This was signed by both the committees i.e. Police & Wildlife. With regard to increase in size of the candidates, they stated that they conducted the test in the month of February 2011. The second test was conducted during the month of November 2011 which shows the 9 month period had been passed and candidates were living beings, therefore their size had increased.

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xiv Mr. Sardar Ali Khan, Range Officer Wildlife Division Torghar (Member of Wildlife Committee) stated in his written statement that DFO Wildlife vide his notification declared him chairman for the physical test. The responsibility of physical test was assign to Police committee. The Police committee conducted test of all the 153 candidates and prepared a hand written list of qualified candidates and asked him to sign the list which he signed. With regard to exclusion of two qualified candidates from the approved list, he stated that he did not have any personal interest/prejudice with any candidate. If he had such intentions then he should disqualified them in the physical test. Probably, this was done mistakenly.

xv Mr. Asif Nawaz Watcher Wildlife Division Torghar (Member of Wildlife Committee) stated in his written statement that he attended Police Line Judba Torghar in compliance to DFO's orders. The physical test was the responsibility of police committee and they conducted the entire process. He further stated that he did not know anything about the list and he did not sign the same.

xvi Mr. Fazal Wahab, Deputy Ranger, Wildlife Division Torghar (Member of Wildlife Committee) stated in his written statement that DFO Wildlife Torghar nominated him for physical test but on the same day he was assigned other responsibilities. Due to the reason he was not present at the time of physical test. At the end of the test, Police Committee asked him to sign the list immediately and according to him he signed the list. He further stated that he did not know anything about the list and being a field staff, he did not had knowledge of measurement. To a question that the names of two qualified candidates were replaced by two disqualified candidates, he replied that he knows nothing about that and after physical test he went to Forest School Thal, Abbottabad for training.

xvii A questionnaire was served to DFO Wildlife Torghar wherein he was asked that under what authority the 2<sup>nd</sup> physical test was conducted.

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ADVOCATE HIGH COURT

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He replied that the physical test was re-conducted due to complaint of District Nazim Torghar and Tehsil Nazim and their favourable two candidates after instructions of worthy Chief Conservator Wildlife, Khyber Pakhtunkhwa and Conservator Wildlife. He further stated that in the second physical test the opportunity was not given to the candidates who already disqualified the test. The reply of the DFO itself points toward the defective process of the 2<sup>nd</sup> test as if there were complaints against the 1<sup>st</sup> test then opportunity should be given to all the candidates regardless the fact that they qualified or disqualified the previous test so as to ensure transparency.

4. Conclusion:

The facts lead to the conclusion that both the Committees i.e. Police & Wildlife exercised great laxity and negligence while conducting 1<sup>st</sup> physical test. In the said test, the entire process was over sighted especially Marathon and Eye Sight. The result of 1<sup>st</sup> physical test was recorded in a vague manner which consisted of various defects/flaws and irregularities which has been discussed at para-xi (a,b,c,d,e,f & g) of this report. The recruitment process was delayed for some months due to the ban imposed by Election Commission of Pakistan and due to the complaint of District Nazim Torghar. Two qualified candidates Mr. Fatehullah S/o Amrullah and Mr. Zahid Shah S/o Mr. Salamt Shah were restrained from further competition despite the fact that they had qualified the chest/height criteria. Hence, it was injustice with them. Similarly, two candidates Mr. Ihtisham Khan and Muhammad Yaqub who disqualified the 1<sup>st</sup> test were included in the list of 27 qualified candidates which indicate that undue favour was extended to these two candidates. Though the result of 2<sup>nd</sup> physical test was found almost accurate in term of chest/height measurement while the remaining criteria of physical test i.e. eye sight and Marathon was totally ignored in the 2<sup>nd</sup> test and for the same the DFO relied upon previous test result which was defective, questionable and under complaints. Moreover, 2<sup>nd</sup> test was

*Attested*  
*[Signature]*

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ADVOCATE HIGH COURT

Signature of [Name]



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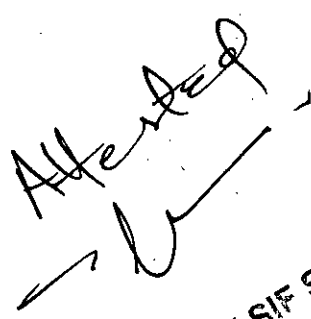
conducted of the qualified candidates of the 1<sup>st</sup> test leaving 120 disqualified candidates of 1<sup>st</sup> test deprived which is against the principles of fair competition. Furthermore, complete lack of supervision from DFO Wildlife Torghar provided opportunity to the members of the Police and DFO committee to conduct the 1st test as per their own understanding/knowledge which lead the process to a defective exercise. The record did not confirm any efforts made by DFO Wildlife to counter check/oversee the process. The DFO Wildlife and members of his committee tried to shift the burden of physical tests to the police committee despite the fact that the post of Wildlife Watcher existed in their department and they were mandated to conduct the same and the role of police committee was to assist/facilitate them in the recruitment process.

FINDINGS

Based on the observations/analysis at Para-3, of this report, findings are as under:-

- I. That, Divisional Forest Officer (DFO), Wildlife District Torghar advertised 12 No. of posts of Wildlife Watcher (BPS-07).
- II. The committees constituted for the 1<sup>st</sup> physical test exercised sheer negligence and laxity while conducting the 1<sup>st</sup> physical test. Due to the reason several defects/irregularities were found in the 1<sup>st</sup> physical test such as:

- Non recording of candidate's signature.
- Inclusion of two (2) disqualified candidates in the list of qualified candidates.
- Exclusion of two (2) qualified candidates from the list of qualified candidates.
- Eye sight was not checked during the physical test.
- The result/record of marks & race was not maintained

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The list of qualified candidates were not signed by two notified members instead two (2) un-notified persons signed the same.

- III. 2<sup>nd</sup> physical test was conducted only of qualified candidates of 1<sup>st</sup> physical test and two recommended candidates of District Nazim which was injustice with the other disqualified candidates of 1<sup>st</sup> physical test and was against the principles of fair competition. Moreover, the 2<sup>nd</sup> physical test was confined to measurement of chest and height only and for the other criteria of physical fitness i.e. the eye sight and marathon, DFO Wildlife Torghar relied upon the result of 1<sup>st</sup> test which was already questionable. Hence, the process of 2<sup>nd</sup> test was also defective.
- IV. District Nazim Torghar unlawfully intervened in the process of recruitment and by his influence two (2) physically disqualified candidates were allowed to appear in the 2<sup>nd</sup> physical test. He compelled Wildlife Department to conduct the 2<sup>nd</sup> physical test.
- V. DFO Wildlife Torghar failed to resist to unlawful pressure of District Nazim and allowed two (2) disqualified candidates to appear in the 2<sup>nd</sup> physical test.
- VI. The recruitment process was delayed due to the ban imposed by Election Commission of Pakistan and later on due to the complaints of irregularities/political involvement by District Nazim Torghar.
- VII. The role of DFO Wildlife (being the divisional head) with regard to supervision/monitoring of the recruitment process was not confirmed by the record. Complete lack of supervision from the DFO provided an opportunity to members of Police and DFO Committee to conduct the test in a manner that did not ensure transparency.

RECOMMENDATIONS

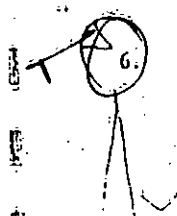
Based on observations and findings of the report recommendations of PFI are as follows:-

P. 116012

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Disciplinary action under the relevant rules may be taken against the members of the Police and Wildlife Committees, who conducted 1<sup>st</sup> physical test, on the grounds of negligence and omission of duties/responsibilities assigned to them.

II. Disciplinary action against the incumbent DFO Wildlife Torghar may be taken for his negligence and non interest in his official duties and failure to overcome anomalies mentioned in this report.

III. The appointment of 12 Wildlife Watcher District Torghar is based on irregular/defective process and fair trial for competition was not observed. The appointment of 12 No. of Wildlife Watcher was made against the spirit of merit, therefore, the appointment may be cancelled. The posts may be re-advertised and be filled strictly following the merit and criteria.

IV. The required height and chest size of Wildlife Watcher is over and above the height and chest size required for other forces of this province. Therefore, the same may be considered to make it uniform with other force physical requirement.

V. The District Nazim Torghar may also be proceeded under the relevant disciplinary rules on the grounds of unlawful intervention in the recruitment process and merit of the Wildlife Watcher having no such mandate.

