

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 498/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.07.2023	<p>The application for restoration of appeal no. 1126/2016 received today by registered post through Mr. Muhammad Arshad Tanoli Advocate. It is fixed for hearing before Touring Division Bench at A.Abad on _____ .Original file be requisitioned.</p>

By the order of Chairman


REGISTRAR

BEFORE THE SERVICE TRIBUNAL KPK
PESHAWAR

Restoration Application no 498/2023

C.M No. _____/2023
In
Service Appeal No. 1126/16

Muhammad Shakeel, Divisional Forest Officer, Wildlife Division,
Battagram.

...APPELLANT

VERSUS

4. Govt. of Khyber Pakhtunkhwa, Forestry, Environment and Wildlife Department, through Secretary Forest, Peshawar.
5. Conservator Wildlife Forest Offices Complex, Shami Road, Peshawar.
6. Chief Conservator, Wildlife Forest Offices Complex, Shami Road, Peshawar.

...RESPONDENTS

APPLICATION

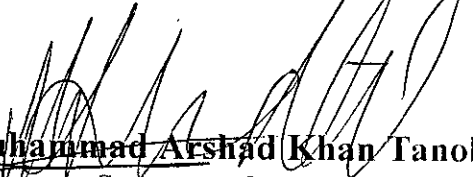
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S. #	Description	Page #	Annexures
1.	Application alongwith affidavit	1 to 2	
2.	Copy of order dated 24.02.2023	3-12	"A"
3.	Wakalatnama	13	

Dated; _____/2023

Through;


...APPELLANT


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

BEFORE THE SERVICE TRIBUNAL KPK

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Wildlife Service Tribunal

Diary No. 6520

Dated 17/07/23

...RESPONDENTS

APPLICATION FOR RESTORATION OF SERVICE
APPEAL NO. 1126/16, WHICH WAS DISMISSED ON
DEFAULT.

Respectfully Sheweth;-

1. That the captioned Service Appeal was pending adjudication before this Honourable Tribunal on 24.02.2023.
2. That the appellant and counsel as well as clerk of counsel were not aware about the fixation of case on 24.02.2023. Because neither council nor appellant was served with the notice for fixation of the appeal, therefore, they could not appear before

this Honourable Tribunal. Non-appearance of the appellant and his counsel, clerk is inadvertent and not willful.

3. That the appellant approached this Honourable Tribunal on 04/07/2023 for getting attested copy of order passed in service appeal No. 991/20147. Hence, where the appellant got knowledge about the dismissal of titled service appeal. Hence this application.
4. That application for restoration of the Service Appeal is within the period of limitation required for filing of restoration petition.

In view of above, it is prayed that service appeal No. 11/26/2016 may graciously be ordered to be restored.

Dated; _____/2023

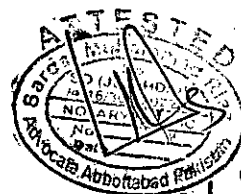
Through;


...APPELLANT


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

AFFIDAVIT;

I, **Muhammad Shakeel, Divisional Forest Officer, Wildlife Division, Battagram**, do, hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.




DEPONENT

WT/57
25/23

Annex-A P-3

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1110

Dated 21-10-2016

Service Appeal No. 1126 /2016

Muhammad Shakeel, Divisional Forest Officer, Battagram Wildlife
Division, Battagram.

...APPELLANT



VERSUS

1. Govt. of Khyber Pakhtunkhwa, Forestry, Environment and Wildlife Department, through Secretary Forest, Peshawar.
2. Conservator Wildlife Forest Offices Complex, Shami Road, Peshawar.
3. Chief Conservator, Wildlife Forest Offices Complex, Shami Road, Peshawar.

...RESPONDENTS

Filed to-day

Registrar

21/10/16

Re-submitted to -day
and filed.

Registrar

21/11/16

SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL ACT, 1974,
AGAINST THE ORDER OF RESPONDENT
NO.1 DATED 21/09/2016, WHEREBY, THE
DEPARTMENTAL APPEAL OF THE
APPELLANT AGAINST ORDER/ ADVERSE
REMARKS OF THE CONSERVATOR DATED

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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22/03/2016 ENDORSED BY CHIEF
CONSERVATOR WAS REJECTED AND
ORDER/ REMARKS DATED 22/03/2016 WAS
UPHELD.

PRAYER: ON ACCEPTANCE OF THE
INSTANT APPEAL, ORDER DATED
21/09/2016 AND ORDER DATED 22/03/2016
MAY KINDLY BE SET ASIDE AND ORDER/
REMARKS IN THE ACR BE EXPUNGED
RECORDED IN THE PER, FOR THE PERIOD
FROM 01/01/2015 TO 27/08/2015.

Respectfully Sheweth;-

Brief facts giving rise to the instant appeal are as
under;-

1. That appellant is serving as Deputy
Conservator Wildlife (BPS-18) for the last
nineteen years.
2. That appellant served the department with
complete devotion and dedication and

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

mostly regularly posted in hard/ unattractive areas of KPK through service careers.

