

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.**

Service Appeal No. 1382/2018

Date of Institution ... 16.10.2018

Date of Decision... 10.04.2023

**SCANNED  
KPST  
Peshawar**

Rehman Gul, Head Wildlife Watcher (BPS-09), O/O Kohat Wildlife Division,  
Kohat.

... (Appellant)

**VERSUS**

The Government of Khyber Pakhtunkhwa through Chief Conservator of  
Wildlife, Khyber Pakhtunkhwa, Peshawar and 03others.

... (Respondents)

MR. MUHAMMAD KAMRAN,  
Advocate

--- For appellant.

MR. MUHAMMAD JAN,  
District Attorney

--- For respondents.

MR. KALIM ARSHAD KHAN  
MR. SALAH-UD-DIN

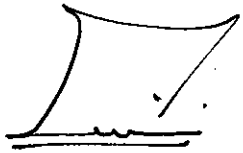
--- CHAIRMAN  
--- MEMBER (JUDICIAL)

**JUDGMENT:**

SALAH-UD-DIN, MEMBER:- Precise facts relevant for  
the disposal of the instant appeal are that the appellant was serving  
as Head Wildlife Watcher (BPS-09) in Kohat Wildlife Division  
Kohat. It was on 07.12.2017 that he submitted an application to  
the Divisional Forest Officer Wildlife Division Kohat for grant of  
LPR with effect from 08.12.2017. The same was allowed vide  
office order dated 11.12.2017 passed by Divisional Forest Officer  
Kohat Wildlife Division Kohat, whereby the appellant was  
granted 365 days leave preparatory to retirement with effect from  
08.12.2017 and was to stand retired with effect from



08.12.2018. The appellant alongwith three other employees then submitted a review petition to the Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar for review of the order dated 11.12.2017, which was considered as an appeal and was rejected vide order dated 23.02.2018. The appellant alongwith three other employees had also submitted an appeal to the Divisional Forest Officer Wildlife Division Kohat for review of the order dated 11.12.2017 but the same was also rejected vide order dated 05.03.2018 in view of the order dated 23.02.2018 passed by Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar passed on joint review petition/appeal filed by the appellant and three other employees. The appellant has now approached this Tribunal through filing of instant service appeal for redressal of his grievance.




2. On admission of the appeal for regular hearing, notices were issued to the respondents, who contested the appeal by way of filing of reply, wherein they refuted the assertion raised by the appellant in his appeal.
3. Learned counsel for the appellant argued that the appellant was having grudges with Sub-Divisional Wildlife Officer Kohat and it was on account of the same that he had submitted an application for grant of LPR; that the appellant had submitted departmental appeal for cancellation of the LPR before maturity of his retirement on 08.12.2018, therefore, in view of Government of

Khyber Pakhtunkhwa Finance Department Notification bearing No. FD(SOSR-II)/4-36/2018 dated 05.09.2018, the departmental Authority was required to have cancelled the impugned order dated 11.12.2017, regarding acceptance of application of the appellant for grant of LPR; that the respondent-department had recalled leave preparatory to retirement order of certain other employees but the request of the appellant was turned down and he was thus treated with discrimination. Reliance was placed on 2011 PLC (C.S) 546.

4. On the other hand, learned District Attorney for the respondents contended that previously too, the appellant had applied for grant of LPR vide applications dated 08.11.2016 and 02.10.2017 but the same were withdrawn by him after availing opportunity of personal hearing; that the appellant then submitted another application on 07.12.2017, wherein he had categorically mentioned that he cannot continue his service and requested for grant of LPR with effect from 08.12.2017, which was allowed vide the impugned order dated 11.12.2017; that the competent Authority had provided opportunity of personal hearing to the appellant to reconsider his request for LPR, however the appellant remained adamant and even pressurized the competent Authority for acceptance of his request for grant of LPR; that as the request of the appellant for LPR alongwith retirement was already accepted by the competent Authority, therefore, the request for cancellation of order of his LPR was legally not acceptable and


has rightly been turned down; that the departmental appeal of the appellant was rejected vide order dated 23.02.2018 and he was required to file service appeal within 30 days but the appellant had filed the instant appeal on 16.10.2018, which is badly time barred; that the appellant has not even challenged the appellate order and has also not filed any application for condonation of delay, therefore, his appeal is liable to be dismissed on the ground of limitation alone. Reliance was placed on 2012 SCMR 745 and 2008 SCMR 1078.

5. Arguments have already been heard and record perused.



6. A perusal of the record would show that the appellant had first applied for LPR through an application dated 08.11.2016 mentioning therein that he was unable to continue his service due to some domestic compulsions. Another similar nature application was submitted by the appellant, on 02.10.2017. On 27.11.2017, the appellant alongwith certain other employees addressed an application to Sub-Divisional Forest Officer Wildlife Division Kohat, requesting therein that they may be informed about the outcome of the applications submitted by them for grant of LPR, where upon they were asked to mention in their applications as to from which date they want to retire. The appellant then submitted another application on 07.12.2017, requesting therein that he may be allowed to proceed on LPR with effect from 08<sup>th</sup> December 2017. The said application of the appellant was

accepted on 11.12.2017 and his leave preparatory to retirement was given effect from 08.12.2017. In view of Finance Department Notification No. FD-SOSR-III/4-92/81 Dated Peshawar the 1<sup>st</sup> October, 1981, the appellant could have withdrawn his application for LPR provided it had not been acted upon. The aforementioned notification mandates that *“if a government servant withdraws his application for premature retirement or modifies the date of retirement, before its acceptance by the competent Authority, the application or the date of retirement shall be deemed to have been withdrawn or modified as the case may be.”*



7. Learned counsel for the appellant has relied upon Government of Khyber Pakhtunkhwa Finance Department Notification bearing No. FD(SOSR-II)/4-36/2018 dated 05.09.2018 vide which the competent Authority has approved/adopted the Federal Government policy issued vide OM No. F 1(1)R-4/2007-Vol-II(Pt) dated 06.10.2015 regarding the issue in question. The appellant is, however not entitled to any benefit under the aforementioned Notification No. FD(SOSR-II)/4-36/2018 dated 05.09.2018 because the request of the appellant for grant of LPR was allowed vide order dated 11.12.2017, while the Notification referred to above has been issued subsequently on 05.09.2018. Moreover, it has been mentioned in the said Notification dated 05.09.2018 that the same though supersedes the Finance Department Letter No. SOSR-III/4-92/81 dated 01.10.1981 but the cases already decided there under

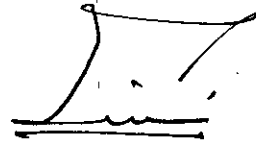
shall not be re-opened/re-considered. Moreover, filing of successive applications by the appellant for grant of LPR indicate that he was no more interested in carrying on with his service any further.

8. Consequently, the appeal in hand fails, which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
10.04.2023



(KALIM ARSHAD KHAN)  
CHAIRMAN



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

ORDER  
10.04.2023

Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments have already been heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand fails, which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
10.04.2023



(Kalim Arshad Khan)  
Chairman



(Salah-Ud-Din)  
Member (Judicial)

22.03.2023


Learned counsel for appellant present.

Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

Learned Member Judicial (Mrs. Rozina Rehman) is on leave,

therefore, case is adjourned to 31.03.2023 for arguments before D.B. Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar


  
(Muhammad Akbar Khan)  
Member (E)


31<sup>st</sup> Mar, 2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl: AG for the respondents present.

Order could not be announced due to paucity of time. To come up for order on 10.04.2023 before D.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar

  
(Salah Ud Din)  
Member (Judicial)

  
(Kalim Arshad Khan)  
Chairman





30<sup>th</sup> Jan, 2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned Assistant Advocate General seeks some time to update himself regarding the letter a copy of which has been produced by learned counsel for the appellant bearing No. FD(SOS-II)4-36/2018 dated 05.09.2018 regarding clarification of withdrawal of request of LPR/Retired after sanction/notification. He may do so within a week. Adjourned. To come up for arguments on 15.03.2023

Before D.B.


  
(Muhammad Akbar Khan)  
Member (E)


  
(Kalim Arshad Khan)  
Chairman

15<sup>th</sup> March, 2023

Appellant alongwith his counsel Mr. Muhammad Kamran, Advocate present. Mr. Muhammad Jan, District Attorney alongwith Mr. Shabir Ahmad, SDFO for the respondents present.

