

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

In Service appeal No. 1706/2022

Habib ur Rehman          Versus          Govt. of KPK and others

**REPLY ON BEHALF OF RESPONDENTS#1 to 4**

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May 26, 2023

19-06-23

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

In Service appeal No. 1706/2022

Habib ur Rehman                      Versus                      Govt. of KPK and others

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS#1 to 4**

Respectfully Shewith:

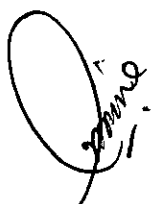
Respondents#1 to 4 humbly submits as under,

**PRELIMINARY OBJECTION:-**

1. That the appellant has no cause of action and locus standi against the replying respondents.
2. That appellant has not come to this Honourable Tribunal with clean hands.
3. That the service appeal of the appellant is not maintainable in its present form, hence, the same is liable to be dismissed.
4. That the instant service appeal of the appellant is based on malafide having no legal footings, hence, is liable to be dismissed without further proceeding.
5. That the appellant is not entitled for the relief which he is claiming in the instant service appeal.
6. That the appellant is estopped due to his own conduct to file this appeal.
7. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
8. That the appellant has concealed the facts from this Honourable Tribunal.
9. That the Honourable Tribunal has no jurisdiction to entertain the instant appeal.
10. That the appeal of the appellant is barred by law and limitation.

**OBJECTION ON FACTS:-**

1. That para No. 1 of the appeal relates to the service of appellant.
2. That para No. 2 of the appeal of the appellant is totally incorrect and misconceived. The Office Order No. 85 dated 29-



01-2021 and Office Order No. 151 dated 22-06-2022 were issued in accordance to the law after conducting enquiry and departmental proceeding as envisaged in Rule 4 of Efficiency and Discipline Rules, 2011. Proper Charge Sheets were issued in both the cases vide office Letter No. 5635/G dated 25-11-2019 & Letter No. 6706/G dated 12-06-2017 respectively and enquiry officers were nominated to conduct enquiry process. The appellant submitted his written defence and also attended the Disciplinary Proceedings. Accordingly enquiry proceedings were concluded and show cause notices were issued vide this Office Letter No. 6978/G dated 22-03-2018 and Office Letter No. 5531/G dated 14-01-2021 and. The appellant submitted written reply to the show cause and accordingly the proceedings were finalized in accordance to the E&D Rules, 2011. The allegations of initiation of Disciplinary Proceedings on the basis of application submitted by appellant dated 15-04-2017 is incorrect. The appellant has committed inefficiency and corruption and on the same charges enquiry proceedings were initiated. Hence, all the office orders were issued in accordance to the law. All the enquiry documents are available and were shared with the appellant as and where desired by him evident from the fact that the appellant has preferred Departmental appeals without adopting proper procedure.

3. That para No. 3 of the appeal is incorrect, hence, not admitted.

**REPLY ON GROUNDS:-**

- a) That ground (a) of the appeal is incorrect, hence denied. The letter dated 16/06/2022 was issued in accordance with law and service rules.
- b) Incorrect and misconceived. As replied above.
- c) That ground (c) of the appeal is incorrect and misconceived. The impugned orders are legal and the appellant was fully aware of the proceedings initiated against him till the conclusion of the inquiries. The appellant is responsible for the omissions made in service. It is pertinent to mention here that the appellant has committed embezzlement while performing his official duties, hence, the recoveries and other

punishments are imposed are legal one and cannot be questioned at this belated stage in this Honourable Tribunal.

d) Incorrect and misconceived. The impugned order has been issued after completing all codel formalities as assigned in the E&D Rules, 2011 and ESTA Code. The allegations were proved after conducting proper enquiry and the competent authority is empowered under law to impose penalties in light of disciplinary proceedings initiated under E&D Rules, 2011.

e) Incorrect and misconceived.

f) Incorrect and misconceived.

**In wake of the submissions made above, this Honourable Tribunal is humbly requested that on acceptance of the para-wise comments of respondents#1 to 4, service appeal of the appellant may please be dismissed with cost.**

May 26, 2023

Humble respondents#1 to 4

  
(Respondent#1)

1. **Secretary To Government  
Khyber Pakhtunkhwa Climate Change,  
Forestry, Environment & Wildlife Department**

  
(Respondent#2)

2. **Conservator Forests  
Southern Forest  
Circle Bannu**

  
(Respondent#3)

3. **Divisional Forest officer  
D.I.Khan Forest Division  
D.I.Khan**

  
(Respondent#4)

4. **Sub Divisional Forest Officer,  
Tank Forest Sub Division  
Tank**

**B**

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

In Service appeal No. 1706/2022

Habib ur Rehman                      Versus                      Govt. of KPK and others

**REPLY ON BEHALF OF RESPONDENTS#1 to 4**

**AFFIDAVIT**

I, **Sub Divisional Forest Officer, Forest Office Tank**, do hereby solemnly affirm and declare on Oath that contents of the written statement are true and correct to the best of my knowledge and nothing has been deliberately concealed from this Hon'ble Court.

May 26, 2023



*[Signature]*  
Deponent

**ATTESTED**



"A"

5

	<i>Abid Muntaz</i> Divisional Forest Officer D.I.Khan Forest Division	Bungalow # 20 - Allama Iqbal road D.I.Khan Canal. Phone # 0966-9280181 Fax # 0966-9280481	
	No. <i>6706/19</i>	Dated D.I.Khan the <i>12</i> June 2017	

To

Mr. Latif Hussain (Inquiry Officer)  
SDFO Petrol Sqaered Peshawar  
C/O CF Southern Circle Peshawar.

**SUBJECT: POOR PERFORMANCE /DRAFT CHARGE SHEET THEREOF.**  
Memo:

Please following Charge Sheet and statement of allegation framed against the various Officials of D.I.Khan Forest Division are enclosed herewith for favour of further necessary action.

S#	Name	Ranke
1	Abdul Tawab	Forester
2	Abdur Rahim	Forest Guard
3	Habib-ur-Rehman	Forest Guard
4	Muhammad Ayub-I	Forest Guard
5	Sana Ullah	Forest Guard

You are requested to serve the charge sheet and statement of allegations upon the accused and finalize the inquiry proceedings strictly in accordance with the provision of Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules 2011 and submit findings with definite recommendation with in the specified period of 30 days.

