BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO.7471/2021 MR. SAJID SARDAR WATCHER (BPS-7) WILDLIFE DIVISION KOHAT V/S GOVT OF PAKHTUNKHWA THROUGH SECRETARY ENVIRONMENT, FORESTRY AND WILDLIFE KHYBER PAKHTUNKHWA PESHAWAR AND OTHERS

1. Mr. Sajid Sardar
   Wildlife Watcher (BPS-7)
   Kohat Wildlife Division, Kohat

---------**PETITIONER**

VERSUS

1. The Secretary, Environment Forestry and Wildlife Khyber Pakhtunkhwa, Peshawar.
2. The Chief Conservator Wildlife, Khyber Pakhtunkhwa, Peshawar.
3. The Divisional Forest Officer, Kohat Wildlife Division, Kohat.

--------**RESPONDENTS**

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DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO.7471/2021 MR. SAJID SARDAR WATCHER (BPS-7) WILDLIFE DIVISION KOHAT V/S GOVT OF PAKHTUNKHWA THROUGH SECRETARY ENVIRONMENT, FORESTRY AND WILDLIFE KHYBER PAKHTUNKHWA PESHAWAR AND OTHERS

1. Mr. Sajid Sardar
   Wildlife Watcher (BPS-7)
   Kohat Wildlife Division, Kohat

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2. The Chief Conservator Wildlife, Khyber Pakhtunkhwa, Peshawar.
3. The Divisional Forest Officer, Kohat Wildlife Division, Kohat.

--------**RESPONDENTS**

AFFIDAVIT

I, Muhammad Sajjad, Sub-Divisional Wildlife Officer, office of the DFO Wildlife Kohat, do hereby solemnly affirm and declare on oath that the contents of para wise comments on behalf of Respondent No.01, 02 & 03 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

It is further stated that the appeal is neither been placed exparte nor their defence has been struck off/cost.

Deponent

CNIC# 15402-6907634-9

0301-3047590

(3)

AUTHORITY LETTER

Muhammad Sajjad, Sub-Divisional Wildlife Officer (BPS-17) is hereby authorized to attend Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of the undersigned in the Service Appeal No.7471/2021 "MS Sajid Sardar versus Secretary Climate Change, Forestry, Environment & Wildlife Department & others" on each and every date of hearing in the case regularly till final decision is taken by the Court.

Muhammad Abd-us-Samad
Divisional Forest Officer
Kohat Wildlife Division
Kohat

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO.7471/2021 MR. SAJID SARDAR WATCHER (BPS-7) WILDLIFE DIVISION KOHAT V/S GOVT OF PAKHTUNKHWA THROUGH SECRETARY ENVIRONMENT, FORESTRY AND WILDLIFE KHYBER PAKHTUNKHWA PESHAWAR AND OTHERS

1. Mr. Sajid Sardar
   Wildlife Watcher (BPS-7)
   Kohat Wildlife Division, Kohat

Khyber Pakhtunkhwa Service Tribunal
Diary No. 6741
Dated 27/07/23

---------**PETITIONER**

VERSUS

1. The Secretary, Environment Forestry and Wildlife Khyber Pakhtunkhwa, Peshawar.
2. The Chief Conservator Wildlife, Khyber Pakhtunkhwa, Peshawar.
3. The Divisional Forest Officer, Kohat Wildlife Division, Kohat.

--------**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKTHUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 19.06.2020 AND 13.04.2021 RECEIVED ON 21.04.2021 WHEREBY THE PENALTY OF SSTOPPAGE OF THREE INCREMENTS AND RECOVERY OF 593,500 IS IMPOSED UPON THE APPELLANT AND AGAINST NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN 90 DAYS OF STATUTORY PERIOD

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 3 FACTS:

RESPECTFULLY SHEWETH:

Preliminary Objections:

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

ON FACTS:

1. Correct to extent of appointment order. However, the performance in the official duty of the appellant at Kotal Wildlife Park was weak.
2. Correct.
3. Incorrect. The charges recorded in the chargesheet were proved and the penalty was accorded under the rules.
4. Incorrect. The appellant was posted in Kotal Wildlife Park on 04-12-2018 and incident reported on 20/12/2019, therefore, during the period, progress reports were submitted on monthly basis and the appellant along with other staff of Kotal Wildlife Park did not raise any objection in the figures of animals in the reports with actual figures on ground.
5. Incorrect. Proper opportunity of defense was provided to the appellant. Moreover, reply of the charge sheet was also submitted by the appellant to the Enquiry Officer **(Annex-A)** and considered but during the process of enquiry, the charges leveled against the appellant were proved.

6. Incorrect. The Show Cause was issued according to the Rules and reply of the appellant was not satisfactory **(Annex-B),** hence the penalty was accorded as per E&D rules, 2011 **(Annex-C).**

7. Correct, the action has been taken under E&D rules, 2011.

8. Incorrect. The Chief Conservator Wildlife Khyber Pakhtunkhwa showed dissatisfaction with the previous enquiry **(Annex-D)** hence being competent authority, the Chief Conservator Wildlife Khyber Pakhtunkhwa has constituted a committee to conduct de-novo enquiry under the rules **(Annex-E).** The order was handed over to the appellant but he did not request for provision of enquiry report at any stage.

9. Incorrect. the respondent No.3 (DFO Wildlife Kohat) forwarded the departmental appeal to concerned quarter within the statutory period of 90 days **(Annex-F)** and Respondent No.2 returned the same with the observations that appeal is full of discrepancies and needs proper scrutiny **(Annex-G)** and the appeal was also late from the prescribed period of 30 days, but in the meanwhile the period of 90 days was also completed and no further process was made. However, the appellant filed another appeal on 21-09-2022 directly to Respondent No.1, which was not considered being time barred vide Section Officer Government of Khyber Pakhtunkhwa Climate Change, Forestry, Environment and Wildlife Department letter No.SO(Estt)/FE&WD/1-5/2019/MF, dated 02-03-2023 **(Annex-H).**

GROUNDS:

A) Incorrect. The orders were issued on merit in accordance with the prevailing Rules, Laws, facts and material on record.

B) Incorrect and baseless allegation without any ground reality and proof. The appellant has always been treated according to law, rules, which is evident with the fact that the appellant applied for vacant post of Deputy Ranger Wildlife (BPS-11) in the same office and department and was selected on merit vide DFO Wildlife Kohat Order No.16, dated 08-10-2021 and is currently working as Incharge Wildlife Check posts in Kohat Wildlife Division. Moreover the posting transfer has been made as per S.No.10 (Posting & Transfer) of KP civil servant Act,1973 rules, whereby clearly mentioned of that every Govt. servant will serve anywhere in the province by order of competent authority.

C) Incorrect. Full opportunity of personal hearing and personal defense was provided to the appellant **(Annex-I).**

D) Incorrect. Proper enquiry was conducted and proper procedure was followed under relevant rules, laws as explained in Para-C above **(Annex-J).**

E) Incorrect. The upper scale in the instant case was BPS-16. The Chief Conservator Wildlife is appointing authority upon BPS-16 as such then de-novo enquiry was made by Chief Conservator Wildlife and then penalty order has also been issued by Chief Conservator Wildlife. Hence the order has been issued properly as per law and rules.

F) Incorrect. The charges encoded in the charge sheet were the same and competent authority has considered and reviewed the case after de-novo enquiry and the penalty order has accordingly been issued as per E&D rules 2011. Moreover the penalty imposed upon the accused is minor vide rule-4(1)(a)(ii) &(iii) of E & D rules 2011and not major penalty as questioned by the appellant in his appeal.

G) Incorrect. Proper procedure has been adopted as per E&D rules, 2011.

H) Incorrect. All the codal formalities have been fulfilled in the case. The appellant has not applied for provision of enquiry report. However if the appellant need enquiry report, the documents will be provided after his application.

I) As per reply in Para-C above.

J) Incorrect. The appellant himself is responsible in the negligence charges which were provided against him in enquiry process.

K) Incorrect. The appellant was found negligence and inefficient by very Senior Officers of the Department being Enquiry committee. Moreover, it is correct that the appellant was transferred to Kotal Wildlife Park on 04-12-2018 but after a period of one year i.e. 12/2019, the appellant and other staff of Kotal Wildlife Park did not report the actual number of animals. So, it was the prime responsibility of the Wildlife Watcher to protect and ensure availability of the animals in Park premises. The appellant was also responsible to report the actual figure of animals in the park, but was not reported properly.

L) Incorrect. As per comments in Para"K" above.

M) The respondents may also be allowed to raise additional grounds at the time of hearing.

In view of above the appeal may be rejected, upheld the Office Order No.146, dated 13/04/2021, issued by Respondent No.2 i.e. Chief Conservator Wildlife Khyber Pakhtunkhwa being Competent authority.

Secretary
Climate Change, Forestry,
Environment & Wildlife Department
Khyber Pakhtunkhwa Peshawar
(Respondents No.01)

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar
(Respondents No. 02)

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

Annex – "A" (8) (7)

DISCIPLINARY ACTION

I, **Muhammad Abdu Samad, Divisional Forest Officer Wildlife Division Kohat,** as competent authority, am of the opinion that **Mr. Muhammad Sajid** designation **Wildlife watcher (BPS-07)** has rendered himself liable to be proceeded against, as he committed the following acts / omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS.

That he, while posted as Wildlife watcher (BPS-07) at Kotal Wildlife Park, committed the following irregularities:

(a) Those according to the monthly reports the following animals have been reported upto 11/2019 in Kotal Wildlife Park.

S#	Name of animal spp	Male	Female	Total
1-	Chinkara	-	03	03
2-	Mouflan sheep	11	21	32
3-	Hog deer	05	03	08
	Total	**16**	**27**	**43**

As reported by the Range Officer Wildlife vide his letter No. 108/TP dated 20/12/2019 the population of mouflan sheep have escaped or otherwise missing on grounds. The undersigned physically observed the same on 21/12/2019 during field visit to Kotal Wildlife Park. However, except above only ~~three~~ Four Hog Deer are currently existed in the facility as:

01Male 02 Female 01Fawn =Total 04

(b) Keeping in view above situation he has committed injustice to assignment by originating huge loss to the department.

(c) It appears that he have not discharged duty fully devoted and proved himself to be unproductive with lethargic presentation.

(d) The unpleasant occurrence of missing animals in the facility have neither reported nor informed by anyone on his part which directly reflected doubtful concert as well as discouraging commitment to the post. Rather the reported animals whatsoever in the past have otherwise now seems false & proxy meaning.

3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, accord its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or otherwise appropriate action against the accused.

The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer.

Attested

Kohat Wildlife Division
Kohat

Divisional Forest Officer
Kohat Wildlife Division
~~Kohat~~

(8) (17)

CHARGE SHEET

I, **Muhammad Abdu Samad, Divisional Forest Officer Wildlife Division Kohat,** hereby charge you, **Mr. Muhammad Sajid** as follows:

1- That you, while posted as **Wildlife watcher (BPS-07)** at Kotal Wildlife Park, committed the following irregularities:

(a) Those according to the monthly reports the following animals have been reported upto 11/2019 in Kotal Wildlife Park.

S#	Name of animal spp	Male	Female	Total
1-	Chinkara	-	03	03
2-	Mouflan sheep	11	21	32
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As reported by the Range Officer Wildlife vide his letter No. 108/TP dated 20/12/2019 the population of mouflan sheep have escaped or otherwise missing on grounds. The undersigned physically observed the same on 21/12/2019 during field visit to Kotal Wildlife Park. However, except above only three Hog Deer are currently existed in the facility as:

01Male 02 Female 01Fawn =Total 04

(b) Keeping in view above situation you have committed injustice to assignment by originating huge loss to the department.

(c) It appears that you have not discharged duty fully devoted and proved yourself to be unproductive with lethargic presentation.

(d) The unpleasant occurrence of missing animals in the facility have neither reported nor informed by anyone on his part which directly reflected doubtful concert as well as discouraging commitment to the post. Rather the reported animals whatsoever in the past have otherwise now seems false & proxy meaning.

2- By reason of the above, you appear to be guilty of mis-conduct and inefficiency under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

3- You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the inquiry officer.

4- Your written defence, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

Intimate whether you desire to be heard in person.

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

(9) (88)

جناب ڈی ۔ ایف ۔او۔ صاحب وائلڈلائف ڈویژن کوہاٹ

عنوان:۔ چارج شیٹ

بحوالہ چھٹی نمبر 2138/WL-KT مورخہ 23-12-2019

جناب عالی!