*Noman Khan*  
RESEARCH OFFICER  
Provincial Inspection Team,  
Khyber Pakhtunkhwa  
28/2/19

*Liaqat Ali Mohmand*  
01/03/2019  
LIAQAT ALI MOHMAND  
MEMBER (INQUIRIES)  
Provincial Inspection Team,  
Khyber Pakhtunkhwa

*Aziz Khan Khattak*  
AZIZ KHAN KHATTAK  
MEMBER GENERAL  
Provincial Inspection Team,  
Khyber Pakhtunkhwa

*Muhammad Akbar Khan*  
04/03/19  
Muhammad Akbar Khan  
CHAIRMAN  
Provincial Inspection Team,  
Khyber Pakhtunkhwa

*Attested*  
*Syed Asif Shah*  
SYED ASIF SHAH  
ADVOCATE HIGH COURT



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PAY BILL OF THE FOLLOWING STAFF OF TORGHAR WILDLIFE DIVISION FOR THE MONTH OF 09/2019

NAME & RANK	PAY (A1141)	AW (A1171)	Comp. All (A01101)	Gross Allowance (A11201)	U/A (A11211)	ARA 21 (A11211)	ARA 22 (A11211)	ARA 23 (A11211)	U.A.A (A11211)	ARS 10 (A11211)	ARA (A11211)	ARA (A11211)	TOTAL	G.P.A.	P.F.	P.S.D.	REMARKS
1. Muhammad Shafiq	1842	1853	2852	0	1500	605	1083	303	1022	2049	2049	2049	16214	1200	600	500	18314
2. Fazal Wahid O.S.	1842	1853	2258	0	1500	632	1643	316	1002	2137	2137	2137	17684	1200	600	500	18984
3. Asad Raza O.S.	1802	1854	2850	0	1500	605	1525	422	1010	1800	1800	1800	16943	1200	600	500	18243
4. W. Asad Hussain	1243	755	1522	0	1500	325	1024	198	700	2343	2343	2343	25037	1010	600	500	27147
5. Asad Raza O.S.	1137	1593	1032	0	1500	366	1024	188	1000	1343	1343	1343	25037	1010	600	500	27147
6. Asad Raza O.S.	789	1112	1352	0	1050	0	645	0	700	789	789	789	14859	1010	600	500	17249
7. Asad Raza O.S.	789	1112	1352	0	1050	0	645	0	700	789	789	789	14859	1010	600	500	17249
8. Asad Raza O.S.	789	1112	1352	0	1050	0	645	0	700	789	789	789	14859	1010	600	500	17249
9. Asad Raza O.S.	789	1112	1352	0	1050	0	645	0	700	789	789	789	14859	1010	600	500	17249
10. Asad Raza O.S.	789	1112	1352	0	1050	0	645	0	700	789	789	789	14859	1010	600	500	17249
11. Asad Raza O.S.	789	1112	1352	0	1050	0	645	0	700	789	789	789	14859	1010	600	500	17249
12. Asad Raza O.S.	789	1112	1352	0	1050	0	645	0	700	789	789	789	14859	1010	600	500	17249
13. Asad Raza O.S.	789	1112	1352	0	1050	0	645	0	700	789	789	789	14859	1010	600	500	17249
14. Asad Raza O.S.	789	1112	1352	0	1050	0	645	0	700	789	789	789	14859	1010	600	500	17249
15. Asad Raza O.S.	789	1112	1352	0	1050	0	645	0	700	789	789	789	14859	1010	600	500	17249
16. Asad Raza O.S.	789	1112	1352	0	1050	0	645	0	700	789	789	789	14859	1010	600	500	17249
17. Asad Raza O.S.	789	1112	1352	0	1050	0	645	0	700	789	789	789	14859	1010	600	500	17249
18. Asad Raza O.S.	1000	1413	1785	350	1500	240	234	143	1300	1000	921	1171	23739	770	300	100	24909
19. Asad Raza O.S.	1000	1413	1785	350	1500	240	234	143	1300	1000	921	1171	23739	770	300	100	24909
20. Asad Raza O.S.	1000	1413	1785	450	1500	240	234	143	1300	1000	921	1171	23739	770	300	100	24909
<b>Total</b>	<b>207126</b>	<b>263211</b>	<b>340111</b>	<b>1150</b>	<b>248000</b>	<b>3593</b>	<b>176211</b>	<b>1908</b>	<b>15400</b>	<b>20709</b>	<b>20592</b>	<b>20709</b>	<b>234140</b>	<b>10320</b>	<b>11100</b>	<b>11100</b>	<b>351520</b>

Certified that Rs. 428072/- has been disbursed by me through the bank accounts of the above mentioned staff.

Chque # 357675 dt 09/09/19

Divisional Forest Officer  
Torgnar Wildlife Division  
Torgnar

# Anex "G" (56)

بخدمت جناب کنزرویٹو صاحب وائلڈ لائف سدرن سرکل پشاور

مضمون: اپیل برائے بحالی برطرف شدہ وائلڈ لائف واچر (BPS=7) توغر وائلڈ لائف ڈویژن  
ڈویژن خیبر پختونخواہ پشاور۔

جناب عالی!

گزارش کی جاتی ہے کہ ایپلانٹ کو بذریعہ آفس آرڈر نمبر 10 بتاریخ 14 نومبر 2018ء (کاپی لف بطور "A") بطور وائلڈ لائف واچر (BPS=7) توغر وائلڈ لائف ڈویژن میں تمام ضروری قواعد و ضوابط پورے کرنے کے بعد بھرتی کیا گیا اور ایپلانٹ نے گزشتہ ایک سال سے مکمل طور پر بطریق احسن اپنی ڈپوٹی سہرا انجام دی اور محکمہ کے لئے خدمات بھی سہرا انجام دیں تاہم دوران بھرتی ضلع توغر سے منتخب شدہ UMPA لائق محمد خان سیاسی اثر و رسوخ استعمال کر کے اپنے لوگوں کو بھرتی کروانا چاہتا تھا مگر نا کامی کی صورت میں ایپلانٹ اور میرے ساتھ بھرتی شدہ ملازمین کے خلاف محاذ کھول لیا۔ متعلقہ ایچ پی اے نے سیاسی بنیاد پر حکومت کو درخواست دی اور انسپکشن ٹیم کی انکوائری رپورٹ کے ذریعے سے ایپلانٹ سمیت بھرتی شدہ 12 وائلڈ لائف واچرز کو بذریعہ آفس آرڈر نمبر 04 بتاریخ 22 اگست 2019ء (کاپی لف بطور "B") غیر قانونی طور پر برطرف کر دیا جو ایپلانٹ کے ساتھ سہرا نا انصافی کے زمرے میں آتا ہے کیونکہ بھرتی کے عمل کے دوران ہمیں تمام عمل سے گزار کر بھرتی کیا گیا۔

یہ کہ مذکورہ بالا پراسس کے بعد من ایپلانٹ کا برادر حقیقی مسی مظلہ حیات ولد عمر خطاب سہاکن بازار گئے تحصیل اوگی ضلع مانسہرہ جو کہ سال 09-2008ء سے لاپتہ تھا، جس کی بابت متعلقہ تھانہ میں FIR بھی درج رجسٹر شدہ ہے اور عدالت عظمیٰ سپریم کورٹ آف پاکستان نے suo-moto انکیشن لے کر کارروائی کی لیکن برادر ام تا حال برآمد نہ ہو سکا۔ حکم محررہ 22.08.2019 کے بعد من ایپلانٹ اور اس کے والد کے علم میں آیا کہ برادر ام بلوچستان میں ہے جس کی تلاش و پتہ براری کی غرض سے ایپلانٹ ہمراہ والد خود

Attested  
SYED ASIF SHAH  
ADVOCATE HIGH COURT

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بلوچستان چلا گیا جہاں سے علم ہوا کہ برادر ام حقیقی کراچی میں ہے بدیں وجہ پتہ براری کی  
غرض سے من اپیلانٹ کراچی چلا گیا جو اسی دوران عرصہ تقریباً دو اڑھائی ماہ گزر گئے جس  
ہواء پر اپیلانٹ بروقت / اندر میعاد اپیل ہذا دائر نہ کر سکا اور جو انہی اپیلانٹ مذکورہ بالا  
کارروائی سے فارغ ہوا تو اپیلانٹ نے حکم مذکور وصول کرنے کے بعد فوراً اپیل ہذا دائر کی  
جو اپیل کے دائر کرنے میں کچھ تاخیر ہے جسے قانون و انصاف کے تقاضوں اور اپیلانٹ کی  
مذکورہ بالا مجبوریوں کو مد نظر رکھتے ہوئے معاف فرمایا جانا ضروری اور قرین انصاف ہے  
کیونکہ مذکورہ تاخیر اپیلانٹ کے کنٹرول سے باہر ہے۔

لہذا استدعا ہے کہ مذکورہ بالا حقائق کو مد نظر رکھتے ہوئے بطور کنزیرویٹو وائلڈ لائف سدرن  
سرکل آپ سے استدعا کی جاتی ہے کہ DFO وائلڈ لائف تو رغر کے مذکورہ بالا برطرفی  
آفس آرڈر کو معطل کر کے من اپیلانٹ کی دوبارہ تعیناتی کے احکامات صادر فرمائے جائیں۔

المرقوم 07.11.2019

ارض

عمر فاروق ولد عمر خطاب ساکن بازار گئے تحصیل اوگی ضلع مانسہرہ

شناختی کارڈ نمبر 1-13504-3206095 Umer Farooq

موبائل نمبر 0342-9696393

کاپی برائے اطلاع و ضروری کارروائی۔

(1) جناب چیف کنزیرویٹو وائلڈ لائف خیبر پختونخواہ پشاور۔

Attested

SYED ASIF SHAH  
ADVOCATE HIGH COURT

Annex H (58)

OFFICE OF THE CONSERVATOR WILDLIFE SOUTHERN CIRCLE PESHAWAR

To

Mr. Umar Farooque,  
Ex-Wildlife Watcher,  
Torghar Wildlife Division,  
C/O DFO Wildlife Torghar.

