

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 736/2015

Date of Institution... 16.6.2015

Date of decision... 20.03.2018

Taj Muhammad son of Qalandar resident of Sammundar Katha Nagri Bala, Tehsil and District Abbottabad presently posted as Forest Guard, Gallis Forest Division, Abbottabad. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary, Secretary Forest Department, Peshawar and others. (Respondents)

MR. DILDAR AHMAD KHAN,
Advocate

... For appellant.

MR. USMAN GHANI,
District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant challenged the promotion order dated 12.3.2015, against which he filed departmental appeal on 26.3.2015 which was not responded to and thereafter, he filed the present service appeal on 16.6.2015.

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was eligible for promotion and he was wrongly left out by the Departmental Promotion Committee. That there are examples wherein many civil servants having worse record than the appellant,

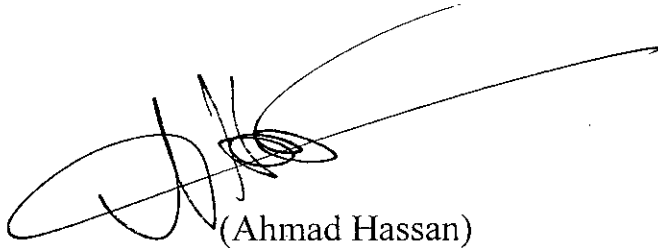
were promoted. That when the DPC considered the appellant and superseded him then it was incumbent upon the DPC to have given reasons for ignoring or superseding him. He further argued that in the seniority list issued prior to the meeting of DPC, the appellant was shown as trained and was placed at S.No. 3. That the appellant attained superannuation during pendency of the present service appeal and the objection of the respondents regarding non-maintainability of service appeal for becoming infructuous was not convincing and plausible. That a retired civil servant ^{could} ~~can~~ be granted promotion even after retirement if he was entitled for the same. _{BT}

4. On the other hand, the learned District Attorney argued that the prayer of the appellant is with regard to his fitness for promotion. That the appellant also prayed that adverse remarks in the seniority list should be expunged.

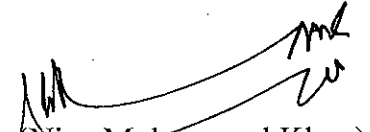
CONCLUSION.

5. Before dealing with the appeal on merits, this Tribunal is first to decide its jurisdiction. Admittedly, the appellant was considered for promotion and was found unfit (wrongly or rightly) for promotion. Proviso (b) to Section 4 clearly says that no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining the fitness or otherwise of a person to be appointed or to be promoted to a higher post or grade. The whole arguments of the learned counsel for the appellant revolved around the eligibility of the appellant to be promoted to a higher post. It is a settled position of administrative law that there is a huge difference between eligibility and fitness. The appellant was superseded not on the basis of eligibility but on the basis of fitness. If we go through the minutes of the DPC nowhere it was written that the appellant was not trained or he lacked the required qualification or was otherwise ineligible for promotion. The reason for superseding the appellant was his fitness (rightly or wrongly). The present appeal therefore, squarely falls within the proviso as mentioned above. This Tribunal, therefore, lacks the jurisdiction and cannot decide the appeal on merits. Expunction of adverse remarks cannot be challenged in

the seniority list. This appeal is therefore, returned to the appellant for presenting the same before the proper forum with all just legal and factual objections regarding limitation etc. Disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Niaz Muhammad Khan)
Chairman
Camp Court, A/Abad

ANNOUNCED
20.03.2018

16.01.2018


Counsel for the appellant Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Sardar Muhammad Saeed, DFO for respondents present. Learned DDA seeks adjournment. Adjourned. To come up for arguments on 20.03.2018 before S.B at camp court, Abbottabad.


Member

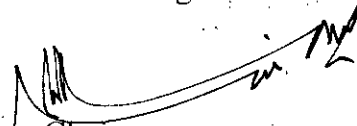

Chairman
Camp court, A/Abad.

20.03.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Shah Khalid, SDFO for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, this appeal is ^{returned} dismissed. 
Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman
Camp Court, Abbottabad.

ANNOUNCED
20.03.2018

736/15

13.02.2017

Appellant in person and Mr. Mudassir Hassan, SDFO alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder already submitted. Due to non-availability of D.B arguments could not be heard. To come up for final hearing on 19.07.2017 before the D.B at camp court, Abbottabad.

Member
Camp court, A/Abad

19.07.2017

Appellant in person and Mr. Muhammad Bilal, DDA alongwith Abdur Rashid, RFO for the respondents present. Due to general strike of the Bar, counsel for the appellant is not in attendance. Adjourned. To come up for final hearing on 16.10.2017 before the D.B.

Member

Chairman
Camp court, A/Abad

16.10.2017

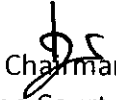
Appellant with counsel and Mr. Muhammad Bilal, Deputy District Attorney alongwith Abdur Rashid, Range Forest Officer for the respondents present. None is present on behalf of private respondent No. 10 hence proceeded ex-parte. Counsel for the appellant seeks adjournment. To come up for arguments on 16.1.2018 before the D.B at camp court, Abbottabad.

MA
Member

Chairman
Camp court, Abbottabad.


18.02.2016

Appellant in person, Mr. Ibrar Ahmed, SDFO for official respondents No. 1 to 8 alongwith Mr. Muhammad Saddique, Sr. GP and private respondent No. 10 in person present. None present for remaining private respondents No. 9, 11, 12 and 13. Proceeded ex-parte. Requested for adjournment. To come up for written reply/comments on 18.5.2016 before S.B at Cam Court A/Abad.


Chairman
Camp Court A/Abad

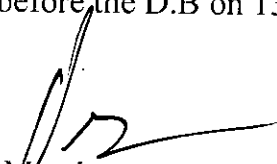
18.5.2016


Appellant in person and Mr. Sajid Forest Guard alongwith Mr. Muhammad Siddique Sr.GP for the official respondents and private respondent No. 10 in person present. Written reply by respondents No. 1 to 6 and private respondent No. 10 submitted. The appeal is assigned to D.B for rejoinder and final hearing for 21.09.2016 at Camp court, Abbottabad.


Chairman
Camp court, A/Abad

21.09.2016


Appellant in person and Mr. Mudassir, SDFO alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Rejoinder submitted. Due to strike of the bar counsel for the appellant is not in attendance. To come up for final hearing before the D.B on 13.02.2017 at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad.

15.9.2015

Agent of counsel for the appellant present. Counsel for the appellant is stated busy at Peshawar. Seeks adjournment. To come up for preliminary hearing on 19.10.2015 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

19.10.2015

Counsel for the appellant present. Seeks adjournment. Adjourned to 16.11.2015 for preliminary hearing before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

16.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Forest Guard and that his name was reflecting at S.No.3 and was entitled to promotion as Forester but deprived of the same and those junior to appellant were promoted vide impugned order dated 12.3.2015 regarding which he preferred departmental appeal on 26.3.2015 which was not responded and hence the instant service appeal on 1.7.2015.

That the appellant is entitled to promotion in preference to private respondents No. 7 to 13.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 18.2.2016 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 736/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01.07.2015	<p>The appeal of Mr. Taj Muhammad resubmitted today by Mr. Dildar Ahmad Khan Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	2-2-15	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>17-8-15</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
3.	17.8.2015	<p><i>None present for appellant.</i></p> <p><i>Notice to counsel for the appellant be issued for PH. for 15.9.2015 before SB at camp court A/abad.</i></p> <p style="text-align: right;"><i>[Signature]</i> Chairman Camp Court A/abad.</p>


This is an appeal filed by Mr. Taj Muhammad today on 16/06/2015 against the impugned order dated 12.03.2015 against which he preferred/made a departmental appeal on 26.3.2015 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- 1- Law under which appeal is filed is not mentioned.
- 2- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 961 /ST,

Dt. 17/6 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Dildar Ahmad Lughmani
Advocate Mansehra.

Resubmitted on dated :

**BEFORE THE SERVICE TRIBUNAL,
KPK PESHAWAR**

Appeal no- 736/2015

Taj MuhammadAppellant

VERSUS

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

SERVICE APPEAL

INDEX

S#	Particulars of documents	Annexure	Pages
1	Memo of service appeal alongwith affidavit.	1-9
2	Application for suspension.	10-11
3	Correct addresses of the parties.	12-13
4	Copy of the seniority list.	"A"	14-16
5	Copy of matric certificate.	"B"	17
6	Copy of the minutes of the meeting dated 10.03.2015.	"C"	18
7	Copy of the impugned order dated 12.03.2015.	"D"	19
8	Copy of the departmental appeal/representation.	"E"	20
9	Copies of the training certificates.	"F"	21-23
10	Wakalat Nama.	24

Dated 12.06.2015

Taj Muhammad
...Appellant

Through

(Signature)
DILDAR AHMED KHAN LUGHMANI,
Advocate Supreme Court,
Of Pakistan.

**BEFORE THE SERVICE TRIBUNAL,
KPK PESHAWAR**

Appeal no 736/15

**N.W.F. Province
Service Tribunal
Diary No. 720
Dated 16-6-2015**

Taj Muhammad son of Qalandar resident of
Sammundar Katha Nagri Bala, Tehsil and
District Abbottabad presently posted as Forest
Guard Bagnetar Range, Gallis Forest Division
AbbottabadAppellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Forest Department, Peshawar.
2. Chief Conservator of Forest Region-I, Khyber Pakhtunkhwa Peshawar.
3. Chief Conservator of Forest Region-II, Hazara Division, Abbottabad.
4. Conservator of Forest, Lower-Hazara Forest Circle, Abbottabad.
5. Divisional Forest Officer, Gallies Forest Division, Abbottabad.
6. Section Officer Establishment, FE & W Department, Government of Khyber Pakhtunkhwa Peshawar (Member D.P.C).
7. Sardar Muhammad Saleem, Sub-Divisional Forest Officer, Abbottabad (Member D.P.C).
8. Divisional Accountant Gallis Forest Division, Abbottabad.
9. Mr. Abdul Rasheed son of Abdul Khan, Forester Sub-Divisional Forest Office, Thandiani Abbottabad.
10. Mr. Muhammad Khursheed son of Ali Zaman, Forester Sub-Divisional Forest Office, Thandiani Abbottabad.
11. Mr. Zulfiqar son of Aziz-ur-Rehman, Forester Sub-Divisional Forest Office, Thandiani Abbottabad.
12. Gulistan Son of Qalandar Khan, Forester Sub-Divisional Forest Office, Bagnetar at Kala Bagh, Abbottabad.

Sundar
16/6/15

Filed to-day
16/6/15

Ex 183 (9)
16

Ex 16 (10)
16

re-submitted to-day and filed.

Ex 47 (11)
16

Ex 18 (12)
16

B. 18 ²/₁₀ - (13)

Fazal-ur-Rehman son of Aziz-ur-Rehman Forster Sub Divisional Forest Office, Thandiani AbbottabadRespondents.

SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 10.03.2015
IO.E. MINUTES OF THE MEEETING IN
THE SHGAPE OF SENIORITY LIST
PASSED BY RESPONDENTS NO.5 TO 7
VIDE WHICH THE SAID RESPONDENTS
WHILE PLACING THE NAME OF THE
APPELLANT AT SERIAL NO.3 PASSED
ADVERSE REMARKS AGAINST THE
APPELLANT AND AGAINST THE ORDER
DATED 12.03.2015 VIDE WHICH THE
RESPONDENT NO.5 WHILE DEPRIVING
THE APPELLANT FROM PROMOTION,
PROMOTED THE RESPONDENTS NO.9 TO
13 FROM BPS-07 AS FOREST GUARD TO
BPS-09 AS FORESTER.

PRAYER: -

On acceptance of the instant appeal, the impugned orders dated 10.03.2015 and 12.03.2015 may please be set aside and the adverse remarks against the appellant in the seniority list may please be ordered to be expunged and appellant may please be ordered to be promoted from the post of Forest Guard (BPS-07) to Forester (BPS-09).

Respectfully Sheweth!

1. That, the appellant was inducted/ appointed in the Forest Department as a Forest Guard in the year 1977.
2. That, the appellant is serving in the department since then and the appellant has unblemished and excellent service record so far.
3. That, the seniority list was prepared by respondents No.5 and the name of the appellant was placed at serial No.3 in the seniority list, the persons who were placed at serial No.1 and 2 in the seniority list are junior to the appellant and they are also under matric and untrained while the appellant is a fully trained and matriculate person.

(Copies of the seniority list and matric certificate are annexed as annexure "A" & "B").

4. That, later on, the respondents No.5 to 7 held a meeting for promotion of the Forest Guards and held a meeting on 10.03.2015 wherein the name of the appellant was placed at serial No.3 but adverse remarks were passed against the appellant in the minutes of the meeting and on the basis of that

remarks, the appellant was deprived from promotion.

(Copy of the minutes of the meeting dated 10.03.2015 is annexed as annexure "C").

5. That, the respondent No.5 promoted the respondents No.9 to 13 vide impugned order dated 12.03.2015.

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

6. That, when the appellant came to know about the impugned order, the appellant preferred departmental appeal/representation before the competent authority.

(Copy of the departmental appeal/representation is annexed as annexure "E").

7. That, the competent authority has not decided the appeal of the appellant so far.

8. That, the appellant is a fully trained person and he got the training from Sarhad Forest School Thai Abbottabad twice. Similarly, the appellant has also got training in Fire Technology from National Institute of Fire Technology, Islamabad.

(Copies of the training certificates are annexed as annexure "F").

9. That, as per law, rules and regulations, appellant challenges the impugned order vide instant appeal, on the following amongst the other grounds: -

GROUNDS

- i. That, the impugned order dated 10.03.2015 to the extent of adverse remarks against the appellant and order 12.03.2015 vide which the appellant was deprived from promotion are wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, without lawful authority, against the rules and regulations, based on malafide, un-constitutional, politically motivated, against the fundamental rights of the appellant as guaranteed by the constitution hence liable to be set aside and the appellant is entitled for promotion.

- ii. That, the respondent No.5 has not assigned any reasons while passing the impugned order.
- iii. That, the impugned order is not a speaking one and suffers from material illegality and irregularity.
- iv. That, in the previous seniority list, the appellant was also senior most but previously the appellant was also deprived from promotion. Similarly the appellant is senior most in the present seniority list as the appellant was appointed on 14.04.1977 and there is no other employee who is senior than the appellant.
- v. That, there is no adverse remarks/ACRs against the appellant and the appellant has a good service record, there is even not a single stigma on the service record of the appellant. No legal justification was available with the respondent No.5 to refuse the promotion of the appellant. The respondent No.5 has passed the adverse remarks against the appellant without any material and without affording any kind of opportunity to the appellant. In this

way, the appellant was condemned unheard which is against the principle of natural justice that no one should be condemned unheard.

- vi. That, the appellant is near to the age of superannuation and after four years, the appellant will retire from the department. The appellant has every right to be promoted keeping in view the service length of the appellant.
- vii. That, no departmental action has been taken so far against the appellant rather the appellant is quite fit for promotion and eligible for the same in every respect.
- viii. That, the reasons given by the respondents No.5 to 7 in the minutes of the meeting are totally wrong, illegal, against the law and facts.
- ix. That, the appellant can never be deprived from promotion on the basis of remarks given by respondents No.5 to 7 in the minutes of the meeting.
- x. That, the appellant has every right to be promoted from Forest Guard to the post of Forester as the appellant has

served in the department for a good length of time without any complaint from any quarter.


- xi. That, the respondents No.5 to 7 while passing the impugned orders overlooked and not considered the relevant provision of law, rules and regulations.
- xii. That, in promotion cases, such like remarks can never be passed against any government officials.
- xiii. That, the respondent No.9 to 13 was promoted by the respondent No.5 through impugned order under political pressure.
- xiv. That, the impugned order dated 10.03.2015 to the extent of adverse remarks and order dated 12.03.2015 passed by the respondents No.5 to 7 are wrong, illegal, against the law and facts, against the rules and regulations, based on malafide hence liable to be struck down.

PRAYER: -

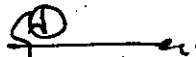
It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned orders dated

10.03.2015 and 12.03.2015 may please be set aside and the adverse remarks against the appellant in the seniority list may please ordered to be expunged and appellant may please be ordered to be promoted from the post of Forest Guard (BPS-07) to Forester (BPS-09).

Dated 12.06.2015


Taj Muhammad
...Appellant


Through


DILDAR AHMED KHAN LUGHMANI,
Advocate Supreme Court,
Of Pakistan.

AFFIDAVIT.

I, Taj Muhammad son of Qalandar resident of Sammundar Katha Nagri Bala, Tehsil and District Abbottabad presently posted as Forest Guard Bagnotar Range, Gallis Forest Division Abbottabad, Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated 12.06.2015


Taj Muhammad
(DEPONENT)

ATTESTED


Aurang Zeb Swati
ADVOCATE
Oath Commissioner
Distt: Courts Mansehra.

P-10

**BEFORE THE SERVICE TRIBUNAL,
KPK PESHAWAR**

Taj MuhammadAppellant

VERSUS

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

SERVICE APPEAL

**APPLICATION FOR SUSPENSION OF
OPERATION OF IMPUGNED ORDER
DATED 12.03.2015 TILL THE DISPOSAL
OF ABOVE-TITLED APPEAL.**


Respectfully Sheweth!

1. That, this application may please be considered as part and parcel of main appeal.
2. That, the appellant have a prima facie case and there is every hope of its success.
3. That, the balance of convenience also lies in favour of the appellant.
4. That, if the operation of impugned order dated 12.03.2015 has not been

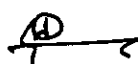
suspended then the appellant would suffer an irreparable loss.

It is, therefore, most humbly requested that the operation of impugned order dated 12.03.2015 may please be suspended till the disposal of main appeal.

Dated 12.06.2015


Taj Muhammad
...Appellant


Through


DILDAR AHMED KHAN LUGHMANI,
Advocate Supreme Court,
Of Pakistan.

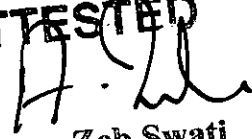
AFFIDAVIT.

I, Taj Muhammad son of Qalandar resident of Sammundar Katha Nagri Bala, Tehsil and District Abbottabad presently posted as Forest Guard Bagnetar Range, Gallis Forest Division Abbottabad, Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated 12.06.2015


Taj Muhammad
(DEPONENT)

ATTESTED


Aurang Zeb Swati
ADVOCATE
Oath Commissioner
Distt: Courts, Manshra.

**BEFORE THE SERVICE TRIBUNAL,
KPK PESHAWAR**

Taj MuhammadAppellant

VERSUS

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

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT

Taj Muhammad son of Qalandar resident of
Sammundar Katha Nagri Bala, Tehsil and District
Abbottabad presently posted as Forest Guard
Bagnetar Range, Gallis Forest Division
Abbottabad.

RESPONDENTS


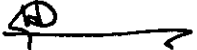
1. Government of Khyber Pakhtunkhwa through
Secretary Forest Department, Peshawar.
2. Chief Conservator of Forest Region-I, Khyber
Pakhtunkhwa Peshawar.
3. Chief Conservator of Forest Region-II,
Hazara Division, Abbottabad.
4. Conservator of Forest, Lower Hazara Forest
Circle, Abbottabad.
5. Divisional Forest Officer, Gallies Forest
Division, Abbottabad.
6. Section Officer Establishment, FE & W
Department, Government of Khyber
Pakhtunkhwa Peshawar (Member D.P.C).
7. Sardar Muhammad Saleem, Sub-Divisional
Forest Officer, Abbottabad (Member D.P.C).
8. Divisional Accountant Gallis Forest Division,
Abbottabad.

9. Mr. Abdul Rasheed son of Abdul Khan, Forester Sub-Divisional Forest Office, Thandiani Abbottabad.
10. Mr. Muhammad Khursheed son of Ali Zaman, Forester Sub-Divisional Forest Office, Thandiani Abbottabad.
11. Mr. Zulfiqar son of Aziz-ur-Rehman, Forester Sub-Divisional Forest Office, Thandiani Abbottabad.
12. Gulistan Son of Qalandar Khan, Forester Sub-Divisional Forest Office, Bagnotar at Kala Bagh, Abbottabad.
13. Fazal-ur-Rehman son of Aziz-ur-Rehman, Forester Sub-Divisional Forest Office, Thandiani Abbottabad.

Dated 12.06.2015

Taj Muhammad
...Appellant

Through




DILDAR AHMED KHAN LUGHMANI,
Advocate Supreme Court,
Of Pakistan.

