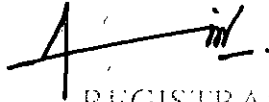


FORM OF ORDER SHEET

Court of _____

Appeal No. 1728/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/08/2023	<p>The appeal is presented today by Mr. Muhammad Ali in Person. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

TO

The Chairman
Service Tribunal
Khyber Pakhtun Khwa Peshawar

Subject:- FIX APPELLANT SERVICE AT PRINCIPAL SEAT PESHAWAR

Respected sir,

It is stated that all the respondents are posting in the Peshawar therefore may kindly be passed an order for to be fixed service appeal at Peshawar Principal Seat.

Appellant / In person



Muhammad Ali SDFO

KP Forest School Thai Abbottabad

Service Appeal No. 7113

Dated. 22-8-2023

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1728 2023,

Muhammad Ali S/o Anwar Ajaz Ali (SDFO)PETITIONER

V E R S U S

1. The Government of Khyber Pakhtunkhwa & etc....RESPONDENTS

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5.	A Authority Order Dated 15.11.2021,	D	17
6.	CCF-I for reinstatement Order Dated 22.12.2021,	E	18
7.	Order for Exoneration Dated 27.06.2022,	F	19—20
8.	Appeal to CCF-I dated 18.07.2022	G	21—25
9.	CCF-I Letter dated 13.09.2022	H	26—27
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11.	Order Establishment Deptt; dated 22.03.2023	J	29
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Certified: That the paper appeal has been prepared in accordance with the rules of the Court and all the documents necessary for due appreciation of the Court have been included in it. Index is complete in all respect.

IN PERSON


(MUHAMMAD ALI)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 1728 2023,

Muhammad Ali

S/o Anwar Ajaz Ali (SDFO) K P Forest School Thai Abbottabad.....Appellant

V E R S U S

- 1. GOVERNMENT OF KHYBER PAKHTUNKHWA
Through CHIEF SECRETARY Civil Secretariat Peshawar.**
- 2. SECRETARY
Climate Change, Forestry, Environment and wildlife Department, Government of
Khyber Pakhtunkhwa Civil Secretariat Peshawar.**
- 3. CHIEF CONSERVATOR FORESTS,
Central Southern Forest Region -I, Shami Road Peshawar**

**APPEAL UNDER THE SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974; READ WITH KP CIVIL SERVANTS (E&D)
RULE 14 (3) RULES 2011, ALONG WITH
FUNDAMENTAL RULES NO. 54 (A), AGAINST THE
ORDER, SO (ESTT) / FE&WD / 1-43/2021 / PF, DATED
PESHAWAR THE 19.07.2023, HAD BEEN VIOLATED
THE RIGHT OF FINANCIAL BACK BENEFITS TO
WHICH APPELLANT HAD BEEN ENTITLED.**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Service Appeal No. _____ 2023

Muhammad Ali

S/o Awar Ahsan Ali (SDFC) K P Forest School Thali Abbottabad.....Appellant

V E R S U S

1. GOVERNMENT OF KHYBER PAKHTUNKHWA
Through CHIEF SECRETARY Civil Secretariat Peshawar

2. SECRETARY
Climate Change, Forestry, Environment and Wildlife Department, Government of
Khyber Pakhtunkhwa Civil Secretariat Peshawar

3. CHIEF CONSERVATOR FORESTS,
Central Southern Forest Region - I, Shani Road Peshawar

APPEAL UNDER THE SECTION 4 OF THE

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

ACT, 1974; READ WITH KP CIVIL SERVANTS (EED)

RULE 14 (3) RULES 2011, ALONG WITH

FUNDAMENTAL RULES NO. 21 (A), AGAINST THE

ORDER, SO (ESTD) \ FE&WD \ 1-43/2021 \ PE, DATED

PESHAWAR THE 19.07.2023, HAD BEEN VIOLATED

THE RIGHT OF FINANCIAL BACK BENEFITS TO

WHICH APPELLANT HAD BEEN ENTITLED.

Respectfully Shenweth;

FACTS

1. That the Competent Authority (Secretary to Government) **an appeal has been rejected request for financial back benefits**, on dated 19.07.2023, and not mention any rules of law in this regard/ order No. SO (ESTT) / FE&WD / 1-43/2021 / PF.
(Order dated 19.07.2023, is annexed as Annexure A)
2. That the appellant (SDFO, BS-17) had been submitted an appeal dated 31.03.2023, to the Competent Authority (Secretary to Government Climate Change, Forestry, Environment and wildlife Department, Government of Khyber Pakhtunkhwa).
(Appeal dated 31.03.2023, are annexed as Annexure B)
3. That this August Tribunal Court had been passed Judgment on dated 19.03.2018, in Para No. 7 directed to the CCF-I. That **“the issue of back benefits in case of re-instatement shall be subjected to the rules on the subject.”**
(Judgment on dated 19.03.2018, is annexed as Annexure C)
4. That the then Appellate Authority (Secretary To Government) is pleased to directed to CCF-I to reinstate w.e.f 06.06.2018, with the reference of the Honorable Tribunal Court Judgment dated 19.03.2018, after the De-novo proceedings decide the case as per rule- 14 (5) of the E&D Rules 2011, under the order No. SO (Estt) FE&WD/1-43/2021, dated 15th November 2021.
(Order Dated 15.11.2021, is annexed as Annexure D)
5. That the then Competent Authority (CCF-I) had been pleased to passed an order to reinstate the appellant w.e.f 25.08.2014, as a Range Forest Officer (BS-16) in the forest Department, through Order No. 87 dated 22nd December 2021.
(Order Dated 22.12.2021, is annexed as Annexure E)
6. That the then CCF-I has passed an order No.268, dated 27.06.2022, in the capacity of Competent Authority after having considered the above recommendations of the Enquiry Officer in the subject case, exercising his powers under rules- 14 (3) of KP Govt; Servants (E&D) Rules 2011, Muhammad Ali Forest Ranger is hereby exonerated from all the charges leveled against him as per charge sheets/ statement of allegations.
(Order Dated 27.06.2022, is annexed as Annexure F)

(Order Dated 22.08.2015 is annexed as Annexure E)
levelled against him as per charge sheet/ statement of allegations.
Muzumdar V. Forest Range is merely, exempted from all the charges
brought under rule- 14 (3) of KB Code Service (E&D) Rules 2011
recommendations of the Deputy Officer in the subject case, exercising his
the capacity of Competent Authority after having considered the above
1. That the then CCE-1 has passed an order No. 28, dated 22.08.2015 in

(Order Dated 25.12.2015 is annexed as Annexure E)
dated 25.12.2015
Forest Officer (B2-1e) in the Forest Department through Order No. 82
passed an order to reinstate the appellant with effect from 22.08.2014 as a Range
2. That the then Competent Authority (CCE-1) had been directed to

(Order Dated 12.11.2015 is annexed as Annexure D)
dated 12.11.2015
E&D Rules 2011 under the order No. 20 (E&D) BE&M/D/1-13/2015
after the De-novo proceedings decide the case as per rule- 14 (2) of the
existence of the Honorable Tribunal Court Judgment dated 18.03.2018
directed to directed to CCE-1 to reinstate with effect from 08.08.2018 with the
4. That the then Appellate Authority (Secretary to Government) is