Arguments heard. To come up for consideration and order on 22.03.2023 before the D.B. Parcha Peshi given to the parties.

  
(Salah-ud-Din)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

SCANNED  
KPST  
Peshawar

SCANNED  
KPST  
Peshawar

21<sup>st</sup> Oct., 2022

Because of strike of the Bar, this matter is adjourned to 25.11.2022. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Fareeha Paul)  
Member(E)



(Kalim Arshad Khan)  
Chairman

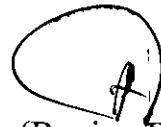
25.11.2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 30.01.2023 before the D.B.



(Fareeha Paul)  
Member (E)



(Rozina Rehman)  
Member (J)

SCANNED  
K-37  
Peshawar

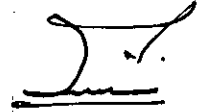
02.02.2022

Mr. Umar Farooq Advocate junior of learned counsel for the appellant present. Mr. Naseer ud Din Shah Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before D.B-I. Adjourned. To come up for arguments on 09.05.2022 before the D.B.



(Rozina Rehman)  
Member (J)

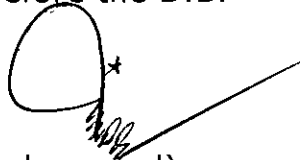


(Salah-Ud-Din)  
Member (J)

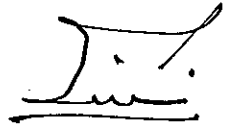
09.05.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 02.06.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

2-6-22

*Proper DB not available the case is adjourned to 16-8-22*

16.8.22

*Due to summer vacation the Reader case is adjourned to 21-10-22 for the hearing*



30.06.2021

Appellant alongwith clerk of counsel present. Mr. Bashir Ahmed alongwith Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Peshawar High Court, Mingora Bench Swat. Adjourned. To come up for arguments before the D.B. on 01.11.2021.



(ATIQ UR REHMAN WAZIR)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

01.11.2021

Appellant in person present.

Muhammad Rasheed, learned Deputy District Attorney for respondents present.

The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 02.02.2022 before D.B.



Chairman

04.11.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 12.01.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member

  
Chairman

12.01.2021

Counsel for appellant present.

Muhammad Rasheed learned Deputy District Attorney along with Abdul Samad D.F.O for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 30.03.2021 for arguments before D.B.

  
(Mian Muhammad)  
Member (E)

  
(Rozina Rehman)  
Member (J)

30.03.2021


Due to non availability of the concerned D.B, the case is adjourned to 30.06.2021 for the same.

  
Reader

19.02.2020

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Mr. Sher Ahmed SDFO for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.04.2020 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

7.4.2020

*Due to COVID 19, the case is adjourned to 2.7.2020 for same as before.*



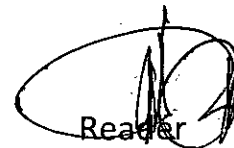
02.07.2020

Due to Covid-19, the case is adjourned. To come up for the same on 27.08.2020 before D.B.

  
Reader

27.08.2020

Due to summer vacation, the case is adjourned to 04.11.2020 for the same as before.

  
Reader

10.10.2019 Learned counsel for the appellant present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General for the respondent present. Learned counsel for the appellant submitted rejoinder which is placed on file and seek adjournment. Adjourn. To come up for arguments on 04.10.2019 before D.B.

  
Member

  
Member

04.10.2019 Learned counsel for the appellant present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General for the respondent present. Learned counsel for the appellant submitted rejoinder which is placed on file, and seek adjournment. Adjourn. To come up for arguments on 13.12.2019 before D.B.

  
Member

  
Member

13.12.2019 Lawyers are on strike as per the decision of All Pakistan Joint Lawyers Action Committee. Adjourn. To come up for further proceedings/arguments on 19.02.2020 before D.B.

  
Member

  
Member

10.04.2019


Counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Abdul Samad DFO for the respondents present.

Written reply submitted which is placed on record. To come up for arguments on 26.06.2019 before D.B. The appellant may submit rejoinder within a fortnight, if so advised.

  
Chairman

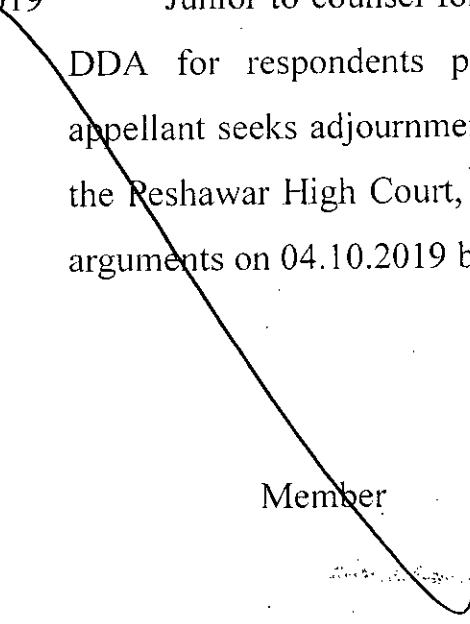
26.06.2019

Appellant in person and Mr. Muhammad Jan, DDA alongwith Mr. Abdus Samad, DFO for respondents present. Due to incomplete bench the case is adjourned to 30.08.2019 before D.B.

  
Reader

30.08.2019

Junior to counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel was busy before the Peshawar High Court, Peshawar. Adjourn. To come up for arguments on 04.10.2019 before D.B.

  
Member

  
Member

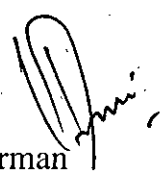


17.1.2019

Counsel for the appellant present.

In the instant case the appellant applied for LPR on 07.12.2017, whereupon, order was passed on 11.12.2017. An application for withdrawal of LPR application was made on 31.12.2017 while the impugned order was passed on 05.03.2018. It was noted in the impugned order that the application was rejected on the ground that the LPR application was already allowed and order was issued in that regard.

It is, prima-facie, gatherable from record that the application for withdrawal of LPR was made within a period of less than a month also on the ground that the earlier application of appellant for grant of LPR was due to some personal grudges between the officials in the department. The appeal in hand, therefore, merits admission. Admit. 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 28.02.2019 before S.B.

  
Chairman

28.02.2019

Appellant in person present. Abdul Samad DFO representative of the respondents present. Written reply not submitted. Representative of the respondents seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 10.04.2019 before S.B.


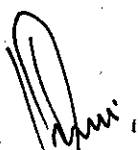
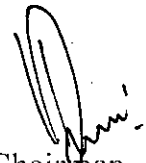
  
Member

Appellant Deposited  
Security Process Fee

Form- A  
FORM OF ORDER SHEET

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

Case No. 1382/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/11/2018	<p>The appeal of Mr. Rehman Gul resubmitted today by Mr. Noor Muhammad Khattak 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 9/11/18</p>
2-	17-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>4-12-18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	04.12.2018	<p>Counsel for the appellant requests for adjournment. Adjourned to 17.01.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

SCANNED  
KPT  
Peshawar

4/5

The appeal of Mr. Rehman Gul Head Wildlife Watcher office of Kohat Wildlife Division Kohat received today i.e. on 16.10.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexures-A & F of the appeal are illegible which may be replaced by legible/better one.

No. 2105/S.T,

Dt. 16-10/2018.

*[Signature]*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

*Sir,*  
All objections have been removed,  
hence resubmitted on 29-10-2018.

*[Signature]*  
29/10/2018.

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

APPEAL NO. 1382 /2018

SCANNED  
KPST  
Peshawar

**REHMAN GUL**

**VS**

**FOREST DEPARTMENT**

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**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK,**  
**ADVOCATE**

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

APPEAL NO. 1382 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1537

Dated 16-10-2018

Mr. Rehman Gul, Head Wildlife Watcher (BPS-09),  
O/O Kohat Wildlife Division, Kohat.