FINAL SENIORITY LIST OF FOREST GUARDS IN RESPECT OF GALIS FOREST DIVISION ABBOTTABAD AS STOOD ON 31.1.2015.									
S#	Name of Forest Guard	Father's Name	Date of Birth	Date of appointment	Qualification	Trained/Un-trained	BPS	Parent Division	Dated of Arrival in Division
1		3	4	5	6	7	8	9	10
1	Hakim Khan	Mohammad Yousaf	12.11.1956	16.6.1977	Matric	Trained	7		
2	Mohammad Riaz	Saidan Khan	18.12.1955	2.8.1977	U/Matric	Untrained	7		
3	Taj Mohammad	Qalandar Khan	2.10.1959	14.4.1977	Matric	Trained	7	Daur W/Sher	30.6.1980
4	Abdur Rashid	Abdul Khan	2.9.1959	4.4.1982	Matric	Trained	7		
5	Muhammad Khurshid	Ali Zaman	5.12.1960	4.4.1982	FA	Trained	7	Galis F.Division	
6	Mr. Zulfqar	Azizur Rehman	10.11.1963	4.4.1982	Matric	Trained	7	Galis F.Division	
7	Gulistan Khan	Qalandar Khan	15.12.1955	31.5.1982	FA	Trained	7		
8	Mr. Muhammad Rafique	Mir ahmed	24.4.1963	1.6.1982	Matric	Trained	7		
9	Fazalur Rehman	Azizur Rehman	12.4.1961	3.8.1982	Matric	Trained	7		
10	Mohammad Iqbal	Kala Khan	22.2.1963	3.6.1982	Matric	Trained	7		
11	Mohammad Riaz	Lal Khan	30.6.1960	5.6.1982	Matric	Trained	7		
12	Khurshid Ahmed	Sher Zaman	1.1.1962	15.7.1980	Matric	Trained	7	Siran F.Division	5.11.1983
13	Mohammad Pervaiz	Taj Mohammad	9.6.1960	26.9.1983	Middle	Trained	7		
14	Abdul Qayum	Miskeen Khan	1.8.1964	1.4.1983	Matric	Trained	7	Guz:Demarcation	16.3.1985
15	Mohammad Fiaz	Sher Ahmed	20.3.1965	15.1.1987	Matric	Trained	7		
16	Mohammad Yousaf	Ghulab Khan	15.10.1968	16.2.1987	Matric	Trained	7		
17	Ghulam Mujtaba Shah	Ghulab Shah	2.2.1968	10.4.1988	D.Com	Trained	7		
18	Wajid Hussain	Mohammad Siddique	1.2.1969	12.4.1988	Matric	Trained	7		
19	Asif Khan	Mohammad Sabir Khan	20.3.1969	28.7.1988	BA	Trained	7		
20	Mohammad Tariq	Mohammad Akbar	25.12.1967	28.1.1988	Matric	Trained	7		
21	Khawal Mohammad	Sarwar Khan	20.5.1964	20.7.1988	Matric	Trained	7		
22	Gul Khitab	Lal Khan	4.5.1966	13.9.1990	Matric	Trained	7		
23	Mohammad Mumtaz	Mohammad Irfan	16.1.1967	12.2.1985	Matric	Trained	7		
24	Mohammad Pervaiz	Lal Khan	16.4.1967	22.10.1990	Matric	Trained	7		
25	Aftab Mehmood	Halder Zaman	13.3.1969	27.10.1990	Matric	Trained	7		
26	Mohammad Maqbool	Mohammad Ashraf	1.1.1969	29.9.1991	Matric	Trained	7		

Annexure

EA 3

P-14

Attested

Dildar Ahmad Khan Lughmani
Advocate
Pakistani Mansohra

27	Ghulam Mustafa	Said Zaman	15.1.1966	28.11.1991	Matric	Trained	7	
28	Akhtar Nawaz	Mohammad Akbar	3.1.1974	4.8.1992	Matric	Trained	7	
29	Zahid Hussain Shah	Syed Muhammad Shah	5.2.1971	18.10.1993	Matric	Trained	7	
30	Shahzad Hussain	Shah Zaman	17.6.1967	7.10.1987	Matric	Trained	7	
31	Muhammad Javed	Fazal Dad	13.8.1964	29.11.1984	Middle	Trained	7	Soka Nullah 8.3.1994
32	Mohammad Javed	Mohammad Zaman	1.5.1970	21.6.1990	Matric	Trained	7	Unhar W/Shed 26.7.1995
33	Mumtaz Ahmed	Mohammad Ashraf	15.5.1972	24.9.1991	Matric	Trained	7	Haripur F.Division 4.8.1996
34	Imdad Hussain Shah	Mohammad Shah	7.5.1966	17.7.1984	Matric	Trained	7	HSF Project 7-10-1996
35	Mr. Nizakat Khan	Sher Mohammad	7.4.1963	16.4.1985	Matric	Trained	7	Soka Nullah 20.12.1996
36	Aurangzeb	Sher Khan	24.6.1958	3.4.1983	Matric	Trained	7	Siran F/Division 24.12.1996
37	Abdur Rashid	Mohammad Hussain	6.2.1969	28.9.1991	Matric	Trained	7	Haripur F.Division 11.2.1997
38	Mohammad Khalid	Yar Ali	11.3.1961	20.2.1985	Matric	Trained	7	HSF Project 4.6.1997
39	Zain Mohammad	Lal Khan	1.1.1961	14.11.1984	U/Matric	Untrained	7	HSF Project 23.5.2002
40	Saeed Akhter	Mohammad Afsar	6.5.1959	20.4.1985	Matric	Trained	7	Soka Nullah 8.6.2002
41	Ali Mardan	Muhammad Alam	15.3.1964	17.2.1985	Matric	Trained	7	Soka Nullah 8.6.2002
42	Mohammad Jamshaid	Mohammad Akram	15.1.1969	11.10.1987	Matric	Trained	7	Soka Nullah 12.8.2002
43	Mohammad Nazir	Mohammad Ifari	1.1.1966	11.1.1984	Matric	Trained	7	Soka Nullah 14.11.2003
44	Abdur Razaq	Mohammad Ishaq	4.6.1968	22.8.1987	Matric	Trained	7	Soka Nullah 20.8.2004
45	Mohammad Azam	Mohammad Aslam	22-11-1959	21.6.1984	FA	Trained	7	Soka Nullah 3.5.2005
46	Mr. Saeed Akhter	Muhammad Iqbal	12.4.1975	24.3.2007	Matric	Trained	7	Soka Nullah 15-12-2006
47	Sher Afzal	Mir Afzal	4/3/1983	24-3-2007	Matric	Untrained	7	-
48	Abdul Ghafoor	Abdul Qayyum	12/12/1959	24-6-1984	Matric	Trained	7	Soka Nullah 2/10/2007
49	Malik Arif Zeb	Malik Aurangzeb	20.5.1974	31.4.2006	Matric	Trained	7	-
50	Aziz ur Rehman	Abdur Rehman	26.3.1976	11.4.2006	Matric	Trained	7	-
51	Gul Faraz	Mohammad Afzal	10.2.1972	20.2.2009	Matric	Trained	7	-
52	Muhammad Asif	Muhammad Afsar	4.2.1969	26.1.1992	Matric	Trained	7	-
53	Mehran Khan	Liaqat Ali Khan	6.5.1985	2.12.2006	FA	Untrained	7	Hazara Social F 9.10.2007
54	Qazi Mohammad Ajmal	Qazi Abdur Rauf	20.4.1962	13.7.1980	Matric	Trained	7	Daur W/Sher 30.4.2009
55	Ishtiaq Ahmed	Mohammad Sarwar Khan	10.2.1980	21.8.1980	Middle	Trained	7	Siran W/Shed 1.12.2009
56	Qaiser Hayat	Bashir Ahmed	5.10.1966	10.8.1985	Matric	Untrained	7	Daur W/Sher 1.12.2009

Annexure

A³
P-15

Attested
(Signature)

Dildar Ahmed Khan Lughmani
Advocate Supreme Court Of
Pakistan Manshera

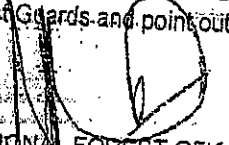
57	Dur-e Aman	Ali Bahadar	24.8.1958	3.3.1985	Middle	Trained	7	Soka Nullah	1.4.2010
58	Mr. Shamraiz	Ali Bahadar	20.9.1967	20.11.1991	Matric	Trained	7	Hazara Social	18.10.2012
59	Mr. Charzeb.	Goher Ali	11.11.1962	28.6.1984		Trained	7	Soka Nullah	21.8.2013
60	Mr. Muhammad Tahir	Taj Mohammad	10.4.1982	19.3.2013	FA	un-trained	7	Galis F.Division	19.3.2013
61	Mr. Asad-ur-Rehman.	Yousaf-ur-Rehman	29.1.1993	19.7.2013	FSc	un-trained	7	Galis F.Division	19.7.2013
62	Mr. Nazir Ahmed	Gul Hussain	10.4.1968	16.2.1987		Trained	7	Soka Nullah	21.8.2013
63	Sajid Mehmood	Abdul Rahim	12.04.1966	1.8.1985	BA	un-trained	7	DC Office	21.8.2013
64	Syed Sajjad Hussain	Syed Makhan shah	10.10.1969	25.11.1989	Matric	un-trained	7	Daur WShed	21.8.2013


Annexure

A-3

P-16

No. 5166 /E, dated Abbottabad the 7/1/2015.
 Copy forwarded to all Sub Divisional Forest Officers/Range Forest Officer Birangal for information. They are directed to communicate the above seniority list to all Forest Guards and point out if any discrepancies notice so that necessary correction could be made in it.


 DIVISIONAL FOREST OFFICER
 GALIS FOREST DIVISION
 ABBOTTABAD

Attested


Dildar Ahmed Khan Lughmani
 Advocate Supreme Court Of
 Pakistan Mansehra

S. No 264250

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 1709

Board Of Intermediate And Secondary Education

Peshawar N. W. F. P. Pakistan



Annexure

{B}

P-17

Secondary School Certificate Examination

SESSION 1979 (ANNUAL)

This is to certify that Taj Mohammad
Son/Daughter of Qalandar Khan
and a student of Abbottabad District.

has passed the **SECONDARY SCHOOL CERTIFICATE EXAMINATION**
of the Board of Intermediate and Secondary Education, Peshawar held in April 1979
as a Private candidate He/She obtained 389 Marks out of ~~850/900/1000~~ x
and has been placed in Grade D Representing Fair.

The Candidate passed in the following subjects:

1. English
2. Urdu
3. Islamiyat
4. Pakistan Studies.
5. General Science.
6. General Mathematics.
7. Islamic Studies.
8. Civics.


Date of birth according to admission form is Second October,
one thousand nine hundred and Fifty Nine (2-10-1959)


Asstt. Secretary

11th August 1979


SECRETARY.

This certificate is issued without alteration or erasure.

Attested


Dildar Ahmed Khan Lughmani
Advocate Supreme Court Of
Pakistan Manshera

MINUTES OF THE MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE HELD ON 10.03.2015 IN THE OFFICE OF DIVISIONAL FOREST OFFICER GALIS FOREST DIVISION ABBOTTABAD.


A meeting of the Departmental Promotion Committee was held in the office of the Divisional Forest Officer Abbottabad on 10.03.2015 to scrutinize/examine the service record of the Forest Guard for promotion to the rank of Forester. The following attended the meeting:-


1. Mr. Azhar Ali Khan,
Divisional Forest Officer,
Galies Forest Division, Abbottabad,
2. Mr. Mir Zali Khan,
Section Officer(Estt),
Forestry, Environment & Wildlife Department,
Govt: of Khyber Pakhtunkhwa.
3. Sardar Muhammad Saleem,
Sub Divisional Forest Officer,
Abbottabad,

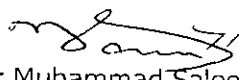
Annexure
EC
 Dildar Ahmed Khan Lughmani
 Advocate Supreme Court Of
 Pakistan Mansehra

The service record of Forest Guards i.e. Annual Confidential reports etc on the basis of seniority list has been considered/scrutinized/examined by the committee for the promotion to the rank of Forester under the respective rule. The recommendation of the committee is as follow against each official.