3. That appellant's performance valuation report for the period from 01/01/2015 to 27/08/2015 adverse remarks/ order was passed by the respondent No.2 while order dated 22/03/2016. Copy of the order is annexed as Annexure "A".
4. That appellant preferred an departmental appeal against the order of respondent No.2 to higher authority i.e respondent No.1 which was rejected while order dated 21/09/2016. Copies of departmental appeal and order dated 21/09/2016 are annexed as Annexure "B".
5. That performa for performance evaluation report is annexed as Annexure "C".
6. That appellant before joining Wildlife Department, worked with Pak-Germany Siran Forest Development Project which introduced first time in Pakistan the concept

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Service Tribunal
Peshawar

of Joint Forest Management. Copy of services certificate awarded by German Social Forestry Advisor is annexed as Annexure "D".

7. That appellant has also worked on deputation with IUCN as conservator planner. Copy of certificate is annexed as Annexure "E".

8. That, feeling aggrieved, the petitioner has now come to this Honourable Tribunal assailing the impugned order of the respondents being unwarranted at law and facts, inter-alia on the following grounds:-

GROUND:-

a. That impugned orders issued by respondent No.1 & 2 is illegal, against the law, facts and circumstances of the case, hence liable to be set aside.

b. That illegality and material irregularity has been committed,

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Service Tribunal
Peshawar

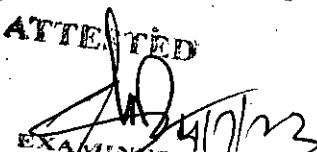
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hence the orders are liable to be set aside.

c. That respondent No.2/ reporting officer was supposed to comment on performance highlighted by the appellant in part 11(2) of the PER with special reference to knowledge of work, quality and quantity of output and achievements of target, the PER has been reported with malafide intention hence needs to be expunged.

d. That the respondent No.2 reporting officer was supposed to highlighted the strengths and weaknesses of the appellant not covered in Part-III of the PER is check list of nine important aspects where the appellant was not reported adversely. While the reporting officer reported appellant as submissive and apathetic for the assessment of my pen picture with malafide intentions. The appellant always respected his senior/ superior

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officers and according to my view point submissive to seniors is a quality. The appellant controlled the things. During the appellant tenure developmental project "Biodiversity Conservation and Management in Hazara" was successfully completed and difficult/ time consuming activities like acquisition of land and construction of official building are completed well before stipulated time frame as compared to neighbouring Mansehra Wildlife Division allotted with similar physical targets under the same project. As a Divisional Forest Officer Wildlife Battagram staff inducted in newly created Torghar District and for the first time Wildlife Conservation and Protection extended to the semi tribal areas, Land Acquisition, and civil works were completed, issue and conflicts are resolved, elevated targets of revenue achieved. Therefore recording appellant as apathetic is biased and

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sheer injustice and needs to be expunged.

- e. That special aptitude has been recorded with malafide intentions and is sheer injustice. The appellant have also worked on deputation with IUCN as Conservation Planner for more than three years and remained actively involved in preparation of Valley Conservation Plans, pasture management plans, Joint Forest Management Plans, and livestock breed improvement plan, conduction of biological surveys and in implementation of these plants in District Chitral. It is worth to mention that before joining Wildlife Department appellant worked with Pak-Germany Siran Forest Development Project which introduced first time in Pakistan the concept of Joint Forest Management. Apart from the above the appellant also worked with ERNP Project in Dir

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Kohistan as Wildlife sector head and services of appellant remained commendable. Despite of work and contribution for protection and conservation of natural resources in the remote areas, terming appellant as appellant's special aptitude is nothing has been recorded with malafide intention, biased and sheer injustice, which needs to be expunged.

f. That the order impugned is quite illegal, against the facts and justice, hence is not tenable, hence requested to be set aside.

g. That in adverse report is being based on whimsical and baseless facts and has got no legal grounds, therefore, same be set aside.

h. That during the service period no warning or counseling had been given to the appellant, hence the impugned order is illegal and liable to be set

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Service Tribunal
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aside and not tenable according to rules of services.

- i. That the worthy respondent No.2 could not judge the work of the appellant nor appreciated the devotion and honesty of the appellant rather his personal grudges are seems in his writing in his adverse remarks and opinion.
- j. That other point shall be urged at the time of arguments.

In view of the above facts and reasons the adverse remarks passed against the appellant may graciously be set aside as prayed for.

...APPELLANT

Dated: 20/10 /2016

Through

Nasir Khan
(NASIR KHAN JADOON)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable tribunal.

ATTESTED

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Service Tribunal
Peshawar

...APPELLANT

Service Appeal No. 1126/2016, *Muhammad Shakeel vs Govt*

24th Feb, 2023

None present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Gul Bagh, Assistant for the respondents present.



2. Learned counsel for the appellant was informed telephonically for today date but today nobody is present on behalf of the appellant till the last hour of the court, therefore, the appeal in hand is dismissed in default. Consign.

3. *Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 24th day of February, 2023.*

(Salah-ud-Din)
Member (J)
Camp Court Abbottabad

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 04-07-2023
 Number of words Pages 10
 Copying Fee 50/-
 Urgent 5/-
 Total 55/-
 Name of Copyiest Shahjad
 Date of Completion of Copy 04-07-2023
 Date of Delivery of Copy 04-07-2023

کورٹ فیس

وکالت نامہ

Service Tribunal kpte Peshawar

بعدالت

M. Shakeel

عنوان: Govt of kpte

Appellant

مخائب:

Application

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

Add M. Arshad Khan Tanoli Asst. Secy. Peshawar

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پر داختمہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المرقوم: 12/11/2013

Abdullah

بمقام:

(Muhammad Ibrahim)
Advocate
High Court
قاسم نوشی (ایبٹ آباد)