..... APPELLANT

**VERSUS**

- ✓1- The Government of Khyber Pakhtunkhwa through Chief Conservator of Wildlife, Khyber Pakhtunkhwa, Peshawar.
- ✓2- The Conservator Wildlife Southern Circle, Peshawar.
- ✓3- The Divisional Forest Officer, Kohat Wildlife Division, Kohat.
- ✓4- The Sub Divisional Wildlife Officer, Kohat.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE APPELLATE ORDER DATED 5.3.2018 COMMUNICATED TO THE APPELLANT ON 25.9.2018 WHEREBY THE DEPARTMENTAL APPEAL FOR RECALL OF LPR PERIOD W.E.F. 8.12.2017 HAS BEEN REGRETTED ON NO GOOD GROUNDS**

**PRAYER:**

**That on acceptance of this appeal the impugned orders dated 11.12.2017 and 5.3.2018 communicated to the appellant on 25.9.2018 may very kindly be set aside and the respondents may be directed to recall the LPR period of the appellant w.e.f. 08.12.2017 by re-instating the appellant into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.**

**R/SHEWETH:**

**ON FACTS:**

- 1- That appellant is the employee of the respondent Department and has served the respondent Department Head Wildlife Watcher, (BPS-09) quite efficiently and up to the entire satisfaction of his superiors.
- 2- That during service as Head Watcher in the respondent department the appellant submitted an application for the grant of Leave preparatory retirement due to some personal grudges with the respondent No.4. That the said application of the appellant was accepted by the respondent No.3 vide order dated 11.12.2017 and as such the appellant was

Filed to -  
Registrar  
16/10/18

granted LPR w.e.f. 08.12.2017. Copies of the application and LPR are attached as annexure ..... **A & B.**

- 3-** That during the said LPR period the appellant submitted an application/Departmental appeal for the recall/ cancellation of his LPR period. That during the said period the appellant time and again requested the concerned authority regarding the outcome of his Departmental appeal. That finally the appellant was informed by the respondents that his departmental appeal has been rejected vide order dated 5.3.2018. That appellant submitted application for issuance of the appellate order dated 5.3.2018 and as such the same was communicated to the appellant on 25.9.2018. Copies of the Departmental appeal, application and appellate order are attached as **annexure** ..... **C, D & E.**
- 4-** That it is pertinent to mention that in similar nature cases the respondent Department had recalled the Leave preparatory to retirement orders and has re-instated many employees into service with all back benefits but in the case of the appellant the respondents are not willing. Copies of the orders are attached as annexure ..... **F.**
- 5-** That the appellant has no other remedy but to file the instant appeal on the following grounds amongst the others.

**GROUND:**

- A-** That the impugned orders dated 11.12.2017 and 5.3.2018 issued by the respondents are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B-** That the Appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C-** That the impugned orders dated are not tenable in the eye of law and rules and are liable to be set aside.
- D-** That the impugned orders dated 11.12.2017 and 5.3.2018 are based on discrimination and nepotism, therefore liable to set aside.
- E-** That the respondents acted in arbitrary and malafide manner while issuing the impugned orders dated 11.12.2017 and 5.3.2018 against the appellant.

- F-** That according to revised leave rules 1981 the appellant is entitle to be re-instated into service with all back benefits.
- G-** That as per Rules and regulation the appellant is entitle for the recall of his leave preparatory to retirement with all back benefits.
- H-** That Appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 15-10-2018

**APPELLANT**

  
**RENMAN GUL**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**

**&**

  
**MUHAMMAD MAAZ MADNI**  
**ADVOCATES**

محضور جناب کنز و پٹر صاحب وائلڈ لائف سوسائٹی (صوبہ گلگت و بلتستان)

جناب عالی

میں فرشتے کہ جبہ وائلڈ لائف سٹاف ہینٹو کے مشورے سے لپ ر پور لپ ر پور  
جانے کیلئے درخواستیں دی ہیں۔ لیکن موجودہ S.D.F.O. شیبرا کے روئے سے  
جیسا کہ اس سے بعد S.D.F.O. صاحب راکت اللہ کیساتھ S.D.F.O. صاحب کاٹنا ز عمر تھا۔  
اور اس میں جناب قسرم چیف کنز و پٹر صاحب اور سیرنٹنٹ صاحب خود کو کھانٹ  
ڈو پٹر لائن آفس گئے تھے۔ اور ہم نے اس کیساتھ ملاقات کر کے ہینٹو لپ ر پور سٹاف نے ہائی  
کا کورڈر ادا کیا۔ لیکن اس کے بعد موجودہ S.D.F.O. صاحب نے غلط تاثرات کے بناء پر  
ہماری سب امتیازی سکون شروع کیا۔ اور کہتے ہیں کہ جبہ وائلڈ لائف ہینٹو سٹاف  
ہینٹو مالقہ S.D.F.O. راکت اللہ صاحب کا گروپ ہیں۔ بار بار ملدوم ہمیں تنگ کرتے  
ہیں۔ جب ہم جواب دیتے ہیں تو پھر اس پر دوبارہ جواب طلبی ہوتی ہے۔

لیکن ہم موجودہ S.D.F.O. وائلڈ لائف کے روئے سے تنگ ہو کر جبراً لپ ر پور  
جانے کیلئے درخواستیں دی ہے۔ ہینٹو وائلڈ لائف سٹاف تمام تر مسائل کے لئے لپ ر پور  
سٹاف کے مسائل کے لئے لپ ر پور سٹاف کے لئے ہیں۔ اور ہینٹو سٹاف کا پورٹرس بھی دیکھا  
جاسکتا ہے۔ لہذا ہم جبہ وائلڈ لائف سٹاف ہینٹو عافرانہ اور انڈسٹری  
کرتے ہیں۔ اور موجودہ S.D.F.O. کو تبدیل کھانا۔ لپ ر پور لپ ر پور  
مکتورہ کار ہے۔ اور ہم سب کچھ کر رہے ہیں۔ اور فرسٹ ہال اس معاملے کو دیکھو اور  
میرے مناسب حل تلاش کرو۔ اور جبہ وائلڈ لائف سٹاف کے مشکور ہینٹو سٹاف

اللہ  
میرے مشکور وائلڈ لائف



IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 2406-P/2016

Mustaqem Khan S/O Hastam Khan, R/O Moh. Sadiq Abad,  
Shaidu Tehsil & District Nowshera.

....., Petitioner

**VERSUS**

Secretary Local Council Board Khyber Pakhtun Khwa Peshawar  
and others

..... Respondents

**INDEX**

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Respondent No. 4

Through,

Yasir Saleem

Advocate High Court,

Office FR, 3-4 Forth Floor Bilour

Plaza Peshawar Cantt.

Cell: 0331-8892589

Email: yasirsaleemadvocate@gmail.com

FILED  
Deputy Registrar

13 MAR 2018




B-8

OFFICE ORDER NO. 44 /WL-KT, DATED KOHAT THE 11/12 /2017,  
ISSUED BY MR. MUHAMMAD ABD US SAMAD DIVISIONAL FOREST OFFICER  
KOHAT WILDLIFE DIVISION, KOHAT

Mr. Rehman Gul Head Wildlife Watcher (BPS-09) of Kohat Wildlife Division has applied for grant of LPR with effect from 08/12/2017, vide his application dated 07/12/2017, endorsed by Sub-Divisional Wildlife Officer Kohat vide No.219/WL-SDWO, dated 08/12/2017.

Since the said Head Wildlife Watcher has completed the qualifying service, therefore, he is hereby granted 365 days Leave Preparatory to Retirement (L.P.R.) with effect from 08/12/2017 and shall stand retired from service with effect from 08/12/2018 (F.N), accordingly under the rules.


  
(Muhammad Abd us Samad)  
Divisional Forest Officer  
Kohat Wildlife Division  
Kohat

No. 44753 /AWL-KT

Copy forwarded to:

1. The Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar.
2. The Conservator Wildlife Southern Circle Peshawar.  
For kind information and necessary action please.
3. The Director Budget & Account, Govt. of Khyber Pakhtunkhwa, Forestry, Wildlife & Environment Department Peshawar, for information and necessary action please.
4. Sub Divisional Wildlife Officer Kohat for information with reference to above.
5. Assistant/ Divisional Accountant Wildlife Kohat for information and necessary action.
- ✓ 6. Mr. Rehman Gul, Head Wildlife watcher with reference to his above mentioned application, for information and necessary action.
7. Personnel file.
8. Office Order file.