#	Name of Forest Guard	Remarks.
1	Mr. Hakim Khan S/O Muhammad Yousaf	Un-trained – Not eligible for promotion.
2	Mr. Muhammad Riaz S/O Saiden Khan	Un-trained – Not eligible for promotion.
3	Mr. Taj Muhammad S/O Qalander Khan	Poor record – PER below average –He has been superseded for 2 nd time.
4	Mr. Abdur Rasheed S/O Abdul Khan	Recommended for promotion to the rank of Forester.
5	Mr. Muhammad Khurshid S/O Ali Zaman	Recommended for promotion to the rank of Forester.
6	Mr. Zulfiqar S/O Aziz-ur-Rehman	Recommended for promotion to the rank of Forester.
7	Mr. Gulistan Khan S/O Qalander Khan	Recommended for promotion to the rank of Forester.
8	Mr. Muhammad Rafique S/O Mir Ahmed.	Not considered. He was compulsorily retired from service. He got stay order from the High Court Circuit Bench Abbottabad on his compulsorily retirement.
9	Mr. Fazal-Ur-Rehman S/O Aziz-Ur-Rehman.	Recommended for promotion to the rank of Forester.


 Divisional Forest Officer
 Galies Forests Division
 Abbottabad
 (Chairman)


 Section Officer (Estt)
 FE & W Department
 Govt: of Khyber Pakhtunkhwa
 Peshawar (Member)


 Sardar Muhammad Saleem
 Sub Divisional Forest Officer
 Abbottabad (Member)

For Personal File

OFFICE ORDER NO. 154 DATED ABBOTTABAD THE 12/3/2015 ISSUED BY MR. AZHAR ALI KHAN DIVISIONAL FOREST OFFICER GALIS FOREST DIVISION ABBOTTABAD.

In pursuance of the recommendations of the departmental promotion committee constituted vide office order No. 149 dated 2.3.2015, held on 10.3.2015 in the office of undersigned the following forest guards are hereby promoted to the rank of Forester (BPS No. 09= Rs. 6200-380-17600) against the existing vacancies in Galis Forest Division Abbottabad in the best interest of public service with immediate effect.

#	Name	Father's name
1	Mr. Abdur Rasheed	Abdul Khan
2	Mr. Muhammad Khurshid	Ali Zaman
3	Mr. Zulfiqar	Aziz-ur-Rehman
4	Mr. Gulistan	Qalander Khan
5	Mr. Fazal-ur-Rehman	Aziz-ur-Rehman

Annexure

{ D }

Dildar Ahmed Khan Lughmani
Advocate Supreme Court Of
Pakistan Manshera

The promotion is purely temporary therefore it is liable to reversion at any time without assigning any reason. As per rules the promoted Foresters have to undergo probation period.

Sd/- (Azhar Ali Khan)
Divisional Forest Officer
Galis Forest Division
Abbottabad.

Memo:

Copy forwarded to the:-

1. Conservator of Forests Lower Hazara Forest Circle Abbottabad for favour of information with reference to his office letter No. 9092/GE, dated 5.3.2015.
2. Sub Divisional Forest Officer Abbottabad for information.
3. Divisional Accountant Galis Forest Divisional Abbottabad for information.
4. Mr. Abdur Rasheed C/O Sub Divisional Forest Officer Dungagali for information.
5. Mr. Muhammad Khurshid C/O Sub Divisional Forest Officer Thandiani for information.
6. Mr. Zulfiqar C/O Sub Divisional Forest Officer Abbottabad for information.
7. Mr. Gulistan C/O Sub Divisional Forest Officer Bagnotar for information.
8. Mr. Fazal-ur-Rehman C/O Sub Divisional Forest Officer Dungagali for information.
9. Personal files for record.

10. Office order file.

Divisional Forest Officer
Galis Forest Division
Abbottabad

Annexure

To

The Worthy Conservator of Forest,
Lower Hazara Circle,
Abbottabad.

P-90

E 3

Attested

Dildar Ahmed Khan Lughmani
Advocate Supreme Court Of
Pakistan Manshera

Subject: APPEAL AGAINST OFFICE ORDER NO. 154 DATED
12/03/2015 ISSUED BY DFO GALIS ABBOTTABAD.

Through: PROPER CHANNEL.

Sir,

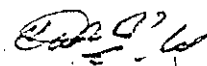
I beg to submit as under:-

1. Recently DFO Galis Abbottabad constituted a committee for promotion from Forest Guards to Forester vide office order No. 149 dated 12/03/2015.
2. Section Officer Establishment did not attend the meeting on the scheduled date but signed the minutes of the meeting which is against norms of justice.
3. I was placed at serial No. 3 of the seniority lists as stood on 31/01/2015. These lists were not circulated which is against the rules.
4. My juniors have been promoted vide order under appeal and I demanded copy of the order and minutes of the meeting but competent authority verbally refused to supply me the record which is my basic right.
5. I am trained from Sarhad Forest School Thai.
6. No adverse ACR has ever been conveyed to me.
7. No departmental action or Anticorruption case is in progress against me.
8. No reasons for disallowing promotion has been conveyed to me officially.

It is, prayed that I may be promoted, and given my basic right like others. I may be heard in person please.

Yours Obediently

Dated: 26/03/2015



Taj Muhammad
Forest Guard

Annexure

2F3

P-21

SARHAD FOREST SCHOOL
ABBOTTABAD



Dildar Ahmed Khan Lughmani
Advocate Supreme Court Of
Pakistan, Mansehra

This is to certify that Mr. Taj Mohammad
S/o Qalandar Khan Caste Karal Distt. Abbottabad.

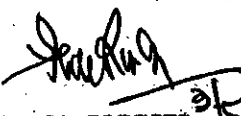
passed successfully through the course of training prescribed for the
Forest Guard Class from Sarhad Forest School, Abbottabad in the Session

1980 and awarded ^{Honours} Higher Standard _{Lower Standard} certificate.

His position in order of merit was 21st out of 49 Trainees.


Principal,
SARHAD FOREST SCHOOL,
ABBOTTABAD.

Abbottabad, the 3rd May 1980.


CONSERVATOR OF FORESTS,
ABBOTTABAD CIRCLE.

Annexure
EF3

CERTIFICATE



Attested
Dildar Ahmed Khan Lughmani
Advocate Supreme Court Of
Pakistan Mansehra

P- 22

This is to certify that


MR. TAJ MUHAMMAD

successfully completed

5TH UPGRADATION COURSE FOR FOREST GUARDS

March - May, 2003

at Sarhad Forest School, Abbottabad, Thai


HAIDER ZAMAN
PRINCIPAL
SARHAD FOREST SCHOOL
ABBOTTABAD, THAI


S. NOOR AFZAL SHAH
DIRECTOR
ID/HUMAN RESOURCE DEVELOPMENT
PESHAWAR

P-23

No. FPOF-17-199

Government of Pakistan

Regn No. 92-NIF-6801

National Institute of Fire Technology

Islamabad



Certificate

Annexure

E.F.
Attested
[Signature]

Dildar Ahmed Khan Lughmani
Advocate Supreme Court Of
Pakistan Mansehra

MR. TAJ MOHAMMAD S/O QALANDAR KHAN

of Galies Division, Abbottabad has attended

F.P.O. (Short) for Forests Course No. 17

at this institution from 3-10-1992 to 15-10-1992 and qualified.

Date

[Signature]
Director Training

[Signature]
Director

وکالت نامہ

بعدالت جناب سروس ٹرسٹوں کے لٹریچر
ذات محمد بنام گورنمنٹ آف پاکستان

دعویٰ یا جرم سروس ایپل منجانب ایڈووکیٹ

باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے بیرونی وجوہات ہی بمقام لٹریچر

دلدار احمد خان لغھمانی ایڈووکیٹ سپریم کورٹ آف پاکستان

بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرداخت صاحب مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے، نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کاروبار وصول کرانے اور رسید دینے اور داخل کرانے کا ہر قسم بیان دینے اور سپرد تالی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناع یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا تین علیحدہ بیرونی مختیار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل اور اپیل کے واسطے کسی دوسرے وکیل یا ایئر مشر کو بجائے اپنے ہمراہ مقرر 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 مختیار نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔
المرقوم

بعد البعد البعد

ذات محمد

ATTESTED & ACCEPTED

DILDAR AHMED KHAN LUGHMANI,
Advocate Supreme Court,
of Pakistan.

Appeal No. 736/15

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Taj Muhammad son of Qalander resident of Samaundar Katha Nagri Bala, Tehsil and District Abbottabad.

APPELLANT.

VERSUS

1. Secretary Forestry, Environment Wildlife Department Govt; of Khyber Pakhtunkhwa Peshawar.
2. Chief Conservator of Forests Central Southern Forest Region-I Peshawar.
3. Chief Conservator of Forests Northern Forest Region-II Abbottabad.
4. Conservator of Forests Lower Hazara Forest Circle Abbottabad.
5. D.F.O.Galis Forest Division Abbottabad.
6. Section Officer Establishment, Forestry, Environment and Wildlife Department Peshawar.
7. Sardar Muhammad Saleem Sub Divisional Forest Officer Abbottabad.
8. Divisional Accountant Galis Forest Division Abbottabad.

.RESPONDENTS

Parawise comments on behalf of Respondent No. 1 to 8.

Respectfully Sheweth;

PRELIMINARY OBJECTIONS;

- I. The appeal is not maintainable in its present form.
- II. The appellant has no locus standi to bring the present appeal.
- III. The appellant is estopped by his own conduct to bring the present appeal.
- IV. The appeal is bad due to non-joinder of necessary and mis-joinder of un-necessary parties.
- V. The appeal is time barred.
- VI. The honorable Tribunal has got no jurisdiction to entertain the appeal.
- VII. That the appellant has suppressed the original facts from this honorable Service Tribunal.
Hence appellant is not entitled for any relief and appeal is liable to be dismissed without any further proceeding.

ON FACTS.

1. The appellant Forest Guard was appointed during the year 1977.
2. The record of the Forest Guard has been checked and awarded the following punishment:-

#	Particulars of case	Office order No. and date	Nature of penalty
1	Involvement in illicit damage in Malach beat of Dungagali Forest Sub Division	DFO Galis office order No. 121 dated 8.10.1990	i. Suspension period from 1.1.1989 to 31.12.1989 treated as leave without pay. ii. The absence period 29.9.1989 to 1.10.1989, 18.1.1990 to 21.1.1990 and 5.2.1990 to 6.3.1990 treated as leave without pay. iii. Two annual increments falling due on 1.12.1990 and 1.12.1991 stopped without cumulative effect.
2	Absence from duty	DFO Galis office order No. 132 dated 11.12.1994	Absence period from 15.11.1992 to 26.11.1992 treated as leave without pay. Character Roll warning.