میں ساجد سردار نے مورخہ 04-12-2018 کو کوتل وائلڈ لائف پارک میں ڈیوٹی سنبھالی اور تا حال اپنی ڈیوٹی فرض شناسی سے کوتل وائلڈ لائف پارک میں سرانجام دے رہا ہوں۔اس دوران مجھے پارک میں موجود جانوروں کے بارے میں کوئی آگاہی نہیں دی گئی۔

اس ایک سال (1) ڈیوٹی کے دوران میں نے 5 آزاد جانور دیکھے جو پاڑہ ہرن ہیں اس کے علاوہ جنگلی سوروں کو وافر تعداد میں پایا۔

مفصل ترتیب وار جواب پیش خدمت ہیں۔

۱) مجھے اٹھیالوں کے مطلق کچھ آگاہی نہیں کی گئی۔ بلکہ اس وسیع وعریض جنگل میں ریسٹ ہاؤس، پرندوں کے لیے کچھ پنجرے بنے ہیں۔دوسرے یا تیسرے دن گایا کی گاڑی کو مخصوص جگہ پر خالی کیا جاتا ہے۔اور اس دوران سوائے مذکورہ بلا ہرن کے کوئی جانور نظر نہیں آیا جہاں تک ماہانہ رپورٹ 11/2019 کا تعلق ہے ایسی کوئی رپورٹ نہ ہم نے کسی کو دی اور نہ ہی ہم سے پوچھا گیا ہے۔محسوس ہوتا ہے کہ ماہانہ رپورٹس صرف رجسٹر کا پیٹ بھرنے کیلئے دی جاتی رہی ہیں جن کا حقیقت سے کوئی تعلق نہیں۔

۲) مندرجہ بالا وضاحت سے واضح ہے کہ میرا اس سارے واقعے سے نہ کوئی تعلق ہے اور نا ہی میری وجہ سے ڈیپارٹمنٹ کو نقصان پہنچا۔اور نا ہی ایسا کچھ میں سوچ سکتا ہوں۔

۳) میں نے اپنی ڈیوٹی فرض شناسی اور دلجوئی سے سرانجام دی ہے۔اور کئی بار پرخطر اور دشوار پہاڑی راستوں کے صرف جنگلی حیات کے تحفظ کیلئے جال اور DPC کو اپنے ہاتھوں ٹھیک کیا

<u>میری مندرجہ ذیل وضاحت قابل غور ہے۔</u>

ریکارڈ کا بغور جائزہ لے کر بڑے افسوس سے کہنا پڑ رہا ہے کہ ماضی میں وقتاً فوقتاً یہ جانور فرار ہوئے رہے ہیں۔ایک رپورٹ چھٹی نمبر 324 TP مورخہ 07-06-2018 کو این ایچ اے کی بلاسٹنگ کے فرار کی اطلاع افسران بالا کو دی گئی۔

۱) اسی طرح ایک رپورٹ 1876-WL-KT مورخہ 18-01-201 سیریل نمبر 4 واضح طور پر افسران بالا کو جانوروں کے فرار کے متعلق آگاہ کیا گیا ہے۔

۲) مزید برآں چھٹی نمبر 80/WL-TP مورخہ 10-12-2015 کے رپورٹ کے مطابق ساتھ (7) اڑیال اپنی طبعی عمر پوری کرنے کو تھے اور کسی بھی وقت ان کی طبعی موت واقعہ ہونی تھی۔

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

(10) (57)

(17)

۳)اِسی طرح ایک رپورٹ مورخہ 17-04-2018 کو بھی NHA بلاسٹنگ اور جانوروں کے فرار کی افسران بالا کو اطلاع دی گئی۔

مندرجہ ذیل بالا وضاحت سے یہ بات واضع ہوتی ہے کہ اس سارے واقع سے میرا کوئی تعلق نہیں رہا اور نہ ہی کوئی قصور ہے اور اسی طرح کی کچھ اور رپورٹیں بھی میری بے گناہی پر مہر ثابت کرتی ہیں۔

درجہ بالا وجوہات کی بنا پر عرض ہے کہ میری چارج شیٹ داخل دفتر کی جاوے۔ تاکہ میں یکسوئی اور دلجوئی سے اپنا کام کر سکوں۔

ہم دعا گو رہے نگے۔

شکریہ

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

العارض

ساجد سردار

زاتی شنوائی (11) (85)

سوال نمبر ۱:- ماہ نومبر، ماہ دسمبر میں سبز چارہ استعمال ہوا کہ نہیں۔
ہاں یا نہیں میں جواب دیں؟ ہاں جی

سوال نمبر (2) ماہ دسمبر میں اچانک اتنی بڑی تعداد میں جانور غائب ہو گئے

(32) جانوروں میں سے صرف ۱ جانور باہر دیکھے گئے۔ کیا یہ آپ کی نااہلی کے زمرے میں نہیں آتا؟

ہاں یا نہیں نہیں No comment

سوال نمبر 3:- آپ نے رپورٹ نہیں بلکہ ماہانہ رپورٹ کی تصدیق کی جو کہ غلط تھی ہوں تصدیق کرنا ہمارا کام نہیں، ہم نے تو صرف تحریری نقصان کی تصدیق کی

سوال نمبر 4:- سڑاک رجسٹر ماہ نومبر تک مکمل کیا کہ نہیں اور اگر نہیں کیا تو رپورٹ پر کیوں تصدیق کی؟ یہ ہمارا کام نہیں۔ کسی اور ڈیپارٹمنٹ کی ذمہ داری تھی

سوال نمبر 5:- انکوائری کے دوران آپ کے پاس کوئی ثبوت تھے اور پیش کر سکتے ہیں۔ ہم ثبوت دے چکے ہیں

Attested

Investigation Officer
Kohat Wildlife Division
Kohat

س:- آپ نے تحریر کیا کہ رپورٹ کاغذ کا پیٹ بھرنے کے لیے دی گئی کیا یہ اس بات کی طرف اشارہ نہیں کہ آپ اپنے فرائض کو خاطر میں نہیں لاتے ہاں یا نہیں میں جواب دیں؟ (87) (12)

ہم نے اپنے فرائض احسن طریقے سے انجام دیئے۔

س:- کیا آپ یہ جانتے ہیں کہ جنگلی سوروں نے 8 یا 10 مقامات پر جال خراب کیا یا نہیں؟

ہاں یا نہیں

س:- بحیثیت جنگلی حیات کے ذمہ دار افسر کے طور پر آپ نے لکھا ہے کہ جال کے باہر بھی ہم ذمہ دار ہیں کیا آپکی یہ ذمہ داری نہیں جال کے اندر سے باہر نہ جا سکیں؟

ہم نے اس طرح کا کوئی تحریری بیان نہیں دیا۔

Attested

Said ساجد سردار

Divisional Forest Officer
Kohat Wildlife Division
Kohat

Annex-"B" (13) 129

OFFICE OF THE DIVISIONAL FOREST OFFICER
KOHAT WILDLIFE DIVISION, KOHAT
Phone: 0922-514393
Email: dfokohat@gmail.com
Address: H#05, Sector D-II, Phase-II, KDA

To

Mr. Muhammad Sajid
Wildlife Watcher
Kohat Wildlife Division

No. 2564 /WL (KT) Dated Kohat the 02/06/2020.

Subject: - **SHOW CAUSE NOTICE**

Memo:

The Show Cause Notice (in duplicate) duly signed by the undersigned is enclosed herewith for necessary action and reply accordingly.

Please acknowledge receipt.

Encls: as above:

Divisional Forest Officer
Kohat Wildlife Division
Kohat

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

Range

(14) (13+)

SHOW CAUSE NOTICE

I Muhammad Abd-us-Samad, Divisional Forest Officer, Kohat Wildlife Division, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011 do hereby serve you Mr. Muhammad Sajid Wildlife Watcher at Kotal Wildlife Park as follow.

i. Due to your negligence, the animals were escaped from Kotal Wildlife Park and you being responsible of the Park have not reported the same while the animals were shown available in the monthly progress reports submitted to this office regularly.

ii. That consequent upon the completion of enquiry conducted against you by the Enquiry Officer / Enquiry Committee for which you were given opportunity of hearing, and

iii. On-going through the findings of the Enquiry Officer / Enquiry committee, the material on record and other connected papers 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 the said rules:

a. In-efficiency

As a result thereof, I, as competent authority, have tentatively decided to impose upon you following penalties under rule-14 (4)(b) of the rules ibid.

1. **Stoppage of two consecutive increments**
2. **Recovery of Rs.87000/- (Rupees Eighty seven thousands only)**

You are, therefore required to Show Cause as 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 of its receipt by you. It shall be presumed that you have no defence 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:

Muhammad Abd-us-Samad
Divisional Forest Officer
Kohat Wildlife Division
Kohat
Competent Authority

Attested

Range

(15) 157

بخدمت جناب ڈی۔ایف۔او صاحب وائلڈلائف ڈویژن کوہاٹ

ریفرنس لیٹر نمبر 2565/WL (KT)

عنوان: درخواست بمراد شوکاز نوٹس

جناب عالی

مودبانہ گزارش ہے کہ ناکردہ گناہ کا جوملبہ ہم پرڈالا گیا ہے یہ سراسر ناانصافی ہے۔میں ایک غریب بندہ ہوں جو جرمانے اور سزا کا بوجھ برداشت نہیں کرسکتا۔

سائل اپنے حق میں مندرجہ ذیل عرض کرتا ہے۔

1. میں مورخہ 04-12-2018 کو تل وائلڈلائف پارک میں تعینات ہوا اس دوران مجھے اڑیال یا دیگر جانوروں کے مطلق کچھ آگاہی نہیں دی گئی۔
2. میں نے کہیں بھی کسی نااہلی اور کوتاہی کا مظاہرہ نہیں کیا بلکہ اپنا فرائض احسن طریقے سے انجام دیئے اور تاحال سرانجام دیتا رہا ہوں۔دوران گشت پارہ ہرن کے سوا میں نے کوئی جانور نہیں دیکھا۔
3. آفس ریکارڈ سے یہ بات واضح ہے کہ جانور میرے چارج سنبھالنے سے بہت پہلے پارک سے فرار ہو چکے تھے اور کچھ جانور اپنی طبعی عمر پوری کر چکے تھے۔
4. دوران ڈیوٹی مجھے ڈیلی آبزرویشن رجسٹر اور ماہانہ پراگریس رپورٹ کے مطابق کوئی آگاہی نہیں دی گئی اور نا ہی میں نے کسی ایسی رپورٹ کی تصدیق کی ہے۔

انصاف سے اصول کی تکمیل ہوتی ہے اور انصاف ہر لحاظ سے ناانصافی سے بہتر ہے۔

لہذا میری پرزور گزارش ہے کہ سائل کو جرمانے اور سزا سے بچا کر انصاف فراہم کیا جائے۔

شکریہ

Sajid

انصاف کا طلب گار

ساجد سردار وائلڈلائف واچر

مورخہ 12-6-2020

Kohat Wildlife Division
Kohat

Annex-C (16) (17)

OFFICE ORDER NO. 64 DATED 19/06 /2020,
ISSUED BY MR. MUHAMMAD ABDUS SAMAD DIVISIONAL FOREST OFFICER, KOHAT WILDLIFE DIVISION, KOHAT

Brief history of the case:

In compliance of verbal Order of the Chief Conservator Wildlife Khyber Pakhtunkhwa regarding trapping and shifting of one Mouflan Sheep from Kotal Wildlife Park to Peshawar Zoo. On searching of animals for trapping, it was disclosed that no animals were available at Kotal Wildlife Park. The concerned Range Officer Wildlife and his staff of the park has regularly submitted monthly reports whereby shown availability of animals in the facility. It is the negligence of concerned staff that they were not aware of the actual position of the animals. The undersigned being competent authority has appointed Mr. Shabir Ahmad Sub-Divisional Wildlife Officer Kohat as Enquiry Officer to probe in the matter and submit report in this regard vide this office Order No.37, dated 23/12/2019.

Proceeding of the Enquiry:

In compliance, Mr. Shabir Ahmad SDWO Kohat (Enquiry Officer) has started the proceeding, issued charge sheet and memo of allegation duly signed by the competent authority and found that it was the negligence of the following staff of Kotal Wildlife Park that they were unaware of the factual position of the Park resulted escaped of 29 Mouflan sheep.