(Judgment on dated 18.03.2018 is annexed as Annexure C)
on the subject.
back benefits in case of re-instatement shall be subjected to the rules
dated 18.03.2018 in Para No. 3 directed to the CCE-1 that "the issue of
3. That the August Tribunal Court had been passed judgment on

(Appel dated 31.03.2013 is annexed as Annexure B)
Government of Kerala (Kerala Backwashes)
Climate Change, Forests, Environment and Wildlife Department
dated 31.03.2013 to the Competent Authority (Secretary to Government
5. That the appellant (SDFC B2-1A) had been appointed as an appel

(Order dated 18.03.2013 is annexed as Annexure A)
20 (E&D) \ BE&M/D \ 1-13 \ 2011 \ BE
18.03.2013 and not mention any rule of law in this regard/ order No.
has been rejected request for financial back benefits on dated
7. That the Competent Authority (Secretary to Government) an appel

FACTS

Respectfully Sheweth:

7. That the appellant had been submitted an appeal dated 18.07.2022, to the CCF-I Khyber Pakhtunkhwa Peshawar.
(Appeal dated 18.07.2022, are annexed as Annexure G)
8. That the CCF-I Peshawar had forwarded letter No. 1566-70/E dated 13.09.2022, in the response of appeal dated 18.07.2022.
(Letter dated 13.09.2022, are annexed as Annexure H)
9. That the Finance Department (Budget officer-II) Peshawar had Passed Release of funds as special Case, Order No. BO-II/FD/1-3/Forest/Grant/2021-22, dated 01.03.2023.
(Order dated 01.03.2023, are annexed as Annexure I)
10. That the Secretary to Government Establishment and Admin Department (Regulation Wing) No. SOR-III (E&AD)/22/2022, Peshawar the 22.03.2023, a letter pleased to referred Finance Department in this regard. In the response of Secretary to Government Climate Change, Forestry, Environment and wildlife Department, Government of Khyber Pakhtunkhwa his letter No. SO (ESTT)/E&WD/1-43/2021/PF Dated 21.02.2023.
(Order dated 22.03.2023, are annexed as Annexure J)
11. That the Secretary to Government Finance Department No. FD (SOSR-I) I-I/2023/Muhammad Ali Peshawar the 16.03.2023, is pleased to FR 54 in this regard. In the response of the Secretary to Government Climate Change, Forestry, Environment and wildlife Department, Government of Khyber Pakhtunkhwa his letter No. SO (ESTT)/E&WD/1-43/2021/PF/2104-5 Dated 21.02.2023.
(Order dated 16.03.2023, are annexed as Annexure K)

GROUND S

- A. That the Competent Authority (Secretary to Government) an appeal dated 31.03.2023, *firstly* the authority did not mentioned any relevant *"Question of Law"* which is most necessary when Rejection of appeal, appellant had been requested for financial back benefits, *Secondly* Respondent No.2 did not consider the order No. SO (Estt) FE&WD/1-43/2021, dated 15th November 2021, and *De-novo Enquiry Recommendations* has not considered by the Respondent No.2, passed an orders on dated 19.07.2023, No. SO (ESTT)/ FE&WD / 1-43/2021 / PF.

EE

an order on dated 18.02.2023 No 20 (E211)\ EEK-MD \ 1-73\2021 \
Recommendations has not considered by the respondents No 3' dated
43\2021' dated 12th November 2021 and De-novo finally
respondent No 3' has not considered. the order No 20 (E211) EEK-MD\I-
abjection has been considered for financial risk review' secondly
"Question of risk" which is most necessary when selection of abbey
dated 21.03.2023' which is mentioned in not mentioned and relevant

A That the Commission ultimately (secretary to Government) an order

СКОПИДЭ

(Order dated 18.02.2023' are annexed as Annexure K)

(E211)\ EEK-MD \ 1-73\2021 \ 1E \ 2107-2 Dated 21.03.2023'

COMMISSION of Khyber Pakhtunkhwa has issued No 20
Circular Dated 18.02.2023' Evaluation and Mitigation Department
EK 21 in this regard. In the response of the secretary to Government
(2023-I) 1-1\2023\unpublished and relevant the 18.02.2023' is dated to
11 That the secretary to Government Finance Department No ED

(Order dated 23.03.2023' are annexed as Annexure J)

21.03.2023'

Pakistan has issued No 20 (E211)\ EEK-MD \ 1-73\2021 \ 1E Dated
18.02.2023' Evaluation and Mitigation Department Government of Khyber
16. In the response of secretary to Government Circular Dated
the 23.03.2023' a letter dated to relevant Finance Department in this
Department (Khyber Pakhtunkhwa) No 203-III (E211)\ 23\2023' relevant
16 That the secretary to Government Establishment and Human

(Order dated 01.03.2023' are annexed as Annexure I)

3\Foreign\Cont\2021-23' dated 01.03.2023'

Foreign Office of India as special case' Order No 80-II\ED\I-
8 That the Finance Department (Budget Officer-II) relevant has

(Letter dated 13.08.2023' are annexed as Annexure H)

13.08.2023 in the response of order dated 18.02.2023'

8 That the CCE-I relevant has forwarded letter No 1288-20\E dated

(Order dated 18.02.2023' are annexed as Annexure G)

to the CCE-I Khyber Pakhtunkhwa relevant.

8 That the relevant has been submitted on order dated 18.02.2023'

- B. That the De-novo Enquiry Proceedings had been conducted and the CCF-III submitted Findings to the CCF-I and the then CCF-I has passed an order No. 268, dated 27.06.2022, "**exonerated under sub rules- (3, the charges have not been proved) of the rule 14 of KP Govt; Servants (E&D) Rules 2011,**" its means that said charge sheets charges imposed by the Charge Sheets Complainant Officers (DFOs) and their respective prosecutors has did not proved their charges accordingly during the De-novo enquiry proceedings. It means that Deptt; has no single charge against the appellant. The service of the appellant had been continued under no illegal obligations/ no adverse order from the dated of appointment, till date.
- C. **Who will pay cost of Irreparable losses, more than seven years other than financial back benefits,** if the appellant will be instituted the Damages suit against the respective respondents and Charge Sheet Complainant then the deptt; will angry with appellant.
- D. That after the finalization of De-novo Enquiry proceedings the Enquiry Officer had mentioned appellant compulsory **retirement time Period that was more than seven years** and gave his **Recommendation, that "the appellant may be exonerated from charges."** Therefore appellant had been requested for financial back benefits to which appellant would have been **entitled under the FR 54,** which may very clear in this regards.
- E. That the then Appellate Authority (Secretary to Government) is pleased to directed to CCF-I in his order No. SO (Estt) FE&WD/1-43/2021, dated 15th November 2021.

That the then Appellate Authority had mentioned reference as the Judgment dated 19.03.2018, passed in the Service Appeal No. 30/2017, in Para No. 7 directed to the CCF-I. That **Firstly "The CCF-I is therefore, directed to resume the proceedings from the stage show cause notice was served upon him and he was granted the opportunity of personal hearing on 12.05.2018, by the competent Authority (CCF-I). After hearing proceeding, the competent Authority was required to decide to conduct De-novo inquiry against him but without issuance of his reinstatement order in violation of the rules as inquiry cannot be conducted against ex-officer."**

Secondly "In the view of the above, you are directed to issue reinstatement order in respect of the appellant w.e.f. 6.6.2018 (the date

reinstatement order in respect of the appellant w/c 18/02/2018 (the first
secondly "in the light of the above you are directed to issue

conducted against ex-officer."

reinstatement order in violation of the rules as judicial cannot be
conducted De-novo judicial against him but without instance of his
pending proceedings the competent authority was required to decide to
reinstating on 13/02/2018 by the competent authority (CCF-1) which
was served upon him and he was granted the opportunity of personal
direction to resign the proceedings from the state from cause notice
in para No. 2 directed to the CCF-1 that finally "the CCF-1 is therefore
judgment dated 18/03/2018 passed in the service Appeal No. 30/2017.