3242
P

3	Illicit damage in forests	79 dated 25.12.1996	Stoppage of two annual increments falling due on 1.12.1997 and 1.12.1998. Character roll warning.
4	Illicit damage in Bagh RF	191 dated 31.12.1996	Compulsorily retired from service. <u>Note:- (Later appellat authority reinstated him)</u>
5	Willful absence from duty	386 dated 3.6.1998	Absence period from 24.5.1998 to 28.5.98 treated as leave without pay. (Copy attached as annexure-I)
6	Illicit damage in his beat.	106 dated 28.5.2003	Annual increment falling due on 1.12.2003 and 1.12.2004 stopped with cumulative effect.
7	Absence from duty	47 dated 17.11.2007	Annual increment falling due on 1.12.2007 and 1.12.2008 stopped with cumulative effect. Absence period 10.2.2007 to 28.2.2007 treated as leave without pay. (Copy attached as annexure-II)
8	Absence from duty	310 dated 12.3.2012	Absence period 26.5.2011 to 28.6.2011 treated as leave without pay. (Copy attached as annexure-III)
9	Absence from duty	66 dated 30.11.2012	Absence from duty w.e.f. 1.2.2012 to 3.8.2012 (185 days) treated as leave without pay.
10	Absence from duty	92 dated 9.12.2015	Compulsorily retired from service. (Copy attached as annexure-IV)

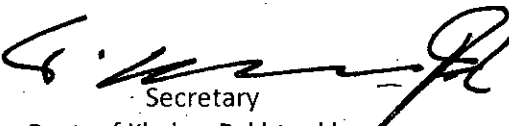
3. Para No. 03 is related to record.
4. It is in-correct, hence denied in fact a departmental Promotion Committee meeting was held in the office of Divisional Forest Officer Galis Forest Division Abbottabad on 10.3.2015. All the record of the appellat Forest Guard has been checked and recorded remarks that; Poor record-PER below average-Not considered. (Copy of Minuts of the meeting attached as annexure-V)
5. The respondents No. 09 to 13 were promoted on the basis of their best record.
6. Due to poor record the appellat Forest Guard was deferred and he filed an appeal before the Conservator of Forest Lower Hazara Circle Abbottabad against the promotion order which is not based on fact.
7. It is incorrect. The competent Authority i.e. Conservator of Forest Lower Hazara Forest Circle Abbottabad decided the appeal of the appellat Forest Guard vide his office letter No. 4750/GE, dated 13.11.2015 (Copy attached as annexure-VI)
8. It is related to record.
9. In-correct and appeal is liable to be dismissed.

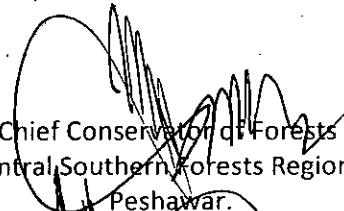
GROUND.

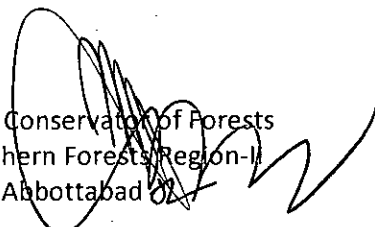
- I. In correct hence denied in fact all the record of the appellat Forest Guard has been checked by the departmental Promotion Committee and reach to the conclusion that the PERs of Forest Guard is below average and cannot be considered. The ACRs synopsis of the appellat Forest Guard is attached as annexure-VI.
- II. It is incorrect. Clearly mentioned in the Minutes of the meeting held in the office of Divisional Forest Officer Galis Forest Division Abbottabad on 10.3.2015 that due to below average PER the appellat cannot be considered for promotion.

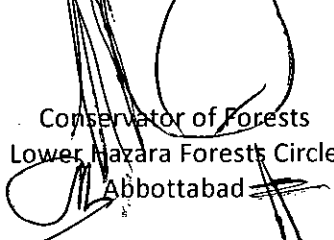
- III. It is incorrect. The promotion order passed by the competent authority after detail scrutiny of all the record and completion of all the codal formalities.
- IV. As explained in Para-I above.
- V. As explained in para-1 above further stated that the appellant has awarded punishment as mentioned in Para No. 02 of the facts.
- VI. Due to absence from duty the appellant Forest Guard compulsorily retired from service as mentioned in para-2 above.
- VII. In-correct hence denied. The appellant awarded punishment as mentioned in Para NO. 02 of the facts further stated that the appellant has compulsorily retired by the authority due to his willful absence from duty.
- VIII. In-correct hence denied.
- IX. In-correct hence denied complete reply has been given in above Paras.
- X. Incorrect hence denied in fact the Conservator of Forests Lower Hazara Forest Circle Abbottabad decided the appeal of the appellant Forest Guard as mentioned in the para-07 of facts above.
- XI. As explained in para-04 of facts.
- XII. In-correct detail has been given in above Paras.
- XIII. In-correct in facts the respondent No. 9 to 13 was promoted due to excellent record.
- XIV. In-correct hence denied. Order dated 10.3.2015 and 12.3.2015 passed by the authority as per law and rules.

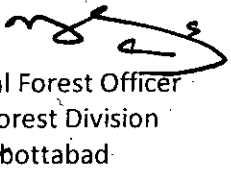
It is therefore, humbly prayed that on acceptance of above reply the instant appeal may graciously be dismissed with costs.

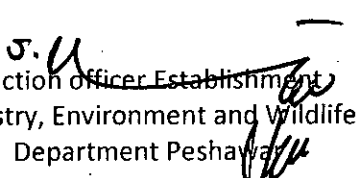

Secretary
Govt: of Khyber Pakhtunkhwa
Forestry, Environment and Wildlife
Deptt: Peshawar.


Chief Conservator of Forests
Central Southern Forests Region-I
Peshawar.


Chief Conservator of Forests
Northern Forests Region-II
Abbottabad


Conservator of Forests
Lower Hazara Forests Circle
Abbottabad


Divisional Forest Officer
Galis Forest Division
Abbottabad


Section Officer Establishment
Forestry, Environment and Wildlife
Department Peshawar

Taj Muhammad son of Qalander resident of Samaundar Katha Nagri Bala, Tehsil and District Abbottabad.

APPELLANT.

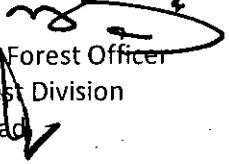
VERSUS

1. Secretary Forestry, Environment Wildlife Department Govt; of Khyber Pakhtunkhwa Peshawar.
2. Chief Conservator of Forests Central Southern Forest Region-I Peshawar.
3. Chief Conservator of Forests Northern Forest Region-II Abbottabad.
4. Conservator of Forests Lower Hazara Forest Circle Abbottabad.
5. D.F.O.Galis Forest Division Abbottabad.
6. Section Officer Establishment, Forestry, Environment and Wildlife Department Peshawar.
7. Sardar Muhammad Saleem Sub Divisional Forest Officer Abbottabad.
8. Divisional Accountant Galis Forest Division Abbottabad.

RESPONDENTS

COUNTER AFFIDAVIT.

The undersigned do hereby solemnly affirm and declare on oath that the contents of our written reply in the appeal is correct to the best of my knowledge and record, nothing has been concealed from the Honourable tribunal.


Divisional Forest Officer
Galis Forest Division
Abbottabad

Annexure-I (2/2)

OFFICE ORDER NO. 386 DATED ABBOTTABAD THE 03 / JUNE, 1998 ISSUED BY MR. AMANULLAH KHAN, DIVISIONAL FOREST OFFICER, GALIS FOREST DIVISION, ABBOTTABAD.

Whereas the Range Officer, Bagnoter vide his letter No.160/BR, dated 29/5/1998 has reported that Mr. Taj Mohammad Forest Guard incharge Bandi Guzara Beat absented himself from duty with effect from 24/5/1998 to 28/5/1998 without any intimation/prior sanction of leave from the competent authority.

And whereas, the Forest Guard was required to be proceed against under the provisions of Government Servants E&D Rules, 1973 but taking a lenient view this time the period of absence is treated as extre-ordinary leave/leave without pay but would count toward pension. However, the Forest Guard is warned to be careful in future.

Sd/-(Amanullah Khan)
Divisional Forest Officer,
Galís Forest Division,
Abbottabad.

.....

Memorandum

Copy forwarded to the:-

- 1- Range Forest Officer, Bagnoter Range for information with reference to his letter No.160/BR, dated 29.5.98.
- 2- The Divisional Accountant for information.

9c
Divisional Forest Officer,
Galís Forest Division,
Abbottabad.

.....

Attested

Divisional Forest Officer
Galís Forest Division
Abbottabad

OFFICE ORDER NO. 47 DATED ABBOTTABAD THE 17 /11/2007, ISSUED BY
MR. RUSTAM KHAN DIVISIONAL FOREST OFFICER GALIS FOREST DIVISION
ABBOTTABAD.

347

Read with

1. SDFO Dungagali absence reports vide his NO. Nil dated 26-2-2007 and No. Nil dated 23-4-2007.
2. Charge sheet alongwith memo of allegation served vide DFO Galis letter No. 6149-53/E, dated 28-4-2007.
3. Reply of the accused official alongwith supporting documents (photo copies) dated nil.
4. Statement of Mr. Taj Mohammad Forest Guard dated 15-6-2007.
5. Enquiry report vide letter No. 06/Camp dated 16-08-2007.
6. Show cause notice bearing No. 926/E, dated 20-8-2007.
7. Personal hearing dated 10-11-2007

Brief History of the case.

Mr. Taj Mohammad Forest Guard absconded himself from the assigned duty without any permission with effect from 10-2-2007 to 28-2-2007 as per reports of SDFO Dungagali vide No. Nil dated 26-2-2007 and 23-4-2007.

The short fall noticed on the part of Forest Guard were found against the service decorum and hence proceeded against under the special powers ordinance 2000.

Disciplinary proceeding

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations enquiry committee constituted vide No. 6149-53/E, dated 12-1-2007. The enquiry committee conducted the enquiry against the accused official strictly in accordance with the provisions of special power ordinance 2000 with reference to the allegation leveled against the accused official in the charge sheet served upon him. The accused official submitted his written reply dated nil to the enquiry committee, received on 12-6-2007. The committee observed the witnesses and recorded statements, cross examined and perused relevant record on 15-6-2007, concluded the case on merit and submitted findings vide No. 6/Atd dated 16-08-2007. As per findings of Enquiry Committee charges of in-efficiency and Mis-conduct leveled against the accused official found established/proved and the committee recommended minor penalty. On receipt of finding of enquiry committee show cause notice bearing No. 926/E, dated 20-8-2007 was served upon the accused official. The accused official submitted his reply to the show cause notice dated 5-11-2007 which was found un-satisfactory. The accused official was also heard in person on 10-11-2007 where he failed to convince in his favour.