No. 5634-36/WL(SC) Dated Peshawar the 15-11-2019

Subject: **APPEAL FOR REINSTATEMENT AS WILDLIFE WATCHER.**

You have preferred an appeal dated 07-11-2019 to the undersigned for reinstatement in service as Wildlife Watcher by setting aside DFO Wildlife Torghar office order No. 04 dated 22-08-2019. DFO Wildlife Torghar has already submitted its comments via his letter No. 329/WL-TG dated 04-09-2019 on similar appeals of other Wildlife Watchers whose appointment orders as wildlife watcher were also cancelled by DFO Wildlife Torghar through same office order No. 04 dated 22-08-2019, From the comments of DFO Wildlife Torghar and facts of the case, it is clear that:

An inquiry was conducted by the Provincial Inspection Team, Khyber Pakhtunkhwa in compliance with Chief Minister's Secretariat Khyber Pakhtunkhwa letter No. SOVI/CMS/KPK/3-8/2018/22343 W/E dated 14-12-2018, issued in light of a letter from Mr. Laiq Muhammad Khan, MPA PK-53 Torghar wherein the MPA had raised the issue of illegal appointment of Wildlife Watchers in Torghar Wildlife Division.

The Provincial Inspection Team, Khyber Pakhtunkhwa conducted the inquiry and it has been recommended in its enquiry report that the appointment of twelve (12) wildlife watchers including your appointment being irregular and contradictory to the provisions of relevant rules and procedure, may be cancelled. The inquiry report of the Provincial Inspection Team, Khyber Pakhtunkhwa was received in Khyber Pakhtunkhwa Wildlife Department through Section Officer (Estt), Government of Khyber Pakhtunkhwa, Forestry, Environment and Wildlife Department letter No. SO(Estt)/FE&WD/11-6/DSC/2765-69 dated 25-07-2019 which was subsequently endorsed to this office vide Chief Conservator Wildlife Khyber Pakhtunkhwa endorsement No. 1104/WL(E) dated 31-07-2019. In light of the aforementioned inquiry, it has clearly been mentioned in the previously mentioned letter from Administrative Department that the appointment made against the 12 posts of wildlife watchers in Torghar Wildlife Division may immediately be cancelled and these posts may be re-advertised through ETEA and filled strictly by observing merit and criteria.

This office referred the said inquiry report to DFO Wildlife Torghar for necessary action vide this office endorsement No. 1570/WL(SC) dated 02-08-2019. As such in compliance with the directives of the Administrative Department and in line with the recommendations of the inquiry committee, the DFO Wildlife Torghar cancelled the appointment of above-mentioned wildlife watchers including you vide his office order No. 04 dated 22-08-2019.

Attested  
SYED ASIF SHAH  
ADVOCATE HIGH COURT



(59)

Moreover, your instant appeal is also time barred and the reasons quoted by you for the delay caused in your appeal are also not sufficient to justify the delay.

Since your appointment has been cancelled on the recommendations of a high-level inquiry committee, therefore the undersigned is convinced that office order No. 4 dated 22-08-2019 issued by the DFO Wildlife Torghar is supported by law and procedure after fulfillment of legal formalities as well as your appeal is also time barred, therefore your appeal dated 07-11-2019 is hereby rejected.


  
**Conservator Wildlife**

Southern Circle  
Peshawar

No.            /WL(SC)

Copy forwarded to the:

1. Chief Conservator Wildlife Khyber Pakhtunkhwa for information.
2. DFO Wildlife Torghar for information and necessary action. He is requested to obtain acknowledgement receipt of this letter from the appellant for official record.

  
**Conservator Wildlife**  
Southern Circle  
Peshawar

*Attested*  
  
**SYED ASIF SHAH**  
ADVOCATE HIGH COURT



کارپائس کے محل وقوع 18/08 کو درست 02:00 بجے ممبرانہ مقبول لگائی  
 قسطہ خدمات و امر غلطان قوم - سندھ - سرگامہ سٹورڈن سے لکھنے کے لئے  
 پڑھنے کے لئے ہے جو تاحال لکھ رہی ہیں۔ ان کے لئے آج تک کوئی فیصلہ  
 نہیں کیا گیا۔ ان کے لئے ان کے لئے جو فیصلہ کیا گیا ہے اس کے بارے میں  
 دشمنی اور عداوت شروع ہو رہی ہے۔ ہمیں اسے صاف کر دینا ہے۔ مقبلاً اطلاع  
 در وقت سے پیش مقبلاً سندھ کے بارے میں در زمانہ صاوت 2 صلیب کے تقریباً 18 سال قریبی  
 ڈائجسٹ میں درویش - ایف - فور یا اس میں Black شوزر دشمنی اور شہزادہ کے خدمات 11  
 کے قسطان قوم کے ساتھ جس کی تاریخ بازا 2/10/19 مارچ کے تمام آمد کے لئے  
 در وقت سے صرف ایک درجہ بالا سے ان کے مقبول در وقت سے ان کے ساتھ  
 شکوک یا با حاکم جامع اصل وقت کے معلوم کرنا ہے در وقت سے ان کے لئے  
 محمد (1) صرف شروع کرنا ہے۔ تین دنوں کے لئے ان کے لئے 100 کے ساتھ  
 در وقت سے ان کے ساتھ

قیام

تین خٹائیوں کے لئے

16/11/19

Astlo Pt - 0761  
16-2-2009

ضلع مانسہرہ

تھانہ اوگی

تاریخ وقت وقوعہ 18.10.2008 وقت 02 بجے دن

مقدمہ علت نمبر 52

(1)	تاریخ وقت رپورٹ 19.10.2008 وقت 11:40 بجے	چا کیدگی پرچہ 16.02.2009 وقت 14:30 بجے
(2)	نام و سکونت اطلاع دہندہ مستغیث	عمر حیات ولد عمر خطاب قوم حسن زکی ساکن بازار گئے اوگی
(3)	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو	زیر دفعہ PPC 365-A
(4)	جائے وقوعہ اور فاصلہ تھانہ سے اور سمت	جلال آباد چوک شیر گڑھ روڈ بازار اوگی بجانب غرب بقاصلہ 1/2 KM از تھانہ
(5)	نام و سکونت ملزم	
(6)	کاٹھی جو تفتیش کے متعلق کی گئی اگر اطلاع عین کرنے میں توقف ملے تو وجہ بیان کرو	بعد دریافت مقدمہ قائم ہوا۔
(7)	تھانہ سے روانگی کی تاریخ و وقت	بطور سپیشل رپورٹ۔

### ابتدائی اطلاعی رپورٹ نیچے درج کرو۔

مستغیث مندرجہ خانہ نمبر 2 بالا نے ایک تحریری درخواست برادر ام مظہر حیات کی گمشدگی کی تھانہ میں دی گئی درخواست بحوالہ مدر روز نامہ 19.10.2008 درج روز نامہ ہو کر دریافت زیر دفعہ 157 ضمن (1) ض ف شروع کی گئی۔ دوران دریافت مستغیث مندرجہ بالا بحاضری تھانہ آ کر بیان دیا کہ اب مجھے معلوم ہوا کہ مظہر حیات برادر مستغیث فضل عظیم ولد فضل حکیم قوم بسی خیل سکنہ جدباء کالا ڈھا کہ نے اپنے دیگر نامعلوم ساتھیوں کی مدد سے ایک کروڑ روپے تاوان حاصل کرنے کی خاطر انغواء کیا ہے کیونکہ والد اور عمر خطاب اور فضل عظیم کے درمیان ایک تعمیراتی ٹھیکہ پر تنازعہ ہوا تھا جس میں فضل عظیم کو مالی نقصان ہوا جس پر مذکورہ نے والد ام کو سنگین نتائج کی دھمکیاں دی تھیں جس بناء پر فضل عظیم نے اپنے دیگر نامعلوم ساتھیوں کے برادر ام مظہر حیات کو ایک کروڑ تاوان حاصل کرنے کے لئے انغواء کیا ہے جس کے گواہان موجود ہیں۔ میں برادر ام فضل عظیم کو ایک کروڑ تاوان حاصل کرنے کی خاطر انغواء کرنے کا برخلاف فضل عظیم اور دیگر نامعلوم ساتھیوں پر دعویٰ ہوں۔ مستغیث کا بیان زیر دفعہ 164 ض ف عدالت جوڈیشل مجسٹریٹ صاحب اوگی میں قلمبند کرایا گیا۔ دریافت سے سریدست وقوعہ ہذا مجرم بالا کا پایا جا کر برخلاف ملزمان بالا مقدمہ مجرم بالا قائم ہو کر نقل پرچہ معہ دریافت بغرض تفتیش حوالہ Si/Oii صاحب کیا جاتا ہے۔ افسران بالا کو بذریعہ فون اطلاع دی جا رہی ہے۔ دریافت نمبر 1 تا 14 ضمنی نمبر 1 کا حصہ تصور ہوں گی۔ نقل ریٹ ذیل ہے۔ پرچہ گزارش ہے۔