Encl: as above.

DIVISIONAL FOREST OFFICER  
D.I.KHAN FOREST DIVISION  
D.I.KHAN

No. *6207*

Copy forwarded to the Conservator of Forests Southern Circle Peshawar for favour of information please.

*E/File*

DIVISIONAL FOREST OFFICER  
D.I.KHAN FOREST DIVISION  
D.I.KHAN

*Accepted*  
*YAP*  
Divisional Forest Officer  
D.I.Khan Forest Division  
D.I.KHAN

A/1

6

**LARGE SHEET**

Abid Mumtaz Divisional Forest Officer, D.I.Khan Forest Division as competent authority, hereby charge you, Mr. Habib-ur-Rehman Forest Guard BPS-8 of Tank Forest Sub Division that on 21/05/2017 the Conservator of Forest Southern Circle Peshawar along with the undersigned while inspecting following plantation area have noticed the following failures as noted against each.

S#	Name of Plantation area	Area (Ha)	% of failure
1	Qureshi Sheikh Gara Block Plantation <i>Relocation to May Khani (Part-II)</i>	10	20% failure, 80% works on ground not initiated
2	Qureshi Sheikh Gara Water Logged	6	80% failed
3	Khalid Kot Sultan Block Plantation	15	40 failed
4	Anwar Dabara w/L	14	40% failed
5	Kot Khan Muhammad B	15.6	50% failed
	<b>Total</b>	<b>52</b>	

61

Further More you have committed the following irregularities while holding the charge of the above plantation area raised under "BTAP".

1. Improper maintenance
2. Less watering
3. Lack of interest being incharge of the plantation area
4. Failures in plantation

By reason of the above you appear to be guilty of (i) **IN-EFFICIENCY** (ii) **MISCONDUCT** and (iii) **CORRUPTION** under Rule 3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rule 2011 and have rendered yourself liable to all any of the penalties specified in Rules 4 of the rules ibid.

You are therefore, required to submit your written defense within seven (7) days of the receipt of this Charge Sheet direct to the Enquiry Officer.

Your written defense, if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you. Intimate whether you desired to be heard in person.

A statement of allegations is enclosed

*[Signature]*  
 DIVISIONAL FOREST OFFICER  
 D.I.KHAN FOREST DIVISION  
 D.I.KHAN

(Competent Authority)

*[Signature]*  
 Divisional Forest Officer  
 D.I.Khan Forest Division  
 D.I.Khan

" A/2 "

7

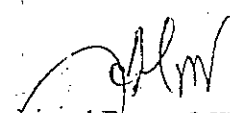
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DISCIPLINARY ACTION

Abid Muntaz Divisional Forest Officer, D.I.Khan Forest Division, as Competent Authority, is of the opinion that Habib-ur-Rehman Forest Guard BPS-8 of Tank Forest Division rendered himself liable to be proceeded against, as he committed the following acts / omissions, within the meaning of section 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you as follows.

STATEMENT OF ALLEGATIONS

- (a) DFO D.I.Khan during field visit along with Conservator of Forest Southern circle Peshawar, noticed more failure in your Plantation areas, raised under "BTAP.
- (b) An Amount of Rs. 276800/- incurred from Govt; Exchequer on raising and subsequently maintenance of above plantation but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more failure was observed.
2. For the purpose of inquiry against the side accused with reference to his above mentioned allegation, Mr. Latif Hussain SDFO Petrol Squared Peshawar is hereby appointed as inquiry Officer under rule 10 (1) (a) of the ibid rules;
3. The enquiry Officer shall, accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its finding and make, within thirty (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.



  
Divisional Forest Officer  
D.I.Khan Forest Division  
D.I.Khan

Attested  
  
Divisional Forest Officer  
D.I.Khan Forest Division  
D.I.Khan



" A/3 "

8

	<p><i>Suleman Khan</i>          Divisional Forest Officer          D.I. Khan Forest Division</p>	<p>Bungalow # 20 - Allama Iqbal road          D.I. Khan Cantt.          Phone # 0966-9280181          Fax # 0966-9280481</p>	
No. <u>5635-19</u>		Dated D.I. Khan the <u>25</u> November 2019	

To

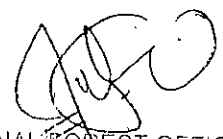
Mr. Amin-ul-Islam  
 Sub Divisional Forest Officer  
 D.I. Khan Forest Sub Division

SUBJECT: DICIPLINARY PROCEEDINGS AGAINST MR. HABIB-UR-REHMAN FOREST GUARD D.I.KHAN FOREST DIVISION/ CHARGE SHEET & STATEMENT OF ALLEGATIONS THERE

Reference: This office order No. 24 dated 17/10/2019 bearing endorsement No. 4730-33/G of even date

Enclosed please find herewith the charge sheet and statement of allegations (in duplicate) framed against Mr. Habib-ur-Rehman Forest Guard for information and further necessary action. Requested to please initiate and finalize the disciplinary proceedings within stipulated period and submit findings to this office for further course of action, please.

Encl: As abc



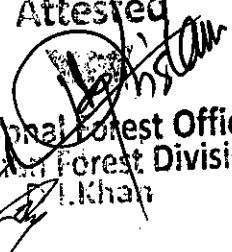
DIVISIONAL FOREST OFFICER  
 D.I.KHAN FOREST DIVISION  
 D.I.KHAN

No. /G

Copy for information and necessary action with reference to above noted office order is forwarded to;

1. SDFO Tank. He is hereby nominated as departmental representative to assist the inquiry officer in the inquiry proceedings.
2. Mr. Habib-ur-Rehman Forest Guard C/O SDFO Tank. He is directed to attend the inquiry proceedings as & when called by the inquiry officer.