That the then appellate authority had mentioned reference as the

13/03/2018 dated 12th November 2017.

Directed to directed to CCF-1 in his order No. 20 (E&H) EE&WD/J-
E That the then appellate authority (secretary to Government) is

order in the regard.

appellant would have been entitled under the EK 24 which was valid
appellant had been considered for financial back benefits to which
that "the appellant may be exonerated from charges." Therefore
period that was more than seven years and gave his recommendation
judicial Officer had mentioned appellant completely retirement time

D That after the finalisation of De-novo judicial proceedings the

Complainant then the debt will arise with appellant.

Demands and against the respective respondents and charges sheet
then financial back benefits if the appellant will be reinstated the

C Who will bear cost of inter-appeal costs more than seven years after

date of appointment till date.

been continued under no illegal obligations no adverse order from the
single charges against the appellant. The service of the appellant had
during the De-novo judicial proceedings. It means that Debt has no
respective respondents has not proved their charges accordingly
by the Charge sheets Complainant Officers (DFOs) and then
(E&H) Rules 2017. It means that said charges sheets charges imposed
charges have not been proved) of the rule 14 of KB Code relating
an order No. 282 dated 27/08/2015. Exonerated under sub-rule- (3) the
CCF-III submitted findings to the CCF-1 and the then CCF-1 has passed

B That the De-novo judicial proceedings had been conducted and the

of notifying the inquiry committee for conducting De-novo inquiry) to legalized the inquiry proceedings against him."

- F. That the then CCF-I (**1st Charge Sheet Complainant**) had impose the condition in the office order No 87, dated 22.12.2021, that **"the 1st period from 25.08.2014, to 05.06.2018, under which the Ex-forest Ranger has not served the department is hereby treated as leave without pay, so for the 2nd period from 06.06.2018, to 21.12.2021, is concerned decision will be taken in the light of the report of De-novo Enquiry as per rules."**
- G. That the appellant had been compulsory retied from service from 25.08.2014, to 21.12.2021, the total period more the seven years, not serve in the forest Deptt; and the then CCF-I had been **Mollified in bad attention** referred the order No. SO (Estt) FE&WD/1-43/2021, dated 15th November 2021, that the Appellate Authority has decided bifurcate total period in to two parts, in his order No.87, dated 22.12.2021, both orders Annexed for kind perusal Please.
- H. That the Secretary to Government **Establishment and Admin Department (Regulation Wing)** No. SOR-III (E&AD)/22/2022, Peshawar the 22.03.2023, a letter pleased to referred Finance Department in this regard. And the Secretary to Government **Finance Department** No. FD (SOSR-I) I-I/2023/Muhammad Ali Peshawar the 16.03.2023, has pleased to referred FR 54 in this regard. In the response of the Secretary to Government Climate Change, Forestry, Environment and wildlife Department, Government of Khyber Pakhtunkhwa letter No. SO (ESTT)/E&WD/1-43/2021/PF/2104-5 Dated 21.02.2023 and the Authority in the response of CCF-I letter No. 1566-70/E dated 13.09.2022.
- I. That the Charge Sheets Complainant Officers (DFOs) and their respective prosecutors has did not proved their charges accordingly during the De-novo enquiry proceedings, therefore the **Impugned order dated 25.08.2014, had been damaged the Value, in the people, his trust, Mental Angry of the appellant, and his Family, as well as the damaged Government Machinery and now said respective officer liable for charge sheet/Damages Suit.**
- J. That the following De-novo Enquiry Recommendations has not considered by the Appellate Authority.
- i. "the accused remained penalized and removed from a long period of more than seven years w.e.f 25.08.2014, to*

the accused remained unemployed and remained from a long

considered by the Appellate Authority.

1. That the following De-novo findings recommendations was not

granted since/dukkhaya

Government machinery and now said respective officer liable for mental agony of the applicant and his family as well as the charges dated 22.08.2014 had been awarded the same in the month of June during the De-novo enquiry proceedings therefore the individual order respective provisions was not given from charges accordingly.

1. That the Charge Sheet Complaint Officers (CSOs) and their

13.11.2013.

Authority in the response of CCE-1 letter No. 1298-20/E dated (E211) (E&M.D) 1-12-2013/BE/2104-2 dated 21.03.2013 and the Department Government of Kerala Panchayath letter No. 20 to Government Charge Sheet, Enquiry, Enquiry and inquiry directed to referred by it in this regard in the response of the Secretary. No. 80 (202K-1) 1-1-2013/Ministry of Panchayath 16.10.2013 and in this regard and the Secretary to Government Finance Department Panchayath 23.03.2013 & letter directed to referred Finance Department (Regulation Min) No. 20K-III (E&M.D) 23.03.2013.

2. That the Secretary to Government Establishment and Admin

order issued for King Kerala Panchayath.

total period in to two parts in his order No. 82, dated 22.12.2013, both 12th November 2013, that the Appellate Authority has decided pursuant attention referred the order No. 20 (E211) (E&M.D) 1-12-2013, dated in the month of June and the then CCE-1 had been notified in and 22.08.2014 to 21.12.2013, the total period more the seven years, not given

3. That the applicant had been completely relief from service from

in the light of the report of De-novo enquiry as per letter.

period from 02.02.2018 to 21.12.2013, is concerned decision will be taken since the department is merely treated as leave without pay, so for the sum from 22.08.2014 to 02.02.2018, under which the ex-gratia benefit was not available in the office order No. 82, dated 22.12.2013, that the 1st part of

4. That the then CCE-1 (in Charge Sheet Complaint) had imposed the

imposed the individual proceedings against him.

of notifying the individual committee for conducting De-novo enquiry to

21.12.2021, facing disciplinary proceeding, litigating in various courts of law up to Apex Court of the Country, social defamation and mental torture, thus has been circumstantially penalized within the given system of Justice. Therefore no additional penalty under E&D rules is recommended. He may be exonerated from all the Charges."

- ii. The department shall conduct proceedings to enquire, dig out facts and to proceed against delinquents to recovers loss sustained to Govt; /department if any, as pointed out by the accused in his counter allegations. This will provide mental satisfaction to the accused for the hardship he faced in defending the seven year long proceedings and discriminatory treatment.**

That the Charge Sheets Complainant Officers (DFOs) and their respective prosecutors has did not proved their charges accordingly during the De-novo enquiry proceedings, therefore the Impugned order dated 25.08.2014, therefore the service position of the appellant Just like as 24.08.2014. **Who will pay cost of irreparable losses, more than seven years other than financial back benefits?**

- K. That the appellant had been submitted an appeal dated 18.07.2022, to the then CCF-I Peshawar under FR-54, for all financial, Promotion and arrears benefits from 25.08.2014 to till date, (more than seven years) in accordance to exoneration under the Order No. 268 dated 27.06.2022.**
- L. That this August Tribunal Court had been passed Judgment on dated 19.03.2018, in Para No. 7 directed to the CCF-I. That "the issue of back benefits in case of re-instatement shall be subjected to the rules on the subject."**

PRAYER

It is Honorably my submission to direct the respondents to consider the Secretary to Government Establishment and Admin Department (Regulation Wing) No. SOR-III (E&AD)/22/2022, Peshawar the 22.03.2023, a letter pleased to referred Finance Department in this regard. And the Secretary to Government Finance Department No. FD (SOSR-I) I-I/2023/Muhammad Ali Peshawar the 16.03.2023, has pleased to referred FR 54 in this regards along with above grounds, and the remaining period 25.08.2014 to 05.06.2018, (4 years) may be consider for

financial back benefits and the appellant could be gave relief in true sense.