IHC/PS/OGHI (16.02.2009)

بطور سپیشل رپورٹ

مدر نمبر 26 آمد تحریری درخواست ASHO، 19.10.2008 وقت 11:40 بجے اس وقت تحریری درخواست عمر حیات ولد عمر خطاب قوم پٹھان حسن زکی ساکن بازار گئے اوگی لاکر پیش کی جو ذیل ہے۔ بخدمت جناب SHO صاحب تھانہ اوگی

Attested

SYED ASIF SHAH  
ADVOCATE HIGH COURT

جناب عالی! گزارش ہے کہ سائل بازار گئے کارہائشی ہے۔ کل دن مورخہ 18.10.2008 کو بوقت 02:00 بجے میرا حقیقی بھائی وقار حیات ولد عمر خطاب جو کہ سیکنڈ ایئر کاسٹوڈنٹ ہے، گھر سے ٹیوشن پرھانے گیا ہے جو تا حال گھر واپس نہیں آیا۔ ہم نے کل سے آج تک اپنے قریبی رشتہ داروں کے گھروں میں پتہ براری کی ہے جو نہ ملا۔ یہ کہ ہمارے کسی کے ساتھ کوئی دشمنی و عداوت نہ ہے اور نہ ہی ہم کسی کے خلاف سریدست رپورٹ کرتے ہیں۔ اطلاعاً درخواست دیتے ہیں۔ استدعا ہے کہ ہماری مدد فرمائی جاوے۔ حلیہ عمر تقریباً 18 سال قد 5 فٹ 7 انچ بدن درمیانہ، رنگ گورا، پاؤں میں Black colour شوز دستخط انگریزی عمر حیات ولد عمر خطاب قوم پٹھان حسن زئی ساکن بازار گئے اوگی 19.10.2008 کاروائی تھانہ آمدہ تحریری درخواست حرف بحرف درج بالا ہوئی۔ مضمون درخواست سے سریدست معاملہ مشکوک پایا جاتا ہے تاہم اصل حقائق معلوم کرنے کیلئے دریافت زبردفعہ 157 ضمن (1) ض ف شروع کرنے کے لئے نقل رپٹ علیحدہ مرتب ہو کر جناب SHO صاحب کی دستخطی میں رکھی جاتی ہے۔

جناب عالی! نقل مطابق اصل ہے۔

ASHO/PS/OGHI

(16.02.2009)

(62)

IN THE SUPREME COURT OF PAKISTAN  
(Original Jurisdiction)

PRESENT:

*MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, C.J.*  
*MR. JUSTICE GHULAM RABBANI*

HUMAN RIGHTS CASE NO. 9901-N OF 2009  
(Application by Umar Khitab)

For the Complainant      Son of applicant

On Court Notice      Syed Arshad Hussain Shah, Addl. AG KPK  
Dr. Muhammad Naeem Khan, DIG, Hazara  
Dr. Amber Ali, DCO, Mansehra  
Mr. Tahir Ayub Khan, DPO, Mansehra  
Mr. Khalid Khan, S.P. Investigation

Date of hearing      25.08.2011

ORDER

It is informed by Mr. Tahir Ayyub, DPO Mansehra that after resuming the charge and appearing before this Court he had investigated the matter discretely but failed to find out any clue of disappearance of Mazhar Hayat son of petitioner. According to him for the last three years no progress had been made despite extensive efforts of the police and the civil administration except that petitioner Umar Khitab had received a letter which suggested that his son Mazhar Hayat had gone towards Afghanistan with some Jehadi organization otherwise, according to him, it was difficult to trace him. However, he makes commitment to further probe into the matter according to his resources available to him, however, if it is true that Mazhar Hayat had gone to Afghanistan it would be difficult for the police to trace out him over there.

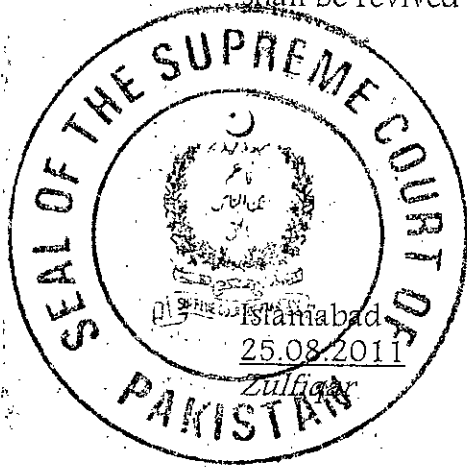
2. In view of the statement made by him we are satisfied that he being good officer has come out with a correct statement instead of making lame excuses. In the circumstances, this matter is disposed of

**ATTESTED**

Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

63

with the observation that the police shall continue making all efforts to effect the recovery of abductee and monthly report shall be submitted to the Registrar of this Court for our perusal in Chambers, however, if in the meanwhile, any success is made police shall intimate the result to the Registrar and on receipt of such report, if need be, the matter shall be revived and heard again in the Court.



Sd/- Afkhar Muhammad Chaudhry, c  
Sd/- Ghulam Rabbani J

Certified to be True Copy

Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

Case No:	8183/11	Civil/Crimina
Date of Presentation:	14-8-11	
No. of Words:	600	
No. of folios:	6	
Requisition Fee Rs:	5.00	
Copy Fee in:	3.25	
Court Fee stamps:	8.25	
Date of Completion of Copy:	15/9/11	
Date of delivery of Copy:	3-2011	
Compared by:	J.D.N.W	
Received by:		

دش گمبندہ

منظہر حیات

ولاد عمر خطاب

ساکنہ بازار گئے

اوگی ضلع مانسہرہ



شناخت

عمر تقریباً 19 سال، قد 5 فٹ 8 انچ،

گندہاں رنگ، مضبوط جسم، سیاہ آنکھیں، موٹے ہونٹ، موٹے موٹے نقش، لمبی  
رموٹی انگلیوں والے ہاتھ، بالوں کے درمیان سے لکیر، مسکراتے ہوئے باتیں کرتا ہے۔  
اردو، ہندکو اور پشتو بولتا ہے اور بارہویں جماعت کا طالب علم ہے۔

اگر کوئی بھی اس نوجوان کو دیکھے تو فوری طور پر قریبی تھانہ  
میں اطلاع دے۔ یا

نوٹ:

ایس ایس پی انویسٹیگیشن مانسہرہ کے ذیل فون نمبرات پر مطلع کر کے

0300-5625227

0997-920106, 0997-920017

انسپیکشن کا تقاضا پورا کریں۔



# وکالت نامہ

بعدالت جناب سرویس نرسن پورل K.P.K لکھنؤ

امین

منجانب

عمر فاروق گورکھپت K.P.K لکھنؤ

سرویس نرسن پورل

باعت خیراً تاکہ

معدرتہ بالا عنوان میں اپنی طرف سے بیرونی وجوہات ہی بنام **سید اسف شاہ و نرسن پورل**

مابینہ

بدریں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص رو بروعدالت حاضر ہوتا ہوں گا اور بوقت پکارے جانے پر وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف برک گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف معدرتہ مقام پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر بروز پکھری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے کہ مجھے کل ساختہ پرداختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد تاشی و راضی نامہ فیصلہ بر خلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ درخواست حکم انتہائی یا ڈگری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ بیرونی مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقررہ کریں اور ایسے مشیر

قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ یہ سند ہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

۲۰۱۹ء

مورخہ

Attested & Accepted

عمر فاروق ولد عمر خطاب  
بازار پکھری  
لکھنؤ  
Uma Farooq

SYED ASIF SHAH  
ADVOCATE HIGH COURT

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

**SERVICE APPEAL NO. 1610of/2019**

Umer Farooq S/o of Umer Khitab resident of Village Bazaargay, Tehsil Oghi District Mansehra, Ex-Watcher (BPS-7) Wildlife Tehsil Kandari District Torghar

.....PETITIONERS

**VERSUS**

1. Govt Khyber Pakhtunkhwa through Secretary Wildlife Department, Khyber Pakhtunkhwa Peshawar.
2. Divisional Forest Officer Wildlife – Torghar
3. Chief Conservator Wildlife Khyber Pakhtunkhwa at Shami Road, Peshawar.
4. The Conservator Wildlife Southern Circle, Peshawar

.....RESPONDENTS

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.01 TO 04**

Respectfully Sheweth:

**PRELIMINARY OBJECTION:**

1. That the appellant has got no cause of action therefore, the instant appeal is liable to be dismissed.
2. That the appeal in hand is barred by law, hence not maintainable.
3. That the appellants are stopped by their own conduct to file the instant appeal.
4. That the appeal in hand is incompetent in its present form hence not maintainable.