DIVISIONAL FOREST OFFICER  
 D.I.KHAN FOREST DIVISION  
 D.I.KHAN

Attested  
  
 Divisional Forest Officer  
 D.I. Khan Forest Division  
 D.I. Khan

TO  
D.I.  
Khan

"A/4"

9

LARGE SHEET

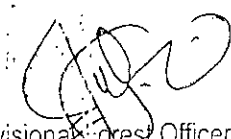
I, Suleman Khan, Divisional Forest Officer D.I.Khan Forest Division as competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, Mr. Habib-ur-Rehman Forest Guard (BPS-8) in charge Dabara Resumed land & Kaur Murtaza road side beat Charges as follows:

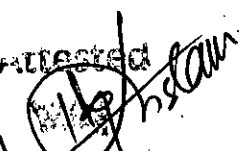
That you while posted as in charge Dabara Resumed land and Kaur Murtaza road beats Tank Forest Sub Division (D.I.Khan Forest Division) committed following irregularities:

1. That SDFO Tank vide endorsement letter dated 23/06/2019 submitted report of Mr. Miram Shah Forest Guard I/C Block Officer Tank Block wherein he reported that you are running private clinic at village kot Khadak tehsil & district Tank and are continuously / willfully absent from official duties, casually coming to Sub Divisional Forest Office at Tank and misbehave with the other forest officials and go back. He also reported that you are involved in grabbing of precious government land of Dabara Resumed land and actively involved in the mal practices and friendly dealing with land grabbers & guiding them for agitation against the Forest & Revenue staff during demarcating the said Government land & creating problems for department.
2. That SDFO Tank further reported that he apprehended double pages of damage report No. 27/15 dated 17/03/2019 and when you were asked to produce damage report book for checking, you denied to produce damage report book and concocted drama and have reported that the damage report book has been misplaced and also threatened the block officer.
3. That SDFO Tank also reported that you are actively involved in the politics and are unfit for government duty due to the reason that in your presence it is feared that government might sustained irreparable losses.

By reason of the above you appear to be guilty of (i) IN-EFFICIENCY (ii) MISCONDUCT and (iii) CORRUPTION under Rule 3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rule 2011 and have rendered your-self liable to all / any of the penalties specified in Rules 4 of the rules ibid.

A statement of allegations is enclosed

  
 Divisional Forest Officer  
 D.I.Khan Forest Division  
 (Competent Authority)

ATTESTED  
  
 Divisional Forest Officer  
 D.I.Khan Forest Division  
 Suleman Khan

"A/S"

10

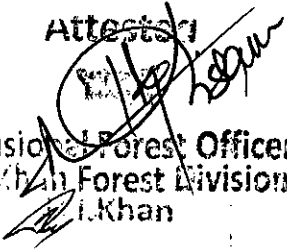
DISCIPLINARY ACTION


I, Suleman Khan, Divisional Forest Officer D.I. Khan Forest Division as Competent Authority am of the opinion that Mr. Habib-ur-Rehman Forest Guard (BPS-8) in-charge Dabara Resumed land and Kaur – Murtaza road side beats (Tank Forest Sub-Division) rendered himself liable to be proceeded against, as he committed the following acts / omissions, within the meaning of section 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve him as follows.

STATEMENT OF ALLEGATIONS

That he while posted as in-charge Dabara Resumed land and Kaur – Murtaza road side beats (Tank Forest Sub Division) committed following irregularities;

1. That SDFO Tank vide endorsement letter dated 23/06/2019 submitted report of Mr. Miram Shah Forest Guard I/C Block Officer Tank Block wherein he reported that Mr. Habib-ur-Rehman Forest Guard is running private clinic at village kot Khadak tehsil & district Tank and is continuously / willfully absent from official duties, he is casually coming to Sub Divisional Forest Office at Tank and misbehave with the other forest officials and go back. I/C Block Officer also reported that Mr. Habib-ur-Rehman is involved in grabbing of precious government land of Dabara Resumed land and is actively involved in the mal practices and friendly dealing with land grabbers & guiding them for agitation against the Forest & Revenue staff during demarcating the said Government land & creating problems for department.
2. That SDFO Tank apprehended double pages of damage report No. 27/15 dated 17/03/2019 and when Habib-ur-Rehman Forest Guard was asked to produce damage report book for checking, he denied to produce damage report book and concocted drama and have reported that the damage report book has been misplaced and also threatened the block officer.
3. That SDFO Tank also reported that Mr. Habib-ur-Rehman Forest Guard is actively involved in the politics and is unfit for government duty due to the reason that in his presence it is feared that government might sustained irreparable losses.
4. For the purpose of inquiry against the side accused with reference to above allegation, Mr. Amin-ul-Islam SDFO D.I. Khan Forest Sub Division has been appointed as Enquiry Officer under rule 10 (1) (a) of the ibid rules vide DFO, D.I. Khan office order 24 dated 17/10/2019.
5. The enquiry Officer shall, accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its finding and make, within thirty (30) days of the receipt of this order, recommendations against the accused.
6. The accused and SDFO, Tank (departmental representative / prosecutor) shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

Attested  
  
Divisional Forest Officer  
D.I. Khan Forest Division  
S. Khan

  
Divisional Forest Officer  
D.I. Khan Forest Division  
(Competent Authority)

ENQUIRY REPORT IN RE

ABIBULLAH FOREST Guard D.I. KHAN FOREST  
DIVISION

Read with

- 1- DFO D.I. Khan office order No. 98 dated 22-5-2017
- 2- DFO D.I. Khan letter No. 6706/G dated 12-6-2017 along with charge sheet and memo of allegation,
- 3- DFO Bannu letter 166-67/G dated 26-7-2017
- 4- Replies furnished by Habib-ur-Rehman Forest Guard dated 12-8-2017.

Discussion

Mr. Habib-ur Rehman Forest Guard suspended vide DFO D.I. Khan office order No. 98 dated 22-5-2017 due to the following reasons:-

- 1- Total of 61 Ha plantation raised consisting of Qureshi Sheikh Block plant: over 10 Ha, Qureshi Sheikh Gara water logged over 5 Ha, Khalid Kot Sultan Block plant: over 15 Ha, Anwar Dabara water logged over 14 Ha and Kot Khan Muhammad Block plant: over 15 Ha of D.I. Khan Forest Division raised under Phase-II of Billion Trees Afforestation Project found 20%, 80%, 40%, 40% & 50% failure by CF Scout as well as DFO D.I. Khan during field visit due to his improper maintenance and negligence.
- 2- Improper maintenance
- 3- Less watering
- 4- Lack of interest being incharge of the plantation area and failure was occurred.
- 5- Sustained financial loss to the Government exchequer viz Rs. 276800/- on a/c of its original raising and subsequently maintenance.