ATTESTED

  
Divisional Forest Officer  
Kohat Wildlife Division  
Kohat

5/A

6

No. 1457

For Insurance Stamps to reverse Rs. Rs.

Stamps affixed except in case of un-insured letters or not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

01-01-18

Received a registered letter addressed to

Date

Initials of Receiving Officer

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures)

(in words)

Insured

Insurance for Rs. p.

Weight

Grains

Name and address of sender

ATTESTED

[Signature]

حساب عالی کے لئے درخواست

عنوان: درخواست معراد نظر خان کی اجتماعی L-P-R حساب عالی

موجودہ بیان تزارش ہے کہ S.D.F.O صاحب ہمارے حساب کو روک کر دست  
نہیں لگا رہا۔ جبکہ خلاف حکم نے D.F.O صاحب کو کمر بڑی درخواست

بھی دیا تھا۔ لیکن ہمارے مسائل پر کوئی حد درجہ غور نہیں کیا گیا  
حساب والی معاملہ ہم پر روز بروز بڑھ رہا ہے۔ اس پر اس وقت تک  
لیکن ہماری کوئی تسوالی نہیں کی گئی۔ جبکہ ہم ہمارے اہلکاروں کے

اجتماعی استغاثہ دینے کا فیصلہ کیا ہے جسے منظور کیا  
حساب عالی۔ ہم طاروں اور اشراذ محلے کے متعلق اراکان ہیں۔ اور ہماری  
کارکردگی بھی روز بروز گھٹنے لگ رہی ہے۔

لہذا تزارش ہے کہ ہمارے مسئلے پر دوبارہ غور کیا جائے  
عین لوازش میں بیوگی

نقطہ احوال  
تاریخ: 11/12/2017  
معراد نظر خان  
31-12-2017

ATTESTED  
مقرر شاہ  
030  
مقرر شاہ

بیت صواب ڈیویڈنٹیل فارمیٹ ایسوسی ایٹس کوہاٹ وائلڈ ڈالٹ ڈویڈنٹیل  
کوہاٹ

D-7

درخواست کے مطابق ایسی آرڈر منسوخ

صاحب عالی

موردہ نامہ تراشی ہے کہ میں نے آپ کے حضور ایک  
درخواست ہر ایک منسوخ LPR جمع کروایا تھا جس کا  
مجھے باوثوق ذرائع سے معلوم ہوا ہے کہ آپ صاحبان  
نے ہر مذکورہ بالا درخواست منسوخ کر کے منسوخ کر دیا  
ہے۔ لہذا میں درخواست کی منسوخی آرڈر کے جاری کرنے کا  
طلباً رہوں

لہذا آپ سے عاصم انہ التماس ہے کہ مجھے منسوخی آرڈر  
جاری کرنے کے اضرعات صادر فرمائے مستلزام فرمائے  
تا مگر دعا گو رہوں گا

25.9.2018

القاسم  
رحمان رحمان  
بیت وائلڈ ڈالٹ وائلڈ

**BETTER COPY PAGE F-9**

**OFFICE ORDER NO. 141 DATED PESHAWAR THE 10/05/2000, BY MR.  
ALI AKBAR KHAN CHIEF CONSERVATOR OF FORESTS SOCIAL  
FORESTRY NWFP, PESHAWAR.**

As per decision of the Government of NWFP, Forestry Fisheries and Wildlife Department vide their letter No. SO(FT.II)/FFWD/II-175/2K/5385 dated 9.5.2000. Mr. Khurshid Ahmad Assistant is hereby recalled from LPR and posted to Watershed Ahmad Assistant Project Abbottabad against the existing vacancy with immediate effect. Further Posting/adjustment shall be made by the Conservator of Forests of Forests Watershed Management Project in his circle.

The LPR availed by the Assistant is treated as earned leave subject to titlement.

Sd/- (Dr. Ali Akbar Khan).  
Chief Conservator of Forests  
Social Forestry NWFP,  
Peshawar.

No. 3757-60/E  
Copy forwarded.

16

9

As per decision of the Government of NWFP, Forestry  
Fisheries and Wildlife Department vide their letter No. SO(P.F.II)/  
FWFD/II-175/2K/5385 dated 9.5.2000 Mr. Khurshid Ahmad Assistant  
is hereby recalled from LPR and posted to Watershed Management  
Project Abbottabad against the existing vacancy with immediate  
effect. Further posting/adjustment shall be made by the  
Conservator of Forests Watershed Management Project in his  
circle.

The LPR availed by the Assistant is treated as  
cancelled leave subject to titlement.

Sd/- (Dr. Ali Akbar Khan )  
Chief Conservator of Forests  
Social Forestry NWFP,  
Peshawar.

No. 3757-60 /E.

Copy forwarded for information and necessary action  
to the :

1. Chief Conservator of Forests Territorial/Conservation  
NWFP, Peshawar.
2. Conservator of Forests Watershed Management Project  
Abbottabad.
3. Conservator of Forests Abbottabad Circle, Abbottabad.
4. Mr. Khurshid Ahmad Assistant on LPR.

*[Signature]*  
Chief Conservator of Forests  
Social Forestry NWFP,  
Peshawar.

ATTESTED

*[Signature]*

ATTESTED

*[Signature]*



ORDER NO. 119 DATED ABBOTTABAD THE 06/15/2008, ISSUED BY MOHAMMAD TARIQ DIVISIONAL FOREST OFFICER GALIS FOREST DIVISION ABBOTTABAD

10

As authorized by the Administrative Department vide their letter EO(Est)ENV/1-43/2K6/370 dated 26-2-2008, endorsed vide Chief Conservator of Forests No. 3951/E, dated 13-3-2008 and Conservator of Forest endorsement No. 3302/GE, dated 1-4-2008, Mr. Abdul Hamid Head Clerk S/O Dost Mohammad Khan who proceeded on L.P.R vide this office order No. 13 dated 25-08-2007 is hereby recalled for service in the Department with immediate effect as required under Rule 22 of the NWFP Civil Servant Revised leave Rules 1981. The LPR availed by the Assistant is treated as earned leave subject to titlement.

His further posting against the vacant post in the Department shall be decided/ordered by the Chief Conservator of Forests NWFP Peshawar.

S/- (MOHAMMAD TARIQ)  
DIVISIONAL FOREST OFFICER  
GALIS FOREST DIVISION  
ABBOTTABAD.

Memorandum:-

Copy forwarded to:  
The Chief Conservator of Forests NWFP Peshawar for favour of information with reference to his letter No. 4826/E, dated 28-4-2008. The incumbent may very kindly be adjusted against the vacant Post of Assistant in the Department.  
The Conservator of Forest Abbottabad Circle Abbottabad for favour of information with reference to his 10447/GE, dated 3-5-2008 please.  
The Divisional Accountant for information.  
Mr. Abdul Hamid Head Clerk for information. He should report for duty in the office of Chief Conservator of Forests NWFP Peshawar.

5. Personal file for record.

His further posting against the vacant post in the Department shall be decided/ordered by the Chief Conservator of Forests NWFP Peshawar.

DIVISIONAL FOREST OFFICER  
GALIS FOREST DIVISION  
ABBOTTABAD.

ATTESTED

*[Handwritten signature]*

ATTESTED

*[Handwritten signature]*

Memorandum:-

Copy forwarded to:  
The Chief Conservator of Forests NWFP Peshawar for favour of information with reference to his letter No. 4826/E, dated 28-4-2008. The incumbent may very kindly be adjusted against the vacant Post of Assistant in the Department.

20 Jun 2014 09:44AM P.1

(15) (11)

OFFICE ORDER No. 02 DATED NOWSHERA THE 8 /07/2010 ISSUED  
BY MUHAMMAD FAROOQ, DIVISIONAL FOREST OFFICER,  
PESHAWAR FOREST DIVISION, NOWSHERA

As authorized by the Chief Conservator of Forest, Khyber Pakhtunkhwa, Peshawar letter No. 4228/E dated 12/3/2010 endorsed to this office vide Conservator of Forest, Southern Circle, Peshawar No. 52/E-18 date 18-3-2010 as well as the advise of Chief Conservator of Forest, Khyber Pakhtunkhwa Peshawar communicated vide Conservator of Forest, Southern Circle Peshawar letter No. 5863/E dated 7-5-2010, Mr. Zakaullah Forest Guard who was proceeded on 365 days LPR w.e. from 1-9-2009 vide this office order No. 29 dated 31-8-2009 is hereby recalled for service in the Department with immediate effect i.e. from 9-7-2010. The LPR of 311 days already availed by him from 1-8-2009 to 8-7-2010 is treated as under:-

1. 1-9-2009 to 29-12-2009 = 120 days on full Pay.
2. 30-12-2009 to 8-7-2010 = 191 days on half Pay.