**ON PRAYERS**

**Incorrect:** The appointment orders of the appellants were cancelled by the respondent No.02 vide Divisional Forest Officer Wildlife Torghar Office Order No.04 dated: 22.08.2019 on the basis of findings of the inquiry report of the Provincial Inspection Team (PIT) regarding illegal appointment of Wildlife Watchers in Torghar Wildlife Division. The said inquiry was conducted by PIT in compliance with the directives of Chief Minister's Secretariat, Khyber Pakhtunkhwa vide letter No. SOVI/CMS/3-8/2018/22343-44 W/E dated: 14.12.2018. The PIT in its inquiry report recommended, inter-alia that:

- (i) Disciplinary action may be taken against the members of Police and Wildlife Committees and incumbent Divisional Forest Officer Torghar under the relevant rules, who conducted first physical test, on the grounds of negligence and omission of duties/responsibilities assigned to them.
- (ii) The appointment of 12 Wildlife Watchers in Torghar Wildlife Division is based on irregular/defective process and fair trial for competition was not observed. The appointment of 12 Wildlife Watchers was made against the spirit of merit, therefore, the appointment may be cancelled. The posts may be re-advertised and be filled strictly following the merit and criteria.

Accordingly, as explained above, the DFO Wildlife Torghar cancelled the appointment orders of the appellants. Their departmental representations/appeals were also rejected by the Appellate Authority as under (**Copies enclosed as Annexure-I**):

S.No.	Letter No.	Dated	Addressed to
1.	3421-22/WL(SC)	20.09.2019	Mr. Faiz-Ur-Rehman (Ex-Wildlife Watcher)
2.	3424-25/WL(SC)	=do=	Muhammad Tayab (Ex-Wildlife Watcher)
3.	3426-28/WL(SC)	=do=	Muhammad Irfan (Ex-Wildlife Watcher)
4.	3430-31/WL(SC)	=do=	Majid Khan (Ex-Wildlife Watcher)
5.	3433-34/WL(SC)	=do=	Hazratullah (Ex-Wildlife Watcher)
6.	3436-37/WL(SC)	=do=	Hafeez-Ur-Rehman (Ex-Wildlife Watcher)
7.	3439-40/WL(SC)	=do=	Anwar Khan (Ex-Wildlife Watcher)
8.	3442-43/WL(SC)	=do=	Hussain Ahmad (Ex-Wildlife Watcher)
9.	3445-46/WL(SC)	=do=	Haroon Khan (Ex-Wildlife Watcher)
10.	3448-49/WL(SC)	=do=	Mubashir Ahmad (Ex-Wildlife Watcher)
11.	3451-52/WL(SC)	=do=	Fazal Nawaz Khan (Ex-Wildlife Watcher)

It is further clarified that the department has also initiated disciplinary proceedings against the responsible officers/officials involved in illegal appointment of Wildlife Watchers in Torghar Wildlife Division under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in compliance with the recommendation of PIT inquiry report.

In view of above facts, no illegal decision and political victimization of the appellants has been made by the respondents hence the appeal is liable to be dismissed.

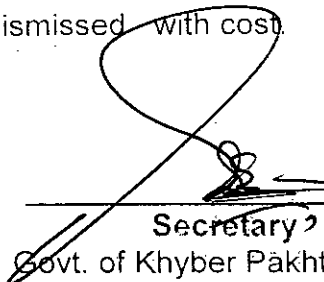
#### **ON FACTS**

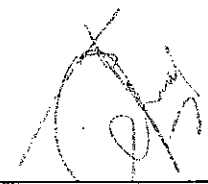
1. Pertains to the record, hence no comments.
2. **Correct** to the extent that on 15.12.2017 the Divisional Forest Officer Wildlife Torghar advertised 12 posts of Wildlife Watcher (BPS-07). In response, the appellants were applied for the posts.
3. **Correct** to the extent that the appellants served from 14.11.2018 to 22.08.2019 in the office of Divisional Forest Officer Wildlife Torghar.
4. In correct, as explained above (**On Prayers**)
5. **Incorrect.** On the orders of the Chief Minister, Khyber Pakhtunkhwa, an inquiry was conducted by the PIT regarding illegal appointment of Wildlife Watchers in Torghar Wildlife Division. In compliance with the recommendations of the said inquiry report, the appointment orders of the appellants were cancelled. (**Copy of the inquiry is "A"**)
6. **Correct** to the extent that the appellants preferred departmental appeals for setting aside the appointment cancellation orders and requested for re-appointment as Wildlife Watcher in Torghar Wildlife Division. The same were rejected by the Appellate Authority, based on valid grounds.
7. **Incorrect:** As explained above.

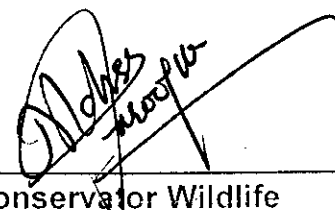
## ON GROUNDS

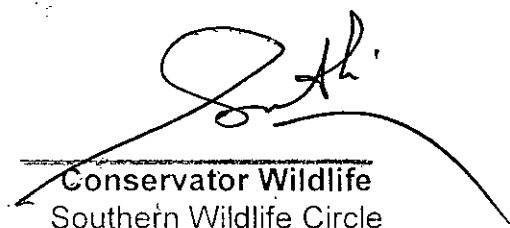
- a. **Incorrect:** The appointment orders of the appellants were cancelled by the respondent No.02 vide Office Order No.04 dated: 22.08.2019 in light of the recommendations of inquiry report conducted by the PIT. Hence the impugned order is very much legal.
- b. **Incorrect:** Cancellation of appointment orders was done as per recommendations of the PIT's inquiry report which termed these appointments against law and rules.
- c. **Incorrect:** The PIT in its inquiry report clearly recommended that the appointment orders of 12 posts of Wildlife Watchers in Torghar Wildlife Division may be cancelled immediately and then re-advertise the posts. Hence the appointment orders being illegal were cancelled in light of the said inquiry.
- d. **Incorrect: As explained at Serial No. c above.**
- e. **Incorrect:** Provincial Inspection Team is competent to conduct enquiry and its recommendations are binding.
- f. Inquiry report of Provincial Inspection Team (PIT) has completely discussed the case and various appellants appeared in front of the inquiry committee.
- g. **Incorrect:** Proper inquiry was conducted by PIT and the appointment orders have been proved to be issued in violation of laws and rules hence the impugned orders were issued in accordance with law.
- h. **Incorrect:** As explained above
- i. **Incorrect:** Inquiry was conducted by a recognized body of the province.
- j. **Incorrect:** Respondents acted as per law and rules.
- k. **Incorrect:** Illegal order does not create rights. Hence no right has been violated.

It is therefore most humbly prayed that the subject Appeal may please be dismissed with cost.

  
Secretary  
Govt. of Khyber Pakhtunkhwa  
Forestry, Environment and  
Wildlife Department  
(Respondent No.01)

  
Divisional Forest Officer Wildlife  
Torghar Wildlife Division  
(Respondent No. 02)

  
Chief Conservator Wildlife  
Khyber Pakhtunkhwa  
Peshawar  
(Respondent No. 03)

  
Conservator Wildlife  
Southern Wildlife Circle  
Peshawar  
(Respondent No. 04)

Annex 'D'

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CONFIDENTIAL



PROVINCIAL INSPECTION TEAM, KHYBER PAKHTUNKHWA

INQUIRY REPORT

SUBJECT: INQUIRY AGAINST ILLEGAL APPOINTMENT IN WILDLIFE DEPARTMENT DISTRICT TORGHAR.

ORDER OF INQUIRY

Orders of the inquiry were received to Provincial Inspection Team from Chief Minister's Secretariat, Khyber Pakhtunkhwa vide letter No. SO/WHCMS/KPK/3-8/2018/22343-44 W/E dated 13.12.2018 (Annex: A).

COMPLAINT:

Mr. Lariq Muhammad Khan, MPA PK-35, Torghar submitted a letter to Chief Minister Khyber Pakhtunkhwa wherein he raised the issue of illegal appointment of Wildlife Watcher in Wildlife division District Torghar (Annex B).

The gist of the allegations is as under:

According to him, Wildlife Torghar advertised 12 posts of Wildlife Watcher and 27 candidates were shortlisted after conducting physical, Medical test on 27.2.2018. The Selection Committee found the testimonials of the 27 candidates correct and accord approval. But astonishingly, after 9 months physical test was re-arranged on 13.12.2018 which was an illegal act.

After 9 months, the chest and height of some candidates were reduced and out of 27 candidates, 12 blue eyed candidates were finalized.

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These candidates were appointed by taking bribe which was injustice with other candidates.

- iii: The honourable MPA requested to cancel these illegal appointments in Wildlife division District Torghar and to re-advertise the said posts so that the eligible candidates could be able to get their right.