The charge sheets alongwith memo of allegation framed/signed by DFO D.I. Khan against M/S Habib-ur Rehman Forest Guard of D I, Khan Forest Division served in the capacity of enquiry officer, appointed vide DFO D.I. Khan Office order No. 98 dated 22-5-2017, in response the accused officials submitted their replies defending all the charges leveled against them.

Proceedings

The undersigned in the capacity of enquiry officer examined their replies, paid a detailed inspection/visit to the plantation site on 06-3-2017, check the record and personally heard the official was conducted on 06-3-2017.

Requested  
DFO D.I. Khan  
Forest Officer  
Forest Division

A/7  
12  
2

Discussion

Qureshi Sheikh Gara block & Water logged plantation

Originally 16 Ha plantation raised at Qureshi Sheikh Gara with 10 Ha block plantation and 6 Ha water logged but due to bed site selection and sever salinity the plantation result in huge failure. At present 10 Ha block plantation is relocated at May Khani while the original area Qureshi Sheikh Gara 16 Ha plantation maintained as 6Ha water logged plantation.

Khalid Kot Sultan Block plantation and Anwar Dabara water logged

The plantations were recouped and at present found satisfactory little bit failure needs replacement with sizeable plants and frequent watering under the supervision of incharge SDFO.

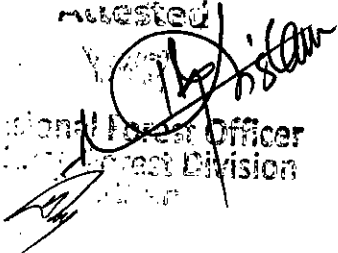
Kot Khan Muhammad Block plantation

At present the condition of the overall plantation found satisfactory the survival %age is about 75%, however the remaining failure needs to be replaced with sizeable palms.

Finding

Keeping in view the above discussion / ground reality and consultation of record and personal hearing of the official the undersigned reached to the conclusion that all the failure what so ever reported have accordingly been done by the accused official at own expenses before my visit, however the following actions/obligations are recommended :-

- 1- The re-location area of 10 Ha block plantation should be maintained on the same expenditure of 10 Ha Sheikh Gara block plantation as well as the failure in the relocated area should also be recouped as early as possible, which should be verified by DFO D.I. Khan himself. Moreover the relocated area should be monitored/ measured accordingly.
- 2- Two times extra watering to relocated area by the accused official without charging any type of Expdt. This should be ensured by SDFO Tank whereas the original Qureshi Sheikh Gara 16Ha plantation should be maintained on the expenditure of 6 Ha water logged and SDFO should ensure at least 7000 survival plants.
- 3- One time watering of Khalid Kot Sultan & Anwar Dabara plantations be carried out by accused Forest Guard without charging any expenditure which should be ensured by SDFO Tank.

Witnessed  
  
Functional Forest Officer  
Forest Division

" A/8 "

13

~~22/2~~  
~~22/2~~

- 4- The cost of Kot Khan Muhammad Block plantation @ 25% of the total expenditure may be recovered or beating up of failure in complete plantation with three time extra watering by accused Forest Guard without any charges.
- 5- Censure warning to the Forest Guard for selection of area and plantation maintenance.
- 6- Withholding one increment due on 01-12-2018 without accumulative effect.

*Syed Lateef Hussain*  
(Syed Lateef Hussain)  
DFO Barnu  
(ENQUIRY OFFICER)

~~14/12/2018~~  
Divisional Forest Officer  
Barnu Forest Division  
Barnu

"A/9"

14

ENQUIRY REPORT AGAINST MR. HABIB UR REHMAN FOREST GUARD D.I.Khan  
FOREST DIVISION.

READ WITH:

- 1) DFO DIKHAN LETTER NO. 4282/G Dated 01/10/2019
- 2) DFO D.I.KHAN LETTER NO.5635/G Dated 25/11/2019 ( Statement of Allegations and Charge Sheet).
- 3) SDFO D.I.KHAN LETTER dated 23/12/2019 for written reply to the charge sheet.
- 4) Reply to the charge sheet by the accused Dated 11/01/2020.
- 5) SDFO D.I.Khan Letter Dated 7/10/2020.

BRIEF HISTORY:

Mr. Habib ur Rehman Forest Guard is serving in Tank Forest Sub Division. The SDFO D.I Khan vided letter dated 23/06/2019 submitted the report of Mr. Miram Shah Forest Guard I/C Block Officer Tank Block where in he reported that the official is running his own private clinic at village Kot Khadak Tehsil and District Tank and is continuously/willful from official duties, casually coming to SDFO Office and go back and also Misbehave with other Forest officials. The I/C Block officer further reported that the official is also involved in grabbing precious land Dabara resumed Land and actively involved in mal practices and friendly dealing with land Grabbers and guiding them for agitation against the Forest & Revenue staff during demarcating the said Government land and creating problems for Department. The SDFO Tank reported that he apprehended Double pages of Damage reported No. 27/15 dated 17/03/2019 and when was asked to produce the Damage report book the official denied and concocted drama drama that the Gurad book has been misplaced and also threatened the block officer for creating problems to him. The SDFO tank also reported that the official is actively involved in politics and is unfit for performing Government Duty and the Government may face irreparable losses. Keeping in view the above exposition the DFO D.I.Khan issued Charge sheet and Statement of allegations.

Proceedings.

Keeping in view the above facts the DFO D.I.Khan issued charge sheet along with statement of allegations vide letter no. 5635/G Dated 25/11/2019 and appointed the undersigned as Enquiry officer for the finalization of Enquiry.

Discussion.

Mr. Habib ur rehman forest Guard herein called as Accused official was called for written reply for charge sheet and statement of allegation and was accordingly for personal hearing dated 10/10/2020. The accused official through his written defense reply stated as.