The order of his retirement from Govt. Service with effect from 1-9-2010 is also stand  
Concluded.

(Muhammad Farooq)  
Divisional Forest Officer,  
Peshawar Forest Division,  
Nowshera

63-67

- Copy forwarded for favour of information & further necessary actions to the:
1. Chief Conservator of Forest, Khyber Pakhtunkhwa, Peshawar as referred to the above please.
  2. Conservator of Forest, Southern Circle, Peshawar as referred to the above please.
  3. Sub-Divisional Forest Officer, Charsadda with reference to his endost. No. 143-Chd. Dated 11-12-2009.
  4. Mr. Zakaullah Forest Guard C/O SDFO Charsadda for information with reference to his application dated 11-12-2009.
  5. Divisional Accountant for information.

Divisional Forest Officer,  
Peshawar Forest Division,  
Nowshera

*Handwritten signatures and notes:*  
5/7  
5/7  
Zakaullah

ATTESTED

ATTESTED

**VAKALATNAMA**

SCANNED  
KPST  
Peshawar

*Before the KP Service Tribunal Peshawar*

APPEAL No. \_\_\_\_\_/2018

*Rehman Gul*

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

*Forest Department*

(RESPONDENT)  
(DEFENDANT)

I/We *Rehman Gul*

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_\_/\_\_\_\_\_/2018

*[Signature]*

CLIENT

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK**

*[Signature]*  
**MUHAMMAD MAAZ MADNI**  
**ADVOCATES**

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Phone: 091-2211391  
Mobile No.0345-9383141

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**APPEAL NO.1382/2018 MR.REHMAN GUL, HEAD WILDLIFE WATCHER (BPS-09) OF**  
**KOHAT WILDLIFE DIVISION V/S GOVT OF PAKHTUNKHWA THROUGH CHIEF**  
**CONSERVATOR KHYBER PAKHTUNKHWA AND OTHERS**

1. Mr. Rehman Gul,  
 Head Wildlife Watcher (BPS-09)  
 Kohat Wildlife Division, Kohat

-----PETITIONER

**SCANNED**  
**KPST**  
**Peshawar**

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar.
2. The Conservator Wildlife Southern Circle, Peshawar
3. The Divisional Forest Officer Wildlife, Kohat.
4. The Sub-Divisional Wildlife Officer, Kohat.

-----RESPONDENTS

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5	2 <sup>nd</sup> application for grant of LPR	B	08	01
6	3 <sup>rd</sup> application for grant of LPR	C	09	01
7	4 <sup>th</sup> application for grant of LPR	D	10	01
8	Office Order No.44, dated 11/12/2017	E	11	01
9	Departmental appeal	F	12	01
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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**APPEAL NO.1382/2018 MR.REHMAN GUL, HEAD WILDLIFE WATCHER (BPS-09) OF**  
**KOHAT WILDLIFE DIVISION V/S GOVT OF PAKHTUNKHWA THROUGH CHIEF**  
**CONSERVATOR KHYBER PAKHTUNKHWA AND OTHERS**

1. Mr. Rehman Gul,  
Head Wildlife Watcher (BPS-09)  
Kohat Wildlife Division, Kohat

-----PETITIONER

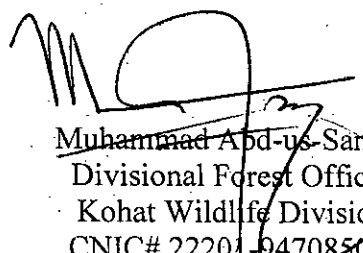
**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar.
2. The Conservator Wildlife Southern Circle, Peshawar
3. The Divisional Forest Officer Wildlife, Kohat.
4. The Sub-Divisional Wildlife Officer, Kohat.

-----RESPONDENTS

**AFFIDAVIT**

I, Muhammad Abdu-us-Samad, Divisional Forest Officer Wildlife Kohat do hereby solemnly affirm and declare on oath that the comments along with its annexure are true and correct to the best of my knowledge.


  
Muhammad Abdu-us-Samad  
Divisional Forest Officer  
Kohat Wildlife Division  
CNIC# 22201-9470850-1

OFFICE OF THE CHIEF CONSERVATOR WILDLIFE  
KHYBER PAKHTUNKHWA PESHAWAR.

No. 6534 /WL (E) Dated Peshawar the 28/2/ 2019.

**AUTHORITY LETTER**

Divisional Forest Officer Wildlife Kohat is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal Peshawar in the case of "Writ Petition No.1382 of "Rehman Gul" on behalf of undersigned till final decision is taken in the case by the Khyber Pakhtunkhwa Service Tribunal Peshawar.

  
Chief Conservator Wildlife  
Khyber Pakhtunkhwa  
Peshawar 28/2/19

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**APPEAL NO.1382/2018 MR.REHMAN GUL, HEAD WILDLIFE WATCHER (BPS-09) OF**  
**KOHAT WILDLIFE DIVISION V/S GOVT OF PAKHTUNKHWA THROUGH CHIEF**  
**CONSERVATOR KHYBER PAKHTUNKHWA AND OTHERS**

1. Mr. Rehman Gul,  
Head Wildlife Watcher (BPS-09)  
Kohat Wildlife Division, Kohat

-----PETITIONER

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar.
2. The Conservator Wildlife Southern Circle, Peshawar
3. The Divisional Forest Officer Wildlife, Kohat.
4. The Sub-Divisional Wildlife Officer, Kohat.

-----RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL ACT 1974 AGAINST THE APPELLANT ORDER**  
**DATED 05.03.2018 COMMUNICATED TO THE APPELLANT ON**  
**05.09.2018 WHEREBY THE DEPARTMENT APPEAL FOR RECALL OF**  
**LPR PERIOD W.E.F 08.12.2017 HAS BEEN REGRETTEED ON NO GOOD**  
**GROUND**

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**  
**NO. 1 TO 4 FACTS:**

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

1. That the appellant has got no cause of action.
2. That the appeal is barred by law.
3. That this Honorable Tribunal lack jurisdiction to adjudicate upon the matter.
4. That the appeal is bad for non-joinder and mis-joinder.

**ON FACTS:**

1. Correct. The petitioner performed his duty and drawn his salaries accordingly from government exchequer.
2. Incorrect. There are no personal grudges of respondent No. 4 with the appellant. The appellant had preferred his first application on 8/11/2016 for grant of LPR due to his domestic problems (**Annex-A**). After his personal hearing by the Respondent No.3, he withdrawn his application and continued his service. On 2/10/2017 he preferred another application to the competent authority i.e Respondent No.3, for grant of LPR (**Annex-B**) which was too withdrawn by him after his personal hearing by Respondent No.3 and as such continued his service and drawn monthly salaries. On 27/11/2017, the appellant submitted a joint application (**Annex-C**) along with three other officials (one Wildlife watcher, one Head Wildlife watcher and one Deputy Ranger Wildlife) wherein they had inquired about grant of their LPR. In response, the Respondent No.3 directed them to intimate exact date of commencement of LPR. As such the appellant submitted another application dated 7/12/2017 (**Annex-D**) wherein he categorically mentioned that he cannot continue his service any more and requested for grant of LPR with effect from 8/12/2017. The competent authority i.e, Respondent No.3 accordingly accepted

his application and issued necessary Order for grant of 365 days LPR with effect from 8/12/2017 and his retirement from govt. service thereof with effect from 8/12/2018 accordingly vide DFO Wildlife Kohat Order No. 4, dated 11/12/2017 (**Annex-E**).