#### INQUIRY PROCEEDINGS

- a. After receipt of the reference, a two member team of PIT visited District Torghar in connection with the subject inquiry (Annex: C).
- b. PIT requested Divisional Forest Officer (DFO), Torghar to provide attendance register of the newly appointed Wildlife Watcher vide letter dated 11.1.2019 (Annex: D). In response, DFO, Torghar replied vide letter dated 11.1.2019 (Annex: E).
- c. The officials of District Police Office (DPO), Torghar and DFO Wildlife, Torghar recorded their statement as per given detail;

S.No	Name	Designation	Annexure
1.	Abdul Sami	Asst. Member of the 1 <sup>st</sup> Committee	F
2.	Muhammad Ali	Head Constable Member of the 1 <sup>st</sup> Committee	
3.	Khan Muhammad	Head Constable Member of the 1 <sup>st</sup> Committee	
4.	Sajid	Head Constable Member of the 1 <sup>st</sup> Committee	
5.	Aamir Khan Swati	Head Constable Member of the 2 <sup>nd</sup> Committee	C
6.	Khan Muhammad	Head Constable Member of the 2 <sup>nd</sup> Committee	
7.	Syed Afzal	LHC, Member of the 2 <sup>nd</sup> Committee	
8.	Saydar Ali Khan	Range Officer, Wildlife Torghar	H
9.	Asif Nawaz	Watcher, Wildlife Torghar	I
10.	Fazal Wahab	Deputy Ranger, Wildlife Torghar	J

- d. DFO Wildlife Torghar recorded his statement vide (Annex: K). later on, he attended PIT on 7.2.2019 and recorded his supplementary statement vide (Annex: L).
- e. PIT served a questionnaire upon DFO Wildlife Torghar vide letter dated 13.2.2019 followed by reminder dated

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19.2.2019(Annex: 6). DFO Wildlife responded to the same letter dated 19.2.2019(Annex: 1).

OBSERVATIONS

After scrutiny of the available records/documents, detailed discuss written statements and replies of the concerned staff, observations are as under:-

i. - Perusal of the record showed that Divisional Forest Officer (D) Wildlife District Torghar advertised 12 posts of Wildlife Warden (BPS-07) through information Department in daily *Machriq* dt 15-12-2017(Annex:0). Qualification for the post of Wildlife Watcher (BPS-07) was as follows:-

Wildlife Watcher (BPS-07)	a) At least 7 <sup>th</sup> class Intermediate Certificate with Matric Science from a recognized Board; and	12-10 years	By initial recruitment.	Annex: F
	b) <u>Physical Fitness:</u> i. Height: five feet and six inches (minimum); ii. Chest Size: 24-36 inches (minimum); and iii. Eye Sight: V. 6 (with glasses), each eye 6/6.  Note: It is essential that the candidate will have to qualify Marathon race of 2-Km within 20 minutes		Note: The candidates who have been recruited will have to undergo compulsory one year Training Course of Forest Guard or Wildlife Watcher at the Khyber Pakhtunkhwa Forest School, Thal Abbottabad.	

ii. In the said advertisement, it was mention in the conditions that candidates will have to submit eye certificate with regard to eye sight issued by eye specialist alongwith bio-data(CV) to office of DFO Wildlife Division Torghar till 10.01.2018. After closing date i.e. 10.01.2018, total 251 applications were received. DFO Wildlife notified a Scrutiny Committee, for Scrutiny documents of the candidate vide his office order dated 6.2.2019 comprised of the following members.

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- i. Mr. Sardar Ali Khan Rang Officer, Wildlife Torghar
- ii. Fazal Wahab, Deputy Ranger
- iii. Asif Nawaz, Watcher Wildlife, Torghar

The Scrutiny Committee submitted a verified list on 12.2.2018(Annex:Q). According to the list, 153 applicants were found eligible while 98 applicants were found ineligible. Afterwards, DFO Wildlife Torghar notified another committee, having the same members of the scrutiny committee, for the physical test vide his office order dated 6.2.2018(Annex:R). On the same day, DFO Wildlife Torghar requested DPO Torghar to depute three officials to conduct physical test i.e. including 2 Km Marathon, height and Chest Measurement. In response, DPO Torghar deputed the following four (4) officials for physical test (Annex: S):

- i. ASI Sami Khan SRC/DFO Office
- ii. HC Sajid Khan A/LO Police Line
- iii. LHC Khan Muhammad A/OHC DPO Office
- iv. FC Pervuiz No. 73/NOHC DPO Office

Physical test of 153 candidates was conducted on 27.2.2018, wherein 27 candidates qualify the test (Annex:T). Member of both committees (Police & Wildlife) signed the list of 27 candidates who qualified the physical test and the same was forwarded to DFO Wildlife, Torghar for further process (Annex:U). Meanwhile, District Nazim Torghar wrote a letter to Chief Conservator, Wildlife KP on 6.9.2018 wherein he stated that he received various complaints of the general public about embezzlement/political involvement during the physical test of Wildlife Watcher, Torghar. In the said letter, he requested to cancel and re-arrange the physical test (Annex: V).

The request of District Nazim Torghar was honoured and DFO Wildlife Torghar re-arranged the physical test. The DFO Wildlife deputed the same committee who conducted the 1<sup>st</sup> physical test while DPO Torghar changed the members of the committee for 2<sup>nd</sup> physical test. The District Nazim, Torghar also recommended two



(2) candidates who disqualified the 1<sup>st</sup> test. The 2<sup>nd</sup> physical test of 20 candidates (27 qualified candidates of 1<sup>st</sup> test and 2 candidate recommended by District Nazim Torghar) was conducted on 13.11.2018. In the 2<sup>nd</sup> physical test, 15 candidates qualified the test while 14 candidates including the two (2) recommended candidate of District Nazim disqualified the test (Annex:W). List of the 15 qualified candidates duly signed by the members of police committee and countersigned by DPO Torghar was furnished to DFO Wildlife Torghar on 15.11.2018 (Annex: X).

vi. Thereafter, Departmental Selection Committee (DSC), notified vide office order dated 30.11.2018, conducted interview of 15 candidates on the same day and recommended 12 candidates for the post of Wildlife Watcher (BPS-7) while two (2) candidates were placed on waiting list (Annex:Y).

viii. The inquiry team visited District Torghar wherein they directed DFO Wildlife Torghar to present the qualified and disqualified candidates of 2<sup>nd</sup> physical test before the team so as to re-measure their chest size & height to substantiate as the levelled allegations were true or otherwise. On 9.1.2019, out of 14 disqualified candidates, only six (6) appeared before inquiry team. The detail of their re-measurement of chest size & height and comparison with 2<sup>nd</sup> physical test is given as under:

S. No	Name of Candidate	Father Name	Measurement in the 2 <sup>nd</sup> Physical test		Actual Measurement in the presence of inquiry team		An nua ure
			Height	Chest	Height	Chest	
1.	Ihtisham Khan	Oasam Khan	5x9	33x35 <sup>1/2</sup>	5x9	32x34 <sup>1/2</sup>	
2.	Saeed Khan	Taj Mehmood	5x8 <sup>1/2</sup>	33x35	5x8 <sup>1/2</sup>	33x35 <sup>1/2</sup>	
3.	Izhar Ahmad	Hakimul Khan	5x6 <sup>1/2</sup>	33x35 <sup>1/2</sup>	5x6 <sup>1/2</sup>	33x36	
4.	Azeem ul Haq	Naseeb ullah	5x6	35x35	5x6	33 <sup>1/2</sup> x35 <sup>1/2</sup>	2
5.	Syed Jahid Shah	Khadi Shah	5x5 <sup>1/2</sup>	35 <sup>1/2</sup> x35 <sup>1/2</sup>	5x5 <sup>1/2</sup>	33x36	
6.	Syed Hameed ulan	Mukaram Shah	5x8 <sup>1/2</sup>	33x35	5x8 <sup>1/2</sup>	31x35	

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vii. The above comparison showed some increase/decrease in height/chest of the 6 candidates but none of the candidate fall the required qualifying criteria (i.e. height: 5 feet 6 inches & of 34x36 inches).

viii. On 10.1.2019, out of 12 selected candidates, 11 appeared before team except Mr. Majid Khan, who according to DFO Wile Torghar, was ill and was unable to appear before inquiry is Detail of the re-measurement of height/chest of the selected candidates and comparison with the 2<sup>nd</sup> physical test is given under:

S.No	Name of Candidate	Father Name	Measurement in the 2 <sup>nd</sup> Physical test		Actual Measurement in the presence of Inquiry team	
			Height	Chest	Height	Chest
1.	Hussain Ahmad	Abdul Haleem	5x7	36x38	5x7	36x39
2.	Anwar Khan	Asad Khan	5x6	34x36	5x8	35x37
3.	Mubashir Ahmad	Momin Gul	5x8	34x36	5x8	34x33
4.	Fazal Nawaz Khan	Mir Nawaz Khan	5x7	34x36	5x7	34x36
5.	Muhammad Irfan	Muhammad Tahir	5x6	34x36	5x6	34x36
6.	Riaz Ahmad	Muhammad Saleh	5x7	34x36	5x8	34x36
7.	Faiz ur Rehman	Sahib ur Rehman	5x7	38x40	5x7 1/2	37x39
8.	Haroon Khan	Hazrat Hussain	5x7	35x38	5x8	36x38
9.	Hafeez ur Rehman	Sahib ur Rehman	5x7	35x37	5x7	34x36
10.	Muhammad Fayyab	Nawab Nabi	5x8	34x36	5x8	35x37
11.	Hazrat Ullah	Bakhrullah	5x6	35x37	5x7	35x38

vii. The above comparison showed some increase/decrease in height/chest of the 11 candidates but besides these changes their chest/height) was found according to the required criteria. None of the selected candidate was found below the required criteria (i.e. height: 5 feet 6 inches & chest 34x36 inches). Hence, the result of the 2<sup>nd</sup> test in term of chest/height was found correct.