*Handwritten signature*  
District Forest Officer  
Forest Division

- 1) The days of the Absence are not mentioned in the beat and the allegation is denied. Dabara beat is at a distance of 14-15 Kilometer from tank and the alleged absence could have been readily and promptly checked out which is not the case.
- 2) The Dabara Resumed land is infested with illegal encroachers and the Pucca residential buildings are mounted thereupon and the even Peshawar High Court had taken Cognizance during the hearing of petition of Miram Shah Forest Guard now in charge Block officer and the case is under scrutiny by NAB Peshawar. The allegation is thus misplaced and denied.
- 3) The book of Damage report had in fact been lost and a report to this effect was made through SDFO Tank on 30/05/2019.
- 4) Press notice was published in Roznamā Aitidal and Mashriq on Monday of 27/05/2019. The narrative regarding the Damage report is available in the compensation register of SDFO Tank and in case of undisposed of reports the manually prepared copies can easily be complied for further legal process through the forums of Block officer and Forest public prosecutor and thus there is no material withholding of prosecution/ Compensation cases if sincere and serious efforts are made by the concerned Block officer.
- 5) The business of Private clinic has not been fully narrated as the TIBB- Homeopathy or Allopathy or some other norms and such allegations is unfounded and based on the personal malice of the Block officer.
- 6) All the allegations are denied and the charges may be withdrawn. The respondent also wishes to be heard in person.

The accused official was called for personal hearing dated 10/10/2020 wherein the accused official vindicated his stance as was in written reply and has denied the charges levelled against him.

1. When the accused official was asked regarding his posting in Tank Forest Sub Division the accused replied that he is serving in Tank forest Sub division since 15/04/2011.
2. When the accused official was asked regarding his private clinic or Business the accused replied that these are false allegations and doesn't hold any ground.
3. When asked regarding that he oftenly misbehave with the officials whenever visits the office. The accused official stated that it is mere allegation and has no grounds all the officials and seniors are respectable to me and he respect them with the core of his heart.
4. When asked regarding the misuse of the Guard Book the accused official stated that he has not mis used the guard book rather the Forester/ Block Officer in charge has inhaled the Photostat and with Miram shah and the accused official has personal enmity and he using these tactics to harm him.
5. When asked regarding the report of The SDFO Tank that when the accused was directed to hand over the Guard book but the in return the accused official stated that the guard book was misplaced the official stated that the Guard book was actually misplaced and he according to the law submitted the report to the SDFO Tank and

*Handwritten signature*  
Block Officer  
Division



" A/11 "

16

- also submitted an application to the Police station and also has advertised in the 2 newspapers.
6. When asked regarding what is his status when the guard book is missing the accused official stated that the he has reported regarding the misplacement of the guard book and he also requested for the issuance of new Guard book which was not done.
  7. When asked regarding what is the legal procedure when the Guard book is misplaced. The accused official stated that the legal procedure is that a report may be submitted to the Forester in charge and then to SDFO and accordingly register an FIR for the loss of Damage report and the accused official has completed all the requirements.
  8. When asked regarding the Damage report no. 27/15 dated 17/03/2019 which has been chalked in 3 different ways. The accused official stated that he has handed over the case to the Block Officer Miram Shah with whom the accused official has personal enmity and has tempered the record only to defame him.
  9. When asked regarding his political activities the accused official stated that he has never been indulged in political activities.
  10. When asked regarding the encroachment in Dabara Resumed land the accused official stated that he has done all he could and has chalked the damage reports against the delinquent encroachers
  11. When asked regarding his involvement in igniting the locals against the revenue staff and also forest Officials, the accused official stated that he has never done such thing and has never been indulged in such activities.

Conclusion.

Keeping in view the record, reply to the charge sheet and also the personal hearing it is concluded the allegations levelled against the official needs proper proof from the representative of the Division. At large the allegations are only based on assumption but the misplacing of the Guard book is a serious charge has been proved as vindicated by the accused himself. The allegations regarding the supporting the encroachers in encroaching the Government land needs documentary evidence which could not be produced by the representative. Further allegations like involvement in political activities and running private business also needs documentary evidence. At general the allegations are only surface and has no ground holdings but the allegation of the mis using the Guard Book and misplacing the Guard book is Proved. Such like actions need to be discouraged and needs to be punished as the forest Guard without his Guard book is like a soldier without weapon. Thus the charges of Misconduct and inefficiency are proved and the charges of corruption are not established.

Attested  
*[Signature]*  
Divisional Forest Officer  
D.I. Khan Forest Division  
*[Signature]*

"A/12"

17

Recommendation.

Keeping in view the above conclusion and looking into the record it is recommended that *STOPPAGE OF 2 ANNUAL INCREMENTS WITHOUT CUMMULATIVE EFFECT* on account of Misconduct and Inefficiency.

*Amin Ul Islam*  
AMIN UL ISLAM

ENQUIRY OFFICER  
SUB DIVISIONAL FOREST OFFICER

*Amin Ul Islam*  
Principal Forest Officer  
Sub Divisional Forest Division  
*Amin*

"A/13"

18

21

	<p><i>Abid Muntaz</i>          Divisional Forest Officer          D.I.Khan Forest Division</p>	<p>Bungalow # 20 - Allama Iqbal road          D.I.Khan Cantt.          Phone # 0966-9280181          Fax # 0966-9280481</p>	
No. <u>6979</u> /G		Dated D.I.Khan the <u>22</u> March 2018	

To

Mr. Habib-ur-Rehman  
 Forest Guard  
 C/O Sub Divisional Forest Officer  
 Tank Forest Sub Division, Tank

**SUBJECT: - ENQUIRY AGAINST MR. HABIB-UR-REHMAN FOREST GUARD / SHOW CAUSE NOTICE THEREOF**

Syed Latif Hussain, Divisional Forest Officer Bannu Forest Division (Enquiry Officer) has completed the enquiry against you and submitted findings with the recommendation regarding the imposing punishments upon you. Therefore, Show Cause notice along with a copy of enquiry report is sent herewith.

You are directed to submit your defence / reply within seven (7) days from the date of its receipt by you otherwise it shall be presumed that you have no defence to put in and in that case, an ex-parte action shall be taken against you.

Acknowledge the receipt.

Encl: As above.

DIVISIONAL FOREST OFFICER  
 D.I.KHAN FOREST DIVISION  
 D.I.KHAN

No. 6979 /G

Copy along with letter and show cause meant for Mr. Habib-ur-Rehman Forest Guard is forwarded to SDFO Tank. He is directed to deliver the same to the said forest guard under proper acknowledgement receipt and report compliance.

Encl: As above.