1. Mr. Arifullah Deputy Ranger Wildlife (holding charge of Range Officer Wildlife)
2. Mr. Naseer-ud-Din Deputy Ranger Wildlife
3. Mr. Ghulam Murtaza Wildlife Watcher
4. Mr. Ikramullah Wildlife Watcher
5. Mr. Khuram Shehzad Wildlife Watcher
6. Mr. Muhammad Yasir Wildlife Watcher
7. Mr. Muhammad Sajid Wildlife Watcher

The Enquiry Officer has furnished his findings vide letter No.384/SDWO, dated 25/04/2020 whereby found guilty all the above staff due to their negligence.

The undersigned issued show cause notice to all the accused staff and provided opportunity of personal hearing on 19-06-2020. They have also submitted their written reply to the show cause notice but not convincing.

Conclusion:

The accused officials failed to provide any evidence in their defence to deny the charges and I convinced that the accused is guilty in inefficiency in performance of official duty of the park due to their negligence and escaped of Twenty nine (29) Mouflan sheep animals from Kotal Wildlife Park, therefore, the undersigned being competent authority imposed the following minor penalties as per rule 4 of Efficiency and Discipline Rules 2011 upon the concerned below accused:

S#	Name	Particular of penalty
1	Mr. Arifullah Deputy Ranger Wildlife (held charge of Range Officer Wildlife)	i. Stoppage of one increments for one year ii. Recovery of Rs.217500/-
2	Mr. Naseer-ud-Din Deputy Ranger Wildlife	i. Stoppage of one increment for one year ii. Recovery of Rs.217500/-
3	Mr. Ghulam Murtaza Wildlife Watcher	i. Stoppage of two increments for two years ii. Recovery of Rs.87000/-
4	Mr. Ikramullah Wildlife Watcher	i. Stoppage of two increments for two years ii. Recovery of Rs.87000/-
5	Mr. Khuram Shehzad Wildlife Watcher	i. Stoppage of two increments for two years ii. Recovery of Rs.87000/-
6	Mr. Muhammad Yasir Wildlife Watcher	i. Stoppage of two increments for two years ii. Recovery of Rs.87000/-
7	Mr. Muhammad Sajid Wildlife Watcher	i. Stoppage of two increments for two years ii. Recovery of Rs.87000/-

Attested

Kohat

(MUHAMMAD ABDUS SAMAD)
Divisional Forest Officer
Kohat Wildlife Division
Kohat

(17) (17)

No. 2705-12/WL (KT)

Copy forwarded for information and necessary action to the:-

1. Chief Conservator Wildlife Khyber Pakhtunkhwa please.
2. Conservator Wildlife Southern Circle, Peshawar please.
3. Sub Divisional Wildlife Officer Kohat.
4. Range Officer Wildlife Tanda.
5. Assistant / Divisional Accountant Wildlife Kohat.
6. All concerned.
7. Personal files concerned.
8. Office Order file.

Divisional Forest Officer O/C
Kohat Wildlife Division
Kohat

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

Annex-"I"

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OFFICE OF THE DIVISIONAL FOREST OFFICER, KOHAT WILDLIFE DIVISION, KOHAT.

No. 384 /SDWO dated Kohat the 25/4 /2020.

To

The Divisional Forest Officer
Kohat Wildlife Division Kohat

Subject **ENQUIRY REPORT.**

Ref Your Office Order No. 37 dated 23/12/2019

Kindly refer to above and fina attached herewith the subject enquiry report of the case of escape / missing animals in Kotal Wildlife Park. The complete file is attached herewith for your kind consideration and further necessary action as per rules please.

Encls as above

Sub Divisional Wildlife Officer
Kohat 25/4/20

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

ENQUIRY REPORT REGARDING ESCAPE / MISSING ANIMALS IN KOTAL WILDLIFE PARK CONDUCTED VIDE ORDER NO. 37 DATED 23/12/2019 ISSUED BY THE DIVISIONAL FOREST OFFICER, KOHAT WILDLIFE DIVISION, KOHAT.

Background.

While executing orders of the Chief Conservator Wildlife Khyber Pakhtunkhwa regarding trapping & shifting one Mouflan sheep from Kotal Wildlife Park to Peshawar Zoo has disclosed a foremost negligence on part of the local staff when no animal could see within the facility on one hand while on the other hand local staff of facility failed to report or inform the escape / missing animals from the facility. In this connection a written report of incharge Range Officer Wildlife vide his no. 108 dated 26/12/2019 (Annex-I) have testified negligence of local staff wherein clearly mentioned that during surveyed of animals in the facility, sufficient wild boars were roaming inside & outside the fence but no Mouflan sheep could see in the facility. Sustaining such position the concerned Deputy Ranger Wildlife / Wildlife watchers are on the otherwise performing duty of the concealed facts regarding negligence on their part. Knowing facts, field visit to the facility has also been considerably conducted by the Conservator Wildlife Southern Circle accompanied by the Divisional Forest Officer Wildlife Kohat on 21/12/2019 wherein found no Mouflan sheeps within the fence. Therefore, the incident left no option but to take negligence under E & D Rules 2011 against staff who have been served with charges leveled against them vides No. 2138/WL-KT dated 23/12/2019. After serving the prescribed charge sheets to the individual staff I have been appointed as Enquiry Officer under rules 10 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011 to probe into the matter and submit justified findings in the case:

According to the file record provided to me following officials have been charged in the case:

1-	Mr. Arifullah D/R Wildlife	(Holding charge of a Range Officer Wildlife)
2-	Mr. Naseer U Din	Deputy Ranger Wildlife Kotal WL Park.
3-	Mr. Ghulam Murtaza	Wildlife watcher Kotal Wildlife Park.
4-	Mr. Ikramullah	Wildlife watcher Kotal Wildlife Park.
5-	Mr. Khuram Shehzad	Wildlife watcher Kotal Wildlife Park.
6-	Mr. Muhammad Yasir	Wildlife watcher Kotal Wildlife park.
7-	Mr. Muhammad Sajid	Wildlife watcher Kotal Wildlife Park.

Attested

The Detail of charges leveled against staff are re-produced below:

(a) ***Those according to the monthly reports the following animals have been reported upto 11/2019 in Kotal Wildlife Park.***

S#	*Name of animals spp*	*Male*	*Female*	*Total*
1-	*Chinkara*	*-*	*03*	*03*
2-	*Mouflan sheep*	*11*	*21*	*32*
3-	*Hog deer*	*05*	*03*	*08*
	Total	*16*	*27*	*43*

As reported by you vide above cited letter the population of Mouflan sheep have escaped or otherwise missing on grounds. The undersigned physically observed the same on 21/12/2019 during field visit to Kotal Wildlife Park. However,, except above only four Hog deer are currently existed in the facility as:

01 Male 02 Female 01 Fawn =Total 04

(b) ***Keeping in view above situation you have committed injustice to assignment by originating huge loss to the department.***

(c) ***It appears that you have not discharged duty fully devoted and proved yourself to be unproductive with lethargic presentation.***

(d) ***The unpleasant occurrence of missing animals in the facility have neither reported nor informed by anyone on his part which directly reflected doubtful concert as well as discouraging commitment to the post. Rather the reported animals whatsoever in the past have otherwise now seems false and proxy meaning.***

The Charges are alike except the following additional charge leveled against Mr. Naseer U Din Deputy Ranger Wildlife as:

(e) ***The unpleasant occurrence of missing animals in the facility have neither reported nor informed by anyone on his part which directly reflected doubtful concert as well as discouraging commitment to the post. Rather the reported animals whatsoever in the past have otherwise now seems false and proxy meaning. In addition you have regularly verified the monthly progress reports before signature of the and dispatch the same by Range Officer Wildlife Tanda / Kotal appeared huge question mark to your negligence?***

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

The monthly progress report upto 11/2019 duly verified by the concerned Deputy Ranger Wildlife Mr. Naseer U Din and signed / dispatch by the Range Officer Wildlife Tanda / Kotal highlights availability of following animals.

S#	Name of animals species	Closing balance			Total
		M	F	Fawn	
1	Chinkara	-	03	-	03
2	**Mouflon Sheep**	**11**	**21**	**-**	**32**
3	Hog deer	05	03	-	08
	Total	**16**	**27**	**-**	**43**

If reviewed, it can be determined that escape / missing occurrence during the month of 12/2019 meant that the negligence taken place not very far-back but the unpleasant incident has been appeared very shortly. The unpredictable loss of 29 Mouflan sheeps has been made correctively revival setting aside case enquiry.

Procedure

(i) After examined available record the undersigned in capacity as enquiry officer conducted spot visit of the facility on 25/1/2019. Held meeting with the local staff and searched entire facility from one location to another but observed no Mouflan sheeps. Besides, the fence was also checked and found some vulnerable points but all the rifts were temporarily closed by the local staff. Yet according to my observation about 10 points were at the status of easy and convenient repair / closure but the local staff merely shut the rifts by putting loose stones and shrubs etc: If the vulnerable points whatsoever observed would have been properly repaired under the already incurred expenditure out of the project funds the situation would certainly be have appeared to otherwise. According to verbal statement of local staff it was told that a huge population of wild boar & other predators manage entry into the fence. The wild boar is a digging-proficient abundantly found in the entire region. The local staff further expressed that major aspect of escape / missing animals is the damage to fence and DPC caused by the wild boars. The specie is prolific breeder constantly increased population may need to eradicate by adopting proper and effective planning. Photographs attached (Annex-II).

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

(ii) During 2nd step examined the available record of animals and other birds and found no entry / observation of escape / missing animals in the relevant register. (Annex-III).

(iii) The 3rd step is the record of supplementary feed to animals. During inspection of register, it has been observed that the register contained feed consumption upto the month of January 2020 (Annex- IV) arising question mark?

Being much responsible assignments of Range Officer Wildlife and Deputy Ranger Wildlife of the facility it has been considered important to include the justifications / replies of both officials in the report and with significant observations given at the end of each one:

Item-wise reply to the charge sheet furnished by Mr. Arifullah I/C Range Officer Wildlife

(a) Since taken over charge of Tanda Wildlife Range on 25/10/2019, it is correct that monthly progress report of animals has been submitted regularly and it has been verified from Deputy Ranger Wildlife (In charge Kotal Wildlife Park).

(b) It is incorrect I was posted as Range Officer of Tanda / Kotal Wildlife and I have adopted proper SOPs for both of the parks where in charge of each park was nominated and it was solely prime responsibility of the nominated in charge.

(c) It is incorrect as I have taken over the charge as Range Officer, I have done all the efforts for betterment of the parks and ensured round the clock presence of staff, regularly checked all record getting satisfactory feedback / report from the incharge and staff.

(d) Since taken over charge of Kotal Wildlife Park on 25/10/2019. I remained under regular effort in capturing one female Mouflan sheep for onward shifting to Peshawar Zoo with regard to compliance of instructions by the Divisional Forest Officer Wildlife Kohat vide endorsement No, 891/WL (KT) dated 23/10/2019. I supervised the task round the clock and stressed upon local staff to accomplish the task as early as possible. Meanwhile I personally observed that some animals have been escaped wherein putting my efforts I succeeded to brought back five female Mouflan in the fence. Eventually lapse of three

Attested

weeks it has learnt through local staff that the animals in question are missing or otherwise escaped from fence. Knowing fact, I have submitted report (as annex-I mentioned above) to the Divisional Forest Officer Wildlife Division Kohat.

At the end he has mentioned that being newly incumbent to the post I am unaware of the facts as from when the animals are missing. I have neither informed nor reported fact by any of the subordinate staff till my arrival to the facility. In this situation I am not defaulter of the incident rather request that I may kindly be expunged from the charges leveled against me by virtue of my assignment.