It is pertinent to mention that out of 27 candidates, 12 candidates (11 qualified & 1 disqualified) of 2<sup>nd</sup> test appeared before the inquiry team for re-measurement of chest/height. As the above observer confirmed the accuracy of the result of 2<sup>nd</sup> test to great extent. Hence, it raised doubts that the 1<sup>st</sup> test might not be conducted accurately and favour was extended to those 12 qualified candidates who disqualified the 2<sup>nd</sup> test.

To ascertain the factual position, DFO Wildlife Turbat was directed to present all the candidates who were declared disqualified in 1<sup>st</sup> physical test. In response, out of 126 candidates (153-27), only six (6) candidates appeared before the inquiry team. The details of their re-measurement of height/chest and comparison with 1<sup>st</sup> physical test is given as under:

S.No	Name of Candidate	Father Name	Measurement in the 1 <sup>st</sup> Physical test		Actual Measurement in the presence of the inquiry team	
			Height	Chest	Height	Chest
1.	Fateh Ullah	Amrullah	5x6 <sup>1/2</sup>	37x39 <sup>1/2</sup>	5x7	35x38
2.	Suleman Khan	Yakun Khan	5x5	31x32 <sup>1/2</sup>	5x5	29x31
3.	Hameed or Rehman	Zaibullah	5x5 <sup>1/2</sup>	33x34	5x5 <sup>1/2</sup>	33x34
4.	Namozed Khan	Mahabat	5x9	31x33	5x9.5	29 <sup>1/2</sup> x32
5.	Zahidullah	Sahil Ullah	5x8	33x34 <sup>1/2</sup>	5x8 <sup>1/2</sup>	31x33
6.	Sahil Bundsha	Muhammad Zahid Shah	5x5 <sup>1/2</sup>	33 <sup>1/2</sup> x35	5x7	32x34 <sup>1/2</sup>

The above comparison showed that the last five (5) candidates, who were disqualified in the 1<sup>st</sup> physical test, did not qualify the required passing criteria even before the inquiry team. However, the size of chest/height of Mr. Fateh Ullah S/o Amrullah (the candidate at S.N 1) was found according to the set criteria of Wildlife Watcher and per result he passed the 1<sup>st</sup> physical test but his name was not reflected in the list of 27 qualified candidates signed by all the members of the committee. This made the result of 1<sup>st</sup> physical test dubious. Therefore, the result of 1<sup>st</sup> physical test was examined in detail with the list of 27 qualified candidates which transpired the following defects/flaws/irregularities in the 1<sup>st</sup> test:



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None of the candidate recorded their signatures against their result/measurement in the column meant for the purpose. With regard to this query, DFO Wildlife replied that the list was handed over to Police for mentioning of result in the list. The police had not recorded the signature of candidates in the signature column in the said list due to unknown reason. The reply of DFO Wildlife raised questions that why they were not ask to do so and what was the purpose/duty of DFO committee in the physical test. Hence, non-availability of signature of candidates against their result casted doubts and put question mark on the sanctity/validity of result of 1<sup>st</sup> test.

b. The result of Marathon & Eye Certificate was not provided and due to lack of proper attention, was recorded in a vague manner in the list. These columns were either left blank or filled by recording tick mark which did not give clear about the score/result of the process. In this regard, DFO Wildlife replied that for the result of marathon race slips were handed over to the police. After marathon the police officials returned the same and recommended that all candidates were qualified due to easy marathon i.e. 2 Km in 20 minutes. But no such remarks were found on the record. The token provided by DFO Wildlife Torghar contain Name, F/Name and Signature of the candidate but did not contain the result i.e. whether he qualified/disqualified the test and what was his score.

c. Similarly, according to advertisement/service rules, the criteria for eye sight was M-6J (with glasses), each eye 6x6, which was part of the physical fitness and was required to be checked during the test but it was observed that the eye sight was not checked on the spot of the test instead candidates were requested to provide eye certificate from eye specialist alongwith application till closing date of advertisement. The same was confirmed by DFO Wildlife via his reply that eye sight test were checked during submission of documents and all

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the candidates found fit and called for further process. The reply of DFO was suffice to prove the process defective as the eye sight was checked 16 days before the physical test and that too by any eye specialist.

A candidate Mr. Haroon Khan at S.No. 18 fulfilled the required height/chest criteria while his Rye Certificate/ Marathon columns were left blank. On the basis of this result, he was considered qualified and his name was included in the list of 27 qualified candidates and later on he was selected against the post of wildlife watcher. However, the name of Mr. Zahid Shah at S.No. 60 (though some overwriting was observed in his measurement) was not included in the list of 27 qualified candidates who had almost the same result.

Two candidate i.e. Mr. Fatch ullah at S.No. 16 & Mr. Zahid Shah at S.No. 60 (as mentioned above) who qualified the test in term of chest/height were not included in the list of the 27 qualified candidates. Therefore, they did not avail the opportunity of further competition, did not appear in the 2<sup>nd</sup> test and subsequently were not called for interview. Mr. Fatch ullah appeared before the inquiry team. His chest/height was found within the required parameters of chest/height. (For reference see table at para-ix, Serial No. 1).

Two candidates i.e. Mr. Hasham Khan, at S.No. 83 & Muhammad Yuqoob at S.No. 20, who disqualified the 1<sup>st</sup> test in term of chest/height were included in the list of 27 qualified candidates. They both availed the opportunity to appeared in the 2<sup>nd</sup> test wherein they again failed the test and did not qualify for interview. Mr. Hasham Khan s/o Qasim Khan appeared before PIT team for re-measurement of chest/height and he did not fulfill the required criteria of Wildlife Watcher (For reference see table at para-viii, Serial No. 1). Regarding this query, DFO Wildlife replied that the names of disqualified candidates were not added to qualified list by the

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police and after signature the same was provided to them. It raised a question that why the same was not verified/checked by the members of DFO scrutiny committee instead recording signature blindly. It revealed their collusion as the recruitment process was mandate of their department not the police department.

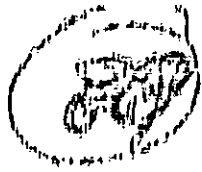
B. The list of 27 qualified candidates of 1<sup>st</sup> physical test was not signed by Mr. Pervaiz and Mr. Asif Nawaz, the notified members of Police & Wildlife committees respectively. Instead the same was signed by Muhammad Ali Shah and Salim Shah who were not the members of the respective committees. In this regard, DFO Wildlife Torghar replied that due to some emergency, Mr. Asif Nawaz Wildlife Watcher left the same process and senior wildlife watcher Mr. Saleem Shah signed the list. Moreover, Muhammad Ali Shah signed the list instead of Mr. Pervaiz which was nominated by District Police Officer Torghar. The said incumbent was also from Police Department. The reply of DFO seems not correct as Mr. Asif Nawaz did not mention any emergency vide his statement. Furthermore, they had to issue notification for the replacement of members before initiating the process.

xii. As discussed above it pur-ve that Mr. Fatch ullah and Mr. Zubid Shah was dropped from further competition. Hence, it raised question that whether there was possibility of their selection if they were allowed to interview and whether they could affect the merit list. To ascertain this situation, the merit list of selected candidates and the educational qualification of the two deprived candidates, provided by DFO office Wildlife Torghar, was examined which showed the following details;



Merit list of the selected Candidates for the post of Wildlife Watcher

S. No	Name	Father Name	Qualification	Minimum prescribed qualification marks out of 70		Higher Qualification Marks out of 12	Experience marks out of 10	Total marks	Interview marks out of 8	Grand Total
				Metric	Inter					
1	Fazal Nawaz Khan	Mir Nawaz Khan	SSC <sup>111</sup> FSc <sup>111</sup> BS(Hons)	35	35	08	..	..	..	
2	Faiz ur Rehman	Sahib ur Rehman	SSC <sup>111</sup> FSc <sup>111</sup> BS(Hons)	35	27	08	..	..	..	
3	Anwar Khan	Asar Khan	SSC <sup>111</sup> DAE <sup>111</sup>	35	35	..	..	04	71	
4	Hafeez ur Rehman	Sahib ur Rehman	SSC <sup>111</sup> FSc <sup>111</sup>	35	35	..	..	04	74	
5	Hazrat Ullah	Bakhr Ullah	SSC <sup>111</sup> FSc <sup>111</sup>	35	27	..	..	05	67	
6	Hussain Ahmad	Abdul Haleem	SSC <sup>111</sup> FSc <sup>111</sup>	35	27	..	..	04	66	
7	Riaz Ahmad	Muhammad Saleh	SSC <sup>111</sup> FSc <sup>111</sup>	35	27	..	..	04	66	
8	Muhammad Irfan	Muhammad Tahir	SSC <sup>111</sup> FSc <sup>111</sup>	35	27	..	..	03	65	
9	Majid Khan	Azmat Khan	SSC <sup>111</sup> FSc <sup>111</sup>	26	27	..	..	07	60	
10	Mubasher Ahmad	Momin Gul	SSC <sup>111</sup> FSc <sup>111</sup>	26	27	..	..	07	60	
11	Haroun Khan	Hazrat Hussain	SSC <sup>111</sup> FSc <sup>111</sup>	26	27	..	..	05	58	
12	Muhammad Usman	Nawab Nabi	SSC <sup>111</sup> FSc <sup>111</sup>	26	27	..	..	04	57	



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The academic qualification of the deprived candidates and total marks before interview as per criteria would be as under:

Sl. No.	Qualification	Minimum prescribed qualification marks out of 20		Higher Qualification Marks out of 12	Experience marks out of 10	Total marks	Marks obtained by candidate
		Maths	Engg				
1	B.A.	16	15	"	"	41	15.5/40
2	B.A.	16	11	"	"	43	15.5/40 (the marks of 15.5/40)

The above facts revealed that if both the deprived candidates were allowed to interview then there were chances of their selection. Especially, in the case of Mr. Zahid Shah whose selection was confirmed even though he got minimum score in the interview.

