

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT ABBOTTABAD.

SCANNED
KPST
Peshawar

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
SALAH UD DIN ... MEMBER (Judicial)

Service Appeal No.453/2022

Date of presentation of appeal30.03.2022
Dates of Hearing.....20.02.2023
Date of Decision.....20.02.2023

Muhammad Ghani S/O Jamshed Akhtar, Forest Guard/Incharge
Makhnial Beats, Forest Division Haripur R/O Chankot, Tehsil Lora,
District Abbottabad.

.....(*Appellant*)

Versus

1. **Divisional Forest Officer**, Haripur Forest Division, Haripur.
2. **Conservator**, Lower Hazara Forest Circle, Abbottabad.

.....(*Respondents*)

Present:

Mr. Imran Khan,
Advocate.....For appellant.

Asif Masood Ali Shah,
Deputy District Attorney.....For respondents.

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**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE OFFICE ORDER NO.32 DATED 19.11.2021 PASSED BY
RESPONDENT NO.1, WHEREBY THE MAJOR PENALTY OF
"REDUCTIO OF PRESENT PAY BY 03(THREE) STAGES IN
THE TIME SCALES HAS BEEN IMPOSED UPON THE
APPELLANT.**

CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Through this single judgment this
appeal and the connected Service Appeal No. 454/2022 titled "Kashif Awais-

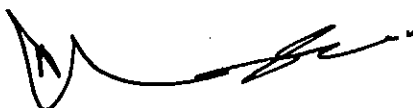
vs- Divisional Forest Officer, Forest Division, Haripur and other", are decided as both are against the same allegations.

2. According to the facts gathered from the record, the appellants were serving as Forest Guard in Haripur Forest Division, Haripur; that the appellants had issued a show cause notice on the allegations of misconduct, in-efficiency and corruption; that the appellants submitted a reply to the show cause notice; that respondent No.1 after submission of written reply to the show cause notice by the appellants summoned them for personal hearing and proceedings of such hearing were recorded in shape of written questions and answers; that respondent No.1 had imposed major penalty of "reduction of present pay by three stages in the time scales" upon the appellants; that the appellants being aggrieved of the said order preferred departmental appeal which was not responded within the statutory period of ninety days, hence, these appeals.

3. On receipt of the appeals and admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeals by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellants.

4. We have heard learned counsel for the appellants and learned Deputy District Attorney for the respondents.

5. The learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeals while the learned Deputy District Attorney controverted the same by supporting the impugned order.



6. Through impugned order dated 19.11.2021, the appellants were awarded major penalty of "Reduction of his present pay by the three stages in the time scale". Admittedly no enquiry was conducted before imposition of major penalty upon the appellants, whereas the circumstances show that inquiry was necessary to be conducted so as to fix the responsibility as well as quantum of punishment if at all the appellants are found guilty during enquiry proceedings, therefore, we deem it appropriate to remit the matter back to the competent authority for conducting of enquiry into the matter strictly in accordance with the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The enquiry proceedings shall be conducted within sixty days from the date of receipt of this order. Date of receipt of this order shall be communicated by the respondents to the Registrar of this Tribunal. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 20th day of February, 2023.*



KALIM ARSHAD KHAN
Chairman
Camp court Abbottabad



SALAH UD DIN
Member (Judicial)
Camp court Abbottabad

ORDER

20th Feb, 2023

1. Appellant alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney respondents present.

2. Vide our detailed judgement of today placed on file, we deem it appropriate to remit the matter back to the competent authority for conducting of enquiry into the matter strictly in accordance with the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The enquiry proceedings shall be conducted within sixty days from the date of receipt of this order. Date of receipt of this order shall be communicated by the respondents to the Registrar of this Tribunal. Cost shall follow the event. Consign.

3. *Pronounced in open court at Swat and given under our hands and seal of the Tribunal on this 20th day of February, 2023.*



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



(Salah Ud Din)
Member(Judicial)
Camp Court Abbottabad