


Conservator of Forests Southern Forest Circle Bannu		Southern Forest Circle, Miranshah Road, Tappi Killa, Bannu Phone # 0928-620145
No. /Estt	Dated Bannu the 10/05/2023	

To,

Section Officer (Litigation)  
Climate Change, Forestry, Envir and Wildlife Department  
Khyber Pakhtunkhwa  
Peshawar

Subject: WRIT PETITION NO. 1706/2022 TITLED "HABIB UR REHMAN VS SECRETARY GOVT. OF KP CFS&WD AND OTHERS"

Memo:

Enclosed kindly find herewith three (03) copies of para-wise comments preferred by DFO D.I.Khan Forest Division vide letter No. 8015/Estt dated 02-05-2023 to the subject Writ Petition for your kind signatures. The same may kindly be returned to this office for onward submission to Service Tribunal Khyber Pakhtunkhwa (Court Camp D.I.Khan) at earliest, please.

Enclsd As Above: -

Conservator of Forests  
Southern Forest Circle  
Bannu


No. 1657-58/Estt

Copy forward to:

1. The Chief Conservator of Forests, Central Southern Region-I, Khyber Pakhtunkhwa, Peshawar for favour of information, please.
2. The DFO D.I. Khan Forest Division with ref: to his letter mentioned above.

Conservator of Forests  
Southern Forest Circle  
Bannu

o/c

Conservator of Forests Southern Forest Circle Bannu		Southern Forest Circle, Miranahah Road, Tappi Killa, Bannu Phone # 0928-620145
No. /Estt		Dated Bannu the 10/05/2023

Section Officer (Litigation)  
Climate Change, Forestry, Environ and Wildlife Department  
Govt. of Khyber Pakhtunkhwa  
Peshawar

Subject: WRIT PETITION NO. 1706/2022 TITLED "HABIB UR REHMAN VS SECRETARY GOVT. OF KP CFFAWD AND OTHERS"

Memo:

Your kind attention is invited to the subject noted above and DFO D.I.Khan Forest Division letter No. 8014/Estt dated 02-05-2023 (copy enclosed) wherein it is requested that SDFO Tank Forest Sub Division may kindly be authorized to attend the hearing in subject case in the Honorable Service Tribunal (Court Camp D.I.Khan) on behalf of Secretary of Climate Change, Forestry, Environment and Wildlife Department, Govt of Khyber Pakhtunkhwa, please

Enclsd As Above: -

Conservator of Forests  
Southern Forest Circle  
Bannu

No. 1660-61/Estt

Copy forward to:

1. The Chief Conservator of Forests, Central Southern Region-I, Khyber Pakhtunkhwa, Peshawar for favour of information, please.
2. The DFO D.I. Khan Forest Division with ref: to his letter mentioned above.

  
Conservator of Forests  
Southern Forest Circle  
Bannu

**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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1.	Comments with affidavit	--	
2.	Copy of application dated 15/04/2017	--	
3.	Copy of order dated 16/06/2022 along with application dated 30/03/2018 and agreement	--	

April 28, 2023

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**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 mala fide 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 maintain the instant appeal.
10. That the appeal of the appellant is barred by law and limitation.

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**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 letter dated 29/01/2022 was issued after conducting thorough inquiry and departmental proceedings against the appellant in which the appellant did not respond properly, hence, the letter in question was issued in accordance with law. Moreover, the departmental appeal has not been received to the authority, hence, in absence of departmental appeal the instant appeal is not maintained being barred by law.
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.
- 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 code 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.

April 28, 2023

Humble respondents#1 to 4

1. Secretary Forest Department KPK Peshawar

2. Conservative Forest Department

3. Divisional Forest officer

D.I.Khan Forest Division

4. Sub Divisional Forest Officer, Tank

بخدمت جناب ڈی ایف او صاحب فارسٹ ڈویژن ڈیرہ اسماعیل خان  
درخواست ہمارے کہ سائل نے سوانی پراجیکٹ میں خرچہ ماہ ستمبر 2016 میں کام کیا تھا۔ اجازت ڈائن  
مزادرو غیرہ (ریٹیزنگ وغیرہ) یہ کہ مذکورہ کام ہو کہ تاریخ آفیسر صاحب معین الدین کے وقت

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کام کیا تھا۔ مورخہ 01/12/2016 کو کام شروع کیا اور مورخہ 19/12/2016 تک