DIVISIONAL FOREST OFFICER  
 D.I.KHAN FOREST DIVISION  
 D.I.KHAN

**Attested**  
  
 Divisional Forest Officer  
 D.I.Khan Forest Division

"A/14"

(19)

Office of the  
Divisional Forest Officer, D.I. Khan Forest Division

SHOW CAUSE NOTICE

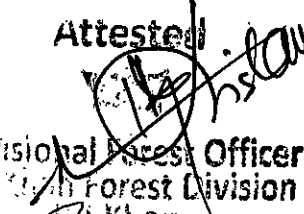
I, Abid Mumtaz Divisional Forest Officer, D.I. Khan Forest Division as competent authority under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, Mr. Habib-ur-Rehman Forest Guard (BPS - 8) of Tank Forest Sub Division as follows:

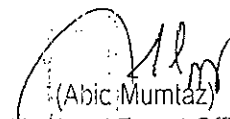
- i. That consequent upon the completion on enquiry conducted against you by Syed Latif Hussain (DFO, Bannu) the enquiry officer for which you were given opportunity of hearing on 06/03/2017 and;
- ii. Ongoing through the findings and conclusion of the enquiry officer, the material on record and other connected papers including your defence before the enquiry officer.

I am satisfied that you have committed the following acts / omissions specified in the Rule-3 of the said Rule;

- (i) Inefficiency
- (ii) Misconduct



2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalties proposed by the enquiry officer under the Rule-14 (4) (b) of the Rules said.
3. You are, therefore, required to Show Cause as to why the penalties proposed by the enquiry officer should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven (7) days of its receipt by you, it shall be presumed that you have no defence to put in and in that case, an ex-parte action shall be taken against you.
5. A copy of the findings / conclusion of the enquiry officer is enclosed herewith.

Attested  
  
Divisional Forest Officer  
D.I. Khan Forest Division  
D.I. Khan

  
(Abid Mumtaz)  
Divisional Forest Officer  
D.I. Khan Forest Division  
D.I. Khan  
(Competent Authority)

"A/15"

2/8/21  
20/1/21  
20

	<p align="center"><b>Shahid Noor</b> Divisional Forest Officer D.I. Khan Forest Division</p>	<p align="center">Bungalow # 20 - Allama Iqbal road D.I. Khan Cantt. Phone # 0966-9280181 Fax #09669280481</p>	
No. 5531/G		Dated D.I. Khan the 14/ January 2021	

Mr. Habib Ur Rehman  
Forest Guard C/O SDFO D I Khan.

Subject: DISCIPLINARY PROCEEDINGS SHOWCAUSE THEREOF.

I, Shahid Noor Divisional Forest Officer D.I. Khan Forest Division as competent authority under the Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules 2011, do hereby serve you as follows,

- i. That consequent upon the completion of inquiry conducted by the enquiry officer against you for which you were given opportunity of personal hearing, and
- ii. On going through the findings and recommendations of the enquiry officer/enquiry committee, the material on record and other connected documents, including your defense before the enquiry officer/enquiry committee.

I am satisfied that you have committed the following acts/omissions specified in rule-3 of E&D Rules, 2011.

- i. **Misconduct**
- ii. **Inefficiency**

As a result, I as competent authority, have tentatively decided to impose the following penalties i.e

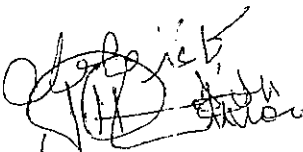
- i. Stoppage of two annual increments for a period of two years.

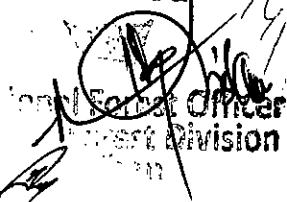
You are, therefore, required to show causes to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply to this notice is received within Seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and, in that case, ex parte action shall be taken against you.

A copy of findings of the enquiry officer/enquiry committee is enclosed.

Encl; As above

  
 DIVISIONAL FOREST OFFICER  
 D.I. KHAN FOREST DIVISION  
 D.I. KHAN

Attested  
  
 Divisional Forest Officer  
 Forest Division

"B"

(21)

OFFICE ORDER NO. 85 DATED D.I.KHAN THE 29 JANVRY 2021  
ISSUED BY MR.SHAHID NOOR DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST  
DIVISION

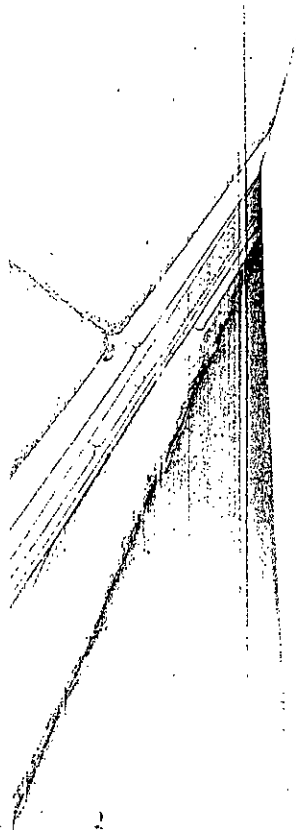
WHEREAS, Mr. Habib Ur Rehman, Forest Guard (BPS-08) was proceeded against Under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, For the charges i.e failures in Qureshi Sheikh Gara 10 Hac Block Plantation, Qureshi Sheikh Gara 6 Hac Water Logged Plantation, Khalid Kot Sultan 16 Hac Block Plantation, Anwar Dabara 14 Hac Water Logged Plantation and Kot Khan Muhammad 6 Hac Block Planitation as mentioned in the Charge Sheet and Statement of Allegation served upon him;

AND WHEREAS, the Enquiry Officer Syed Lateef Hussain the then Divisional Forest Officer Bannu was appointed to conduct inquiry against the said official vide DFO D.I.Khan office order No. 98 dated 22-05-2017.