DISCUSSION

Perusal of written reply of the accused official, cross examination and other available record in the enquiry file it reveals that the accused Forest Guard failed to perform his duty. Papers indicate that the accused official absconded from his assigned duty due to which his superior officer faced great hard-ship in protection of forests.

The accused official failed to inform the competent authority as well as immediate officer about the situation.

From the available record, it is crystal clear/proved that Forest Guard remained absent from assigned duty.

The accused official being member of Forest Force as per section 74 of NWFP Forest Ordinance 2002 has performed poorly, remained absent willfully, hence he vitiated the

Attested
Divisional Forest Officer
Galisi Forest Division
Abbottabad

3/19

service discipline wittingly, which is a grave nature offence on his part. Hence charges leveled against Mr. Taj Mohammad Forest Guard i.e. In-efficiency, Mis-conduct stand proved as per findings of enquiry committee.

ORDER

Now therefore I Mr. Rustam Khan Divisional Forest Officer Galis Forest Division Abbottabad in the capacity of Authority under Section-2 (a) and 08 of the Removal from Service (Special Power) Ordinance 2000 agree with the findings of Enquiry Committee & do hereby order the stoppage of two annual increments due on 1.12.2007, 1/12/2008 with accumulative effect of the accused official viz; Mr. Taj Mohammad Forest Guard in the interest of public service.

The absence period w.e.f 10.2.2007 to 28.2.2007(19 days) will be treated as ^{as} left without pay.

Sd/- (RUSTAM KHAN)
DIVISIONAL FOREST OFFICER
GALIS FOREST DIVISION
ABBOTTABAD.

Memorandum:-

- Copy forwarded to the:-
1. Conservator of Forest Abbottabad Circle Abbottabad for information please.
 2. Divisional Forest Officer Patrol Squad Division Abbottabad for information. He is requested to deliver the above order to Forest Guard concerned under proper receipt which may be sent to this office record and further necessary action.
 3. Divisional Accountant Galis Forest Division Abbottabad for information and necessary action
 4. Mr. Taj Mohammad Forest Guard C/O Divisional Forest Officer Patrol Squad Division Abbottabad for information.
 5. Personal file for record.

Ry
DIVISIONAL FOREST OFFICER
GALIS FOREST DIVISION
ABBOTTABAD.

Attested
[Signature]
Divisional Forest Officer
Galis Forest Division
Abbottabad

377 Annex-II


OFFICE ORDER NO. 310 DATED ABBOTTABAD THE 12 /3/2012 ISSUED BY
MR. NASIM HIJAZI DIVISIONAL FOREST OFFICER GALIS FOREST DIVISION
ABBOTTABAD.

READ WITH.

1. Damage list prepared by Block Officer Birangali dated 9.6.2011 received through Range Forest Officer Birangali letter dated 15.6.2011.
2. Block Officer Birangali letter dated 15.6.2011 received through Range Forest Officer Birangali dated 15.6.2011
3. Divisional Forest Officer Galis letter No. 4799-4804/E, dated 24.6.2011
4. Charge sheet.
5. SDFO Patrol Squad Abbottabad (Enquiry committee) No. 11/11-12 dated 10.9.2011.
6. Divisional Forest Officer Galis letter No. 1296/E, dated 24.9.2011.
7. Application for leave produced by the accused Forest Guard.
8. Reply of the charge sheet submitted by the accused official dated 3.12.2011 alongwith medical certificate.
9. Statement of Mr. Abdur Rasheed Range Forest Officer dated 17.12.2011.
10. Cross-examination of Abdur Rasheed Range Forest Officer dated 17.12.2011.
11. Cross examination of Mr. Muhammad Iqbal Block Officer Birangali.
12. Cross examination of Mr. Taj Muhammad Forest Guard
13. Absent noticed issued in the daily news i.e. Akhbar dated 11.8.2011
14. Enquiry report dated nil received in Divisional office on 17.1.2012.
15. Show cause notice bearing No. 3361/E, dated 20.1.2012.
16. Reply of the show cause notice by the accused official.
17. Personal hearing of the accused official before the DFO Galis 25.2.2012.

BRIEF HISTORY OF THE CASE.

The Block Officer Birangali submitted absent report of accused Forest Guard on 6.6.2011, which was forwarded by Range Forest Officer Birangali on 11.6.2011. Divisional Forest Officer Galis vide his letter No. 4632/E, dated 15.6.2011 called explanation of the accused Forest Guard. Range Forest Officer Birangali constituted a checking committee which submitted a report of illicitly cut 5 trees=490 Cft on 9.6.2011. The damage list was verified by Range Forest Officer Birangali on 12.6.2011 and submitted to Divisional Forest Officer Birangali on 15.6.2011. Divisional Forest Officer Galis vide his No. 4799-4804/E, dated 24.6.2011 issued charge sheet to the accused Forest Guard and appointed Mr. Farhad Ali Sub Divisional Forest Officer Patrol Squad Forest Division Lower Hazara Circle Abbottabad as enquiry committee. Range Forest officer Birangali vide his report dated 2.7.2011 submitted that the accused Forest Guard is still absent and not available to receive the charge sheet. Divisional Forest Officer Galis Forest Division issued notice to the accused vide his letter No. 108/E, dated 8.7.2011. Range Forest Officer Birangali vide another report dated 4.8.2011 submitted that the accused forest guard is still absent from his duty. Divisional Forest Officer Galis has given notice in local news papers "daily Subah and Akhbar" dated 11.8.2011 of absence of accused Forest Guard from duty. The accused Forest Guard submitted his fitness certificate issued by the Medical Officer Ayub Teaching Hospital dated 30.10.2011 and resumed his duty on 1.11.2011. The accused Forest Guard was given the opportunity of personal hearing and cross-examination of prosecution witnesses on 17.12.2011.

Attested

Divisional Forest Officer
Galis Forest Division
Abbottabad

379
Annex-III

DISCUSSION.

During inquiry it was observed that the Range Forest Officer Birangali submitted the absence report and damage list of 05 trees and alleged that the damage took place due to active connivance of the accused forest guard and that the forest guard absconded left his duty without prior permission/leave from the authority.

In his reply the forest guard rebutted the allegations of any forest damage due to his connivance however, he submitted that he left the duty after forwarding of an application by Block Officer Birangali, and he was seriously ill and there was no one to inform the higher ups. However, he continuously sent his medical certificates to the Range Officer Birangali through mail. Certificates of medical officer Ayub Teaching Hospital Abbottabad w.e.f. 28.6.2011 and 26.9.2011 to 29.10.2011 were presented before the Enquiry Committee. However, the accused Forest Guard failed to produce any defence for absence from 26.5.2011 to 28.6.2011, and his prescription of rest by Prof; Dr. Nazir Ahmed w.e.f. 4.9.2011 to 25.9.2011 is not entertain able under rules.

As for as damage of 5 trees is concerned if the damage took place with connivance of the forest guard what did the Block Officer did? Has he chalked damage report or proceeded against the offenders, absence of any PC/CC makes their case weak, as they could not produce material evidence against the accused.

Keeping in mind all the documentary, circumstantial evidence, prosecution witness statements, written reply and personal hearing of the accused forest guard the damage list could not be proved correct, however, absence without permission to some extent proved, however, the forwarding of application of leave by block officer Birangali which he admitted and then submitting absent report makes their intention suspicious. The enquiry committee recommended that the period w.e.f. 26.5.2011 to 28.6.2011 (33) days and 4.9.2011 to 25.9.2011 (21) days be treated as leave without pay. The Forest Guard be issued warning to be careful in future and not to repeat such kind of behaviour.

ORDER

Now therefore, I Mr. Nasim Hijazi Divisional Forest Officer, Galis Forest Division Abbottabad in the capacity of authority is hereby agreed with the recommendation of enquiry committee and the absent period w.e.f. 26.5.2011 to 28.6.2011 (33) days and 4.9.2011 to 25.9.2011 (21) days total 54 Days (fifty four days) is hereby treated as leave without pay of Mr. Taj Muhammad Forest Guard and he is warned to remain careful in future.

Sd/- (Nasim Hijazi)
Divisional Forest Officer
Galis Forest Division
Abbottabad.
Memorandum

Copy forwarded to;

1. Sub Divisional Forest Officer Bagnotar for information. He is directed to deliver the above order to the above named Forest Guard under proper receipt, which should be sent to this office for record.
2. Divisional Accountant Galis Forest Division Abbottabad for information.
3. Mr. Taj Muhammad Forest Guard C/O Sub-Divisional Forest Officer Bagnotar for information.
4. Personal file for record.

Divisional Forest Officer
Galis Forest Division
Abbottabad

Attested
Divisional Forest Officer
Galis Forest Division
Abbottabad

OFFICE ORDER NO. 92 DATED ABBOTTABAD THE 9/11/2015, ISSUED BY AZHAR ALI KHAN DIVISIONAL FOREST OFFICER GALIS FOREST DIVISION ABBOTTABAD.

Sub-Divisional Forest Officer Bagnotar submitted report vide his letter No. 1007/BG, dated 24.09.2015 that Mr. Taj Mohammad Forest Guard may be shifted from Bagnotar Forest Sub Division to Divisional Office as he is habitually absentee and not performing his duty. The Forest Guard was suspended from his assigned duty and attached with Sub-Divisional Forest Officer Thandiani vide office order No. 54 dated 8.10.2015.

The Sub-Divisional Forest Officer Thandiani vide his letter No. 72/T dated 20.10.2015 reported that the Forest Guard has not assumed the duty in Thandiani Forest Sub Division.

Instead of complying with orders, the Forest Guard manipulated exertion of Social pressure through delegations of locals for cancellation of his transfer.

For explaining his conduct a show cause notice was served upon him vide this office bearing 1606/E, dated 21.10.2015, but the Forest Guard insolently ignored the Show Cause Notice and did not reply.

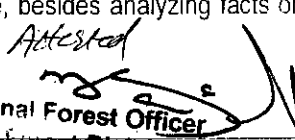
Mean while on the direction of Sub-Divisional Forest Officer Bagnotar the Block Officer Bagnotar checked Bagnotar Reserved Forest C-1(ii) and submitted damage list to SDFO Bagnotar vide his letter dated 29.10.2015 and subsequently, the SDFO send the same to Divisional office for proper action against the accused. The SDO Bagnotar further reported vide his letter dated nil received in divisional office on 17.11.2015 that the damage occurred during the period of Mr. Taj Muhammad Forest Guard. The detail of the damage is as under:-

#	Name of Forests	Species	Duration	No. of trees	Volume(Cft)	Remarks
1	Bagnotar RF C-1(ii)	Kail	2 months	1	56	All the un-reported damage
2	-do-	-do-	2/3 month	8	1215	
3	-do--	-do--	3/4 month	3	574	
4	-do-	-do-	4/5 month	2	163	
5	-do-	-do-	5/6 month	1	174	
6	-do-	-do-	7/8 month	2	93	
7	-do-	-do-	9/10 month	1	43	
8	-do-	-do-	One year	2	88	
			Total	20	2406	

The Sub-Divisional Forest Officer is directed to take legal action against forest offenders. However from detection of un-reported damage it is confirmed that the Forest Guard committed Mis-conduct and In-efficiency.