Any other remedy which this August Tribunal deems fit and appropriate that, may also be awarded in the favor of appellant.

Appellant/ In Person,



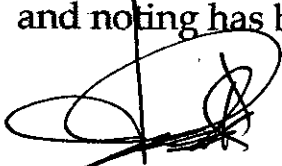
Muhammad Ali,

SDFO KP Forest School Thai Abbottabad

Cell No. 0315-319931 Dated 21.08.2023

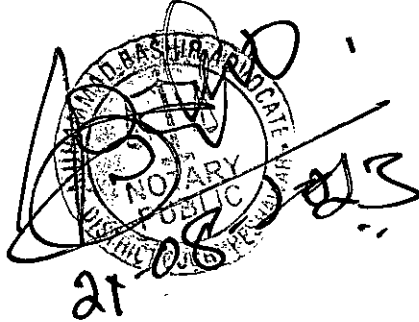
AFFIDAVIT

Muhammad Ali s/o Anwar Ajaz Ali SDFO, KP Forest School Thai A Abad do hereby solemnly affirmed declare on Oath that all the contents of the accompanied Execution Petition are true and correct to the best of my knowledge and nothing has been concealed or withheld from this Honorable Court.



DEPONENT

ATTESTED



21.08.2023



GOVERNMENT OF KHYBER PAKHTUNKHWA
CLIMATE CHANGE, FORESTRY, ENVIRONMENT &
WILDLIFE DEPARTMENT

NO.SO(Estt)/FE&WD/1-43/2021/PF
Dated Peshawar the, 19th July, 2023

To
Muhammad Ali, SDFO
Khyber Pakhtunkhwa Forest School,
Thai Abbottabad.

Subject: - APPEAL AGAINST THE THEN CCF-I LETTER NO. 1566-70/E, DATED 13-9-2022, WHICH THE TIME PERIOD FROM 25-8-2014 TO 5-6-2018 TREATED AS LEAVE WITHOUT PAY

I am directed to refer to your subject appeal dated 31st March, 2023 and to state that after having been examined the case in line with the relevant rules, your subject appeal has been rejected by the Appellate Authority, being not covered under the rules.

(HAFIZ ABDUL JALIL)
SECTION OFFICER (ESTT)

Encl: No: & date even 17818-21

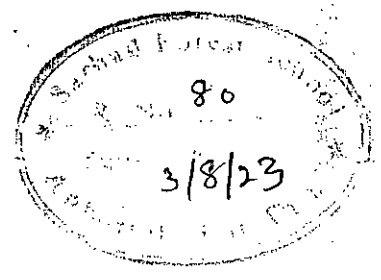
Copy is forwarded for information to:

1. Chief Conservator of Forests, CSFR-I, Peshawar w/r to his letter No. 11515/E, dated 14th November, 2023.
2. Chief Conservator of Forests, NFR-II, Abbottabad.
3. Principal Khyber Pakhtunkhwa Forest School Thai Abbottabad.
4. PS to Secretary, CC,FE&W Department, Khyber Pakhtunkhwa.

E.C
1/10/23
PKAS 3/31/23

Forwarded to M-Ali
1/10/23

SECTION OFFICER (ESTT)



To,

The Secretary to Government,

Climate Change, Forestry, Environment, Wildlife Department,

Khyber Pakhtunkhwa, Peshawar.

Through: Proper Channel Principal K P Forest School Thai Abbottabad.

APPEAL AGAINST THE THEN CCF-I LETTER NO. 1566-70/E, DATED 13.09.2022, WHICH THE TIME PERIOD FROM 25.08.2014, TO 05.06.2018, TREATED AS LEAVE WITHOUT PAY.

Respected Sir,

1. That the De-novo Enquiry report with following Recommendation by Enquiry Officer (Conservator of Forests Lower Hazara Abbottabad) as under pleased.
 - i. *The accused remained compulsory removed from service for long period of more than seven years w.e.f 25.08.2018, till 21.12.2021, facing disciplinary proceeding, litigating in various courts of law up to Apex Court of the Country, social defamation and mental torture, thus has been circumstantially penalized within the given system of Justice. Therefore no additional penalty under E&D rules is recommended. He may be exonerated from all the Charges.*
 - ii. *The department shall conduct proceedings to enquire, dig out facts and to proceed against delinquents to recovers loss sustained to Govt; /department if any, as pointed out by the accused in his counter allegations. This will provide mental satisfaction to the accused for the hardship he faced in defending the seven year long proceedings and discriminatory treatment.*
- Who will pay the cast of irreparable losses during the more than seven years faced by the appellant and his family?*

Alk
[Signature]

2. That the then CCF-I has passed an order No.268, dated 27.06.2022, in the capacity of Competent Authority after having considered the above recommendations of the Enquiry Officer in the subject case, exercising his powers under rules- 14 (3) of KP Govt; Servants (E&D) Rules 2011, Muhammad Ali Forest Ranger is hereby exonerated from all the charges leveled against him as per charge sheets/ statement of allegations, and the impugned order dated 25.08.2014, compulsory retired service no more therefore appellant just like as Range Forest Officer (BS-16) on dated 24.08.2014.

3. That the appellant had submitted a written request to the CCF-I for financial back benefits under Fundamental rule 54, in the response the then CCF-I has submitted a letter No. 1566-70/E dated 13.09.2022, to the Appellate Authority against the enquiry report, Office Order No.268, dated 27.06.2022, and the Judgment of the August Tribunal Court dated 19.03.2018, with following recommendation.
 - i. *The period from 25.08.2014 to 5.06.2018, under which the Muhammad Ali Forest Ranger has not served the department was treated as leave without pay.*

4. [F. R. 54. — Where a Government Servant has been dismissed or removed is reinstated, the revising or appellate authority may grant to him for the period of his absence from duty: —

(a) If he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed or removed and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal or removal; or

In a case falling under clause (a), the period of absence from duty will be treated as a period spent on duty.

It is therefore most humbly prayed that may very kindly be considered the period from dated 25.08.2014, to 21.12.2021 the period of absence from duty will be treated as a period spent on duty, under Enquiry Report, Rules- 14 (3) of KP Govt; Servants (E&D) Rules 2011, read with FR 54, and Judgment dated 19.03.2018, with all financial back benefits.

Copy in Advance Forwarded to

The Secretary to Government, Climate Change, Forestry, Environment, Wildlife Department, Khyber Pakhtunkhwa, Peshawar, for information and may be necessary action please.

With regards,



Muhammad Ali

(SDFO) KP Forest School Thai

dated 31.03.2023, Cell No. 03153199931

12
Annex-C

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
CAMP COURT ABBOTTABAD.