جناب عالی! سائل حسب ذیل عرض رہا ہے

- 1- یہ کہ سوانی پراجیکٹ کے تحت ماہ ستمبر 2016 کو ریج آفیسر معین الدین کے وقت کام کیا گیا تھا۔
- 2- یہ کہ مذکورہ کام پر خرچہ مبلغ -/81000 ہزار روپے بقایا تھا۔
- 3- یہ کہ ریج آفیسر معین الدین مورخہ 21/12/2016 کو ریٹائرڈ ہو گیا یہ کہ معین الدین کی جگہ  
تو سب سے پہلے اور جنوری کا چیک معین الدین کا چیک ریج آفیسر معین الدین کو فروری 2017 کو مل گیا۔
- 4- یہ کہ اس بہت معین الدین کو اطلاع نہیں دی گئی تھی اور چیک مذکورہ حمید اللہ نے وصول کیا تھا۔ سائل نے  
اس بابت جو خرچہ کیا تھا نا حال نہ مل سکا۔
- 5- یہ کہ حمید اللہ مذکورہ بھی بمقام ایک ماہ بعد پینڈر سفر ہو گیا۔ سائل نے مذکورہ مسئلے کے بارے میں  
سوائی خان ڈی ایف او کے پاس اپنا کیس لے کر لیا تھا اور پینڈر تاریخ دی گئی اور سائل بعد پینڈر کیس  
بمراہ تھا اور ہم نے سارا دن دفتر میں گزارا اور ہم گھر واپس چلے گئے۔
- 6- یہ کہ ہم نے بعد حمید اللہ ریج آفیسر ریٹنگ کے لئے آیا تھا اور ہم نے موافق سوائی خان ڈی ایف او صاحب  
راولہ کیا تو انہوں نے کہا کہ آپ کا مسئلہ تو اس تاریخ آفیسر کے ہوالے کیا ہے۔ اس کے تین دن بعد موافق  
تاریخ ڈی ایف او صاحب بھی ریٹائرڈ ہو گئے اور یہ کہ سائل کا مسئلہ جنوں قانون ہے۔ یہ کہ حاجی گل فارسٹ  
گاڑا اور فریئر منور جان نے تالشی کی تھی۔

لہذا آپ جناب سے استدعا کی جاتی ہے کہ آنجناب سائل کا مسئلہ حل کرنے میں تعاون کریں کیونکہ سائل اس  
بابت سخت پریشان ہے۔ اور سائل نے لوگوں سے قرضہ لیا جو کہ اب لوگ قرضہ کے لئے تنگ کرتے ہیں۔

لہذا سائل کی رقم -/81000 روپے دینے کا حکم صادر فرمائیں۔ یہ کہ حاجی

معین الدین ہوگی



مورخہ 15/04/2017

العارض

سائل حسب ذیل عرض رہا ہے

سائل حسب ذیل عرض رہا ہے

سائل حسب ذیل عرض رہا ہے

 No. <u>Job 91</u> /G to	Divisional Forest Officer D.I. Khan Forest Division	Bungalow # 20 - Allama Iqbal road D.I. Khan Cantt. Phone # 0966-9280181	 Date: D.I. Khan the <u>16/6</u> 2022
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2022

4

*Handwritten:* 100530/2

Mr. Habib-ur-Rehman  
 Forest Guard

SUBJECT: NON RECOVERY OF AN AMOUNT OF RS. 100530/=

Memo:

On the recommendations of enquiry Committee, the following penalties were imposed on you vide this office order No. 85 dated 29-01-2022 in connection with failures in various plantations:-

1. Recovery of Rs:100530/= as the 25% of the total expenditure of Kot Khan Muhammad Black Plantation.
2. With holding of one increment without accumulative effect for 02 years.

It is astonishing to note that after lapse of one year you have not remitted the above mentioned amount i.e Rs: 100530/= into Govt: Treasury till date.

You are therefore directed in your own interest to immediately remit an amount of Rs:100530 into Govt: Treasury through proper Challan and submit original Challan to this office for further course of action in this office.

Matter most urgent. Do not wait for further reminder.

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

No. \_\_\_\_\_ /G

Copy forwarded to the:

1. SDFO Tank for information and necessary action. -
  2. Accountant Divisional office D.I.Khan for information & immediate necessary action.
  3. Incharge Establishment Branch Divisional Office D.I.Khan for information & necessary action.
- He is directed to make proper entry in the service Book as and when the official produce Treasury challan to this effect:

*Handwritten initials*

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



کے لئے یہاں دوٹرول فارمیٹ آفٹن سے پہلے اس کے لئے جان

اور سب سے پہلے یہاں سے دوٹرول فارمیٹ آفٹن سے پہلے اس کے لئے جان  
Ann-B/6

حساب عالی 1  
مجموع حساب ڈی ایلب او سے پہلے یعنی 6978/4  
222 213

حساب عالی 1  
جب کہ حساب انویسٹمنٹ آفٹن سے پہلے اس کے لئے جان  
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222 213

AHA  
نام

اسرار اللہ حد تک رسائی کے لیے

بھلا اسرار ہے کہ جو عالم کو فلاح لے کر اور انوار کی آفتاب

کی انوار سے روبرو ہو کر فطرت کے ہونے سے پہلے

بھلا اسرار جو سفارش ہے یہ ہے اللہ کے

دعا ہے اور اللہ سے اسرار کی یہ ہے فطرت سے

بھلا اسرار اولیٰ و دوم ہونے سے پہلے

سید کبریا سے ہوگا

الغرض - فقط حوالہ 20/3/2018

محمد امجد

آپ کے نام پر حساب انجمن خیرات ہمدردی

کے اہلکار کے اطلاع سے حساب انجمن خیرات ہمدردی

کے ذریعہ سے

الغرض

آپ کے نام پر حساب انجمن خیرات ہمدردی

4-4-11A

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