3. Correct. The appellant has furnished departmental appeal in the matter (**Annex-F**) but rejected on merit (**Annex-G**) according to rule-7 part 2 of pension rules as the LPR with retirement application of the appellant was already accepted and order in this regard was issued by the Competent Authority. The relevant portion of the above rules is re-produced below:-

**"If a government servant withdraws his application for premature retirement or modifies the date of retirement, before its acceptance by the Competent Authority, the application or the date of retirement shall be deemed to have been withdrawn or modified as the case may be"**.

4. Incorrect. The requisite cases as mentioned in the para is not of similar nature as the case of the appellant is LPR with retirement and the respondent No.3 has issued order accordingly which does not falls under rule-22 of **recall from leave** and that too discretion of the Competent Authority. The instant case falls under rule-7 para-2 of pension rules as explained in para-3. The portion of leave rules-22 is as under:-

***"22. Recall from leave- if a civil servant is recalled to duty compulsorily with the approval of leave sanctioning authority, from leave of any kind, which he is spending away from his headquarters, he may be granted single return fare plus Daily Allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report for duty. In case he is recalled to duty at Headquarters and his remaining leave is cancelled, then fare admissible shall be for one-way journey only. If the order of recall to the civil servant is optional, then the concession above mentioned will not be admissible"***.

5. The LPR with retirement order has been issued as per law and may be upheld on the grounds below :

The above exposition clearly reveals that the appellant has been granted LPR and retiring thereof at his own consent / will and not due to personal grudges with respondent No.4

### **GROUND**


- A. Incorrect. The requisite order issued by the respondent is according to the rules as explained in para 3 & 4 and may be upheld.
- B. Incorrect. The appellant has been dealt by the respondents is in accordance with the rules and no violation of any law has been committed of the government.
- C. Incorrect. The orders have been issued as per rules.
- D. Incorrect. The orders have been issued properly and no discrimination and nepotism has been made, therefore order may be upheld.
- E. Incorrect. The appellant was repeatedly asked by the respondent No.3 to withdraw his application of LPR and retirement but he insisted to approve application and also pressurized the respondents from the high ups, for acceptance of retirement application of the appellant. Later on the respondent compelled to issue LPR with retirement order as per law. After issuance of order, the appellant preferred appeal

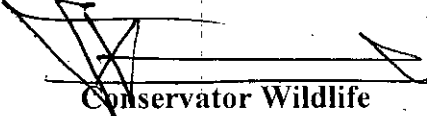


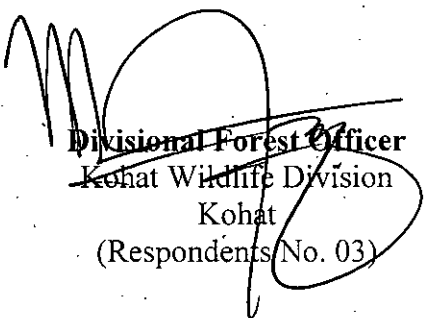
for cancellation of the requisite retirement which could not accepted and appeal was rejected under rule-7 para-2 of pension rules as explained in para-3 of the facts.

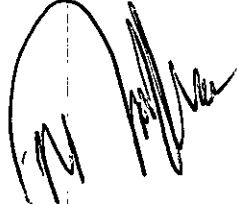
- F. Incorrect. No such rule is available in the existing rules for acceptance of appeal in the instant cases, therefore, orders issued by the respondents is proper.
- G. Incorrect. The re-call from LPR with retirement does not falls under any rule therefore the action on of the respondent is proper and according to the rules.
- H. The respondents seek leave to raise additional grounds at the time of arguments.

In view of above the appeal may be rejected, upheld the requisite retirement order issued by the respondent No.3.

  
**Chief Conservator Wildlife**  
Khyber Pakhtunkhwa  
(Respondents No.01)

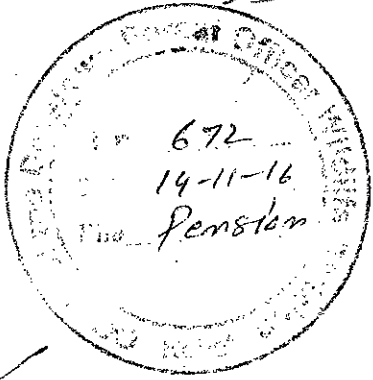
  
**Conservator Wildlife**  
Southern Circle, Peshawar  
(Respondents No. 02)

  
**Divisional Forest Officer**  
Kohat Wildlife Division  
Kohat  
(Respondents No. 03)

  
**Sub-Divisional Wildlife Officer**  
Kohat Wildlife Sub-Division  
(Respondent No.04)

حضرت جناب ڈی ایچ ایف فارم کے لئے درخواستیں جمع کروانے کے لئے درخواستیں لکھ کر  
بوساطت ڈی ڈی ڈی کو جمع کروانے کے لئے۔

Annex-A



L.P.R.

عنوان

جناب عالی

مترادف ہے کہ اس کے لئے ماہانہ کیلکولیشن اور دیگر امور کے لئے  
اس کے چند نمونوں کی ضرورت ہے۔ اس کے لئے ایک ماہانہ کیلکولیشن  
بمقام جنرل ایف ڈی کو جمع کروانے کے لئے درخواست لکھ کر  
بوساطت ڈی ڈی ڈی کو جمع کروانے کے لئے۔

محکمہ جنگلات، کوہاٹ

فائل نمبر 11/11/16

مستند

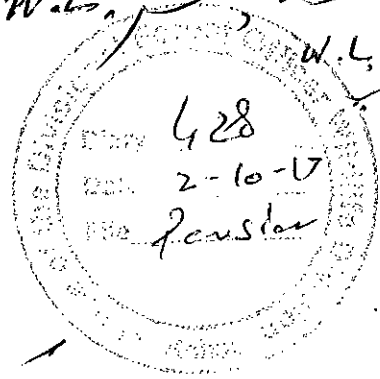
ڈی ڈی ڈی کے لئے درخواستیں جمع کروانے کے لئے  
بمقام جنرل ایف ڈی کو جمع کروانے کے لئے۔

no 185 dt 11-11-16  
Submitted to DFO with  
view for future  
reference.

Attested  
Divisional Forest Officer  
Kohat Wildlife Division  
Kohat

کھنڈر جہاں سب ڈیویژن فار سٹاپ انڈیا ہے۔ W.D. ڈیویژن کو صاف ہے

Annex-B



کھنڈر S.D.F.O. ہے۔  
ڈیویژن کے بارے میں L.P.R.

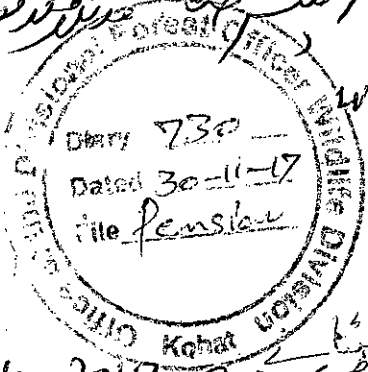
جہاں سب ڈیویژن  
کھنڈر سب ڈیویژن کا طبیعت ہے۔  
سروس ہو چکی ہے۔ اب ڈیویژن کے لیے صرف وہاں کے  
سے ڈیویژن کوئی کام چاہا نہیں رہا۔  
لینڈ اپ کے بارے میں ڈیویژن کے پاس کوئی  
کاغذی دستاویز موجود نہیں ہے۔

عین ڈیویژن کے  
تھوڑے سے  
2/10/2017

لکھنؤ  
H/K  
For N/Action  
Submitted to DFO with  
for fear of further  
2-10-17

Divisional Forest Officer  
Kohat Wildlife Division  
Kohat

کمزور جناب سب ڈیفنڈنٹس فارسٹ آفیسر



Annex - C

جواب دیا

تاریخ 30-11-17 کو ڈیفنڈنٹس فارسٹ آفیسر کو  
جانب سے درخواستیں دی گئیں۔  
لیکن تا حال اسکا میں جواب نہیں مل سکا۔  
اسکا ل. پ. ر. درخواستوں کا کیا ہوا۔  
شکریہ و تحنوں میں

27/11/17  
فصلیہ

میں

العارض  
آپ کا ایڈریس ڈیکوریشن، پتہ، محلہ، ضلع، صوبہ  
درج ذیل ہے:   
ڈیفنڈنٹس فارسٹ آفیسر  
کمزور جناب سب ڈیفنڈنٹس فارسٹ آفیسر