Appeal No. 30/2017

Date of Institution ... 16.01.2017

Date of Decision ... 19.03.2018



Muhammad Ali s/o Anwar Ajaz Ali Ex-Range Forest Officer Kohistan Forest Water
Shed Forest Division Besham Khyber Pakhtunkhwa.

... (Appellant)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary to Government, forestry,
Environment and Wildlife Department Peshawar and 2 others.

... (Respondents)

APPELLANT

--- *Pro se.*

MR. USMAN GHANI,
District Attorney

--- For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,

... CHAIRMAN
... MEMBER(Executive)

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT


NIAZ MUHAMMAD KHAN, CHAIRMAN:- Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant was compulsorily retired on 25.08.2014 against which he filed
departmental appeal on 16.09.2014 which was not responded to and thereafter the
appellant filed a previous service appeal on 14.01.2015 which was decided on
16.02.2016. This Tribunal vide order dated 16.02.2016 by accepting appeal of the
appellant directed the departmental appellate authority to decide the pending appeal
within a period of 30 days and in case any fresh order was passed by the
departmental appellate authority then the appellant was given the right to re-agitate

through another service appeal. After this judgment the departmental appellate authority referred the matter to Chief Conservator-1 for deciding the disciplinary proceeding against the appellant (being competent authority). The reason for this direction to the C.C-1 was on the ground that this Tribunal in the said judgment observed that the final order of compulsory retirement was passed by C.C-2 who was not competent authority. Before the order of the C.C-1 dated 22.08.2016 the appellant had filed an execution petition in this Tribunal for the execution of the judgment dated 16.02.2016. During pendency of that execution petition the C.C-1 passed the order dated 22.08.2016 by upholding the earlier order passed by C.C-2 dated 28.08.2014. But when this order was passed by C.C-1 on 25.08.2016 this Tribunal in the said execution petition directed the appellate authority to decide the appeal referred to the departmental appellate authority and set aside the order of C.C-1 dated 22.08.2016. On this the departmental appellate authority passed an order on 13.12.2016 upholding the order of C.C-1. The appellant then withdrew the execution petition on 22.12.2016 in order to challenge the said order through regular service appeal and then he filed the present service appeal on 16.01.2017.

ATTESTED


 JUDGE
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar


ARGUMENTS

3. The appellant *pro se* argued that the present impugned order passed by C.C-1 dated 22.08.2016 was again passed without affording him personal hearing and without issuing him the show cause notice. That he was provided personal hearing by the departmental appellate authority and the order of the departmental appellate authority maintaining the order of C.C-1 dated 22.08.2016 was illegal.
4. On the other hand learned District Attorney argued that the present service appeal of the appellant was time barred. He vehemently argued that in the judgment of this Tribunal dated 16.02.2016 department was given 30 days period for decision

of the departmental appeal and when the departmental appeal was not decided within the specified period the appellant had only more 30 days to file the present service appeal. But the appellant filed the present service appeal after ten months of the judgment of this Tribunal. He further argued that the appellant had been pursuing his remedy in execution petition which was a wrong forum which could not enlarge the period of limitation. In this regard he relied upon the judgment of august Supreme Court of Pakistan reported as PLD 2016 Supreme Court 872. He next contended that the C.C-1 was the competent authority and he had rightly imposed the penalty from the stage where it was left by his predecessor i.e C.C (Chief Conservator) as at that time there was only one Chief Conservator when the proceedings were initiated against the appellant.

CONCLUSION.

5. This Tribunal is first to decide the question of limitation as raised by the learned District Attorney. The judgment dated 16.2.2016 gave thirty days time to the departmental appellate authority for decision of the departmental appeal which he failed to do within the specified time. There is no law whereby a direction issued by the Tribunal for decision of departmental appeal within specified time would be deemed to be a *terminus a quo* for the purpose of limitation. Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 covers only departmental remedy availed by the civil servant himself and not the departmental remedy on the direction of the Service Tribunal. Be as it may, the point as raised by the learned District Attorney is hypertechnical and judgment relied upon by the appellant of the august Supreme Court of Pakistan saves all those appeals due to bonafide mistake in choosing proper forum. This Tribunal is, therefore, of the view that the appellant cannot be deprived of his legal right on the basis of such hypertechnical ground. If this argument is

APPROVED

 Khyber Pakhtunkhwa
 Service Tribunal

authority) the whole proceedings vitiated thereafter. The C.C-1 was then required to have seized the matter from the stage of submission of enquiry report. The next step was to issue show cause notice to the appellant tentatively deciding the imposing of penalty or otherwise by asking him to submit reply of the said show cause notice. And then should have afforded him personal hearing and thereafter should have decided the same. But the C.C-1 did not issue show cause notice etc.

7. This Tribunal reaches the conclusion that the proceedings before the C.C-1 culminating into order dated 22.08.2016 cannot be sustained in the eyes of law nor the departmental appellate authority could maintain the said order. The C.C-1 is therefore, directed to resume the proceedings from the stage as mentioned above and decide the same within 60 days from the receipt of this judgment failing which the appellant shall be deemed to have been reinstated in service. The issue of back benefits in case of reinstatement shall be subject to the rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.

(Signature)
 (AHMAD HASSAN)
 MEMBER

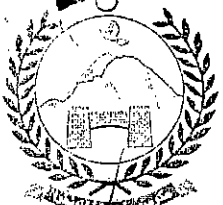
(Signature)
 (NIAZ MUHAMMAD KHAN)
 CHAIRMAN
 CAMP COURT ABBOTTABD.

ANNOUNCED
 19.03.2018

(Signature)
 Certified to be true copy
 Khuzdar
 Service Tribunal,
 Peshawar

Date of Presentation of Application 30-3-18
 Number of Words 2000
 Copying Fee 12/-
 Urgent 3/-
 Total 14/-
 Name of Copyist M.P.
 Date of Completion of Copy 30-3-18
 Date of Delivery of Copy 30-3-18

Annex - D

	<p align="center">GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT</p> <p align="center">NO.SO(Estt)/FE&WD/1-43/2021</p> <p align="center">Dated Peshawar the, 15th November, 2021</p>
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To

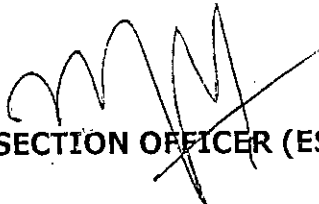
The Chief Conservator of Forests,
Central & Southern Forest Region-I,
Khyber Pakhtunkhwa,
Peshawar.

Subject: APPEAL OF MUHAMMAD ALI, EX RANGE FOREST OFFICER.

I am directed to refer to appeal dated 20.9.2021 preferred by Muhammad Ali, Ex-Forest Ranger, Forest Department, Khyber Pakhtunkhwa (**copy enclosed**) and to state that in compliance with the Khyber Pakhtunkhwa Service Tribunal order dated 19.3.2018 passed in the Service Appeal No.30/2017, show cause notice was served upon him and he was granted the opportunity of personal hearing on 12.5.2018 by the competent authority (CCF-I). After hearing proceeding, the competent authority was required to decide the case as per Rule-14(5) of E&D Rules, 2011, but instead he decided to conduct de novo inquiry against the appellant and a committee has been constituted by CCF-I to conduct de novo inquiry against him but without issuance of his reinstatement order in violation of the rules as inquiry cannot be conducted against ex-officer/official.