AND WHEREAS the Enquiry Officer, after having examined the charges, evidence on record and explanation of the official and submitted his report, where as the charges against the accused official have been established beyond reasonable doubt. The enquiry officer as per his finding recommended:

1. The re-location area of 10 Hac block plantation should be maintained on the same expenditure of 10 Hac Sheikh Gara Block plantation as well as the failure in the relocated area should also be recouped as early as possible, which should be verified by DFO D.I.Khan himself. Moreover the relocated area should be monitored, measured accordingly.
2. Two times extra watering to relocated area by the accused official without charging any type of Expdt: This should be ensured by SDFO Tank whereas the original Qureshi Sheikh Gara 16 Hac plantation should:

Attested  
  
Forest Officer  
Division



- be maintained on the expenditure of 6 Hac water logged and SDFO should ensure at least 7000 survived plants.
3. One-time watering of Khalid Kot Sultan & Anwar Dabara plantations be carried out by accused Forest Guard without charging any expenditure which should be ensured by SDFO Tank.
  4. The cost of Kot Khan Muhammad Block/Plantation @ 25% of the total expenditure may be recovered or beating up of failure in complete plantation with three time extra watering by accused Forest Guard without any charges.
  5. Censure warning to the Forest Guard for selection of area and plantation maintenance.
  6. Withholding one increment due on 01-12-2018 without accumulative effect.

22  
B/1

AND WHEREAS the Competent Authority, after considering the enquiry report and other related documents of the case the above named official to which he replied and provided him opportunity of personal hearing on 22/02/2021. The matter was referred by the then DFO D.I.Khan to Mr. Muhammad Nawab RFO I/C SDFO Tank Sub Division to inspect the above sites relating to disciplinary proceeding and submit his comprehensive report vide letter No. 7501/G dated 09-04-2019, No 6235/G dated 26-02-2019.

NOW, THEREFORE, the Competent Authority after having considered the charges, evidence on record and report furnished M/s Munawar Jani Forester I/C block officer and Muhammad Nawab I/C the then SDFO Tank vide their report dated 07-03-2019 that the failure was beat-up and the plantation was in good condition finding/recommendation of the Enquiry Officer, the explanation of the official, personal hearing and exercising his power under

*Accepted*  
Divisional Forest Officer  
D.I. Khan  
Sub Division

23

"B/2"

Rule-14(5)(ii) read with rule 4(1)(i)&(iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has confirmed the recommendation of the enquiry officer and impose the following penalties.

1. Recovery of Rs. 1,00,530/- as the 25% of the total expenditure of Kot Khan Muhammad Block Plantation.
2. Withholding one increment without accumulative effect for 2 years.



(SHAHID NOOR)  
DIVISIONAL FOREST OFFICER  
D.I.KHAN FOREST DIVISION  
D.I.KHAN

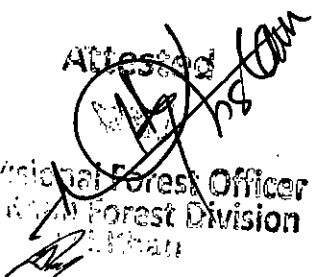
6096-6100

No. /G

Copy for information and further necessary action with reference to his office endorsement letter No. 357-59/G dated 13/07/2017 is forwarded to:-

1. The Conservator of Forests, Southern Circle Peshawar.
2. Syed Lateef Hussain DFO Mehmond (Enquiry Officer) for information with reference to his letter No.1586 dated 09-03-2018.
3. SDFO Tank for information and necessary action.
4. Head Clerk/Accountant D.I.Khan Forest Division.
5. Mr. Habib Ur Rehman Forest Guard C/O SDFO Tank.

Attested

  
Divisional Forest Officer  
D.I.Khan Forest Division  
D.I.Khan



DIVISIONAL FOREST OFFICER  
D.I.KHAN FOREST DIVISION  
D.I.KHAN



"C" (24)

OFFICE ORDER NO. 151 DATED D.I.KHAN T HE 22 JUNE, 2022, ISSUED BY MR. SHAHID NOOR DIVISIONAL FOREST OFFICER D.I.KHAN FOREST DIVISION

WHEREAS, Mr. Habib-ur-Rehman Forest Guard (BPS-8) while posted as incharge Dabara Resumed land and Kaur Murtaza Road beat of Tank Forest Sub Division (D.I.Khan Forest Division) found involved in running of private clinic, remained willfully absent from official duties did misbehave with Forest Staff and allowed encroached of precious Government land of Dabra Resumed land through guiding the grabbers against the Forest & Revenue staff during demarcation.


AND WHEREAS, the SDFO Tank has apprehended double pages of damage Report No. 27/15 dated 17-03-2019, when asked to produce damage report book, he denied to produce. Also threatened the block officer. He is involved in the politics.

AND WHEREAS, DFO D.I.Khan has assigned the task of inquiry to Mr. Aminul Islam SDFO D.I.Khan Forest Sub Division vide DFO D.I.Khan letter No. 4282/G, dated 25/11/2019. DFO D.I.Khan has sent Charge Sheet framed against Mr. Habib-ur-Rehman Forest Guard to inquiry office vide DFO D.I.Khan letter No. 5635/G, dated 25/11/2019. SDFO D.I.Khan has issued letter to the accused dated 23.12.2019 for sub mission of written reply to the charge sheet. The accused has submitted reply dated 11.01.2020.

AND WHEREAS, the enquiry officer, SDFO after having examined the charges evidences and explanation of the accused official, submitted detail & comprehensive report has submitted his recommendation i.e stoppage of 02 annual increments without Cumulative effect on account of misconduct & in-efficiency.

NOW, THEREFORE, the competent authority, after having considered the charge evidences on record, finding of the enquiry report, explanation of the above accused official and exercising his powers conferred under Rule 14(3) of Khyber Pakhtunkhwa Government servants (Appointment, Promotion & Transfer rule-1989) is pleased to impose the following penalty on Mr. Habib-ur-Rehman Forest Guard due to his Misconduct & in-efficiency) in the interest of public service with increment for a period of 02 years.

- a) Stoppage of two year Annual increment for a period of 02 year.
- b) warned to remain more careful in future.
- c)

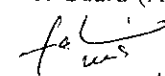
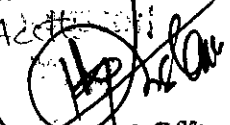
  
(SHAHID NOOR)  
DIVISIONAL FOREST OFFICER  
D.I.KHAN FOREST DIVISION

D.I.KHAN

No 10879-82  
/G

Copy forwarded to the:

1. Accountant Divisional Office D.I.Khan for information and necessary action. He is directed to immediately stop 02 Annual increments for a period of 02 years of Mr. Habib-ur-Rehman Forest Guard.
2. Establishment Clerk Divisional office D.I.Khan for information and necessary action. He is directed that necessary action entries to this effect may be recorded in the service Book of Mr. Habib-ur-Rehman Forest Guard.
3. Mr. Habib-ur-Rehman Forest Guard (Attached with Divisional office D.I.Khan) for information & necessary action.
4. Office file.