Considerable observations on reply of Mr. Arifullah I/C Range Officer W/Life

i- In his reply to the charge sheet at (b) no observed SOPs putting sole responsibility on incharge Deputy Ranger Wildlife Kotal alone is well questionable. Overall default on shoulders of Deputy Ranger Wildlife in the case creates ambiguity because being competent skill of a Range Officer Wildlife, why achievable strategy for search and siege animals could not be streamline to his own extent, showing lack of involvement in the field duty on his part.

ii- In his reply to the charge sheet at (c) the record of animals has been maintained but on the spot no animal was found is contradictory between the record and feedback of / report of local staff speaking that the control has been merely carried out in the documents and that the Range Officer Wildlife has no care of his responsibility to observe and check the animals in the field is lacking his interest.

iii- In his reply to the charge sheet at (d) highlighting inefficiency as the period of his charge 25/10/2019 till reported 20/12/2019 i.e., lapse 01 month and 15 days. In this period the full fledge incharge of the facility admitted that he was unaware of the actual population of animals in the park is otherwise unreasonable

Item-wise reply to the charge sheet furnished by Mr. Naseer U Din D/Ranger Wildlife

(a) Mentioned that due to the extension activities of access road the NHA authorities carried out blasting for breaking mountains at upper sides during previous year. Due to

Attested

the activities the large stones rolled down caused major damages to the fence / DPC created rifts for convenient escape chances to the animals. The rehabilitation of all such damages although agreed between the department and local contractor / NHA yet the work was started very late almost after lapse of 4 months. Besides he also pointed out large number of wild boar, jackal within and around the facility causing damage to the fence and DPC provided convenient escape chances to the animals. He admitted fact that major cause is the damages so appeared by the above mentioned work.

(b) In his reply it has been mentioned that during the entire service he has not been charged with such allegation it is otherwise his mis-fortune of the instant case where he has performed fully devoted. He also disclosed that in the past many animals were escaped but came back / brought to the fence.

(c) Commented his performance at many stations and raid during his service where the challans lodged against violation is the evident of efficiency.

(d) Declared escape of large animals which have been reported.

(e) Pointed out that the survey of animals are recorded on estimated figures. He further added his performance can be asked from local staff on oath.

Considerable observations on reply of by Mr. Naseer U Din D/Ranger Wildlife

(a) The N.H.A activities were carried out before one or more years back while the animals have been escaped / missing from 12/2019 and also maintained the same in monthly progress reports duly verified by Mr. Naseer U Din DR WL is the fact that the animals swerve available up to 11/2019.

(b) Mentioned that in the past many animals were escaped but came back / brought to the fence. He further mentioned that either within or outside fence the animals are the property of department or we are responsible for protection. It is not a reliable defense on his part.

(c) No comments.

(d) Admitted escape / missing in large animals from fence. However, on examining the monthly progress report of the facility (available on record) bearing his verification of availability of the animals. It also inclined questionable?

(e) Delivered regular instructions for protection of fence to the staff could not be carried on by the Incharge Deputy Ranger as well as other staff.

Attested

Detail of Wildlife watchers posted at Kotal Wildlife Park are mentioned below:

S#	Name	1st appointment	Posting in the facility
1-	Mr. Ghulam Murtaza	7-5-2013	Not posted in the facility but deals the official correspondence under direct supervision of Range Officer Wildlife at Kotal WL Park.
1-	Mr. Ikramullah Khan	1-1-2019	5/9/2019
2-	Mr. Khursm Shehzad	8-10-2018	2/5/2019
3-	Mr. Muhammad Yasir	3-6-2017	20/8/2019
4-	Mr. Muhammad Sajid	9-10-2018	4/12/2018

In the statement of Mr. Ghulam Murtaza Wildlife watcher he produced copies of posting orders from 25/7/2016 to 2/10/2017. In these posting orders he has not been posted in Kotal Wildlife Park. Further he mentioned that during the month of June he was assigned special task by the Range Officer Wildlife to supervise and maintain official record of the activities carried out under the project "Green Pakistan" in Kotal Wildlife Park. Mr. Ghulam Murtaza denied direct relationship with the responsibilities of protection of fence and animals in the facility. Rather currently he is posted in Tanda Wildlife Range.

Personal Hearing

Up held enquiry sequence by providing optional opportunity of personal hearing to the accused on 24/2/2020 wherein no one could provide sufficient / documentary proof for his self-defense. The main questions of escape / missing animals and maintaining fake record could not be justified for consideration to satisfy the enquiry.

Findings

According to above precise story, following reasonable findings are likely to be appeared for further consideration:

- The allegations found logical in the charge sheets served to the accused wherein it has been testified by all sources as well as by the competent authority i.e, Divisional Forest Officer Wildlife Kohat and the higher authority of honorable Conservator Wildlife Southern Circle by making spot visit to the facility. At presently the allegation of escape / missing mouflan sheeps is deemed correct.
- Reply / justification submitted by the accused are not covered for their sufficient defense.

Attested

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According to above precise story, following reasonable findings are likely to be appeared for further consideration:

- The allegations found logical in the charge sheets served to the accused wherein it has been testified by all sources as well as by the competent authority i.e, Divisional Forest Officer Wildlife Kohat and the higher authority of honorable Conservator Wildlife Southern Circle by making spot visit to the facility. At presently the allegation of escape / missing Mouflan sheeps is deemed correct.
- Reply / justification submitted by the accused are not covered for their sufficient defense.
- According to the spot visit the damages in fence have been seen where the same were not properly repaired by local staff.
- Negligence of staff and incharge of facility rendered huge loss to government / department inclined compensation / recovery of failure on part of the accused.
- No daily observation, monthly diary could produce by the Incharge Range Officer Wildlife and Deputy Ranger Wildlife and other accused to appraise their performance where it is evident that the duty on their part was not conducted properly.
- All involved staff itself admitted non-availability of mouflan sheeps in the facility in question at one side while on the other side each official determined his duty with fully devoted is beyond logical? If the facility has been properly protected than what measures were not taken to protect and report the factual position of the facility till 11/2019.
- The loss to Government has been occurred due to inordinate negligence in-efficiency and lack of interest by the local staff.

Sub Divisional Wildlife Officer
Kohat
(Enquiry Officer)

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

Annex-"E" (27) ~~175~~

OFFICE ORDER NO. 06 DATED PESHAWAR THE 10 – 07 – 2020 BY DR. MOHSIN FAROOQUE, CHIEF CONSERVATOR WILDLIFE KHYBER PAKHTUNKHWA PESHAWAR

The Divisional Forest Officer Wildlife Kohat conducted an enquiry through SDWO Kohat with regard to missing of Mouflan sheep animals from Kotal Wildlife Park. The officer Imposed following minor penalties vide his order No.64, dated 19-06-2020:

S#	Name	Particular of penalty
1.	Mr.Arifullah Deputy Ranger Wildlife (held charge of Range Officer Wildlife)	I. Stoppage of one increment for one year ii.Recovery of Rs.217500/-
2.	Mr.Naseer-ud-din Deputy Ranger Wildlife	I. Stoppage of one increment for one year ii.Recovery of Rs.217500/-
3.	Mr.Ghulam Murtaza Wildlife Watcher	I. Stoppage of two increments for two year ii.Recovery of Rs.87000/-
4.	Mr.Ikramullah Wildlife Watcher	I. Stoppage of two increments for two year II.Recovery of Rs.87000/-
5.	Mr.Khurram Shahzad Wildlife Watcher	I.Stoppage of two increments for two year II.Recovery of Rs.87000/-
6.	Mr.Muhammad Yasir Wildlife Watcher	I.Stoppage of two increments for two year II.Recovery of Rs.87000/-
7.	Mr.Muhammad Sajid Wildlife Watcher	I. Stoppage of two increments for two year ii.Recovery of Rs.87000/-

The undersigned is neither satisfied with the enquiry report nor with the minor penalties imposed on the relevant staff. Therefore, a committee comprising of the following is hereby constituted to conduct de-novo enquiry in connection with missing animals of the Kotal Wildlife Park:

1. Mr.Abdul Ghafoor Divisional Forest Officer Wildlife Swat. Chairman
2. Mr.Khan Malook Khan, DFO Wildlife D I Khan Member

The committee has to:

1. Ascertain the number of animals currently present in the park. They will be provided all possible assistance by Divisional Forest Officer Wildlife Kohat. Alternatively, they can engage any other officer/Official of Wildlife Department to ascertain the captive stock.
2. Clearly pinpoint the identity of all those who are responsible for such mis-management.
3. Fix responsibility based on the role assigned to each concerned officer and official.
4. Assess the feed utilization with respect to captive stock within the park.
5. Come up with proper recommendations for improved management of wildlife parks in general and Kotal Wildlife Park in particular.
6. The committee is requested to submit their detailed report within a month.

10/7/2020

(Dr.Mohsin Farooque)
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

No. 217-21 /B-X-5

Copy forwarded for information and necessary action to the :

1. Conservator Wildlife Southern Circle Peshawar.] They should provide all needed help especially in terms of human resources to the committee.
2. Conservator Wildlife Northern Circle Swat.]
3. Divisional Forest Officer Wildlife Swat. Office order No.64, dated 19-06-2020 issued by DFO Wildlife Kohat along with complete enquiry file are enclosed.
4. Divisional Forest Officer Wildlife D.I.Khan. Office order No.64, dated 19-06-2020 issued by DFO Wildlife Kohat along with complete enquiry file are enclosed.
5. DFO Wildlife Kohat. He is directed to provide all necessary documents to the Inquiry committee as and when required to them.

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

Attested

Divisional Forest Officer
Kohat Wildlife Division

28 273

Annex-"P"

OFFICE OF THE DIVISIONAL FOREST OFFICER
KOHAT WILDLIFE DIVISION, KOHAT
Phone: 0922-514393
Email: dfokohat@gmail.com
Address: H#05, Sector D-II, Phase-II, KDA

To

The Conservator Wildlife
Southern Circle
Bannu

No. 1452 /WL (KT) Dated Kohat the 26/5 /2021.

Subject: - **APPEAL**

Memo:

It is submitted that kindly find enclosed herewith self explanatory appeals **(all in original)** against the Office Order No.146, dated 13-04-2021, issued by the worthy Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar preferred by following Wildlife Watchers (BPS-07) of this division addressed to the worthy Secretary to Govt. of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department Peshawar for kind perusal and onward submission to concerned quarter through proper channel please.

1. Mr. Sajid Sardar Wildlife Watcher
2. Mr. Yasir Ali Shah Wildlife Watcher
3. Mr. Khurram Shehzad Wildlife Watcher
4. Mr. Ikram Ullah Wildlife Watcher

Encls: as above:

Divisional Forest Officer
Kohat Wildlife Division
Kohat

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

(29)

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جناب سیکرٹری صاحب انوائرمنٹ فارسٹی اینڈ وائلڈ لائف خیبر پختونخواہ

عنوان : اپیل برخلاف سزا کنزویٹر وائلڈ لائف خیبر پختونخواہ

RECEIPT 644
DATE 21/5/2021
FILE Kohat/Appeal
DFO WILDLIFE KOHAT

جناب عالی!

سائل درج ذیل عرض کرتا ہے۔

۱۔ یہ کہ من سائل 08-10-2018 کو وائلڈ لائف میں بھرتی ہوا تھا۔

۲۔ مجھے دفتر سے کوتل وائلڈ لائف پارک 04-12-2018 ٹرانسفر کیا گیا۔

۳۔ آپ صاحبان کی تحریر کے مطابق NHA کی بلاسٹنگ مورخہ 03-06-2018 اور 04-06-2018 کو ہو چکی تھیں۔ سب نقصان ان دونوں میں ہو چکا تا ہے۔ اور جال 4 مہینے زمین پر پڑا رہا۔ اور سارے جانور نکل گئے۔ نیز اس دوران ہم بھرتی نہیں تھے۔

۴۔ ہم نے ماہانہ پراگرس رپورٹ پر کبھی دستخط نہیں کیے ہیں۔ اور نہ ہی ہم نے جانوروں کی مطلوبہ تعداد کی تصدیق کی تھی۔

درجہ بالا تحریر میں مکمل لکھا گیا ہے کہ جانور اپنے جال سے باہر چلے گئے ہیں اور تا حال واپس نہیں آئیں ہیں۔

درجہ بالا تحریر پر التماس ہے کہ ہم لوگ بے گناہ ہیں اور نہ ہی ہمارا کوئی قصور ہے۔ برائے مہربانی کاغذات کی پڑتال کی جا کر مناسب احکامات جاری کیے جائیں۔ اور ہمیں انصاف دیا جائے۔

العارض

آپکا تابعدار وائلڈ لائف واچر

ساجد سردار

21-05-2021

Attested

DISTRICT FOREST OFFICER
Kohat Wildlife Division
Kohat

(30)

Kotal Inquiry

(283)

OFFICE OF THE CONSERVATOR WILDLIFE
SOUTHERN CIRCLE BANNU
EMAIL: cwl.sc.bannu@gmail.com
PHONE: 0928-662001
ADD: BAZAR AHMAD KHAN CHOWK BANNU

To

The Chief Conservator Wildlife,
Khyber Pakhtunkhwa
Peshawar

No. /WL (SC)/BU Dated Bannu the 04-06-/2021.