Keeping in view the above situations exparte proceeding initiated. For this purpose, besides analyzing facts on record, the service record of accused was also consulted.

The gist of his service record is given below;

Attested

 Divisional Forest Officer
 Galis Forest Division
 Abbottabad

#	Particulars of case	Office order No. and date	Nature of penalty
1	Involvement in illicit damage in Malach beat of Dungagali Forest Sub Division	DFO Galis office order No. 121 dated 8.10.1990	i. Suspension period from 1.1.1989. to 31.12.1989 treated as leave without pay. ii. The absence period 29.9.1989 to 1.10.1989, 18.1.1990 to 21.1.1990 and 5.2.1990 to 6.3.1990 treated as leave without pay. iii. Two annual increments falling due on 1.12.1990 and 1.12.1991 stopped without cumulative effect.
2	Absence from duty	DFO Galis office order No. 132 dated 11.12.1994	Absence period from 15.11.1992 to 26.11.1992 treated as leave without pay. Character Roll warning.
3	Illicit damage in forests	79 dated 25.12.1996	Stoppage of two annual increments falling due on 1.12.1997 and 1.12.1998. Character roll warning.

4	Illicit damage in Bagh RF	191 31.12.1996	dated	Compulsorily retired from service. Note:- (Later appellant authority reinstated him)
5	Willful absence from duty	386 3.6.1998	dated	Absence period from 24.5.1998 to 28.5.98 treated as leave without pay.
6	Illicit damage in his beat	106 28.5.2003	dated	Annual increment falling due on 1.12.2003 and 1.12.2004 stopped with cumulative effect.
7	Absence from duty	47 17.11.2007	dated	Annual increment falling due on 1.12.2007 and 1.12.2008 stopped with cumulative effect. Absence period 10.2.2007 to 28.2.2007 treated as leave without pay.
8	Absence from duty	310 12.3.2012	dated	Absence period 26.5.2011 to 28.6.2011 treated as leave without pay.
9	Absence from duty	66 30.11.2012	dated	Absence from duty w.e.f. 1.2.2012 to 3.8.2012 (185 days) treated as leave without pay.

As explained above facts and conduct of accused, it is inferred that further retention of the accused in service is utterly against the forest conservancy and interest of state.

Now therefore, I, Azhar Ali Khan Divisional Forest Officer Galis Forest Division Abbottabad in the capacity of Authority under Section-2(f) 4(i) (b)(ii) of the Efficiency and Discipline Rules 2011 order compulsorily retirement of Mr. Taj Muhammad Forest Guard son of Qalander Khan from service with immediate effect.

Sd/- (Azhar Ali Khan)
Divisional Forest Officer
Galis Forest Division
Abbottabad.
Memorandum:-

Copy forwarded to the:-

1. Conservator of Forest Abbottabad Circle Abbottabad for information please.
2. Sub Divisional Forest Officer Bagnetar for information for information. He is directed to deliver the above order to forest guard under proper receipt
3. Divisional Accountant Galis Forest Division Abbottabad for information and necessary action
4. Mr. Taj Mohammad Forest Guard village and Post office Sumundar katha Tehsil and district Abbottabad for information.
5. Personal file for record.

Divisional Forest Officer
Galis Forest Division
Abbottabad

Attested

Divisional Forest Officer
Galis Forest Division
Abbottabad

2
10/12/2015

Annexure V
58

MINUTES OF THE MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE HELD ON 10.03.2015 IN THE OFFICE OF DIVISIONAL FOREST OFFICER GALIS FOREST DIVISION ABBOTTABAD.

A meeting of the Departmental Promotion Committee was held in the office of the Divisional Forest Officer Abbottabad on 10.03.2015 to scrutinize/examine the service record of the Forest Guard for promotion to the rank of Forester. The following attended the meeting:-

1. Mr. Azhar Ali Khan,
Divisional Forest Officer,
Galies Forest Division, Abbottabad,
2. Mr. Mir Zali Khan,
Section Officer(Estt),
Forestry, Environment & Wildlife Department,
Govt: of Khyber Pakhtunkhwa.
3. Sardar Muhammad Saleem,
Sub Divisional Forest Officer,
Abbottabad,

The service record of Forest Guards i.e. Annual Confidential reports etc on the basis of seniority list has been considered/scrutinized/examined by the committee for the promotion to the rank of Forester under the respective rule. The recommendation of the committee is as follow against each official.

#	Name of Forest Guard	Remarks.
1	Mr. Hakim Khan S/O Muhammad Yousaf	Un-trained – Not eligible for promotion.
2	Mr. Muhammad Riaz S/O Saiden Khan	Un-trained – Not eligible for promotion.
3	Mr. Taj Muhammad S/O Qalander Khan	Poor record – PER below average –He has been superseded for 2 nd time.
4	Mr. Abdur Rasheed S/O Abdul Khan	Recommended for promotion to the rank of Forester.
5	Mr. Muhammad Khurshid S/O Ali Zaman	Recommended for promotion to the rank of Forester.
6	Mr. Zulfiqar S/O Aziz-ur-Rehman	Recommended for promotion to the rank of Forester.
7	Mr. Gulistan Khan S/O Qalander Khan	Recommended for promotion to the rank of Forester.
8	Mr. Muhammad Rafique S/O Mir Ahmed.	Not considered. He was compulsorily retired from service. He got stay order from the High Court Circuit Bench Abbottabad on his compulsorily retirement.
9	Mr. Fazal-Ur-Rehman S/O Aziz-Ur-Rehman.	Recommended for promotion to the rank of Forester.

For promotion
file

Divisional Forest Officer
Galies Forests Division
Abbottabad
(Chairman)

Section Officer (Estt)
FE & W Department
Govt: of Khyber Pakhtunkhwa
Peshawar (Member)

Sardar Muhammad Saleem
Sub Divisional Forest Officer
Abbottabad (Member)

Attested
Divisional Forest Officer
Galies Forest Division
Abbottabad

OFFICE ORDER NO. 125 DATED ABBOTTABAD THE 23/03/2012 ISSUED BY MR. AZHAR ALI KHAN DIVISIONAL FOREST OFFICER GALIS FOREST DIVISION ABBOTTABAD.

In pursuance of the recommendations of the departmental promotion committee constituted vide office order No. 149 dated 23.3.2012 held on 10.3.2012 in the office of undersigned the following forest guards are hereby promoted to the rank of Forester (BPS No. 09-Rs. 8-00-180-15000) against the existing vacancies in Galis Forest Division Abbottabad in the best interest of public service with immediate effect.

#	Name	Father's name
1	Mr. Abdur Rasheed	Abdul Khan
2	Mr. Muhammad Khurshid	Alli Saman
3	Mr. Zulfiqar	Aziz-ur-Rehman
4	Mr. Gulistan	Qalandar Khan
5	Mr. Fazal-ur-Rehman	Aziz-ur-Rehman

The promotion is purely temporary therefore it is liable to reversion at any time without assigning any reason. As per rules the promoted foresters have to undergo probation period.

24-(Azhar Ali Khan)
Divisional Forest Officer
Galis Forest Division
Abbottabad.

Memo:


Copy forwarded to the:-

1. Conservator of Forests Lower Forests Circle Abbottabad for favour of information with reference to his office letter No. 9022GE, dated 23.3.2012.
2. Sub Divisional Forest Officer Abbottabad for information.
3. Divisional Accountant Galis Forest Division Abbottabad for information.
4. Mr. Abdur Rasheed C/O Sub Divisional Forest Officer Durgagali for information.
5. Mr. Muhammad Khurshid C/O Sub Divisional Forest Officer Thandiani for information.
6. Mr. Zulfiqar C/O Sub Divisional Forest Officer Abbottabad for information.
7. Mr. Gulistan C/O Sub Divisional Forest Officer Bagnotar for information.
8. Mr. Fazal-ur-Rehman C/O Sub Divisional Forest Officer Durgagali for information.
9. Personal files for record.
10. Office order file.

Azhar
Divisional Forest Officer
Galis Forest Division
Abbottabad

[Signature]
Divisional Forest Officer
Galis Forest Division
Abbottabad

Annexure-VI

Conservator of Forests Lower Hazara Forest Circle Abbottabad		0992-9310232 Fax 0992-9310233 E-mail: cflhfc@gmail.com No. 4750 /GE Dated 13/11/2015
--	--	---

The Divisional Forest Officer
Galis Forest Division, Abbottabad

Subject

APPEAL AGAINST OFFICE ORDER NO.154, DATED 12-03-2015 ISSUED BY DIVISIONAL FOREST OFFICER GALIS FOREST DIVISION, ABBOTTABAD

Reference

Your office letter No. 5015/E, dated 12-06-2015

From the scrutiny of the appeal lodged by Mr. Taj Muhammad, Forest Guard against office order No. 154 dated 12-03-2015, comments furnished vide your letter as cited above and perusal of all other personal record of the appellant and also heard in person on 07-10-2015, I being appellate authority reached to the conclusion that the appellant earned an average type of ACR during last five (05) years, which are not coming under the preview as adverse. Keeping in view of his prolonge regular service approximately thirty Eight years his name should be included in next promotion panel being framed on the occurring of vacancy of Forester in Galis Forest Division and he should be promoted to the rank of Forester from the date of his deferment.

The Forest Guard, during his personal hearing was not in proper uniform for which an entry should be made in his service book and explanation of Sub-Divisional Forest Officer concerned also be called under intimation to this office as he is responsible for discipline in his Sub-Division.

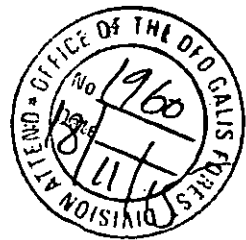
The following documents are returned herewith in original:

- 1- Service Book (Two Volumes)
- 2- Personal file from page-1 to 393
- 3- Character Roll File from page-1 to 129

Please acknowledge receipt

Encl. As above

Conservator of Forests
Lower Hazara Forest Circle
Abbottabad



Attested

Divisional Forest Officer
Galis Forest Division
Abbottabad

121
Annexure-VII

ACR SYNOPSIS IN RESPECT OF MR. TAJ MUHAMMAD FOREST GUARD S/O QALANDER KHAN OF GALIS FOREST DIVISION ABBOTTABAD.