In view of the above, you are directed to issue reinstatement order in respect of the appellant w.e.f. 6.6.2018 (the date of notifying the inquiry committee for conducting de novo inquiry) to legalize the inquiry proceedings against him. Furthermore, instructions may also be issued to the inquiry committee or inquiry officer, as the case may be, for finalizing the inquiry proceedings as soon as possible in accordance with the norms of justice, please.

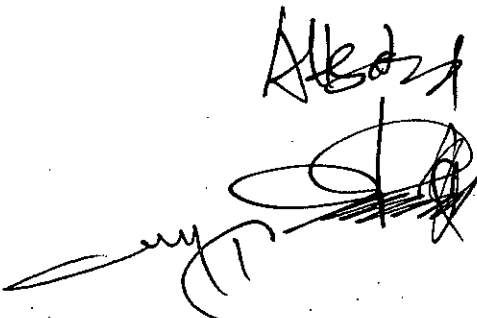
Encl: as above


SECTION OFFICER (ESTT)

Endst: No. & Date even.

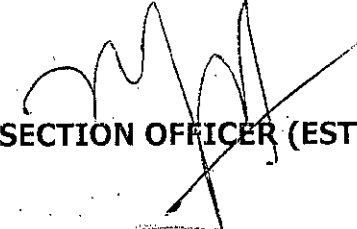
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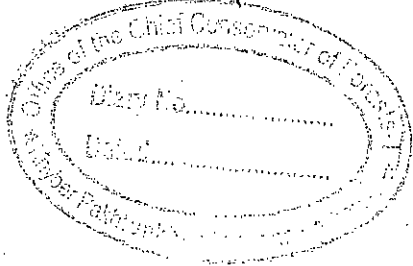
1. PS to Secretary, FE&W Department, Khyber Pakhtunkhwa.
- ✓ 2. Muhammad Ali, Ex-Forest Ranger, near Seathy House Kunj Ground Abbottabad w/r to his appeal dated 20.9.2021. **He is directed to appear before the inquiry committee or inquiry officer, as the case may be, as and when called for early finalizing the inquiry proceedings.**



Sadam Hussain
J/c

16/11/2021


SECTION OFFICER (ESTT)



18
Annex-E

OFFICE ORDER NO. 87 DATED PESHAWAR THE 22 /12/2021
ISSUED BY MR. AZHAR ALI KHAN, CHIEF CONSERVATOR OF FORESTS
CENTRAL SOUTHERN FOREST REGION-I, KHYBER PAKHTUNKHWA
PESHAWAR.

In pursuance of the directions available in the Administrative Department letter bearing No. SO(Estt)FE&WD/1-43/2021, dated 15/11/2021 and dated 21/12/2021, Muhammad Ali Ex-Forest Ranger who was earlier compulsorily retired from service vide Chief Conservator of Forests Northern Forest Region-II Office Order No. 17, dated 25/08/2014 is hereby reinstated into service w.e.f 06/06/2018 for the purpose of conducting and concluding de-novo Inquiry. The period from 25/08/2014 to 05/06/2018 under which the Ex-Forest Ranger has not served the department is hereby treated as leave without pay, so far the period from 06/06/2018 to date of issue of this order is concerned decision will be taken in light of the report of Inquiry Officer as per rules.

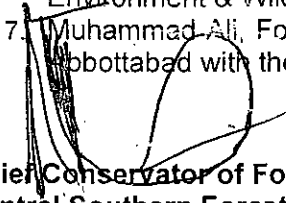
Consequent upon his reinstatement into service, he is hereby posted in Khyber Pakhtunkhwa Thai School Abbottabad against the vacant post of SDFO in the interest of public service with immediate effect till further order.

Sd/-
(Azhar Ali Khan)
Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

No. 2804-10 /E

Copy forwarded for information and necessary action to the:-

1. Chief Conservator of Forests Northern Region-II, Abbottabad
2. Conservator of Forests Lower Hazara Forest Circle Abbottabad with the direction to complete the inquiry proceedings against Muhammad Ali Forest Ranger as early as possible.
3. Section Officer (Establishment) Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department Peshawar with reference to his letter cited above.
4. Director, I&HRD&M Peshawar
5. Principal Khyber Pakhtunkhwa Forest School Thai Abbottabad.
6. Budget & Accounts Officer, Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department Peshawar
7. Muhammad Ali, Forest Ranger near City House Kunj Ground Tehsil and District Abbottabad with the direction to appear before the Inquiry Officer.


Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

0.Order-3 (MAH)

Page 110



19
Annex-F

OFFICE ORDER NO. 268 DATED PESHAWAR THE 27 /06/2022
ISSUED BY MR. EJAZ QADIR, CHIEF CONSERVATOR OF FORESTS CENTRAL
SOUTHERN FOREST REGION-I, KHYBER PAKHTUNKHWA PESHAWAR.

WHEREAS, Muhammad Ali Forest Ranger was proceeded against under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, for the charges as mentioned in the charge sheets and statement of allegations served upon him:-

AND WHEREAS, Enquiry Officer, (Syed Muqtada Shah) the then Conservator of Forests Lower Hazara Forest Circle Abbottabad and now Chief Conservator of Forests Malakand Forest Region-III, Saidu Sharif Swat constituted as enquiry Officer.

AND WHEREAS, Keeping in view, report of the Inquiry Officer under which the following recommendations were made:-

"The accused remained penalized and removed from service for a long period of more than seven years w.e.f 25/08/2014 till 21/12/2021, facing disciplinary proceedings, litigating in various course of law upto apex court of the country, social deformation and mental torture, thus has been circumstantially penalized within the given system of justice. Therefore, no additional penalty under E & D Rules 2011 is recommended. He may be exonerated from the charges"

NOW THEREFORE, in the capacity of Competent Authority (Chief Conservator of Forest Central Southern Forest Region- I Peshawar), after having considered the charges, evidence on record, findings of the enquiry Officer in the subject case, exercising his powers under Rule-14(3) of the Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011, Muhammad Ali Forest Ranger is hereby exonerated from the charges leveled against him as per charge sheets / statement of allegations already served upon him.

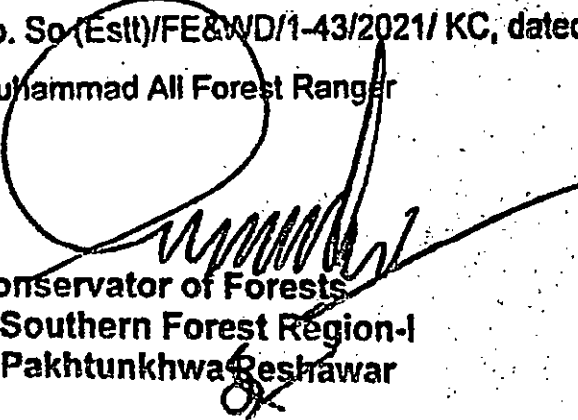
Sd/-
(Ejaz Qadir)
Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar



No. 7421-26 /E.