SUBJECT: - **APPEAL.**

Kindly find enclosed herewith self-explanatory letter No. 1452/WL (KT) dated 26-05-2021 received from Divisional Forest Officer Wildlife Kohat preferred by the Wildlife Watchers of Kohat Wildlife Division for your kind perusal and further necessary action please.

Conservator Wildlife
Southern Circle
Bannu

No. 1482 /WL (SC)/BU

Copy forwarded to DFO Wildlife Kohat for information and necessary action with reference to above.

Conservator Wildlife
Southern Circle
Bannu

10/6/2021

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

(31) Annex-G

OFFICE OF THE CHIEF CONSERVATOR WILDLIFE KHYBER PAKHTUNKHWA PESHAWAR

RECEIPT 24
DATE 17-6-21
FILE
DFO WILDLIFE KURRAM

To

The Conservator Wildlife
Southern Wildlife Circle
Bannu

No. /WL/Kohat inquiry, Dated Peshawar the 17/6/2021.

Subject: **APPEAL**

Reference: Your letter No.1481/WL(SC)/BU, dated 04-06-2021

Please refer to above and to inform you that the appeals furnished by the officials of Kohat Wildlife Division are full of discrepancies and needs proper scrutiny both at your office level and at Divisional level. Furthermore, the appeals are addressed to Secretary Forestry, Environment and Wildlife Department, therefore original appeals of the officials may be furnished to this office for further processing with Administrative Department.

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

No. 9589/WL

Copy forwarded to Divisional Forest Officer Wildlife Kohat for information and similar necessary action.

17/6/21

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

Actl
Discuss pl
23/7/2021

Attested

supdt

D:\LETTERS 2020 -21(A4).doc

Divisional Forest Officer
Kohat Wildlife Division
Kohat

(32)

(287)

OFFICE OF THE CHIEF CONSERVATOR WILDLIFE KHYBER PAKHTUNKHWA PESHAWAR

ASSCIPT 133
DATE: 31-08-2021
DFO WILDLIFE KOHAT

To

The Conservator Wildlife
Southern Wildlife Circle
Bannu

No. _____WL/Kohat inquiry, Dated Peshawar the 31 - 8 - 2021.

Subject: **APPEAL**

Reference: This office letter No.9588/WL/Kohat inquiry, dated 17-06-2021

Please refer to above and furnish the requisite information immediately for further processing with Administrative Department.

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

No. 1707 /WL

Copy forwarded to Divisional Forest Officer Wildlife Kohat for information and similar necessary action with reference to this office endst: No.9589/WL, dated 17-6-2021.

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

supdt

D:\LETTERS 2020 -21(A4).doc

(33)

Annex-"H"

GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

NO.SO(Estt)/FE&WD/1-5/2019/19557
Dated Peshawar the, 21th September, 2022

RECEIPT 319
DATE 04-10-022
FILE
DFO WILDLIFE KOH
1708
03/10/22

To

Chief Conservator Wildlife,
Khyber Pakhtunkhwa,
Peshawar.

Subject: **APPEAL/REQUEST IN CONNECTION WITH PENALTY 592500/- AND STOPPAGE OF 03 ANNUAL INCREMENT FOR 03 YEARS**

I am directed to refer to the subject cited above and to enclose herewith copy of self contained appeal dated 21st September, 2022 alongwith its enclosures submitted by Mr. Sajid Sardar, Deputy Ranger Wildlife Kohat regarding exoneration from the penalty of Rs: 592,500/-.

2. In this regard, it is, therefore, requested to furnish **views/comments** alongwith all relevant documents to this department for further necessary action, please.

Encl: As above

(SANOVIA KAKAR)
SECTION OFFICER (ESTT)

Endst: No: & date even

Copy is forwarded for information to PS to Secretary Forestry, Environment & Wildlife department, Khyber Pakhtunkhwa.

SECTION OFFICER (ESTT)

DFO O/C Kohat
For comments.

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar
30/9/22

Asstt:
Put up with draft comment

DFO

NO. 2557
Date: 03/10/22

Attested 4/10/2022

Divisional Forest Officer
Kohat Wildlife Division
Kohat

OFFICE OF THE DIVISIONAL FOREST OFFICER
KOHAT WILDLIFE DIVISION, KOHAT
Phone: 0922-514393
Email: dfokohat@gmail.com
Address: H#05, Sector D-II, Phase-II, KDA

(34)

To

The Chief Conservator Wildlife
Khyber Pakhtunkhwa Peshawar

No. 571 /WL (KT) Dated Kohat the 05/10 /2022.

Subject: - **COMMENTS ON APPEAL OF MR. SAJID SARDAR DEPUTY RANGER WILDLIFE**

Reference: Your Endst: No.2557, dated 03/10/2022

Please refer to above and it is submitted that following are the comments on above noted subject:

S#	Appeal	Comments / Reply
1	Occurrence of incident in Kotal Wildlife Park is reported by Mr. Asar Gul Incharge Kotal Wildlife park dated 01-06-2018	Correct to the extent of occurrence of incident. However, the escaped animals were brought back to the park as reported by Range Officer Wildlife Tanda vide letter No.182/WL-TP.
2	Damage report by Range Officer Wildlife Kotal Park letter No.304, dated 19/04/2018.	Incorrect. The subject report was only for the damage of fence and escape of 05 animals whereas the penalty has been imposed on appellant for escape of animals reported by Range Officer Wildlife Tanda vide his letter No.108/TP, dated 20-12-2019.
3	NHA blasting on date 17-04-2018 vide letter No.176/TP, and letter No.182/TP, dated 13/10/2018, the animals were escape from the park.	Correct to the extent of incidence.
4	The blasting estimated Rs.1507831/- only for fence damage and ignoring the animals loss.	Incorrect. The animals were brought back to the park by local staff while the said repair work has been done by National Highway Authority (NHA).
5	Now my humble appeal and request is that my date of appointment is 09-10-2018 and transferred to Kotal park on 04-12-2018. While occurrence of the incident was 17-04-2018 which is before my appointment.	Correct. The appellant was transferred to Kotal Wildlife Park on 04-12-2018 but after a period of one year i.e. 12/2019, the appellant and other staff of Kotal Wildlife Park did not report the actual number of animals in the feed register as well as in the monthly animals report. So, being a watcher of the park, the appellant was responsible to report the difference in the number of animals in written reports as compare to original number of animals in the park.

In addition to above, it is further submitted that a series of inquiries have been conducted from 11/2019 to 04/2021 including de-novo inquiry in which the appellant has been found guilty. Detail is as under:

S#	Inquiry conducted by	Penalty recommended	Penalty imposed
1	Mr. Shabir Ahmad the then SDWO Kohat	Stoppage of 02 increments and recovery of Rs.87000/-	Stoppage of 02 increments and recovery of Rs.87000/-
2	De-novo enquiry conducted by Mr. Abdul Ghafoor the then DFO Wildlife Swat and Mr. Khan Malook Khan DFO Wildlife D.I.Khan	20% of the loss i.e.Rs.1185000/- be recovered from him and his three increments be withheld without cumulative effect	Withholding of 03 increments and recovery of Rs.592500/- (50% of the proposed penalty).

In view of above factual position, it is submitted that the appeal of Mr. Sajid Sardar Deputy Ranger Wildlife Kohat may very kindly be filed in the best interest of the Department please.

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

Divisional Forest Officer
Kohat Wildlife Division
Kohat

(35) 374

GOVERNMENT OF KHYBER PAKHTUNKHWA
CLIMATECHANGE, FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

NO.SO(Estt)/FE&WD/1-5/2019/MF
Dated Peshawar the, 2nd March, 2023

Office of the C.C Wildlife
S.No 4762
Dated 6/3/23

To

Mr. Sajid Sardar, Deputy Ranger,
Kohat Wildlife Division
Kohat.

C/O

Divisional Wildlife Officer,
Kohat Wildlife Division,
Kohat

RECEIPT 982
DATE 10-03-023
FILE Personal file
DFO WILDLIFE KOHAT

Subject: - **APPEAL/REQUEST IN CONNECTION WITH PENALTY RS: 592,500/- AND STOPPAGE OF THREE ANNUAL INCREMENTS FOR THREE YEARS**

I am directed to refer to the subject cited above and to state that your subject appeal dated 21st September, 2022, being time barred cannot be considered as per the rules.

Endst: No: & date even /22626-

SECTION OFFICER (ESTT)

Copy is forwarded for information to:

1. Chief Conservator Wildlife, Khyber Pakhtunkhwa w/r to his letter No. 5855/WL (E), dated 28th December, 2022.
2. Divisional Wildlife Officer, Kohat Wildlife Division, Kohat.
3. PS to Secretary, CC,FE&W Department, Khyber Pakhtunkhwa.

Dfo orgsed copy may be forwarded to DFO Wildlife Kohat

SECTION OFFICER (ESTT)

No. 2714 /WL(E)

Dated Peshawar the 8/3/2023

Copy forwarded to the Divisional Forest Officer, Wildlife Kohat for information and necessary action.

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

Scan & file
DFO 8/3/2023

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

Annex-"I" (36)

(164)

ذاتی شنوائی (پرسنل ہیئرنگ)

بحوالہ شوکاز نوٹس نمبر _____ مورخہ 19/06/2020

میں ساجد سردار نے ذاتی طور پر آج مورخہ 19/6/2020 جناب ڈویژنل فارسٹ آفیسر وائلڈ لائف ڈویژن کے روبرو پیش ہو کر ذاتی شنوائی کا موقع حاصل کیا۔ اس سلسلے میں زبانی و تحریری ذیل سوالات کا جواب اپنے ہوش و حواس میں رہ کر تحریر کرتا ہوں۔

سوال نمبر 1-	کیا آپ سرکاری ملازم ہیں ؟ اگر ہاں تو آپکی ذمہ داری کیا ہے؟
جواب	ہاں. جانوروں کی دیکھ بال کرنا
سوال نمبر 2-	کوٹل وائلڈ لائف پارک سے قیمتی جانوروں کا نکلنا آپکی ذمہ داری میں ہے یا نہیں ؟
جواب	No Comments
سوال نمبر 3-	آپکی کارکردگی کی کوئی ماہوار، ہفتہ وار یا روزنامچہ رپورٹ جو آپ نے کسی کو پیش کی ہو۔ فراہم کریں؟
جواب	نہیں ہے
سوال نمبر 4-	کیا آپ اس بات کی تصدیق کرتے ہیں کہ کوٹل وائلڈ لائف پارک سے قیمتی جانور نکل چکے ہیں؟
جواب	جی ہاں
سوال نمبر 5-	آپ انکوائری رپورٹ اور بعد ازاں شوکاز نوٹس کے بارے میں اگر کچھ کہنا چاہیں تو؟
جواب	No Comments
سوال نمبر 6-	آپ اگر انصاف چاہتے ہو تو یہ سرکاری نقصان کا ازالہ کیسے ہوگا اور محکمہ کو انصاف کیسے ملے گا؟ مزید کیوں نہ شوکاز نوٹس میں تجویز شدہ کوئی ایک یا تمام سزا آپ کو دی جائے؟
جواب	ہمیں معاف کیا جائے. ہم نے جان بوجھ کر کوئی غلطی نہیں کی ہے

Attested

Said

دستخط

نام ساجد سردار عہدہ واچر تاریخ 19/06/2020

Received through Email on 01-12-2020 to print /put up on 11-12-2020

Annex-"J"

OFFICE OF THE CHIEF CONSERVATOR WILDLIFE KHYBER PAKHTUNKHWA PESHAWAR

37 177

To

The Conservator Wildlife
Southern Circle, Peshawar

No. 3230 /WL (B&A) Dated Peshawar the 28-10 /2020.

Subject: **ENQUIRY REPORT REGARDING ESCAPE/MISSING OF ANIMALS FROM KOTAL WILDLIFE PARK IN KOHAT WILDLIFE DIVISION**

Please find enclosed herewith copy of Divisional Forest Officer Wildlife Swat (Enquiring Officer in the subject case) letter No.812/WLS dated 23.10.2020 alongwith enquiry report for necessary action and submission of your comments with recommendation for further necessary action.