S.NO #	YEAR	REMARKS OF REPORTING OFFICER	REMARKS OF COUNTERSIGNING OFFICER	ADVERSE REMARKS IF ANY	REMARKS
1	2	3	4	5	6
1	1987	Obedient worker.Sd/-RFO.	Agreed Sd/-DFO.	-	-
2	1988	An average Forest Guard .Sd/-RFO.	Agreed Sd/-DFO.	-	-
3	1989	He is home sick and habitual absentee. Agreed Sd/-RFO.	Agreed. He has always been exerting political pressure for his posting/fransfers,so much so, that his father has been representing him regularly on offices. Agreed Sd/-DFO.	Adverse remarks communicated to the Forest Guard vide letter No.1940/GE, dated 15-04-1990.	-
4	1990	Average Sd/-RFO	A useless Forest Guard. Sd/-DFO	-	-
5	1991	An average Forest Guard .Sd/-RFO.	Sd/-DFO	-	-
6	01-01-1992 To 29-08-1992	An average worker. Must try to improve further .Sd/-RFO.	Seen Sd/-DFO	-	-
7	01-10-1992 To 31-12-1992	Work remained satisfactory during the period. Sd/-RFO.	Seen Sd/-DFO	-	-
8	01-01-1993 To 13-07-1993	An average Forest Guard .Sd/-RFO.	Seen Sd/-DFO	-	-
9	14-07-1993 To 31-12-1993	Dutiful and an energetic Forest Guard. He proved helpful in reclamation of lot of illegally encroached RF land during his tenure. Sd/-RFO	Seen Sd/-DFO	-	-
10	1994	Dutiful Forest Guard Sd/-RFO	Seen Sd/-DFO	-	-
11	1995	A Forest thief and shape of Forest Guard, who needs very close watch of his superior. Sd/-RFO	I agreed Sd/-DFO	-	-
12	1996	Missing	-	-	-

Attested
Divisional Forest Officer
Galis Forest Division
Abbottabad

123
Annexure VIII

1997	Required close watch Sd/-RFO	Agreed He should improve his work and image. Sd/-DFO	Adverse remarks communicated vide letter No.2055/E,dated 17-03-1998	-
01-01-1998 To 21-04-1998	Missing	-	-	-
22-04-1998 To 31-12-1998	Poor protection loose control Sd/-RFO	He should improve his work and control with regard to Forest Protection. Sd/-DFO	Adverse remarks communicated vide letter No.1807/E,dated 01-03-1999.	-
1999	During this period he protected the Forests Sd/-RFO	Agreed Sd/-DFO.	-	-
01-03-1999 To 31-12-1999	He is home sick and lazy Forest Guard. Sd/-RFO	Agreed Sd/-DFO.	-	-
3/2000 To 12/2000	Hard worker and good Forest Guard Sd/-RFO	Sd/-DFO	-	-
2001	Missing	-	-	-
01-01-2002 To 31-12-2002	He is average Forest Guard Sd/-RFO	Seen Sd/-DFO	-	-
01-01-2003 To 04-08-2003	Missing	-	-	-
05-08-2003 To 31-12-2003	Imprudent always creates problems to their higher. Sd/-RFO	The remarks may be communicated Sd/-DFO	Adverse remarks communicated vide letter No. 1808/E,dated 26-02-2004.	-
01-01-2004 To 31-07-2004	He is an average Forest Guard.	Seen Sd/-DFO	-	-
30-06-2004 To 31-12-2004	A good Forest Guard	Seen Sd/-DFO	-	-
01-01-2005 To 31-12-2005	Good Forest Guard	An average worker.	-	-
01-01-2006 To 03-04-2006	Average Forest Guard.	Agreed Sd/-DFO.	-	-
22-04-2006 To 31-12-2006	Average type Forest Guard work satisfactory during the period under report.	Seen Sd/-DFO	-	-

Agreed


 Divisional Forest Officer
 Gais Forest Division
 Abbottabad

125
Annexure-VII

01-01-2007 To 18-06-2007	He is home sick and non co-operative Forest Guard.	May be communicated. Sd/-DFO	-	-
21-07-2008 To 31-12-2008	An average Forest Guard.	Seen Sd/-DFO	-	-
01-01-2009 To 27-06-2009	Can be far better if his domestic issued get solved.	Seen Sd/-DFO ✓	-	-
2010	He is an average type Forest Guard.	Seen Sd/-DFO ✓	-	-
01-01-2011 To 26-05-2011	Disciplinary proceeding on account of absent from duty and illicit damage of forest under process during the period. Average type of Forest Guard	Communicated adverse remarks to the official.	Adverse remarks communicated vide DFO Galis letter No. 3978/E, dated 9.3.2012.-	Absent period i.e. 26.5.2011 to 28.6.2011 (33 days) and 4.9.2011 to 25.9.2011 (21 days) Total 54 days treated as leave without pay.
01-01-2012				The Forest Guard remained absent from duty and absent period i.e. 1.2.2012 to 3.8.2012 (185) days treated as leave without pay.
01-01-2013 to 31.7.2013. ✓	Hard working official	Agreed.	-	-
1.8.2013 to 31.12.2013	He is very bad luck because he could not promote due to always remain absent from his duty.	I agree ✓	-	-
1.1.2014 to 31.12.2014.	Inquiry is in progress. He remained Block Officer and Forest Guard but his control was poor.		-	-

Divisional Forest Officer
Galis Forest Division
Abbottabad.

Attested

Divisional Forest Officer
Galis Forest Division
Abbottabad

لجدرت جناب سرور ٹریبونل لہندہ ضلع پٹنوں خواہ

کھیت ایسٹ آباد

مقدمہ: اپیل نمبر 736 (نوٹس)

تاج محمد بنام محمد فرید قاسم محمد بیانی سب ڈویژن

جناب عالی! مقدمہ عنوان بالا میں بزرگہ نوٹس حاضر عدالت ہذا
حاضر ہو کر بائیت نوٹس جاری کردہ کے وضاحت طلب
فرمائی ہے۔

اس ضمن میں ذیل گزارشات پیش خدمت ہیں:

۱۔ یہ کہ محکمہ کی مقررہ کردہ کمیٹی نے مکمل ریکارڈ کی جانچ پڑتال کر کے
قانون اور قاعدہ کی مطابق پیش رفت دی ہے۔

۲۔ یہ کہ عدوی کے پاس کوئی ریکارڈ موجود نہیں ہے۔ تاکہ عدوی اسکی
تفصیلاً وضاحت کرے۔ تاہم اتنا ضروری ہے۔۔۔۔۔

۳۔ سینارٹی لیٹ میں ایپکاران نمبر اتان 3 کو کمیٹی مقررہ نے ان کے ریکارڈ
کی مکمل جانچ پڑتال کے بعد ترقی کے اہل نہ پایا۔ عدوی سینارٹی لیٹ
میں پانچویں نمبر پر تھا۔ اور پانچ ہی ایپکاران محکمہ کو ترقی دینی تھی۔ لہذا
عدوی اس ترقی میں برط 2 سے اسکا حقدار تھا۔
مزید تفصیل مقررہ کمیٹی اپنے جواب میں کریں گے۔

عالیجاہ! درج بالا حقائق کی نو سے اپیل نمبر 736 (نوٹس) کو خارج فرمایا جاوے۔

المخوم 18/5/2016

محمد فرید قاسم محمد بیانی سب ڈویژن

9/18/5/2016

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Taj MuhammadAppellant

VERSUS

Secretary Forestry Environment Wild Life
Department KPK and others ...Respondents.

SERVICE APPEAL

REPLY ON BEHALF OF THE
APPELLANT REGARDING PARAWISE
COMMENTS OF RESPONDENTS NO.1
TO 8.

Respectfully Sheweth!

PRELIMINARY OBJECTIONS.

- i. Para No.(i) is incorrect.
- ii. Para No.(ii) is incorrect.
- iii. Para No.(iii) is incorrect.
- iv. Para No.(iv) is incorrect.
- v. Para No.(v) is incorrect.
- vi. Para No.(vi) is incorrect.
- vii. Para No.(vii) is incorrect.

FACTUAL OBJECTIONS.

1. Para No.1 needs no reply.
2. Para No.2 is incorrect. All the alleged punishments shown by the respondents No.1 to 8 is incorrect and wrong. Other officials who were promoted by the respondents having similar record and the appellant was treated discriminately while refusing his promotion. The appellant was reinstated in service by the competent authority on appeal filed by the appellant and the findings of the respondent No.5 were declared as wrong, illegal.
3. Para No.3 needs no reply.
4. Para No.4 is incorrect. Appellant is senior most than the other promoted officials and having 38 years of unblemished service record.
5. Para No.5 is incorrect. Respondents No.9 to 13 were wrongly promoted by the respondent No.5 and they all have the same service record as that of the petitioner. The appellant is quite fit and eligible for promotion and the appellant is near to retirement and at this fag end of the

service, the appellant is entitled for promotion on priority basis.

6. Para No.6 is incorrect. Appellant has a good service record.
7. The reply of para No.7 is that the Conservator of Forests Lower Hazara Forest Circle Abbottabad while accepting the appeal of the appellant has categorically directed the respondent No.5 to promote the appellant on priority basis but the respondent No.5 has not promoted the appellant so far rather two other junior officials were promoted after the decision of appeal dated 13.11.2015.
8. Para No.8 needs no reply.
9. Para No.9 is incorrect.

GROUND

- i. Para No.(i) is incorrect. There is no adverse entry against the appellant in any ACRs of the appellant.
- ii. Para No.(ii) is incorrect.
- iii. Para No.(iii) is incorrect. The respondent No.5 is not willing to obey the orders of Conservator of

Forest Lower Hazara Forest Circle
Abbottabad inspite of the fact that
the Conservator is senior than the
respondent No.5. In this way, the
respondent No.5 is deliberately
disobeying the orders of his senior.

- iv. Para No.(iv) needs no reply.
- v. Para No.(v) is incorrect.
- vi. Para No.(vi) is incorrect. The
appellant was reinstated by the
competent authority and through
said order, the competent authority
also directed the respondent No.5 to
promote the appellant.
- vii. Para No.(vii) is incorrect.
- viii. Para No.(viii) is incorrect.
- ix. Para No.(ix) is incorrect.
- x. Para No.(x) is incorrect.
- xi. Para No.(xi) needs no reply.
- xii. Para No.(xii) is incorrect.
- xiii. Para No.(xiii) is incorrect.
- xiv. Para No.(xiv) is incorrect.

It is, therefore, most humbly prayed
that by accepting the appeal of the

appellant, the appellant may please
be promoted to the post of Forester.

Dated 16.09.2016


Taj Muhammad
.....Appellant

Through

DILDAR AHMED KHAN LUGHMANI,
Advocate Supreme Court,
Of Pakistan.

AFFIDAVIT.

I, Taj Muhammad son of Qalandar
resident of Sammundar Katha, Tehsil and
District Abbottabad, appellant, do hereby
solemnly affirm and declare on oath that
the contents of the foregoing reply are true
and correct to the best of my knowledge
and belief and nothing has been concealed
from this Honourable Court.

Dated 16.09.2016

Taj Muhammad
(DEPONENT)