Attested

Divisional Forest Officer -  
Kohat Wildlife Division  
Kohat

H-c  
Direct show to  
mentioned in their  
application clearly  
that Defiant as per  
their date number  
Submitted to DFO with  
use for permit of  
Kohat Wildlife Division

30/11/17

Sub Divisional Fore-  
Officer Wildlife Division  
Kohat

حضرت جناب ڈیویژنل آفیسر آف ویلڈ لائف ڈویژن کوہاٹ  
بجھڑند S.D.F.O. کوہاٹ

Annex-D

جناب عالی

گزارش ہے کہ سابق قلمی دستاویز میں بحیثیت میجر میری عوامی  
اصناف حال عمر 32 سال خدمات سرائیو میں۔ دستاویز  
ختم ہو گئی ہے جاری نہیں کر سکتا ہے۔  
لینڈ اسٹریٹجی کے تحت اس کو ریٹائر کیا گیا ہے جو  
8 دسمبر 2017 سے (L.P.R) پر جان کا معیار قرار دیا گیا ہے  
شکوہ فرمایا ہے

عین نو زینت بیگم  
حاملہ  
7/12/2017

H/C  
For Process of Pett Rule

DFO

8/12/2017

دستخط و توثیق  
7/12/2017  
حیدر و امجد علی

Attested

Divisional Forest Officer  
Kohat Wildlife Division  
Kohat

No. 219/S.D.F.O. Kohat dated 08/12/2017

Forwarded to D.F.O. Kohat for  
furn. of further information


Sub Divisional Forest  
Officer, Wildlife Division

Annex-E

**OFFICE ORDER NO. 44 /WL-KT, DATED KOHAT THE 11/12 /2017,  
ISSUED BY MR. MUHAMMAD ABD US SAMAD DIVISIONAL FOREST OFFICER  
KOHAT WILDLIFE DIVISION, KOHAT**

Mr. Rehman Gul Head Wildlife Watcher (BPS-09) of Kohat Wildlife Division has applied for grant of LPR with effect from 08/12/2017, vide his application dated 07/12/2017, endorsed by Sub-Divisional Wildlife Officer Kohat vide No.219/WL-SDWO, dated 08/12/2017.

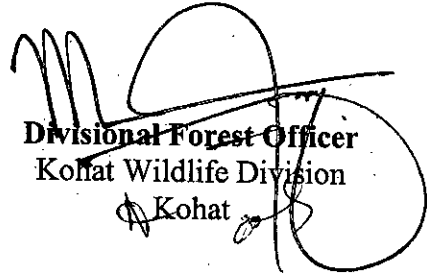
Since the said Head Wildlife Watcher has completed the qualifying service, therefore, he is hereby granted 365 days Leave Preparatory to Retirement (L.P.R.) with effect from 08/12/2017 and shall stand retired from service with effect from 08/12/2018 (F.N), accordingly under the rules.

  
(Muhammad Abd us Samad)  
Divisional Forest Officer  
Kohat Wildlife Division  
Kohat

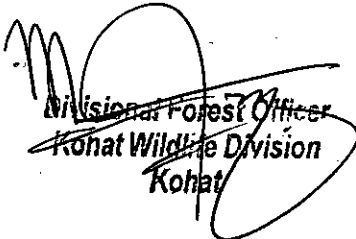
No. 1447-53 /WL-KT

Copy forwarded to:

1. The Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar.
2. The Conservator Wildlife Southern Circle Peshawar.  
For kind information and necessary action please.
3. The Director Budget & Account, Govt. of Khyber Pakhtunkhwa, Forestry, Wildlife & Environment Department Peshawar, for information and necessary action please.
4. Sub Divisional Wildlife Officer Kohat for information with reference to above.
5. Assistant/ Divisional Accountant Wildlife Kohat for information and necessary action.
6. Mr. Rehman Gul, Head Wildlife watcher with reference to his above mentioned application, for information and necessary action.
7. Personnel file.
8. Office Order file.

  
Divisional Forest Officer  
Kohat Wildlife Division  
Kohat

Attested

  
Divisional Forest Officer  
Kohat Wildlife Division  
Kohat

محفوظ حساب صیف لنزرو پٹر فوجیہ وائلڈ لائف ڈیویژن

عنوان: درخواست معراد نظر ثانی اجماعی L-P-R

حساب عالی

موجودہ نزارش ہے کہ S.D.F.O صاحب ہمارے سٹاک رولہ درست

نہیں تھا۔ جبکہ خلاف ہم نے D.F.O صاحب کو کمرہ ذریعہ

بھی دیا تھا۔ لیکن ہمارے مسائل پر کوئی عملدرآمد نہ ہو رہا ہے

حساب والا یہ معاملہ ہم لنزرو پٹر صاحب کے پاس بڑا عرصہ سے

لیکن ہماری کوئی شنوائی نہیں کی گئی۔ چھوڑا ہم چار ایکٹوں کے

اجماعی اسٹیٹمنٹ دینے کا عملہ بنا جسے منظور کیا

حساب عالی۔ ہم چاروں افراد محمد کے متعلق ارجحان ہیں۔ اور ہمارے

کارکردگی بھی روز بروز کم ہوتی جا رہی ہے۔

لہذا نزارش ہے کہ ہمارے مسئلے پر دوبارہ غور کیا جائے۔

Attested عین لوازم میں ہوگی

فقط ادا اب (تاریخ) P.R العارض

ڈپٹی سیکرٹری خلیفہ گل، محمد وائلڈ لائف ڈیویژن

صدر ڈاکٹر رحمن گل، صلیب ریلوے (R.H) قمر شاہ

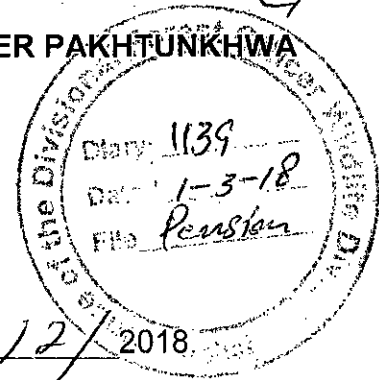
صدر ڈاکٹر محمد شہدائے قمر شاہ

Divisional Forest Officer  
Kohat Wildlife Division  
Kohat  
31/12/2017

03018151306  
03028014822  
03335015153  
03329518005

Zisulcar

OFFICE OF THE CHIEF CONSERVATOR WILDLIFE KHYBER PAKHTUNKHWA  
PESHAWAR.



To

The Divisional Forest Officer  
Kohat Wildlife Division.

No. 6292 /WL (E)

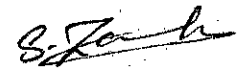
Dated Peshawar the 23/2/2018

Subject: - APPLICATION FOR REVIEW OF LPR

Reference:- CWL Southern Circle letter No.6572/WL (SG) dated 20-02-2018.


Please refer to above and inform the following ex-officials of your division that their application is not acceptable for review of L.P.R as per rules as the applications for LPR has already been acceptant by the competent authority and order in this regard has also been issued. Hence the appeals are rejected.

1. Mr.Halif Gul Ex-Deputy Ranger Wildlife
2. Mr.Rehman Gul Ex-Head Wildlife Watcher
3. Mr.Qasir Mushtaq Ex-Wiidlife Watcher
4. Mr.Misken Badshah Ex-Wildlife Watcher

  
Y Chief Conservator Wildlife  
Khyber Pakhtunkhwa  
Peshawar.

No. 1 /WL (E)

Copy forwarded to Conservator Wildlife Southern Circle Peshawar for information and necessary action with reference to his letter No.6572/WL (SC) dated 20-02-2018.

  
Chief Conservator Wildlife  
Khyber Pakhtunkhwa  
Peshawar

  
Attested

  
Divisional Forest Officer  
Kohat Wildlife Division  
Kohat



**BEFORE THE KHYBER PAKHTUNKHUWA SERVICE TRIBUNAL  
PESHAWAR**

**APPEAL NO.1382/2018**

**REHMAN GUL**

**VS**

**FOREST DEPTT:**

**REJOINDER ON BEHALF OF THE APPELLANT IN RESPONSE  
TO THE REPLY SUBMITTED BY THE RESPONDENTS**

**R/SHEWETH:**

All the objections raised by the respondents are in correct , baseless and not in accordance with law and rules rather the respondent is estopped due to their own conduct to raise any objection at this stage of the writ petition.