The comments of DFO Wildlife Kohat on relevant portion may also be obtained and furnished for necessary action as indicated by the undersigned.

For perusal of order please.

Chief Conservator Wildlife
Khyber Pakhtunkhwa

No. 5526 /WL (SC) dated Peshawar the 01-12-/2020.

Copy alongwith its enclosures forwarded to DFO Wildlife Kohat for information and necessary action. He is requested to submit his comments in the case as desired by Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar.

Conservator Wildlife Southern Circle
Peshawar.

Attested

Kohat

Divisional Forest Officer

(38)

(144)

OFFICE OF THE DIVISIONAL FOREST OFFICER SWAT WILDLIFE DIVISION SAIDU SHARIF

The Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

No. 819 /WLS Dated Saidu Sharif the 23.10.2020

Subject: **ENQUIRY REPORT REGARDING ESCAPE/MISSING OF ANIMALS FROM KOTAL WILDLIFE PARK IN KOHAT WILDLIFE DIVISION.**

Reference. Your office letter No.2974/WL (E) dated Peshawar the 21.10.2020.

Memo:

It is submitted that the proposed recovery from the staff of Kohat Wildlife Division is given in the below two tables:

Table 1: Showing details of Animals escaped with their value of property in accordance with office order No.31 dated 03.10.2014 issued by Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar

S. No.	Name of species	No.	Value of property in Rupees	Total Amount
1	Mouflan Sheep*	35	150,000	52,50,000
2	Chinkara	03	150,000	4,50,000
3	Hog Deer	03	75,000	2,25,000
			Total Amount Rs.	**59,25,000**

* No value of Mouflan sheep is available. Hence value of Urial is taken.

Table 2: Showing proposed recovery from the staff in accordance with the enquiry.

S. No.	Name of staff	Designation	Proposed Recovery (Rs.)
1	Arif Ullah	Deputy Ranger Wildlife	2,96,250
2	Naseer-ud-Din	Deputy Ranger Wildlife	17,77,500
3	Muhammad Nasar	Range Officer Wildlife	2,96,250
4	Ghulam Murtaza	Wildlife Watcher	5,92,500
5	Ikram Ullah	Wildlife Watcher	5,92,500
6	Khuram Shehzad	Wildlife Watcher	5,92,500
7	Muhammad Yasir	Wildlife Watcher	5,92,500
8	Sajid Sardar	Wildlife Watcher	11,85,000
		Total Amount Rs.	**59,25,000**

It is further submitted that as given at S.No.4 of the enquiry report that "Escape of the animals from Kotal Wildlife Park is a mix of poor design of the Project in 1989 and the proposed mismanagement of staff", and at S.No.3 "no mini enclosures were constructed for the animals and the animals were released in the main fence having area of 150 acres".

It is therefore, most humbly submitted that the recovery may be reduced to 50% of the value of property, if agreed, please.

Submit please

27/10/2020

Divisional Forest Officer
Swat Wildlife Division
Saidu Sharif

No. /WLS

Copy forwarded to the Divisional Wildlife Officer Kohat for information, please

Attested

Divisional Forest Officer
Swat Wildlife Division
Saidu Sharif

(39) (181)

OFFICE OF THE DIVISIONAL FOREST OFFICER SWAT WILDLIFE DIVISION
SAIDU SHARIF

The Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

Office of the C C Wildlife KPK S.No 1634 Date 14/10/2020

CONFIDENTIAL

No. 382 /WLS

Dated Saidu Sharif the 27/08/2020.

Subject: ENQUIRY REPORT REGARDING ESCAPE/MISSING OF BIRDS/ANIMALS FROM KOTAL WILDLIFE PARK IN KOHAT WILDLIFE DIVISION

Memo:

Enclosed please find herewith the enquiry report about the subject cited above duly conducted by the enquiry team for your kind information and further appropriate action, please.

27/08/2020

Divisional Forest Officer
Swat Wildlife Division
At Saidu Sharif

No. /WLS

Copy forwarded to Mr. Khan Malook Khan, DFO Wildlife D.I.Khan for information and record, please.

Divisional Forest Officer
Swat Wildlife Division
Saidu Sharif

DFO W/L HQ

Please thoroughly review and discuss

Attested

Divisional Forest Officer
Kohat Wildlife Division
Kohat

Discussed.
The enquiry committee to justify the basis for recovery in percentage from each concerned official/officer of which value.

13/10/20

Divisional Forest Officer

(40)

185

183

ENQUIRY REPORT REGARDING ESCAPE/MISSING OF ANIMALS FROM KOTAL WILDLIFE PARK IN KOHAT WILDLIFE DIVISION

1. **Back Ground**

The Divisional Forest Officer Wildlife, Kohat Wildlife Division vide office order No. 37 dated 23/12/2019 ordered an enquiry regarding escape/missing of animals from Kotal Wildlife Park. The enquiry officer conducted enquiry and submitted the same vide No. 384/SDWO dated 25/042020. Consequently DFO Wildlife Kohat vide office order No. 64 dated 19/06/2020 imposed penalties on the staff. detail given below:

S.No	Name with Designation	Particulars of Penalty
1	Mr. Arifullah Deputy Ranger Wildlife (held charge of Range Officer Wildlife)	i. Stoppage of one increment for one year ii. Recovery of Rs. 217,500/=
2	Mr. Naseer-ud-Din Deputy Ranger Wildlife	i. Stoppage of one increment for one year ii. Recovery of Rs. 217,500/=
3	Mr. Ghulam Murtaza Wildlife Watcher	i. Stoppage of two increments for two years ii. Recovery of Rs. 87,000/=
4	Mr. Ikramullah Wildlife Watcher	i. Stoppage of two increments for two years ii. Recovery of Rs. 87,000/=
5	Mr. Khurram Shehzad Wildlife Watcher	i. Stoppage of two increments for two years ii. Recovery of Rs. 87,000/=
6	Mr. Muhammad Yasir Wildlife Watcher	i. Stoppage of two increments for two years ii. Recovery of Rs. 87,00/-
7	Mr. Muhammad Sajid Wildlife Watcher	i. Stoppage of two increments for two years ii. Recovery of Rs. 87,000/=

Chief Conservator Wildlife Khyber Pakhtunkhwa vide his office order No.06 dated 10/07/2020 showed dissatisfaction over the enquiry report and the penalties imposed on the relevant staff and constituted the following committee to conduct de-novo enquiry in connection with missing animals of the Kotal Wildlife Park:

1. Mr. Abdul Ghafoor Divisional Forest Officer Swat Wildlife Division — Chairman
2. Mr. Khan Malook Khan, DFO Wildlife D.I.Khan — Member

Following were the Terms of Reference (ToRs) of the committee:

- Ascertain the number of animals currently present in the park. They will be provided all possible assistance by Divisional Forest Officer Wildlife Kohat. Alternatively, they can engage any other officer/official of Wildlife Department to ascertain the captive stock.

Attested

Divisional Forest Officer
Kohat Wildlife Division

(41)

(185)

- Clearly pinpoint the identity of all those who are responsible for such mis-management.
- Fix responsibility based on the role assigned to each concerned officer and official.
- Assess the feed utilization with respect to captive stock within the park.
- Come up with proper recommendations for improved management of wildlife parks in general and Kotal Wildlife Park in particular.

2. **Proceedings:**

In compliance to the Chief Conservator Wildlife Peshawar office order No. 06 dated 10/07/2020, the undersigned travelled to Kohat on 16/07/2020 and remained there for a week along with Mr. Khan Malook Khan, DFO Wildlife D.I.Khan.. During the period the undersigned visited Kotal Wildlife Park several times and also checked the record of DFO Wildlife Kohat and also had detailed interaction with DFO Wildlife Kohat and staff of Kotal Wildlife Park. Written statements of the staff were also obtained and copies of relevant record were obtained.

3. **Findings:**

While going through the record and discussion with relevant staff, and Mr. Abd u Samad Wazir, DFO Wildlife, it was noted that the main fence of Kotal Wildlife Park was erected during 1989-90 under a developmental project and small or mini enclosures were not constructed for the animals and the animals were released in the main fence having area of 150 acres. It was pointed out that the issue came to front when efforts were made to trap Mouflan Sheep during December 2019 for Peshawar Zoo. Findings of the committee are illustrated below:

3.1 Ascertain the number of animals currently present in the park. They will be provided all possible assistance by Divisional Forest Officer Wildlife Kohat. Alternatively, they can engage any other officer/official of Wildlife Department to ascertain the captive stock.

The committee members along with staff of Kohat Wildlife Division searched Kotal Wildlife Park but could not see any animal. The search continued for two days early in the morning and evening but no animal was sighted. According to DFO Wildlife Kohat and his staff and in accordance with the monthly progress report only 04 Hog Deers are present in the park (Annex-I, 02 pages).

Attested

Divisional Forest Officer
Kohat Wildlife Division

Divisional Forest Officer
Kohat Wildlife Division

(42)

187

3.2 Clearly pinpoint the identity of all those who are responsible for such mis-management.

It was noted from the record that the following officials/Officers remained Range Officers Tanda Dam Wildlife Park including Kotal Park for the period mentioned against their names:

S. #	Name with Designation	From	To
1	Saeed Anwar Range Officer Wildlife	06/2017	12/2017
2	Munsif Ali SDWO	02/2018	02/2018
3	Naseer-ud-Din Deputy Ranger Wildlife	03/2018	01/2019
4	Muhammad Naseer Range Officer	02/2019	10/2019
5	Arifullah Deputy Ranger Wildlife	11/2019	12/2019
6	Salah-ud-Din Range Officer Wildlife	01/2020	Till date.

The issue initially started in August 2017, as per record provided to the enquiry team (Annex- II), when the Range Officer Wildlife reported damage to the main fence due to heavy rain and flash floods. The issue was reported again with more severity, where in six animals including Three Chinkara, three Mouflan Sheep were reported missing by the Range Officer Tanda Wildlife Park to DFO Wildlife Kohat vide No. 304/TP dated 19-04-2018. According to the Range Officer the animals escaped due to Blasting by NHA Contractor on the main road that damaged the main fence. The same was shared by DFO Wildlife Kohat with Deputy Director National Highway Authority Peshawar with copy to Deputy Commissioner Kohat (Annex- III). No further record for action by NHA or its contractor was provided to the enquiry team, though an agreement on judicial stamp paper was signed with the contractor of NHA by DFO Wildlife Kohat on 19/04/2018 (Annex-IV). However during inspection of the fence in the field, DFO Wildlife Kohat showed a specific portion of the fence repaired by or through NHA and/or its contractor.

Range Officer Wildlife Tanda Wildlife Range again reported some further damage to DFO Wildlife Kohat between the night of 03/06/2018 and 04/06/2020 due to blasting by NHA vide No. 324/TP dated 07/06/2018. The report inter alia includes escape of animals, number of which is not shown. DFO Wildlife Kohat called explanation of the said official vide No. 1876/WL-KT dated 18/01/2019 about missing/escape of

Attested

Kohat

campaigns have been

Divisional Forest Officer
Kohat Wildlife Division

animals (Annex-V, 07 Pages). But missing of the animals from April 2018 to June 2018 and until December 2018 were not recorded and reported in the monthly progress reports for the period by the concerned Range Officer, nor were his reports analyzed in the divisional office (Annex VI, 09 pages).