  
Fahimullah  
Accountant  
  
Accountant  
Divisional Office  
D.I.Khan

  
DIVISIONAL FOREST OFFICER  
D.I.KHAN FOREST DIVISION

D.I.KHAN

(33)

(25)

8/8  
Am - "D"

بخدمت جناب ڈی ایف او صاحب فارم سٹ اور سزین ڈیرہ اسماعیل خان  
درخواست ہمارے کہ مسائل نے سونامی پراجیکٹ میں خرچہ ماہ ستمبر 2016 میں کام کیا تھا وہ اجابت ڈاکٹرن  
مز دور وغیرہ (ریپیزنگ وغیرہ) یہ کہ مذکورہ کام جو کہ خرچ آفسر صاحب محسن الدین کے وقت  
کام کیا تھا۔ مورخہ 01/12/2016 کو کام شروع کیا اور مورخہ 19/12/2016 تک

جناب عالی! مسائل حسب ذیل عرض رہا ہے

- 1- یہ کہ سونامی پراجیکٹ کے تحت ماہ ستمبر 2016 کو خرچ آفسر محسن الدین کے وقت کام کیا گیا تھا
- 2- یہ کہ مذکورہ کام پر خرچہ مبلغ 81000/- روپے بقایا تھا۔
- 3- یہ کہ خرچ آفسر محسن الدین مورخہ 21/12/2016 کو ریٹائرڈ ہو گیا یہ کہ محسن الدین کی جگہ  
نومبر ماہ ستمبر اور جنوری کو چیک محسن الدین کی جگہ خرچ آفسر سعید اللہ کو فروری 2017 کو مل گیا۔
- 4- یہ کہ اس بیت محسن الدین کو اطلاع نہیں دی گئی تھی اور چیک مذکورہ سعید اللہ نے وصول کیا تھا۔ مسائل نے  
سبب بتا دیا ہے کہ کیا تھا حال نہ مل سکا۔
- 5- یہ کہ سعید اللہ مذکورہ بھی تمام ایک ماہ بعد ہی وٹرانسفر ہو گیا۔ مسائل نے مذکورہ سبب سے بارے میں  
سوئی خان ڈی ایف او کے پاس اپنا کیس لے کر کیا تھا اور تین ماہ تک جی ڈی اور مسائل سے پوچھ پچھا اور صورتی  
بمراہ تھا اور ہم نے سارا داران دفتر میں گزارا اور ہر گھر واپس چلے گئے۔
- 6- یہ کہ ہمارے بعد سعید اللہ خرچ آفسر بن گیا۔ مسائل نے کہا ہے کہ آیا تھا اور ہم نے سوئی خان ڈی ایف او صاحب  
والہ کیا تو انہوں نے کہا کہ آپ کا مسئلہ تو خرچ آفسر کے ہونے کے لیے تھا۔ اس کے بعد ان بعد سوئی  
خان ڈی ایف او صاحب بھی ریٹائرڈ ہو گئے اور یہ کہ مسائل نے کہا ہے کہ ان دنوں واقف ہے۔ یہ کہ جی ڈی فارم سٹ  
گاؤ اور فرمٹور سزور جان نے تاشی کی تھی۔

لہذا آپ جناب سے استدعا کی جاتی ہے کہ آنجناب مسائل کا مسئلہ حل کرنے میں تعاون کریں کہ مسائل اس  
بابت سخت پریشان ہے۔ اور مسائل نے لوگوں سے قرضہ لیا جو کہ اب لوگ قرضہ کے لئے شکرتے ہیں۔  
لہذا مسائل کی رقم 81000/- روپے دینے کا حکم صادر فرمائیں تاکہ کہ حاجی  
محسن نورانی ہوگی

مورخہ 15/04/2017

العارضی

مسائل صاحب الرحمن فارم سٹ ہارڈ ڈکٹور

4-44  
مسائل

Attested  
Signature  
Official Seal  
District Officer  
District

کے لیے یہاں دوٹرل فائینٹ آفٹ سرورٹ کے تحت ایک ماح

26

لوہا طبع صحت سے دوٹرل فائینٹ آفٹ سرورٹ کے تحت ایک ماح  
Am-B/6

26  
D/1

صحت عالی  
مخبرہ صحت کے مطابق اوہ صحت کے تحت ایک ماح  
3  
27  
2019

صحت عالی  
جس کے مطابق انڈیا کے سرورٹ کے تحت ایک ماح

16 جنوری کو سرورٹ کے تحت ایک ماح  
Re-locate  
دوڑا کے مطابق سرورٹ کے تحت ایک ماح

مخبرہ صحت کے مطابق سرورٹ کے تحت ایک ماح  
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سرورٹ کے مطابق

(3)

ادیشن پانڈر صمد (کا کسٹم) کے ساتھ صفحہ

بچھڑا اور سڑک بجایے کہ جھانگ کو فلائپر زکوٰۃ اور ایوانی آئی

کا اور اور بھی رپورٹ کو منظور خاطر لکھے ہوئے بندہ نے ضرورت

تقدیر اور سفارش کے ساتھ یہ سے یہی ایوانی

دیا جائے اور اس کے ساتھ ساتھ اس کے ساتھ ساتھ

بندہ کی اس کے ساتھ ساتھ اس کے ساتھ ساتھ

صوبہ گورنر کو

السعیدین - عطا محمد 20/10/2018

رکن قائد قلعہ صاحب اس کے ساتھ ساتھ اس کے ساتھ ساتھ

کے لئے اطلاع پیش کی ہے اس کے ساتھ ساتھ اس کے ساتھ ساتھ

کو ذریعہ اطلاع

السعید

رکن قائد قلعہ صاحب اس کے ساتھ ساتھ اس کے ساتھ ساتھ

AH 11/12

Arrested

Signature

Divisional Forest Officer  
Forest Division  
Khan