Copy forwarded for information and necessary action to the:-

1. Chief Conservator of Forests Northern Forest Region-II, Abbottabad. Photocopy of the inquiry reports are sent herewith with the request to investigate the missing consignments of 2638.50 cft Deodar Timber if any transported vide Divisional Forest Officer Lower Kohistan TP No. 127, dated 02/04/2010 as well as dig out facts and furnish your comments on the recommendation of Inquiry report charge sheet related to Siran Forest Division, so that to proceed against the delinquents and to recover loss sustained to Govt: if any.
2. Conservator of Forests Lower Hazara Forest Circle Abbottabad
3. Conservator of Forests Upper Hazara Forest Circle Mansehra
4. Budget & Accounts Officer, Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department Peshawar.
5. Section Officer (Establishment) Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department Peshawar with reference to his letter No. So (Estt)/FE&WD/1-43/2021/ KC, dated 21/12/2021.
6. Muhammad Ali Forest Ranger


 Chief Conservator of Forests
 Central Southern Forest Region-I
 Khyber Pakhtunkhwa Peshawar

21

Annex- G

To,

The Chief Conservator of Forests,
K P Central Southern Forest Region-I
Peshawar

APPEAL:

IN THE OFFICE ORDER NO, 268 DATED 27.06.2022, THE ISSUES OF SALARY AND ALLOWANCES AND ARREARS FROM THE DATE OF 25.08.2014, TO TILL THE DATE UNDER, F. R 54 MAY KINDLY BE RE-FIXED PLEASE.

Memo: Reference CCF- I Office Order No. 268, Dated 27.06.2022

Respected Sir,

FACTS

1. That the then CCF-II Abbottabad, (Sardar Muhammad Sultan) had been passed **Impugned Order** vide office No. 17, on dated 25.08.2014, for Compulsory Retired from Service by **without conducting any personal hearing.**
(Copies of the officer order vide No. 17, dated 25.08.2014, and Notification is attached as Annexure.... A)
2. That the vide No. 172 dated 06/06/2018 was passed by the CCF-1 against the Law and without **Re-instate the appellant.**
3. That the Appellant had been filed an Appeal to the Appellate Authority (Secretary to Government, Forestry, Environment, Wildlife Department KP, Peshawar) to declare the order dated 16.07.2021, (Final Order, and the then CCF-I has been issued after conducting the 6th round of personal hearing on dated 22.06.2021, without consider the K P (E & D) Rules 2011,) has

Attest


issued by CCF-II, and even then the August Tribunal vitiated the all the proceedings of the CCF-II, in his Judgment on dated 19.03.2018.

4. That the Internal Audit Officer has been issued Pay Slip vide No. B & A / G. A. D/AR-/P 6403 dated 26.01.2022, said salary was taken by undersigned during the year 2014.

GROUNDS

- A. That the then CCF-II being incompetent authority in accordance to the Notification dated 29th August, 2012, and Sub clause (i), of clause (c), of Sub rule (2), of Rule 4, of the Civil Servant Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989, *ibid* is very much clear in this regard.
- B. That the August Tribunal Court Directed in Judgment dated 19.03.2018, to the Competent Authority (the then CCF-I) *to resume the proceedings from the stage as mentioned above and decide the same within 60 days from the receipt of this Judgment failing which the appellant shall be deemed to have reinstated in service.*
- C. That the August Tribunal Court has already been passed an order on 19.03.2018, under Section 4, of K P Service Tribunals Act 1974, against the Order dated 25.08.2014, under SPO 2000. The August Tribunal Court has sent the said Order through letter dated 26.03.2018, to the CCF-I for strict compliance.
- D. That the August Tribunal, directed to the respondent No. 2, (the then CCF-I, being competent authority of the undersigned), in the Para No. 7, of the Judgment on 19.03.2018,

"This Tribunal reaches the conclusion that the proceedings before the CCF-I culminating into order dated 22.08.2016 can not be sustained in the eyes of Law nor the departmental appellate authority could maintain the said order. The CCF-I is therefore, directed to resume the proceedings from the stage as mentioned above and decide the same within 60 days from the receipt of this Judgment failing which the appellant shall be deemed to have reinstated in service. The issue of back benefits in case of reinstatement shall be subject to the rules on the subject." (F.R. 54, very much clear in this regard)

- E. That the CCF-I being in-violation of *sub rule 5 of Rule 14 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011, issued* impugned order for De-novo Enquiry Proceedings.
- F. As so in the absence of written factual aspects and any lawful Justification, would be no use, read with Section 24-A of the General Clauses Acts 1897, as illegal, unlawful and without lawful authority.
- G. That the then CCF-I being in-violation of *sub rule 3 of Rule 14 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011, issued impugned* order for De-novo Enquiry Proceedings, vide No. 229/E, dated 16/07/2021 was passed an order by the CCF-1 once against the Law and without Re-instate the appellant.
- H. That the Honorable Appellate Authority to directed to the then CCF-I to issue reinstatement order in respect of appellant w.e.f 06.06.2018, and conducting De-novo enquiry proceedings, vide order No's. SO (Estt) FE & WD/1-43/2021 dated 15.11.2021 and dated 21.12.2021.

- I. That the then Competent Authority (CCF-1) has been passed an *office* order vide No. 87 dated 22/12/2021, and reinstated to the appellant by your good self and the issue of the financial and promotion benefits were pending till the decision of Enquiry report.
- J. That Enquiry Officer has been Exonerated appellant from all the charges in De-novo Enquiry, and your good self under *sub rule 3 of Rule 14 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011*, Exonerated from all the charges and has been passed *office* order vide No. 268 dated 27/06/2022, and the said issues of the financial (Pay and allowances) and promotion benefits were still pending.
- K. That the fundamental rules No. 54, of the volume - I 2018, very much cleared in this regard.

[F. R. 54.—Where a Government Servant has been dismissed or removed is reinstated, the revising or appellate authority may grant to him for the period of his absence from duty:—

(a) If he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed or removed and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal or removal; or

In a case falling under clause (a), the period of absence from duty will be treated as a period spent on duty.

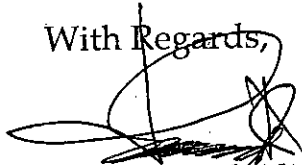
PRAYER

It is, therefore most humbly prayed that the appellant had been exonerated by the your good self from all the charges the appellant have entitle for all financial, promotion and arrears benefits, from 25.08.2014, to till date, under the F R. 54, may kindly be passed an order to Re-fix my salary, allowances and arrears, in the continuation respective order No. 268, dated 27.06.2022 please.

Copy forwarded to:

1. The Secretary to Government, Forestry, Environment, Wildlife Department KP, Peshawar.
2. Copy in advance to the Director, Budget & Account, Government of K P, Forestry, and Environment & Wildlife Department Peshawar.
3. The Director, I& HRD & M Directorate, Peshawar

With Regards,



Muhammad Ali
Sub Divisional Officer,
K P Forest School Thai Abbottabad.