Following officers and officials of Kohat Wildlife Division are responsible for the mis-management in Kotal Wildlife Park:

S.No	Name with Designation
1	Mr. Arifullah Deputy Ranger Wildlife (held charge of Range Officer Wildlife)
2	Mr. Naseer-ud-Din Deputy Ranger Wildlife
3	Mr. Muhammad Naseer Range Officer Wildlife
4	Mr. Ghulam Murtaza Wildlife Watcher
5	Mr. Ikramullah Wildlife Watcher
6	Mr. Khurram Shehzad Wildlife Watcher
7	Mr. Muhammad Yasir Wildlife Watcher
8	Mr. Sajid Sardar Wildlife Watcher

3.3 Fix responsibility based on the role assigned to each concerned officer and official.

Following officers and officials are responsible for the mismanagement, as found from the record and their statement:

S.No	Name with Designation	Extent of Responsibility
1	Mr. Arifullah Deputy Ranger Wildlife (held charge of Range Officer Wildlife)	He remained incharge Range Officer of Tanda Wildlife Range for almost one a half month and submitted the monthly progress report of Kotal Park, dully filled in and verified by the Incharge Deputy Ranger. In his written statement (Annex- VII), the official claims that first he reported the issue of missing animals and tried and successfully entered back five Mouflan Sheep. The same escaped again later on. His period of duty in Kotal Wildlife Park is very short and he submitted the monthly progress report after verification by the concerned Deputy Ranger Wildlife.
2	Mr. Naseer-ud-Din Deputy Ranger Wildlife	He is the major official responsible, as the incident took place in his tenure as Incharge Range Officer Tanda Wildlife Range. He is still incharge of Kotal Wildlife Park. His

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Divisional Forest Officer
Kohat Wildlife Division
&Kohat

		statement (Annex-VIII) is not satisfactory. He remained for the lengthy period in the park but could not materialize his efforts to retrieve the animals. Neither had he reported the missing animals in the monthly progress reports.
3	Mr. Muhammad Nasser Range Officer Wildlife	He was Range Officer Wildlife from February to October 2019 and submitted monthly progress reports from February to September 2019 and submitted ditto copies. Thus he showed his in efficiency. In his written statement he d that he only saw 18 Mouflan Sheep (Annex- IX). He said that survey of wildlife is done from time to time but no survey report after 2017 was provided to enquiry team.
3	Mr. Ghulam Murtaza Wildlife Watcher	He is totally ignorant that when the animals escaped ((Annex-X). In his written statement he informed that he is also part of the raid party and is mostly responsible for Green Pakistan activities.
4	Mr. Ikramullah Wildlife Watcher	His statement is not satisfactory Annex-XI). He tried to shed his responsibility.
5	Mr. Khurram Shehzad Wildlife Watcher	His statement is not satisfactory Annex-XII). He tried to shed his responsibility.
6	Mr. Muhammad Yasir Wildlife Watcher	His statement is not satisfactory Annex-XIII). He tried to shed his responsibility.
7	Mr. Sajid Sardar Wildlife Watcher	His statement is not satisfactory Annex-IVX). He tried to shed his responsibility. But he told that the animals escaped before his posting i.e. 04/12/2018 and that he informed the Range Officer and Deputy Ranger verbally.

3.4 Assess the feed utilization with respect to captive stock within the park.

There is no Ration Scale notified for Kotal Wildlife Park but according to the Ration Scale of Peshawar Zoo, Hog Deer consumes 4 to 6 Kg feed approximately per day. 80 kg maize crop is used as feed for the animals, which is on the lower side, as compared to the actual feed requirement. The DFO wildlife Kohat clarified that the same is on low side because the animals move freely in 150 acres and also graze/browse the foliage available in the wild. After the escape of the animals, 20 gedi (Stake) of Shaftal is given to the remaining four animals (Annex- VX). The

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Divisional Forest Officer
Kohat Wildlife Division

same cannot be quantified. The tender for feed items must be in quantifiable terms, as Gedi may vary in weight and cannot be kept uniform all the items. Furthermore, they are charging 30 to 80 Kg of green feed daily, though now only 04 Hog Deers are present in the park. They have written notes in the feed register that they put some feed outside the park to the escaped animals. Mr. Salah-ud-Din Range Officer is responsible for the over feed, as no animal is recovered during the period, though he claims of putting some feed outside the main fence for the escaped animals.

Staff of Kotal Wildlife Park was putting green feed at the feeding points on daily basis without monitoring its consumption. The feed is mostly consumed by Wild Boars entered into the park. This was confirmed on 18.07.2020, when a wild boar was found dead close to the feeding point, on that very night some rice mixed with poison was used. The wild boar ate that and died accordingly. This incident supported the idea/guess of the enquiry team that major portion of the green feed is consumed by wild boars that had entered the park through the weak and damaged fence.

3.5 Come up with proper recommendations for improved management of wildlife parks in general and Kotal Wildlife Park in particular.

Following recommendations are made for improvement of Management Kotal Wildlife Park:

- Main fence of the park is now almost 30 years old and needs major repair. The same may be included in the Management Plan of Kotal Wildlife Park under the developmental scheme, "Conservation, Development and Management of Wildlife in Khyber Pakhtunkhwa (A sub Project of Ten Billion Trees Tsunami Program Phase-I, Up scaling of Green Pakistan Program: Revival of Forestry and Wildlife Resources in Pakistan)". It is envisaged in the approved PC-I of the scheme that various repair, improvement and re-modeling activities will be carried out in these Wildlife Parks through Management Plan. A sum of Rs. 8.00 million is allocated for Kotal Wildlife Park.

Attested

- There is a flaw in the original design of the scheme, under which Kotal Wildlife Park was developed, as it lacks small enclosures for different animals. Thus intensive management of different species of wildlife is difficult and rate of reproduction had been affected. It is therefore, recommended that Animal Enclosures for different species be developed in Kotal Wildlife Park for intensive management of the species and improvement in protection and health care of the animals under the Management Plan. This is not provided in the approved management plan for Kotal Wildlife Park and the same may be revised accordingly.
- As one to two feeding points have been developed in the park, it is recommended that CCTV Camera be fixed at these points to monitor feeding, health etc of the wild animals. This should be included in the management plan by revising the same.
- Most efficient and trained staff be posted in the Wildlife Parks, who have back ground knowledge and institutional memory of the park development and various activities under taken in the park. The newly recruited staff especially the Wildlife Watchers be attached initially for training in different parks and then posted with responsibility in the Wildlife Park.
- Ration Scale for the Wildlife Park must be prepared and approved by the concerned DFO Wildlife for each park to track its utilization and for judicious utilization of the resources. Until then, the Ration Scale developed by Peshawar Zoo be followed.
- Effective measures be taken to control vermin species like wild boar and stray dogs in the wildlife parks.
- DFO Wildlife must keep a proper register for issuance of various directives to the staff in each wildlife park and that should also be reflected in his tour diary

4. **Discussion and Recommendations:**

Escape of the animals from Kotal Wildlife Park is a mix of poor design of the project in 1989 and the present mismanagement. However, following are recommended against the staff for corrective measures:

Attested

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S.No	Name with Designation	Recommendations
1	Mr. Arifullah Deputy Ranger Wildlife (held charge of Range Officer Wildlife)	5 % of the loss may be recovered from him. He may be issued Censure.
2	Mr. Naseer-ud-Din Deputy Ranger Wildlife	30 % of the loss be recovered from him and his three increments be withheld without cumulative effect.
3	Mr. Muhammad Naseer Range Officer Wildlife	5 % of the loss may be recovered from him. He may be issued Censure.
3	Mr. Ghulam Murtaza Wildlife Watcher	10 % of the loss may be recovered from him. He may be issued Censure.
4	Mr. Ikramullah Wildlife Watcher	10 % of the loss be recovered from him and his three increments be withheld without cumulative effect.
5	Mr. Khurram Shehzad Wildlife Watcher	10 % of the loss be recovered from him and his three increments be withheld without cumulative effect.
6	Mr. Muhammad Yasir Wildlife Watcher	10 % of the loss be recovered from him and his three increments be withheld without cumulative effect.
7	Mr. Sajid Sardar Wildlife Watcher	20 % of the loss be recovered from him and his three increments be withheld without cumulative effect.

(KHAN MALOOK KHAN)
Divisional Forest Officer Wildlife
D.I. Khan Wildlife Division
MEMBER

(ABDUL GHAFOOR)
Divisional Forest Officer Wildlife
Swat Wildlife Division
CHAIRMAN

Attested

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OFFICE ORDER NO. 146 DATED PESHAWAR THE 13-04-2021
BY DR. MOHSIN FAROOQUE, CHIEF CONSERVATOR WILDLIFE KHYBER PAKHTUNKHWA PESHAWAR

As per monthly report of Kotal Wildlife Park for the month of 11/2019, the following animals have been reported in the Park.

RECEIPT 552
DATE 22/4/21
FILE Kotal Inquiry
DFO WILDLIFE KOHAT

Sr #	Name of animal	Male	Female	Total
1.	Chinkara	-	03	03
2.	Mouflan sheep	11	21	32
3.	Hog deer	05	03	08
Total		16	27	43

While trapping and shifting of one mouflan sheep from Kotal Wildlife Park Kohat to Peshawar Zoo in compliance to the directives of the Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar, no mouflan sheep was observed in the Park as evident from the report of Range Officer Wildlife Tanda Range Kohat vide letter No.108/TP, dated 20-12-2019. Moreover, Conservator Wildlife Southern Circle Peshawar accompanied by Divisional Forest Officer Wildlife Kohat during field visit to the Park on 21-12-2019 also did not observe mouflan sheep within the park. Accordingly Divisional Forest Officer Wildlife Kohat served charge sheets against the following concerned staff vide letter No.2138/WL-KT, dated 23-12-2019 and Mr.Shabir Ahmad Sub-Divisional Wildlife Officer Kohat was appointed as inquiry officer vide office order No.37, dated 23-12-2019:

Sr #	Name	Designation
1	Mr. Arifullah	Deputy Ranger Wildlife (holding charge of Range Officer Wildlife)
2	Mr. Naseer ud Din	Deputy Ranger Wildlife
3	Mr. Ghulam Murtaza	Wildlife Watcher
4	Mr. Ikramullah	Wildlife Watcher
5	Mr. Khurram Shehzad	Wildlife Watcher
6	Mr. Muhammad Yasir	Wildlife Watcher
7	Mr. Muhammad Sajid	Wildlife Watcher

In compliance to the above, the inquiry officer submitted his inquiry report vide letter No.384/SDWO, dated 24-04-2020 with the following findings:

1. *The allegation found logical in the charge sheets served to the accused wherein it has been testified by all sources as well as by the competent authority i.e. Divisional Forest Officer Wildlife Kohat and the higher authority of honorable Conservator Wildlife Southern Circle by making spot visit to the facility. At presently the allegation of escape/missing Mouflan sheeps is deemed correct.*
2. *Reply / justification submitted by the accused are not covered for their sufficient defense.*
3. *According to the spot visit the damages in fence have been seen where the same were not properly repaired by local staff.*
4. *Negligence of staff and incharge of facility rendered huge loss to government / department inclined compensation/recovery of failure on part of the accused.*
5. *No daily observation, monthly diary could produce by the Incharge Range Officer Wildlife and Deputy Ranger Wildlife and other accused to appraise their performance where it is evident that the duty on their part was not conducted properly.*
6. *All involved staff itself admitted non-availability of mouflan sheeps in the facility in question at one side while on the other side each official determined his duty with fully devoted is beyond logical. If the facility has been properly protected than what measures were not taken to protect and report the factual position of the facility till 11/2019.*
7. *The loss to government has been occurred due to inordinate negligence in-efficiency and lack of interest by the local staff.*

Based on the above exposition, the DFO Wildlife Kohat vide his office order No. 64 dated 19-06-2020 imposed the following minor penalties upon the accused as per Rule-4 of E&D Rules, 2011.

Sr #	Name	Particulars of penalty
1.	Mr. Arifullah	i. Stoppage of one increment for one year ii. Recovery of Rs.217,500/-
2.	Mr. Naseerud-Din	i. Stoppage of one increment for one year ii. Recovery of Rs.217,500/-
3.	Mr. Ghulam Murtaza	i. Stoppage of two increments for two year ii. Recovery of Rs.87,000/-
4.	Mr. Ikramullah	i. Stoppage of two increments for two year ii. Recovery of Rs.87,000/-
5.	Mr. Khurram Shahzad	i. Stoppage of two increments for two year ii. Recovery of Rs.87,000/-
6.	Mr. Muhammad Yasir	i. Stoppage of two increments for two year ii. Recovery of Rs.87,000/-
7.	Mr. Sajid Sardar	i. Stoppage of two increments for two year ii Recovery of Rs.87,000/-

Attested

However the Chief Conservator Wildlife Khyber Pakhtunkhwa showed dis-satisfaction over the inquiry report and penalties imposed on concerned staff and ordered for de-novo inquiry through a committee consisting of the following constituted vide office order No.06, dated 10-07-2020.