A question was asked from members of 1<sup>st</sup> Committee of Police that they declared 27 candidates successful which were re-examined by the 2<sup>nd</sup> committee of police department who declared further 14 candidates disqualified. Moreover, re-examination by PTF team, the result showed decrease in their size i.e. height & chest. What was the reason? They replied that they conducted the said test upto optimum care and responsibility so as to make it transparent. According to them, they conducted 1<sup>st</sup> test of 153 candidates with regard to 2 km Marathon, height chest. Proper list was prepared of 153 candidates showing height chest size. So far Marathon test is concerned, they stated that the token were allotted by Wildlife Department and the detail was available with them. Out of 153 candidates only 27 candidates were qualified fulfilling the laid down criteria. List was signed by both the committees i.e. Police & Wildlife. With regard to increase decrease in size of the candidates, they stated that they conducted the test in the month of February 2008 and the second test was conducted during the month of November 2012 which shows that 4-5 years period had been passed and due to this reason that the candidates were living beings therefore their size had increased.





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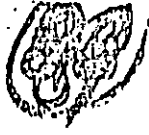
Mr. Sardar Ali Khan, Range Officer Wildlife Division Torghar (Member of Wildlife Committee) stated in his written statement that DFO Wildlife vide his notification declared him chairman for the physical test. The responsibility of physical test was assign to Police committee. The Police committee conducted test of all the 153 candidates and prepared a hand written list of qualified candidates and asked him to sign the list which he signed. With regard to exclusion of two qualified candidates from the approved list, he stated that he did not have any personal interest/prejudice with any candidate. If he had such intentions then he should disqualified them in the physical test. Probably, this was done mistakenly.

Mr. Asif Nawaz Watcher Wildlife Division Torghar (Member of Wildlife Committee) stated in his written statement that he attended Police Line Judba Torghar in compliance to DFO's orders. The physical test was the responsibility of police committee and they conducted the entire process. He further stated that he did not know anything about the list and he did not sign the same.

Mr. Fazal Wahab, Deputy Ranger, Wildlife Division Torghar (Member of Wildlife Committee) stated in his written statement that DFO Wildlife Torghar nominated him for physical test but on the same day he was assigned other responsibilities. Due to the reason he was not present at the time of physical test. At the end of the test, Police Committee asked him to sign the list immediately and according to him he signed the list. He further stated that he did not know anything about the list and being a field staff, he did not had knowledge of measurement. To a question that the names of two qualified candidates were replaced by two disqualified candidates, he replied that he knows nothing about that and after physical test he went to Forest School Thai, Abbottabad for training.

A questionnaire was served to DFO Wildlife Torghar wherein he was asked that under what authority the 2<sup>nd</sup> physical test was conducted.

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He replied that the physical test was re-conducted due to complaint of District Nazim Torghar and Tehsil Nazim and their favourable two candidates after instructions of worthy Chief Conservator Wildlife, Khyber Pakhtunkhwa and Conservator Wildlife. He further stated that in the second physical test the opportunity was not given to the candidates who already disqualified the test. The reply of the DFO itself points toward the defective process of the 2<sup>nd</sup> test as if there were complaints against the 1<sup>st</sup> test then opportunity should be given to all the candidates regardless the fact that they qualified or disqualified the previous test so as to ensure transparency.

Conclusion:

The facts lead to the conclusion that both the Committees i.e. Police & Wildlife exercised great laxity and negligence while conducting 1<sup>st</sup> physical test. In the said test, the entire process was over sighted especially Marathon and Eye Sight. The result of 1<sup>st</sup> physical test was recorded in a vague manner which consisted of various defects/flaws and irregularities which has been discussed at para-xi (a,b,c,d,e,f & g) of this report. The recruitment process was delayed for some months due to the ban imposed by Election Commission of Pakistan and due to the complaint of District Nazim Torghar. Two qualified candidates Mr. Fatchullah S/o Amrullah and Mr. Zahid Shah S/o Mr. Salami Shah were restrained from further competition despite the fact that they had qualified the chest/height criteria. Hence, it was injustice with them. Similarly, two candidates Mr. Ihtisham Khan and Muhammad Nisquob who disqualified the 1<sup>st</sup> test were included in the list of 27 qualified candidates which indicate that undue favour was extended to these two candidates. Though the result of 2<sup>nd</sup> physical test was found almost accurate in term of chest-height measurement while the remaining criteria of physical test i.e. eye sight and Marathon was totally ignored in the 2<sup>nd</sup> test and for the same the DFO relied upon previous test result which was defective, questionable and under complaints. Moreover, 2<sup>nd</sup> test was

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conducted of the qualified candidates of the 1<sup>st</sup> test leaving 126 disqualified candidates of 1<sup>st</sup> test deprived which is against the principles of fair competition. Furthermore, complete lack of supervision from DFO Wildlife Torghar provided opportunity to the members of the Police and DFO committee to conduct the 1st test as per their own understanding/knowledge which lead the process to a defective exercise. The record did not confirm any efforts made by DFO Wildlife to counter check/oversee the process. The DFO Wildlife and members of his committee tried to shift the burden of physical tests to the police committee despite the fact that the post of Wildlife Watcher existed in their department and they were mandated to conduct the same and the role of police committee was to assist/facilitate them in the recruitment process.

#### FINDINGS

*Based on the observations/analysis at Para-3 of this report, findings are as under:-*

- I. That, Divisional Forest Officer (DFO), Wildlife District Torghar advertised 12 No. of posts of Wildlife Watcher (BPS-07).
- II. The committees constituted for the 1<sup>st</sup> physical test exercised sheer negligence and laxity while conducting the 1<sup>st</sup> physical test. Due to the reason several defects/irregularities were found in the 1<sup>st</sup> physical test such as:
  - Non recording of candidate's signature.
  - Inclusion of two (2) disqualified candidates in the list of qualified candidates.
  - Exclusion of two (2) qualified candidates from the list of qualified candidates.
  - Eye sight was not checked during the physical test.
  - The result/record of marathon race was not maintained

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The list of qualified candidates were not signed by two notified members instead two (2) un-notified persons signed the same.

III. 2<sup>nd</sup> physical test was conducted only of qualified candidates of 1<sup>st</sup> physical test and two recommended candidates of District Nazim which was injustice with the other disqualified candidates of 1<sup>st</sup> physical test and was against the principles of fair competition. Moreover, the 2<sup>nd</sup> physical test was confined to measurement of chest and height only and for the other criteria of physical fitness i.e. the eye sight and marathon, DFO Wildlife Torghar relied upon the result of 1<sup>st</sup> test which was already questionable. Hence, the process of 2<sup>nd</sup> test was also defective.

IV. District Nazim Torghar unlawfully intervened in the process of recruitment and by his influence two (2) physically disqualified candidates were allowed to appear in the 2<sup>nd</sup> physical test. He compelled Wildlife Department to conduct the 2<sup>nd</sup> physical test.

DFO Wildlife Torghar failed to resist to unlawful pressure of District Nazim and allowed two (2) disqualified candidates to appear in the 2<sup>nd</sup> physical test.

V. The recruitment process was delayed due to the ban imposed by Election Commission of Pakistan and later on due to the complicity of irregularities/political involvement by District Nazim Torghar.

VI. The role of DFO Wildlife (being the divisional head) with regard to supervision/monitoring of the recruitment process was not confirmed by the record. Complete lack of supervision from the DFO provided an opportunity to members of - Police and DFO Committee to conduct the test in a manner that did not ensure transparency.

RECOMMENDATIONS

Based on observations and findings of the report recommendations of PII are as follows:

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Disciplinary action under the relevant rules may be taken against the members of the Police and Wildlife Committees, who conducted 1<sup>st</sup> physical test, on the grounds of negligence and omission of duties/responsibilities assigned to them.

Disciplinary action against the incumbent DFO Wildlife Torghar may be taken for his negligence and non interest in his official duties and failure to overcome anomalies mentioned in this report.

The appointment of 12 Wildlife Watcher District Torghar is based on irregular/defective process and fair trial for competition was not observed. The appointment of 12 No. of Wildlife Watcher was made against the spirit of merit, therefore; the appointment may be cancelled. The posts may be re-advertised and be filled strictly following the merit and criteria.

The required height and chest size of Wildlife Watcher is over and above the height and chest size required for other forces of this province. Therefore, the same may be considered to make it uniform with other force physical requirement

The District Nazim Torghar may also be proceeded under the relevant disciplinary rules on the grounds of unlawful intervention in the recruitment process and merit of the Wildlife Watcher having no such mandate.

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