Date: 18/07/2022
Cell No. 0315-3199931

26

Annex-H

02

**CHIEF CONSERVATOR OF FORESTS
CENTRAL SOUTHERN FOREST REGION-I
KHYBER PAKHTUNKHWA
(HAD)**



SHAMI ROAD PESHAWAR
Ph: +92 91 9212177, Fax: +92 91
9211478
E-mail:
ccfforests.pesh@gmail.com

Dated 13 / 09 / 2022

No. _____ /E,
To

The Secretary,
Government of Khyber Pakhtunkhwa
Forestry, Environment & Wildlife Department
Peshawar

Subject: - APPLICATION OF MUHAMMAD ALI, SDFO INSTRUCTOR, KP FOREST SCHOOL THAI ABBOTTABAD REGARDING HIS ARREARS

Memo:- Reference Administrative Deptt: letter No. SO (Estt)/FE&WD/1-43/2021, dated 15/11/2021 & No. SO (Estt)/FE&WD/1-43/2021/KC, dated 21/12/2021

Muhammad Ali Forest Ranger was involved in two separate charge sheets served by this office and on arrival of the finding of the inquiry committees, the Chief Conservator of Forests Northern Region-II, Abbottabad has compulsory retired from Govt service during the year 2014, which was challenged by the Forest Ranger concerned in the court of law. Lastly on the recommendation of Administrative Deptt, he was reinstated into Govt: service w.e.f 06/06/2018 with the following position:-

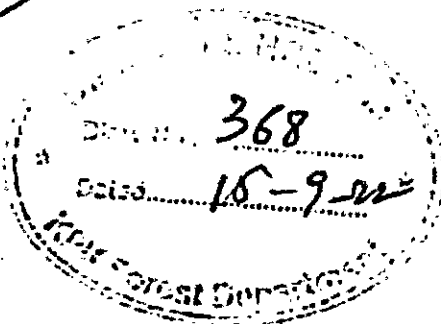
1. The period from 25/08/2014 to 05/06/2018, under which the Forest Ranger has not served the department was treated as leave without pay.
2. The period from 06/06/2018 to 21/12/2021, will be decided in light of inquiry report.

On receiving the inquiry report, he was exonerated from all the charges leveled against him. Now the Forest Ranger concerned has made request as per the following position:-

1. The period from 25/08/2014 to 05/06/2018 already treated as leave without pay may be considered as per FR-54.
2. Promotion to the post of SDFO may also be considered.

Being such the position, it is therefore requested to advise this office for further course of action in the matter. So far his promotion to the post of SDFO is concerned his ACR for the period from 01/01/2008 to 25/08/2014 are not available in this office for which the Forest Ranger concerned has since been asked to supply the same and after completion of ACR the promotion case will be placed before the DPC for its consideration.

Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar



AA
Director
15/9

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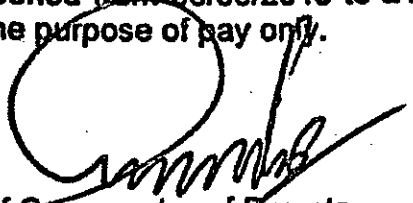
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No. 1566-70 IE.

Copy forwarded for information and necessary action to the:-

1. Chief Conservator of Forests Northern Region-II, Abbottabad
2. Chief Conservator of Forests Malakand Forest Region-III, Saidu Sharif Swat
3. Conservator of Forests Southern Circle Peshawar
4. Conservator of Forests Merged Areas Forest Circle Peshawar
5. Director, I&HRD&M Peshawar

They are requested to report the vacant position in the cadre of Forest Ranger BPS-16 for the period from 06/06/2018 to 21/12/2021 for adjustment of Muhammad Ali Forest Ranger for the purpose of pay only.



Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department, Civil Secretariat, Peshawar | Finance gtp pt | Finance gtp gov | Finance gtp gov

No. BO-II/FD/1-3/Forest/Grant/2021-22

Dated Peshawar, the 01.03.2023

To

The Secretary to Government of Khyber Pakhtunkhwa,
Forestry, Environment & Wildlife Department

SUBJECT: DEMAND FOR RELEASE OF FUNDS AS SPECIAL CASE.

Dear Sir,

I am directed to refer to your letter No.B&A/Bud/22-23/Reg-II/5612 Dated 16.02.2023 on the subject noted above to state that Finance Department agrees to the release of funds amounting to Rs.2,527,764/- (Rupees two million, five hundred twenty seven thousand, seven hundred and sixty four only) for payment of pay & allowances in r/o Mr. Muhammad Ali, Forest Ranger, under the DDO code and object head indicated below through the re-appropriation:-

Sender Fund	Sender Cost Centre	Object Head	Receiver fund	Receiver cost Centre	Object Head	Amount (in Rs)
NC21027(021)	PR4855	A03970	NC21027(021)	AD4340	A01101-Pay of offi:	1,471,912
					A01202-HRA	209,032
					A01203-Conv: All:	108,728
					A01217-Med: All:	65,971
					A0121T-ARA 2013	35,954
					A0122C-ARA 2015	25,377
					A0122M-ARA 2016	114,550
					A0122Y-ARA 2017	147,191
					A0123G-ARA 2018	128,268
					A0123P-ARA 2019	87,336
				A01229-Spl: Compensatory All:	133,445	
TOTAL						2,527,764

2. The expenditure involved is debit to functional classification 04-Economic Affairs 042-Agr: Food, Irrigation Forestry & Fishing 0424-Forestry 042402-Forestry, NC21027 (021), AD4340-Princip Forest School at Thai Abbottabad, during the current financial year 2022-23.

3. Incurrence of expenditure against the released funds is subject to observance of all codal formalities and financial rules/regulations and laid down procedure by the Administrative Department.

Yours faithfully,


 (KALEEM ULLAH)
 BUDGET OFFICER-II

Encls: No. & Date Given



Encls: No. B&A/Bud/2022-23/Reg-II / 7827-23

Dated Peshawar the 07.03.2023

Copy of the above is forwarded for information and further necessary action please.

- The Chief Conservator of Forest-I Peshawar,
- The Divisional Forest Officer Principal Khyber Pakhtunkhwa Forest School Thai, Abbottabad.


 CHIEF CONSERVATOR OF FOREST-I PESHAWAR

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Annex-J



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

No. SOR-III (E&AD)/2-2/2022
Peshawar the 22.03.2023

To


The Secretary to Govt. of Khyber Pakhtunkhwa,
Climate Change, Forestry, Environment & Wild Life Department.

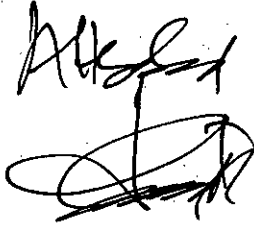
Subject: - APPLICATION OF MUHAMMAD ALI, SDFO INSTRUCTOR, KHYBER
PAKHTUNKHWA FOREST SCHOOL THAI ABBOTABAD

Dear Sir,

I am directed to refer to your letter No. SO(Estt)FE&WD/1-43/2021/PF dated 21.02.2023 on the subject noted above and to state that the subject matter involves pay and allowances which are dealt with by Finance Department. It is, therefore, advised that the case may be taken up Finance Department, please.

Yours faithfully,


SECTION OFFICER (R-III)
Phone No. 9211793



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Annex-30



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

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twitter.com/GoKPFDD

**NO. FD(SOSR-1)1-1/2023/Mr. Muhammad Ali
Dated Peshawar the: 16-03-2023**

To

The Section Officer (Estt:),
Climate Change, Forestry, Environment &
Wildlife Department,
Peshawar.

Subject: - APPLICATION OF MUHAMMAD ALI, SDFO INSTRUCTOR,
KHYBER PAKHTUNKHWA FOREST SCHOOL THAI
ABBOTTABAD

I am directed to refer to your letter No.SO(Estt) /FE&WD/1-43
/2021/PF/2104-5 dated 21.02.2023 on the subject noted above and to state
that the instant case may be examined at your own level in light of FR-54
(copy enclosed) if covered under the same being self-explanatory, please.

Encl:A.A

[Signature]
16/03/23
SECTION OFFICER (SR-1)

[Signature]
[Signature]