**ON FACTS:**

- 1- Admitted correct hence needs no comments.
- 2- Incorrect and not replied accordingly. That during service as Head Watcher in the respondent Department the appellant submitted an application for the grant of leave preparatory to retirement due to some personal grudges with the respondent No.4. That the said application of the appellant was accepted by the respondent No.3 vide order dated 11.12.2017 and as such the appellant was granted LPR w.e.f 08.1202107.
- 3- Admitted correct to the extent of filing Departmental appeal for recall/cancellation of his LPR period while the rest of para is incorrect. That Departmental appeal of the appellant was rejected by the respondents without touching the merits.
- 4- Incorrect and not replied accordingly. That in similar nature cases the respondent Department had recalled the Leave Preparatory to retirement orders and has re-instated many employees into service with all back benefits but in case of the appellant the respondents are not willing.
- 5- Incorrect and replied accordingly hence denied.

**GROUND:**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That

the impugned orders dated 11.12.2017 and 05.03.2018 are based on discrimination and nepotism, therefore, liable to be set aside. That the impugned order dated 11.12.2017 and 05.03.2018 are not tenable in the eye of law and rules and are liable to be set aside. That the respondents acted in arbitrary and malafide manner while issuing the impugned orders dated 11.12.2017 and 05.03.2018 against the appellant. That according to the revised leave rules 1981 the appellant is entitle to be re-instated into service with all back benefits. That as per Rules and regulation the appellant is entitle for the recall of his leave preparatory to retirement with all back benefits.

It is therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted with all back benefits.



**APPELLANT**

**REHMAN GUL**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

## GOVERNMENT INSTRUCTIONS

Subject to the provisions of the Essential Services Maintenance Act, all Government servants shall have the right to retire on a retiring pension after completing 25 years qualifying service provided that a Government servant, who intends to retire before attaining the age of superannuation shall, at least three months before the date on which he intends to retire, submit a written intimation to the authority which appointed him, indicating the date on which he intends to retire. If a Government servant withdraws his application for premature retirement or modifies the date of retirement, before its acceptance by the competent authority, the application or the date of retirement shall be deemed to have been withdrawn or modified, as the case may be. The right given by this para shall not however, be available to a Government servant against whom a departmental enquiry is pending.

No.FD-SOSR-III/4-92/81  
FINANCE DEPARTMENT

Dated Peshawar the 1<sup>st</sup> October, 1981.

"If a Government servant withdraws his application for premature retirement or modifies the date of retirement, before its acceptance by the competent authority, the application or the date of retirement shall be deemed to have been withdrawn or modified, as the case may be."



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar  
No.FD(SOSR-II)/4-36/2018

DEF://www.finance.gov.pk

facebook.com/GokPFD

twitter.com/GokPFD

Dated Peshawar the 5/09/2018

To

1. All Administrative Secretaries,  
Government of Khyber Pakhtunkhwa
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Commissioners / Deputy Commissioners of Khyber Pakhtunkhwa.
6. Registrar Peshawar High Court.
7. Chairman Public Service Commission, Khyber Pakhtunkhwa.
8. Chairman Service Tribunal, Khyber Pakhtunkhwa.
9. All Head of Attach Departments, Khyber Pakhtunkhwa.

Subject: **CLARIFICATION OF WITHDRAWAL OF REQUEST OF LPR/RETIRED AFTER  
SANCTION / NOTIFICATION.**

Dear Sir,

In pursuance of Finance Division Government of Pakistan O.M No.F.1(1)R-4/2007-  
Vol-III(Pt) dated 6.10.2015, the Competent Authority has been please to approve / adopt the  
Federal Government Policy with regard to the subject issue as envisaged in the O.M cited above  
which provides that a Government servant can withdraw option of voluntary retirement during the  
period for which encashment has been applied / granted subject to the following conditions:-

- i. He/She may withdraw his/her option of voluntary retirement before retirement  
matures;
- ii. It is binding on a government servant to return any amount of leave pay received by  
him/her, in lieu of encashment of LPR for that period.
- iii. Later on, on attaining the age of superannuation, if he / she again opts for 365 days  
leave encashment in lieu of 365 days LPR, such option of an individual may be  
treated as a fresh case and he / she will be allowed encashment of LPR in toto.

This supersedes Finance Department, letter No.SOSR-III/4-92/81 dated 01.10.1981  
and the cases already decided thereunder shall not be reopened / reconsidered.

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Encls: No. & Date Even.

Copy is forwarded for information to:

1. The Secretary to Government of Punjab, Sindh and Balochistan, Finance Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar

(ABDUL MALIK)  
DEPUTY SECRETARY (REG-II)

Encls: No. & Date Even.

Copy is forwarded for information and necessary action to:

1. Director Treasuries & Accounts, Khyber Pakhtunkhwa
2. All District Comptroller & Accounts in Khyber Pakhtunkhwa.
3. Director Local Fund Audit, Khyber Pakhtunkhwa.
4. Director FMIU, Finance Department, Khyber Pakhtunkhwa
5. All District Agency Accounts Officers in Khyber Pakhtunkhwa.
6. All Section Officers/Budget Officers in Finance Department.
7. The Private Secretary to Minister Finance, Khyber Pakhtunkhwa.
8. The Private Secretary to Secretary / PAs to Special Secretary, Additional Secretaries / Deputy  
Secretaries in Finance Department
9. The Section Officer (Reg-4) Government of Pakistan, Finance Division, (Regulation Wing with  
reference to his letter referred above
10. HR Finance Department (Assistant Director Web).

(NAEEM TABASSUM)  
SECTION OFFICER (SR.II)



# GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department, Government of Khyber Pakhtunkhwa, Peshawar  
No.FD(SOSR-II)/4-36/2018

Dated Peshawar the 5/09/2018

To

1. All Administrative Secretaries,  
Government of Khyber Pakhtunkhwa
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Commissioners / Deputy Commissioners of Khyber Pakhtunkhwa.
6. Registrar Peshawar High Court.
7. Chairman Public Service Commission, Khyber Pakhtunkhwa.
8. Chairman Service Tribunal, Khyber Pakhtunkhwa.
9. All Head of Attach Departments, Khyber Pakhtunkhwa.

Subject: **CLARIFICATION OF WITHDRAWAL OF REQUEST OF LPR/RETIRED AFTER  
SANCTION / NOTIFICATION.**

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- i. He/She may withdraw his/her option of voluntary retirement before retirement matures;
- ii. It is binding on a government servant to return any amount of leave pay received by him/her, in lieu of encashment of LPR for that period.
- iii. Later on, on attaining the age of superannuation, if he / she again opts for 365 days leave encashment in lieu of 365 days LPR, such option of an individual may be treated as a fresh case and he / she will be allowed encashment of LPR in toto.

This supersedes Finance Department, letter No.SOSR-III/4-92/81 dated: 01.10.1981 and the cases already decided thereunder shall not be reopened / reconsidered.

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Ends: No. & Date Even.

Copy is forwarded for information to:

1. The Secretary to Government of Punjab, Sindh and Balochistan, Finance Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

(ABDUL MALIK)  
DEPUTY SECRETARY (REG-II)

Ends: No. & Date Even.

Copy is forwarded for information and necessary action to:

1. Director Treasuries & Accounts, Khyber Pakhtunkhwa
2. All District Comptroller & Accounts in Khyber Pakhtunkhwa.
3. Director Local Fund Audit, Khyber Pakhtunkhwa.
4. Director FMIU, Finance Department, Khyber Pakhtunkhwa
5. All District Agency Accounts Officers in Khyber Pakhtunkhwa
6. All Section Officers/Budget Officers in Finance Department.
7. The Private Secretary to Minister Finance, Khyber Pakhtunkhwa.
8. The Private Secretary to Secretary / PAs to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.
9. The Section Officer (Reg-4) Government of Pakistan, Finance Division, (Regulation Wing with reference to his letter referred above
10. HR Finance Department (Assistant Director Web).

(NAEEM TABASSUM)  
SECTION OFFICER (SR.II)