1. Mr. Abdul Ghafoor, DFO Wildlife Swat (Chairman)
2. Mr. Khan Malook Khan, DFO Wildlife D.I.Khan (Member)

The de-novo inquiry committee submitted their report vide letter No.382/WLS, dated 27-8-2020 with the following recommendations:

Sr #	Name	Recommendations
1.	Mr. Arifullah	5% of the loss may be recovered from him. He may be issued Censure.
2.	Mr. Naseerud-Din	30% of the loss be recovered from him and his three increments be withheld without cumulative effect.
3.	Mr. Muhammad Naseer	5% of the loss may be recovered from him. He may be issued Censure.
4.	Mr. Ghulam Murtaza	10% of the loss may be recovered from him. He may be issued Censure.
5.	Mr. Ikramullah	10% of the loss be recovered from him and his three increments be withheld without cumulative effect.
6.	Mr. Khurram Shahzad	10% of the loss be recovered from him and his three increments be withheld without cumulative effect.
7.	Mr. Muhammad Yasir	10% of the loss be recovered from him and his three increments be withheld without cumulative effect.
8.	Mr. Sajid Sardar	20% of the loss be recovered from him and his three increments be withheld without cumulative effect.

Since the de-novo inquiry committee has recommended recovery in percentage which was referred back to the inquiry committee vide No.2974/WL(E), dated 21-10-2020 for clarification. Accordingly the chairman of the inquiry committee replied vide his letter No.812/WLS, dated 23-10-2020 showing value of property and proposed recovery in rupees as per following details:

Table-I: **Value of property**

S#	Name of species	No.	Value of property in (Rs.)	Total amount
1.	Mouflan Sheep	35	150,000	5,250,000
2.	Chinkara	03	150,000	450,000
3.	Hog deer	03	75,000	225,000
Total:				5,925,000

Attested

Table-II: **Proposed recovery**

S#	Name of staff	Proposed recovery (Rs.)
1.	Mr. Arifullah	296,250
2.	Mr. Naseerud-Din	1,777,500
3.	Mr. Muhammad Naseer	296,250
4.	Mr. Ghulam Murtaza	592,500
5.	Mr. Ikramullah	592,500
6.	Mr. Khurram Shahzad	592,500
7.	Mr. Muhammad Yasir	592,500
8.	Mr. Sajid Sardar	1,185,000
Total amount Rs		5,925,000

The chairman of the De-novo inquiry committee vide his letter No. No.382/WLS, dated 27-8-2020 recommended "recovery may be reduced to 50% of the value of the property if agreed". The undersigned after considering the inquiry reports and relevant documents has the following stance:

1. More damage occurred in Kotal Wildlife Park due to blasting by NHA contractor between 3-6-2018 & 4-6-2018 as reported on 7-6-2018 showing missing animals. However the subsequent monthly progress reports pertaining to animals in Kotal Wildlife Park should have been corrected accordingly instead of showing the same number of animals before the blasting on the night of 3-6-2018 & 4-6-2018 which were not even verified by the DFO Wildlife Kohat/Range Officer Wildlife Kotal through survey to ascertain the exact number of animals in the park.
2. Since green feed is provided to the animals in Kotal Wildlife Park on daily basis during the period in which animals had escaped the park which was otherwise consumed by wild boars inside the park and the park staff did not bother to regularly monitor the consumption of feed from view point/ observation points so as to ascertain the number of wild animals in the park
3. The missing of animals initially from April 2018 to December 2018 were not recorded at any level of staff hierarchy and regularly reported in the monthly progress reports for the period by the concerned Range Officer Wildlife.
4. Similarly DFO Wildlife Kohat also did not realize the gravity of situation; rather he forwarded the same to head office without analyzing the same. Thus, he is accountable for such

(50) (254)

Therefore based on the above, the undersigned being competent authority in the case by exercising the powers under Rules-4(1) (a)(iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has decided to consider the reduced penalty 50% of the value of property besides withholding the proposed increments as recommended by the de-novo enquiry committee and impose the penalty with stoppage of annual increment as per following detail in the interest of public with immediate effect:

Name	Total value of property proposed (Rs.)	Penalty proposed by the enquiry committee		Penalty imposed by the competent authority		Remarks
		Amount of 50% recovery	Withholding of increments	Amount of Recovery	Withholding of increments	
Mr. Arifullah	296,250	148,125	Censure	100,000	Censure	Tenure of the official was just one month
Mr. Naseerud-Din	1,777,500	888,750	Three increments without cumulative effect.	888,750	Censure	-
Mr. Muhammad Naseer	296,250	148,125	Censure	148,125	Censure.	-
Mr. Ghulam Murtaza	592,500	296,250	Censure	-	Censure.	The official had been deputed in raid party & also engaged in supervision of activities of 10 BTTP Project
Mr. Ikramullah	592,500	296,250	Three increments without cumulative effect.	296,250	Three increments for three years	-
Mr. Khurram Shahzad	592,500	296,250	Three increments without cumulative effect.	296,250	Three increments for three years	-
Mr. Muhammad Yasir	592,500	296,250	Three increments without cumulative effect.	296,250	Three increments for three years	-
Mr. Sajid Sardar	1,185,000	592,500	Three increments without cumulative effect.	592,500	Three increments for three years	-
Total amount Rs	**5,925,000**	**2,962,500**		**2,618,125**		

Moreover the incumbent DFO Wildlife Kohat is censured to be careful in future. He should also ensure to bring back maximum number of animals which are now outside of the park boundaries. He has to complete the task within three months otherwise disciplinary action under the relevant rules can be initiated against him.

(Dr. Mohsin Farooque)
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

No 7806-09 /WL(E)

Copy forwarded for information and necessary action to the;

1. Conservator Wildlife Central Circle Peshawar
2. Conservator Wildlife Southern Circle Bannu
3. Divisional Forest Officer Wildlife Kohat
4. Officer/Officials concerned.

} They are directed to start the requisite recovery immediately and ensure to complete the recovery within a period of three months positively and report compliance.

Circulate the concern approved appeal

Attested

13/4/21

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

21/4/2021

Divisional Forest Officer
Kohat Wildlife Division
Kohat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO.7471/2021 MR. SAJID SARDAR WATCHER (BPS-7) WILDLIFE DIVISION KOHAT V/S GOVT OF PAKHTUNKHWA THROUGH SECRETARY ENVIRONMENT, FORESTRY AND WILDLIFE KHYBER PAKHTUNKHWA PESHAWAR AND OTHERS

1. Mr. Sajid Sardar
   Wildlife Watcher (BPS-7)
   Kohat Wildlife Division, Kohat

---------**PETITIONER**

VERSUS

1. The Secretary, Environment Forestry and Wildlife Khyber Pakhtunkhwa, Peshawar.
2. The Chief Conservator Wildlife, Khyber Pakhtunkhwa, Peshawar.
3. The Divisional Forest Officer, Kohat Wildlife Division, Kohat.

--------**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKTHUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 19.06.2020 AND 13.04.2021 RECEIVED ON 21.04.2021 WHEREBY THE PENALTY OF SSTOPPAGE OF THREE INCREMENTS AND RECOVERY OF 593,500 IS IMPOSED UPON THE APPELLANT AND AGAINST NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN 90 DAYS OF STATUTORY PERIOD

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 3 FACTS:

RESPECTFULLY SHEWETH:

Preliminary Objections:

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

ON FACTS:

1. Correct to extent of appointment order. However, the performance in the official duty of the appellant at Kotal Wildlife Park was weak.
2. Correct.
3. Incorrect. The charges recorded in the chargesheet were proved and the penalty was accorded under the rules.
4. Incorrect. The appellant was posted in Kotal Wildlife Park on 04-12-2018 and incident reported on 20/12/2019, therefore, during the period, progress reports were submitted on monthly basis and the appellant along with other staff of Kotal Wildlife Park did not raised any objection in the figures of animals in the reports with actual figures on ground.
5. Incorrect. Proper opportunity of defense was provided to the appellant. Moreover, reply of the charge sheet was also submitted by the appellant to the Enquiry Officer **(Annex-A)** and considered but during the process of enquiry, the charges leveled against the appellant were proved.

6. Incorrect. The Show Cause was issued according to the Rules and reply of the appellant was not satisfactory **(Annex-B),** hence the penalty was accorded as per E&D rules, 2011 **(Annex-C).**

7. Correct, the action has been taken under E&D rules, 2011.

8. Incorrect. The Chief Conservator Wildlife Khyber Pakhtunkhwa showed dissatisfaction with the previous enquiry **(Annex-D)** hence being competent authority, the Chief Conservator Wildlife Khyber Pakhtunkhwa has constituted a committee to conduct de-novo enquiry under the rules **(Annex-E).** The order was handed over to the appellant but he did not request for provision of enquiry report at any stage.

9. Incorrect. the respondent No.3 (DFO Wildlife Kohat) forwarded the departmental appeal to concerned quarter within the statutory period of 90 days **(Annex-F)** and Respondent No.2 returned the same with the observations that appeal is full of discrepancies and needs proper scrutiny **(Annex-G)** and the appeal was also late from the prescribed period of 30 days, but in the meanwhile the period of 90 days was also completed and no further process was made. However, the appellant filed another appeal on 21-09-2022 directly to Respondent No.1, which was not considered being time barred vide Section Officer Government of Khyber Pakhtunkhwa Climate Change, Forestry, Environment and Wildlife Department letter No.SO(Estt)/FE&WD/1-5/2019/MF, dated 02-03-2023 **(Annex-H).**

GROUNDS:

A) Incorrect. The orders were issued on merit in accordance with the prevailing Rules, Laws. facts and material on record.

B) Incorrect and baseless allegation without any ground reality and proof. The appellant has always been treated according to law, rules, which is evident with the fact that the appellant applied for vacant post of Deputy Ranger Wildlife (BPS-11) in the same office and department and was selected on merit vide DFO Wildlife Kohat Order No.16, dated 08-10-2021 and is currently working as Incharge Wildlife Check posts in Kohat Wildlife Division. Moreover the posting transfer has been made as per S.No.10 (Posting & Transfer) of KP civil servant Act,1973 rules, whereby clearly mentioned of that every Govt. servant will serve anywhere in the province by order of competent authority.

C) Incorrect. Full opportunity of personal hearing and personal defense was provided to the appellant **(Annex-I).**

D) Incorrect. Proper enquiry was conducted and proper procedure was followed under relevant rules, laws as explained in Para-C above **(Annex-J).**

E) Incorrect. The upper scale in the instant case was BPS-16. The Chief Conservator Wildlife is appointing authority upon BPS-16 as such then de-novo enquiry was made by Chief Conservator Wildlife and then penalty order has also been issued by Chief Conservator Wildlife. Hence the order has been issued properly as per law and rules.

F) Incorrect. The charges encoded in the charge sheet were the same and competent authority has considered and reviewed the case after de-novo enquiry and the penalty order has accordingly been issued as per E&D rules 2011. Moreover the penalty imposed upon the accused is minor vide rule-4(1)(a)(ii) &(iii) of E & D rules 2011and not major penalty as questioned by the appellant in his appeal.

G) Incorrect. Proper procedure has been adopted as per E&D rules, 2011.

H) Incorrect. All the codal formalities have been fulfilled in the case. The appellant has not applied for provision of enquiry report. However if the appellant need enquiry report, the documents will be provided after his application.

I) As per reply in Para-C above.

J) Incorrect. The appellant himself is responsible in the negligence charges which were provide against him in enquiry process.

K) Incorrect. The appellant was found negligence and inefficient by very Senior Officers of the Department being Enquiry committee. Moreover, it is correct that the appellant was transferred to Kotal Wildlife Park on 04-12-2018 but after a period of one year i.e. 12/2019, the appellant and other staff of Kotal Wildlife Park did not report the actual number of animals. So, it was the prime responsibility of the Wildlife Watcher to protect and ensure availability of the animals in Park premises. The appellant was also responsible to report the actual figure of animals in the park, but was not reported properly.

L) Incorrect. As per comments in Para"K" above.

M) The ~~respondents may allew to provide additional grounds at the time~~ also be allowed to of arguments.
the respondents may also be allowed to raise additional grounds at the time of hearing.

In view of above the appeal may be rejected, upheld the Office Order No.146, dated 13/04/2021, issued by Respondent No.2 i.e. Chief Conservator Wildlife Khyber Pakhtunkhwa being Competent authority.

Verified subject to correct compliance of letter dt 29/3/2023

(copy handed over) affidavit and approved at bar

Secretary
Climate Change, Forestry,
Environment & Wildlife Department
Khyber Pakhtunkhwa Peshawar
(Respondents No.01)

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar
(Respondents No. 02)

24.7.23

29/7/23

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

Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar

Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar