FORM OF ORDER SHEET

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BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1929 /2023

Moheen nazar

Versus

Govt. of KPK & Other

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Dated: 22-09-2023

Appellant

Through Javed Iqbal Gulbela Advocate Supreme Court, Pakistan

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1929 /2023

Moheen Nazar (Forest Guard), Mohallah Dokani, Darband, District Mansehra.

VERSUS

- 1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat, Peshawar.
- 2. Secretary, Forestary, Environment and Wild Life Department, Khyber Pakhtunkhw, a Peshawar.
- 3. Director General, Forestory and Wild Life, Khyber Pakhtunkhwa, Peshawar.
- 4. Chief Conservator, of Forestory Khyber Pakhtunkhwa Peshawar.
- 5. Divisional Forest Officer, Agror, Tanawal Forest, Division Mansehra.
- 6. The Conservator of Forest, Upper Hazara Circle, Mansehra.
- 7. The SDFO, Shergarh Forest, Sub Division, Upper Hazara Circle, Mansehra.
- 8. The Divisional Accountant, Forestory Upper Hazara Circle, Mansehra.

...... Respondents

... Appellant

Appeal u/s 4 of the Khyber Pakhtunkhwa Services Tribunal Act _1974 against the impugned Order No. 74 dated.07/06/2023 of the office of Divisional Forest Office, Agror Tanawal, Forest Division Mansehra; whereby the Appellant has been illegally Penalized U/S 4(I)(a)(iii) to the amount of Rs.3,42,889/- and Departmental Appeal of the Appellant has been turned down vide impugned Order No. 08 dated.31/08/2023 of the Office of Conservator of Forest, Upper Hazara Forest, Circle Mansehra in a classical, cursory and whimsical manner.

Respectfully Sheweth,

- 1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan and hails from a respectable family.
- 2. That the appellant has been appointed in the respondent department years ago as a forest guard, and from the day appointment performed his duty with devotion, faithfully and never unturned any stone in his duty.
- 3. That all of the sudden like bult from the blue the appellant has been falsely booked for loss to the Govt exchequer in respect of Sowing on area 66 hectare at Jalo Gali Compartment No.12 of Shergarh forest sub division during spring 2021 under 10 BTAP, and a charge sheet as well as statement of allegation in this regard has been issued on 28-06-2022. The appellant has submitted proper reply to the charge sheet wherein the appellant negated all the allegation of the respondent and portrayed true picture before the concerned authority but even then the appellant has been illegally charged. (Copies of Charge sheet, Statement of allegation and reply are annexed as annexure "A, B & C")
- 4. That the appellant has been issued a show cause notice dated 6-02-2023, which has been properly replied by the appellant and denied all the allegation of the authorities and brought true and correct facts on scrren. (Copies of Showcause notice and reply are annexed as annexure "D, E")
- 5. That it is pertinent to menion here that the appellant had never remaind ignorant from his duty and regularly done his work, which is evident from the official records i.e. reports and attendants sheets/register of labour etc. the charges which occurs on the labour work has been properly written down in the labour attendant sheet which has been legally approved and sanctioned by the competent authority i.e. Divisonl Forest Officer Agror tanwal Fores division Mansehra. (Copies of official records i.e. reports, attendants sheet/register of labour and certificate/santions of Divisonl Forest Officer Agror tanwal Forest division Mansehra.

6. That inquiry has been conducted where the statement of appellant in shape of question and answer has been recorded wherein the appellant proved has

innocences. (Copies of inquiry report and statement of appellant are annexed as annexure "G & H")

- 7. That inspite of the fact that the appellant has done no falt/offence but even than he was penalized u/s 4(I)(a)(iii) i.e. the amount of Rs 3,42,889/- shall be recoverd from the appellant, vide impugned Order no.74 adted 7-06-2023 of the office of Divisional Forest Officer, Agror Tanawal Frocest Division Mansehra. (Copy of impugned Order no.74 adted 7-06-2023 of the office of Divisional Forest Officer, Agror Tanawal Frocest Division Mansehra annexed as annexure "I")
- 8. That the appellant has moved departmental appeal against the impugned Office Order No.74 dated 07-06-2023, which has been turned down by the respondents vide impugned order no.08 dated 31-08-2023 of the office of conservator of forest, upper hazara forest circle Mansehra. Which is not sustainable in the eye of law. (Copies of departmental appeal and impugned order no.08 dated 31-08-2023 of the office of conservator of forest, upper hazara forest circle Mansehra are annexed as annexure "J, K")
- 9. That from the above cited facts, the grievances, that comes into existence, having no other adequate remedy available, and forum to be addressed at, the Appellant approaches this Hon'ble Tribunal for setting aside the Impugned Orders, upon the following grounds, inter-alia:-

GROUNDS:

< _

- **A.** That the impugned Orders are wrong, illegal, vide ab-initio and are not sustainable at all.
- **B.** That the Impugned Orders are unwarranted, illogical and against the Law and Rules, so therefore not maintainable at all.
- **C.** That it is pertinent to mention here that the sowing work on the designated area has been done, which is evident from the official record. Therefore the impugned orders are nullity in the eye of law.



- **D.** That no proper inquiry was ever conducted in case of the Appellant, nor the Appellant was properly heard in person, nor his hearing properly appreciated as well as neither the appellant was ever allowed to cross examine any witness and thus the Appellant was condemned unheard. Hence the impugned orders is liable to be turned down.
 - E. That even the Departmental Appeal of the Appellant has been simply turn down without any rem or reason, which is not sustainable in the eye of law.
 - **F.** That from every angle the Appellant is liable to be treated in accordance with law and by doing so the impugned penalty is liable to be set aside.
 - G. That any other ground not raised here may graciously be allowed at the time of arguments.

It is therefore most humbly prayed that on acceptance of the instant service appeal, the Impugned Order No.74 Dated 7-06-2023 of the office of Divisional Forest Office, Agror Tanawal, Forest Division Mansehra and impugned Order No. 08 dated.31/08/2023 of the Office of Conservator of Forest, Upper Hazara Forest, may kindly be set aside, and by doing so the penalty imposed be declared as illegal and void.

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

Dated: 22-09-2023

Appellant

Through

Saghir Iquat Gulbela

Advocate High Court, Peshawar.

M.Arif Mohmand Advocate, Peshawar.

A**DVOÇA**TE.

Note:- That as per information of my client, no such service appeal has been moved by the Appellant, prior to this ones.

Javed Iqbal Gulbela Advocate Supreme Court, Pakistan. Alamzeb Khan

Advocate, Peshawar.



BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

S. Appeal No.

/2023

Moin Nazar

Versus

Govt of KPK & Others

<u>AFFIDAVIT</u>

I, Moin Nazar S/o Shah Nazar Khan R/o Mohallah Dokani, Darband, District Mansehra, do hereby solemnly affirm & declare on oath that all contents of the instant Service Appeal are true & correct to the best of my knowledge and belief & nothing has been concealed from this Hon'ble Tribunal.

reed

DEPONENT

CNIC# 13504-1609479-1 Cell# 0346-9336305

Identified By:

Javed Iqbal Gulbela Advocate, Supreme Court, of Pakistan.

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. /2023

Moheen nazar Versus Govt. of KPK & Other

APPLICATION FOR TEMPORARY INJUNCTION.

Respectfully Sheweth:

 That the accompanying service appeal has been filed before this Hon'ble tribunal, the contents of which may graciously be considered as integral part and parcel of the instant application.

2. That the appellant has got¹ a good prima facie case and is pertinently sanguine of its success.

3. That balance of convenience also lies in favour of the appellant.

4. That if the instant petition is not allowed the appellant shall suffer irreparable loss.

It is, therefore, humbly prayed that on acceptance of the instant application, a status qou may kindly be granted in favor of the appellant and the respondents be restrained from deduction the penalty amount from the salaries of the appellant till the final disposal of the accompanying service appeal.

Dated: 22/09/2023

Appellant Javed Iqbal Gulbela Through

EFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

S. Appeal No. /2023

Moin Nazar

Versus

Govt of KPK & Others

AFFIDAVIT

I, Moin Nazar S/o Shah Nazar Khan R/o Mohallah Dokani, Darband, District Mansehra, do hereby solemnly affirm & declare on oath that all contents of the instant application are true & correct to the best of my knowledge and belief & nothing has been concealed from this Hon'ble Tribunal.

Manjur 7/4

DEPONENT

CNIC# 13504-1609479-1 Cell# 0346-9336305

Identified By:

20ch Javed Iqbal Gulbela Advocate, Supreme-Court, of Pakistan.



BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No._____ /2023

Moheen nazar Versus

Govt. of KPK & Other

ADDRESSES OF THE PARTIES

ADDRESSES OF THE APPELLANT:

Moheen nazar (Forest Guard), Mohallah Dokani, Darband, District Mansehra.

ADDRESSES OF THE RESPONDENTS:

- 1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat, Peshawar.
- 2. Secretary, Forestary, Environment and Wild Life Department, Khyber Pakhtunkhw, a Peshawar.
- 3. Director General, Forestory and Wild Life, Khyber Pakhtunkhwa, Peshawar.
- 4. Chief Conservator, of Forestory Khyber Pakhtunkhwa Peshawar.
- 5. Divisional Forest Officer, Agror, Tanawal Forest, Division Mansehra.
- 6. The Conservator of Forest, Upper Hazara Circle, Mansehra.
- 7. The SDFO, Shergarh Forest, Sub Division, Upper Hazara Circle, Mansehra.
- 8. The Divisional Accountant, Forestory Upper Hazara Circle, Mansehra.

Through

Dated: 22-09-2023

Appellant

Javed Iqbal Guibela Advocate Supreme Court, Pakistan.

P

CHARGE SHEET

I, Mohammad Amjad Divisional Forest Officer Agror Tanawal Forest Division
 Mansehra as competent authority hereby charge you Moheen Nazar Forest
 Guard Incharge Chamial Beat Jalo Gali Compartment No. 12 Sowing area of
 Shergarh Forest Sub-Division as follows:

- a. That you while your posting as Incharge Chamial Beat, Jalo Gali Compartment No. 12, (66) hectare Sowing was carried out in Jalo Gali Compartment No. 12 of Shergarh Forest Sub Division during Spring 2021 under 10-BTAP and committed the following irregularities.
- I. A huge amount was incurred on 66 hectare sowing at Jalo Gali Compartment No. 12 under 10-BTAP. But due to your lack of interest, irresponsible behavior 80% sowing area has been failed. Besides above you failed to carry out re-sowing in failed area through employed chowkidar as envisaged in PC-I.
- II. You were required to protect the sowing area, but due to your un-professional behavior, poor performance, negligence and in-efficiency, Govt; exchequer has collectively sustained loss to the tune of Rs. 11,43,000/-.
- b. By reason of the above you appear to be guilty of In-efficiency, Mis-conduct and Corruption <u>under rule-3 of the Khyber Pakhtunkhwa Government Servant</u> (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in <u>rule-4 of the rule ibid</u>.
- c. You are therefore, required to submit your written defense within 7 days of the receipt of this charge sheet to the inquiry officer/committee as the case may be.
- d. Your written defense, if any, should reach the inquiry officer/committee within the specified period failing which it shall be presumed that you have no defense to put in and in that case exparte action shall be taken against you.

e. Intimate whether you wish to be heard in person.

f. A statement of allegation is enclosed.

Divisional Orest Officer Agror Tanawat Forest Division Mansehra

Ann-B

جناب عالى: ـ

بخدمت جناب انکوائری آفیسرصاحبDFO پیرول اسکواڈ ایر ہزارہ سرکل ≊۲۵٬۱–۷/۵۶ عنوان:۔جواب چارچ شیٹ نمبری 195-1051 جریہ مورحہ 28/06/2022

ندکورہ بالا چارج شیٹ میں فدوی پر جمیال بیٹ میں جالوگلی کمپار شنٹ نمبر 12 میں 66 میکٹر سوئنگ رقبہ زیر 10BTAP کے فیل ہونے کے اسباب پرIn-Efficiency & Mis counduct اور Corruption کے الزامات لگا کہ جواب طلب کیا گیا ہے۔معروض ہوں کہ۔ بیر کہ فددی نے اپنی ڈیوٹی بااحسن انجام دی۔اور ددوران کا ٹیکینکل امدادہ OB اور SDFO سے لیتار ہا۔اور 66 میکٹر رقبہ مروجہ طریفہ کار کے تحت درست پایٹ بیم کی کتاب ہیچایا۔

- یہ کہ بحیل کے بعد خود B.O اور SDFO نے رقبہ چیک کیا در بنائے گئے ریکا رڈ کے تحت مز د دران کوا دائیگی کی۔اوراپ سر نفیکیٹ دیئے۔ جو تابت کرتے ہیں کہ فددی کی کوئی کوتا ہی۔غفلت یا کر پشن نہیں ہو گی۔ یہی پوائٹ چا رج شیکٹ کو بالکل یہ بد میتی پر بن خا ہر کرتے ہے۔
- یہ کہ رقبہ کا چارج فدوی نے 15/07/2022 کو جہانگیر فارسٹ گارڈ کے حوالے کیا جس نے رقبہ چیک کرکے چارج رپورٹ پر رقبہ 35 پت 40 فیصد کا میابی کی تصدیق کی۔اورنہ ہی بعد میں رقبہ فیل ہونے کی انسران کوکو کی رپورٹ دی۔ جو نابت کرتی ہے کہ اس وقت تک رقبہ جز وی طور پر درست تھا۔ نقل چارج رپورٹ لف ہے۔
- بید کرد قبہ ۹۵۳۲۹۴ پلان کے تحت SDFO شیر گڑھ کی طرف ہے بنائے گئے اسٹمیٹ کی مالیت ہے کم رقم پر تکمیل ہواہے۔ جسے بعداذاں افسران چیک کرتے رہےاورخود مزدوران کوادا ئیگی کی یہ لہذا فدوی پر کر پشن کا الزام سراسر بد میں بلا جواز ہے۔
- ۵۔ پیکەفدوی چمیال بیٹ پرتعینات تھا۔ جو کہ فدوی کی اس ڈیوٹی تھی 10BATAP کے کا موں پرفدوی کواضافی ڈیوٹی دی۔ جوفارسٹ گارڈ سے کیکر اعلیٰ افسران تک سب کی اضافی ذمہ داری تھی۔ جوصرف فارسٹ گارڈ اور فارسٹر پرالز ام تضمرا کر اس خدشے کے تحت آنے وال 10BATAP سے متعلق کسی بھی انکوا ٹری سے اپنے آپ کو بری الزم قرار دینے کی کوشش کے سوا کچھ بیس ۔ کیونکہ جارج شیٹ سے ثابت سے کہ رقبہ انسانی کو تاہی سے نہیں بلکہ قدرتی اسباب سے فیل ہوا۔ در نہ چارج شیٹ میں اسباب کا ذکر ہوتا۔
- ۲۔ سیکہ ندوی چارج دیتے دفت رقبہ 40.35 فیصد کامیاب تھا۔ جوایک دفعہ بیجائی قابل تسلی بخش نتیجہ ہے۔ رقبہ کو بعدازاں بذریعہ چو کیدار سلسل آنے والے مختلف سیزن میں بیجائی مقصودتھی ۔ جواگرنہیں ہوئی تو اس کا نصور دارفد دی کونہیں تشہرایا جاسکتا۔ ۷۔ سیکہ جارج شبٹ میں رقبہ فیل ہونے کی وجومات کا ندار جنہیں ہے۔ جو ثابت کرتا ۔ سے کہ رقہ انسانی غفلتہ اور لاہر دائ
 - یہ کہ چارج شیٹ میں رقبہ فیل ہونے کی وجو ہات کا اندارج نہیں ہے۔ جو ثابت کرتا ہے کہ رقبہ انسانی غفلت اور لا پرواہی نے نہیں بلکہ قد رتی اسباب سے جزوی فیل ہوا۔ اگرانسانی اسباب ہوتے تو چارج شیٹ میں اس کاذ کر ہوتا۔

سیکہ فدوی اور متعلقہ B.O نے اپنی ڈیوٹی نہ ہونے کے باوجود از سرنو رقبہ ہٰدائیں بیجائی کی ہے۔ اپنے اخراجات ادر مدد سے جو قابل ملاحظہ

درج بالامعروضات سے ثابت ہے کہ چارج شیٹ میں لگائے گئے الزامات بلاجواز میں بعدازانصاف نہیں۔ لہذافدوی کواس کیس سے بری الذمہ قرارد کمر کرشکر بیکا موقع دیں۔

العارض معين نذرفارسث گارژ

DISCIPLINARY ACTION

I, Mohammad Amjad Divisional Forest Officer Agror Tanawal Forest Division as competent authority, am of the opinion that Moheen Nazar Forest Guard Incharge Chamial Beat Sowing area Jalo Gali Compartment No. 12 of Shergarh Forest Sub-Division has rendered himself liable to be proceeded against as he committed the following acts/omissions, with in the meaning of <u>rule 3 of the</u> <u>Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline)</u> <u>Rules 2011.</u>

nvi-

STATEMENT OF ALLEGATION

1. That the SDFO Shergarh Forest Sub Division checked the said area on 09.07.2021, and found failure up-to 90% and reported vide his letter No. 01/SFSD dated 10.07.2021, (Annexure-I).

 That your explanation was called upon vide DFO Agror Tanawal Forest Division Mansehra No. 87-88/B&A dated 13.07.202, (Annexure-II) to explain your position for above irregularities. And subsequently issued reminder No. 195-96/B&A dated 29.07.2021, No. 681-82/B&A dated 27.09.2021 and No. 866-67/B&A dated 20.10.2021, later on you submitted your reply to the explanation on 28.06.2022, (Annexure-III).

- 3. The SDFO Shergarh has endorsed your reply vide letter No. nil dated 28.06.2022, (Annexure-IV) The SDFO commented that the reply of the accused is not satisfactory and he recommends to initiate proper Disciplinary action against you.
- That an amount of Rs. 11, 43,000/-. was incurred on above mentioned sowing area.
- 5. That being incharge of the sowing area you were duty bound to clear all short falls/deficiencies and protect/beat-up sowing area as per required standard in the PC-I, but you did not take any pain for checking/supervision of the sowing area, due to which the sowing area has shrunk from 66 hectare to 13 hectare and Govt; exchequer has sustained a huge loss; which indicates your Misconduct, in-efficiency and corruption.
- 6. That due to your un-professional behavior, poor performance, negligence and in-efficiency, Govt; exchequer has collectively sustained loss to the tune of Rs. 11, 43,000/-.
- For the purpose of inquiry against the said accused with reference to the above allegation Mr. Saeed Anwar Divisional Forest Officer Patrol Squad Forest Division Mansehra appointed as Inquiry Officer/Committee under rules 10 (1) (a) of the rules ibid.

Mr. Saeed Anwar Divisional Forest Officer Patrol Squad Upper Hazara Circle Mansehra.

The enquiry officer shall, in accordance with the provisions of the Rules ibid, provide reasonable opportunity of hearing to the accused, record, its findings and make within thirty days of the receipt of this order, recommendations as to punishment, recovery or other 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/Committee.

Divisional Forest Officer Agror Tanawal Forest Division Mansehra

No. 3739-41 /GE Dated Oghi the 28 /05/2022

Copy forwarded to: -

<u>Mr. Saeed Anwar Divisional Forest Officer Patrol Squad Upper Hazara</u> <u>Circle Mansehra</u> (Inquiry Officer) for initiating disciplinary proceedings against the accused under the provisions of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011 and to finalize the case within prescribed period. Enquiry file from page-1 to_is enclosed.

Moheen Nazar Forest Guard the then Incharge Chamial Beat sowing area Jalo Gali Comartment No. 12 c/o Shergarh Forest Sub-Division for information. He is directed to submit his reply to the charge sheet direct to the Inquiry Committee within 7 days of receipt of this Charge Sheet and also appear before the Inquiry Committee for the purpose of inquiry proceedings.

The SDFO Shergarh Forest Sub Division for information and necessary action with reference to his recommendation dated 28.06.2022. He is directed to appear before the Inquiry Officer as Prosecutor during the course of inquiry proceedings as and when called for by the Inquiry Officer/Committee.

Divisional Forest Officer

Agror Tanawat Forest Division Mansehra

·3.

.1.

			Ann-"1)"
Ibr Divisiona	ar Ahmad al Forest Officer	A .	awal Forest Division Mansehra # 0997-920144
<u> </u>	<u>1.15</u>	Dated	06 102/2023
Mr: Moheen N C/O SDFO Sh	azar Forest Guard ergarh		(13)
Subject:	SHOW CAUSE NOTICE		
	A A A A A A A A A A A A A A A A A A A		
I, Ibrar Ahmad authority, under	Divisional Forest Officer Agror 1 r the Khyber Pakhtunkhwa Goverr		Mansehra as competent
I, Ibrar Ahmad authority, under	y serve you Mr. Moheen Nazar Fo That consequent upon the you by the enquiry officer/enquir	orment Servants (Efficienc prest Guard as follows:	y and Disciplinary) Rules
I, Ibrar Ahmad authority, under 2011, do hereb 1. j.	y serve you Mr. Moheen Nazar Fo That consequent upon the you by the enquiry officer/enquir of hearing on 19.10.2022. On going through the find officer/enquiry committee, the r	innent Servants (Efficienc prest Guard as follows: completion of enqui y committee for which you ings and recommendat	iry conducted against u were given opportunity
I, Ibrar Ahmad authority, under 2011, do hereb 1. i. ii.	y serve you Mr. Moheen Nazar Fo That consequent upon the you by the enquiry officer/enquiry of hearing on 19.10.2022. On going through the find	innent Servants (Efficienc prest Guard as follows: completion of enqui y committee for which you ings and recommenda material on record and o e inquiry officer/enquiry c	y and Disciplinary) Rules iry conducted against u were given opportunity ations of the enquiry other connected papers ommittee.

As a result thereof, I, as competent authority, have tentatively decided to impose upon you the recovery of Rs. 342, 889/- under rule 4 sub rule (a), (b) of the said rules.

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No.

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You are, thereof, 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 or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an exparte action shall be taken against you.

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

Divisional Forest Officer Agror Tanav orest Officer Mansehra

Copy alongwith above letter forwarded to the SDFO Shergarh for information and necessary action. He is requested to deliver the letter to the official under proper receipt, which should be sent to this office for necessary action and record.

Divisional* Grest Officer Agror Tanaw stofficer Mansehra

と言語などにに

Ann. بخدمت جناب DFO صاحب اگرور تناول فارست دویثرن مانسهره_(آفیسرمجاز)_ عنوان:-چھٹی نمبر 2975/GB مور نند 2023-06-0<u>0۔</u> حواله:-جناب عالى! گزارش ہے کہ فدوی کو بروئے انکوائری بذریعہ چھٹی مندرجہ بالا بدعملی اور اور نااہلی کا مرتکب ٹھیرا کرمبلغ-/342889 روپے کی ریکوری کا ذمہ دارتھ ہرایا کیا گیا اور دضاحت طلب کی کہ کیوں ندآ پ سے بید قم ریکور کی جائے۔ فدوی انگوائری رپورٹ کو مدنظر رکھ کر جناب کی خدمت میں مند رجہ ذیل معروضات پیش کرنے کی اجازت چاہتا ہے۔ بیک فدوی اپنی روز مرہ کی بیٹ کے اندر ذمہ دارایاں اداکر نے کے ساتھ تخم کاری کی نگرانی کرتا رہا۔ بدوران کام جناب بلاک آفیسر اور SDFO صاحب مختلف دنوں میں کام چیک کرتے رہے اور اسے درت پایا کام کی تحمیل پر جناب SDFO صاحب کے چیک کرنے اور مطمئن ہونے یرمسٹرول برائے منظوری ارسال کی۔ بیر که بسطابق ریورٹ ایس ڈی ایف او شیر گڑ ھ مورخہ 2021-07-09 شجر کاری کردہ رقبہ %90 فیل ہے۔ جبکہ دوسری طرف چیکنگ ٹیم نے مورخہ 2022-10-13 کورقبہ چیک کیا اور کامیابی کا تناسب 25سے 30 فیصد پایا ۔ جبکہ دوبارہ مورخہ 2022-11-21 کو چیکنگ کرنے پر کامیابی کا تناسب 30/40 فیصد پایا۔اس ہرتین رپورٹ میں تفطا د ثابت کرتا ہے کہ رقبہ مذکورہ کسی نے بھی کمل چیک نہیں کیا تا کہ اصل زمینی حقائق کا درست انداز ہ کیا جاتا۔ بیر کہ رقبہ مذکورہ پخم کاری کے بعد ہم نے اپنی جیب سے اخراجات کرکے ہیٹ اپ یعنی دوبارہ تخم کاری کرتے رہے مگرجنگلی سوراور سہگ جو کہ اس علاقہ میں بہت زیادہ پائے جاتے ہیں باوجود دن رات ہرممکن نگہداشت کی تخم اوراً گے گے بودہ جات کو بے بہا نقصان پہنچاتے رہے۔جس سے کامیابی کے تناسب میں کمی ضرور ہوئی ہے مگراتن بھی نہیں جتنا چیکنگ یار ٹیاں رپورٹ کرتی رہی ہیں یہ کہتم کاری کردہ رقبہ میں اگر کمی ہوئی تو بھی فدوی ذمہ دار نہیں تھرایا جاتا کیونکہ مسٹرول کے

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	209.2021	Along with concerned sta Issued necessary instruction			ure.
		Time 1000 – 1800 hrs.	100 KM by	Govt. Vehicle No. KH-533	35
		· · · · · · · · · · · · · · · · · · ·			
	3,D9.2021	Attended office and did offi	ce work.	l	
	409.2021	Attended office and did off	•		
	15.09.2021	Along with concerned sta Afforestation. Then procee to Shergarh and halt.	ff proceeded to Dewal ded to Darband checked	gall and checked Dewal barrier staff. Then proceed	ded
	••••	· . ·			
		Time 1200 – 1800 hrs.	140 KM by	Govt. Vehicle No. KH-533	Gali
	16.09.202	Badral Compart-3 and Co on back to office and halt.	mpart-4 and issued neces	dral and checked closure (sary instructions to staff, La	ater
		Time 1000 – 1900 hrs.	80 KM by (Govt. Vehicle No. KH-5335	5
	17.09.202	1 Attended office and did of	fice work		
	18.09.202	1 Saturday. Proceeded to instructions to staff. Halt a	Oghi. Checked Arbora A at Oghi.	fforestation. Issued necess	sary
1	19.09.202	Time 1100 – 1900 hrs. 1 Along with staff proceede	d to Shamdara, Checked	Govt. Vehicle No. KH-533 Shamdara Compart-4,5 an	5 nd 6.
		Issued necessary instruct	lions. Later on back to Ma	nsehra and halt.	
		Time 1000 – 2000 hrs.	75 KM by	Govt. Vehicle No. KH-533	5
•	20.09.202	1 Attended office and did of	fice work.		
	21.09.202			·	
h.,	22.09.202	1 Attended office and did o		, d human Daidund and	
	23.09.202			d nursery Bairkund and o ction to staff. Later on ba	
	,	Mansenia and hait.			
1		Time 1000 – 1900 hrs.		Govt. Vehicle No. KH-53	35
-	24.09.202	1 Attended office and did o	ffice work.	· . ·	ļ
	25.09.202		· · · · · · · · · · · · · · · · · · ·		
•	26.09.202	1 Carried out Patrolling up Mansehra and halt.	p to Gali Badral and th	en checked Oghi Barrier.	Back
		Time 1300 – 2200 hrs.	120 KM I	oy Govt. Vehicle No. KH-	5335
	27.09.202				
	28.09.202	1 Attended office and did of	fice work.]	
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	28.09.2021	Mansehra to Jalogali, Karori & back
		Visited Jalagali Deodar Plantations carried out in Jalogali Compartment-11 & sowing of kail in compartment-12. These two compartments were ruthlessly been clear felled during last one and halt decade and now looking every where irregular cut stamps. Efforts are being continued to rehabilitate the area through 10-BTTP. Field staff was directed to rehabilitate all areas. Plantation was in good condition & sowing need more attention.
• •		
		Time: 0930 to 2130 hrs. Distance: 230 KM by Govt: Vehicle AB-2706
	29.09.2021	Attended office and did office work.
	30.09.2021	Mansehra to Havelian, Dargai and back
		Mansehra to Havelian & Dargai. Visited both timber markets & instructed incharge depot staff for maintenance record & safe disposal of timber in markets.
		Time: 0800 to 2230 hrs. Distance: 650 KM by Govt: Vehicle AB-2706

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UIRY REPORT OF DISCIPLINARY PROCEEDING AGAINST MR MOEEN NAZA EOEST GUARD OF AGROR TANAWAL FOREST DIVISION MANSEHRA

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Charge(Sheet/ Statement of Allegation DFO AT: No. 3739-41/GB dated 28.06.2022 Reply to the charge Sheet furnished by the accused Forest Guard dated 22.08.2022. BRIEF HISTORY OF THE CASE

BRIEF HISTORY OF THE CASE

That Mr. Moeen Nazar Forest Guard (here in after called as accused) while posted as sincharge Karon Block of Shergarh Forest Sub Division committed the following irregularity.

Whereas the SDFO Shergarh Forest Sub Division checked the said area on 09:07:2021 and found failure up to 90% and reported vide his letter No. 01/SFSD ins letter No Gated 10.07.2021 (Annexure-I).

Whereas DFO Agror Tanawal Forest Division was called upon explanation vide No. 87-38/B&A dated 13.07.2021, (Annexure-II), to explain your position for above 00.1 Work Strand Subsequently issued reminder No 195-96/B&A dated 29.07.2021, Work 681-82/B&A dated 27:09.2021 and No. 866-67/B&A dated 20:10.2021, later on You submitted reply to the explanation on 28.06.2022 (Annéxure-III);

Whereas, the SDFO Shergarh has submitted your reply with his comments vide his letter No. nil dated 28.06.2022, (Annexure-IV) the SDFO commented there upon that the reply of accused is not satisfactory and ·: -i heireply of accused is not satisfactory and he recommends initiated proper Disciplinary action against the accused official.

. . . Whereas, an amount of Rs. 11,43,000/- was incurred on above mentioned sowing area.

Whereas, that being Incharge of the sowing area you were duty bound to clear all short alls/deficiencies and protect/beat-up the sowing as per required standard in the PC-I, but the accused official did not take any pain for checking/supervision of the sowing area due to which the sowing area has shrunk from 66 hectare to 13 hectare and Govt; exchequer has sustained a huge loss, which indicates your Misconduct, inrefficiency and corruption. 73

vi Whereas due to your un-professional behavior, poor performance negligence and in-efficiency, Govt; exchequer has collectively sustained loss to the tune of Rs 11, 43,000/-.

WIN PROCEEDINGS/DISCUSSION

. . .

The accused submitted his defense reply. He was heard in person and was cross examined in presence of prosecutor. The undersigned visited the site on 13.10.2022 along with checking team where 25-30% survival was observed (Annexure-V) The Checking committee revisited on 21-11/2022 where survival rate was observed 30-40%. Furthermore the prosecutor/SDFO Shergarh was also verbally directed to visit the sowing area who submitted his findings (Annexure-VI)

The all available record on file was thrashed out/cruised The perusal of available record. Facts on ground and findings of the checking report of SDFO Shergarh reveal that. лі. 1947

"The Sowing area under question is badly failed and having almost 40% survival"

As calculated by DFO Agror Tanawal, the investment made so far right from raising 66 hectare to the stage of sowing is Rs. 11,43,000/-.

Now 40% survived area out of 66 hectare comes out to be 26.40 hectare.

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The propertionate costs of these 40% survived area 26.40 hectare come out to be Rs. 457222 which is justified expenditure in the instant case.

. The Brown free die noor an see a ۰. Now the net unjustified amount comes out to be (11, 43,000 - 4,57,222) = Rs. 685778/-.) L. ANHARASIN

As Moeen Nazar Forest Guard is co-accused in the same case then the un-justified amount . <u>F</u> 14. judiciously needs to be apportioned between them. - - - -

EINDINGS/CONCLUSION

Fine foregoing discussion leads to the finding that the sowing area under reference is badly failed and the failures have not been beaten up by the accused despite the fact that accused had been repeatedly beefed up to do so

erejorethe shared amount comes out to be 685778/-= Rs 342889/- each s

The above finding leads to the conclusion that;

Charges of Mis-conduct and in-efficiency stand proved beyond any doubt while charge of corruption does not stand proved as no monitory benefits on part of accused are vivid from the record". 138.

RECOMMENDATION

 RECOMMENDATION

 The enquiry committee with sky high confidence recommends that the shared amount (Rs 342 889/) may be recovered from the accused.

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ب ج مندج مالا بيه ي مار من الم من الم من الج عنى اب اس مولك ف - JJ. ن بوز میں ہے موجر میں بیہ ڈالنے میں تھا، میں کام تھی کالی میں ہو نومبر 2500 میں بیہ ڈالنے میں تھا، میں کام تھی کالی میں بچی میں تحور اور اخر ط می تو میں بو تک پری تھی اور درمد طن خرور من مر مر می مر Que 2 3 vin 6 2 0 1 0 - 1 - 0 - 0 فتحص تسرح لل رس يعلموها ب اين دخاع مي في شا جا معن با سس والجاهي · = Olym جا- - چرک میں جھلے سال 200 میں زبارہ اس سالی رحی ج جراب میں سوری نیٹری دی ہے اور جب تک میں دبال مر سر ای رحی ہے اس معت تك تعمر مسرطان من وجودي مرب ان عالم و في الرا W i Que valen i Z

the Experience and ORDER NO 74 DATED MANSEHRA THE 07 106/2023 ISSUED BY IBRAR OFFICE AHMADED VISIONAL FOREST OFFICER AGROR TANAWAL FOREST DIVISION MANSEHRA

Whereast M. Moheen Nazar Forest Guard Agror Tanawal Forest Division was charge sheeted Under section-3 of the E&D 2011 with the allegations/charges mentioned in DFO Agror Tanawal endorsement No.3739-41/GE dated 28.06.2022

Whereas, an enquiry committee was constituted and Mr. Saeed Anwar Divisional Forest officer Patrol Squad Forest Division Mansehra was appointed as enquiry officer vide this office endorsement No.+3739-41/GE dated 28.06.2022 to conduct the enquiry against the accused strictly under the provision of aforementioned E&D rules-2011.

. . Whereas the enquiry officer conducted the enquiry proceedings against the official concerned within the ambiance of E&D Rules-2011, finalized and submitted vide his office No. 1160/GE dated 27.01.2023 with the fully recommendations as under,

1.2. 2. 3.5 S.C. "The enquiry committee with sky high confidence recommends that the shared amount (Rs. 342, 889/-) may be recovered from the accused.

Whereas, Show cause Notice was served upon the accused vide DFO Agror Tanawal office letter No.2975/GE dated 06.02.2023.

े रह Whereas, the accused Forester submitted reply to the show cause notice on 01.03.2023. 1 A.

Whereas, accused was summoned for hearing in person vide DFO office No.4144-45/GE dated 22.05.2023. :

Whereas, the accused was cross-examined/heard in person on 30.05.2023.

A1-2 Whereas, the enquiry report was critically examined and found that charges of Misconduct and Finefficiency have been judiciously established by the enquiry officer.

And whereas I Ibrar Ahmad Divisional Forest officer Agror Tanawal Forest Division in the capacity of competent authority agreed with the Findings/Recommendations of the enquiry officer, and hereby imposed the penalty under Section 4 (I)(a)(iii) i.e the amount of Rs.3, 42,889/- shall be recovered from the accused with in due course of law/time.

. Sd/- (Ibrar Ahmad) **Divisional Forest Office:** Agror Tanawal Forest Division

Copy forwarded to:

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The Conservator of Forests, Upper Hazara Circle for favor of information. The SDFO Shergarh Forest Sub Division for information. Moheen Nazar Forest Guard C/o SDFO Shergarh for information.

The Divisional Accountant for informationand necessary action. He is directed to make sure recovery from the concerned official immediately.

4 Divisional Forest Off.cer Agror Tanawah Forest Division Mansehra

Ann-J بخدمت جناب كنزرو يثرصا حب اير ہزارہ سركل مانسہرہ عنوان اپيل برخلاف آفس آرڈ رنمبر 75 مجربيہ 2023-06-7 منجانب ڈويژنل آفيسرصا حب اگرور تناول فارسٹ ڈويژلن برائے منسوخي آفس آرڈ رنمبر 25 مجربیہ 2023-06-07 ودادر س بوساطت جناب DFO صاب اگرور تناول فارست دویژن جناب عالیٰ! اپیل برائے منسوخی ودادری برخلاف آفس آرڈ رنمبر 2025-06-07 درجہ ذیل قانونی حقائق پیش خدمت ہے۔ ا۔ پیکہ اپل کنندہ جو چمیال بیٹ کا انچارج تھا جالوگی کمپارٹمنٹ نمبر 12 میں 10BTAP کے تحت 66 ہیکٹر رقبہ کمبائی Sawing Area میں 40% کامیاب بتایا گیا ہے جبکی جسکا تناسب 40 کو تقسیم کیا گیا اور 41.60 رقبہ بیجائی کردہ کی انکوائری ڈال دی گئی ہے یہاں سوال نسبت تناسب نہیں بنتا یہ غیر قانونی زمینی حقائق کے برعکس اور خلاف قانون ہے۔ ۲۔ پیرکہ آفیسر SDFOصاحب انچارج شیرگڑ ھسب ڈویژن انے ابتدائی رپورٹ دے کررقبہ کوفیل قرار دیا اسی آفیسر کواز اں بعد

انکوائری آفیسر مقرر کردیا گیا ہے جنھوں نے اپنی ابتدائی رپورٹ کو درست قرار دینے کے لئے انکوائری میں جانبداری کرکے اپل کنندہ کے خلاف انکوائری کی سفارش کی ۔

۲۔ بیرکہ ایل کنندہ چارج شیٹ کا جواب پوری دضاحت اور حقائق سے انگوائری افیسر صاحب کودیالیکن انگوائری آفیسر صاحب ف فدوی کے جواب کو یکسر نظر انداز کر کے خلاف انگوائری رپورٹ تیار کر کے من پیندانگوائری کی سفارش کی جوخلاف قانون ہے۔ ۲۰۔ بیرکہ جناب ڈی ایف اوصاحب نے انگوائری رپورٹ اور سفارش کو من وعن تسلیم کر کے ایپل کنندہ کو کہنے ایپل کنندہ کو بنیا دی قانون حق سے محروم کر کے انگوائری کا غیر قانونی بعید از قیاس وانصاف آفس آرڈ رنمبر 75 مور خد 2002-00-00 کو جاری کیا ہے جناب عالی ! مندرجہ بالاحقائق سے صاف ہے کہ منذ کر بالا آفس آرڈ رنمبر 75 مور خد 2003-00-00 خلاف قانون ہے اور انصاف کے نقاضے پور نے بیں کئے گئے۔

استدعاب که آفس آرڈ رنمبر 75 مجرب 2023-06-07 کومنسوخ فر ماکرا پیل کنندہ کی دادری فر مائی جاوےادر ذاتی طور پر شنوائی کا موقع فراہم کیا جائے۔

کاپی ایڈ دانس جناب کنز رویٹرصا حب اپر ہزارہ سرکل

العارض معین نظر فارسٹ گارڈ ایبل کنندہ شیر گڑ ھفارسٹ سب ڈویژن

OFFICE ORDER NO. <u>08</u> DATED MANSEHRA THE <u>31</u>/08/2023 ISSUED BY MR. FARRUKH SAIR CONSERVATOR OF FORESTS, UPPER HAZARA FOREST CIRCLE MANSEHRA

Whereas, Moheen Nazar Forest Guard, hereinafter called appellant, preferred an appeal against the decision of DFO Agror Tanawal Forest Division Mansehra (Competent Authority) vide office order No. 74 dated 07.06.2023 whereby penalty for recovery to the tune of Rs. 342889/- was imposed upon the appellant for 60% failure of sowing area in Jalogali Forest Compartment No. 12 of Agror Tanawal Forest Division.

And whereas, the Competent Authority while offering comments vide letter No. 311/GE dated 26.07.2023 further justified the penalty imposed;

And whereas the appellant while pleading his appeal during personal hearing held on 21.08.2023 raised certain questions of equity and justice, but being Incharge of the Sowing area he was bound to clear all the short falls and carry out beat up of failure in the area but he did not take any interest for checking/inspection of sowing area and due to his lackadaisical behavior, huge loss of Rs: 1143000/- was sustained to the Government Exchequer.

And whereas, in addition to above DFO Agror Tanawal Forest Division (Competent Authority) further reported that as per monitoring report of PMU, survival of sowing in Jalogali Forest Compartment No. 12 is only 26% which depicts that already less penalty has been imposed upon the appellant, which needs to be increased.

And whereas during proceedings the appellant failed to produce concrete evidence in support of his stance and could not justify the failure in sowing area, which has not been restocked till date after a period of approximately 02 years.

Hence based on the above facts the appeal in hand is hereby rejected, the decision/recommendation of enquiry officer is hereby upheld and order the recovery of **Rs: 342,889/-** from the monthly salary of appellant in equal installments to be decided by DFO Agror Tanawal Forest Division (the Competent Authority).

Sd/-(FARRUKH SAIR)

Conservator of Forests Upper Hazara Forests Circle Mansehra

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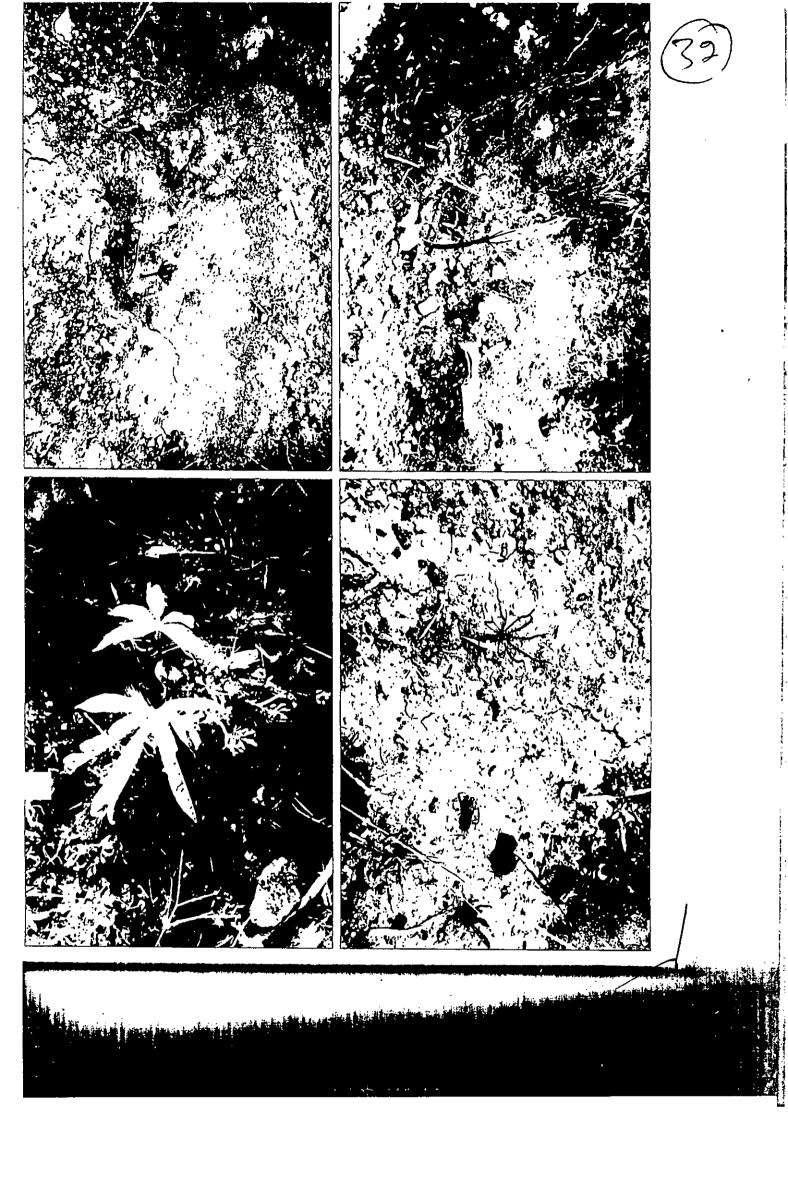
- 1. The DFO, Agror Tanawal Forest Division Mansehra for information and necessary action. Enquiry file from page 01 to <u>107</u> is enclosed herewith for further course of action and record.
 - 2. Mr. Moheen Nazar Forest Guard for information and necessary action.

of Forests Conservator Upper Hazara Forests Circle Mansehfa

Queque the teccimi 01/09

Ann-مارج راور اس معين نرروي اسر جانكر برج منعلقه «مال سي نيرو وسي دورون» ^ماره لفعان ال الم ومقل بالقراعان 14 - 48 in Sterrig ری کوئی میں سے وروش وجورس ايرت نر 93 تك جار شرو- در ي بي الم 1 س برت ز مما ش مام وهول بالج 11 is the the اس 19 تد مشتل رقم مير جان شاه چر ار موجود م er. اقبه 20 س 28 فى مركامراب رفجر درا رجوك مولك عبريوم في جرم مرم مرج د ا 5 سار بر شرح رقيم 25 من دو في فيركاموام م مىيونى لىرم ئىرارىش بەتر 3 جراب مالی - 21 jow i cer 2 2 and 30/ 6 200 2/2 / 0 2/2 / 0 - 2 مرز الجارج در در الم سر من حرمت س · 10 / 2,6 que l'6 FS while Fin in and 15/07/2022 M 15 2022

Anvit (1.1.7) من من _ الموليرى العليم عنى / DFO عنى المروم سلوار قوديرن ماليرo من و دور ما ما و می می دند او مومند اس مر بات زما کا میں مرد میں میں 18 کو تموند الر الم ور مرد اور میں کا بو موقع الم مرتبة في حلام المرا من درماره ولي من هور المرد المرين - بالا كاني على موند موند موند مون على من الموج مشاف م الكريت (/19 14 / من ال) موس مع ال سر رور عرص م Mr. 20 2022 Ask verbally Nonitoring report from Agoon Tamavoal Forest Division to finalize inquing &



و کالت min Tribinal Peshawar. <u>لعد</u>الت: Crouf. of KPK etc rt. Moheen Nazar Appellant مخانب ٹ *سیر کیم ک*وٹ آف پا کو بدیں شرط دکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کودیا بز ربیہ مختار خاص روبر دعدالت حاضر ہوتا رہونگا۔اور یوفت نکارے ٭ جانے مقدرمہ وکیل صاحب موصوف کواطلاع دے کر حاضر دالت کرونگا، اگر پیشی یرمن مظہر حاضر نہ ہوا ادر مقدمہ میر پی غیر (41 حاضرى كى دجہ ہے سى طور پر مير بے برخلاف ہو گيا تو صاحب موصوف اس بے سى طرح ذمہ دارنہ ہو تکے۔ نيز وكيل صاحب موصوف صدر مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یابر در تعطیل پیردی کرنے کے ذمہ دار نہ ہوئے۔اگرمقد مہ علاوہ صدر مقام کچہری کے سی اور جگہ ساعت ہونے پاپر دز تعطیل پا کچہری کے اوقات کے آگے پیچیے پیش ہونے پر من مظہر کوکوئی نقصان پہنچاتواس کے ذمہ داریا اس کے واسط کسی معاوضہ کے اداکر نے یا مختارا نہ داپس کرنے کے بھی صاحب موصوف ذمه دارنه ہو کئے۔ جمھے کوکل پر داختہ صاحب موصوف مثل کردہ ذات خود منظور وقبول ہوگا۔اور صاحب کو عرضی دعویٰ وجواب دعویٰ اور درخواست جرائے ڈگری دنظر ثانی اپیل دگھرانی ہوشم کی درخواست پر دستخط دتصدیق کرنے کا بھی اختیار ہوگا اور کسی تھم یا ڈگری کے اجراء کرانے اور ہرتم کے روپیہ دصول کرنے اور رسید دینے اور داخل کرنے اور ہرتم کے بیان دینے اور سیر وثالثی وراضی نامہ فیصلہ پرخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔اور بصورت اپیل و برآ مدگی مقدمه بإمنسوخي ذكري يكطرفه درخواست تحكم امتناعى بإقرتي بإكرفناري قبل ازاجراء ذكري بقمي موصوف كوبشرطادا كيكي عليحده مختارا نہ پیردی کا اختیار ہوگا۔اور بصورت ضرورت صاحب موضوف کوبھی اختیار ہوگا یا مقدمہ مذکورہ پاس کے کسی جز دکی کاروائی کے واسط ما بصورت اپیل ، اپیل کے داسطے دوسرے وکیل پا بیر سٹر کو بجائے اپنے پا اپنے ہمراہ مقرر کریں ادرا یسے مشیر قانون کے ہرامردہی اور دیسے ہی اختیارات حاصل ہوئے جیسے کےصاحب موصوف کو حاصل ہیں۔اور دوران مقد مہ میں جو کچھ ہرجانہ التواء بزے گا۔ ادر صاحب موصوف کاحق ہوگا۔ اگر دلیل صاحب موصوف کو پوری فیس تاریخ بیش سے پہلے ادا نہ کر دنگا تو صاحب موصوف کو پورااختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اورانسی صورت میں میرا کوئی مطالبہ کسی قتم کا صاحب موصوف کے برخلاف نہیں ہوگا۔لہذا مختار نامہ کھودی<u>ا</u> کہ سندر ہے۔ 2023 محتارنا مدين لبإب ادراجهي طرح سمجه لبإيب ادرمنظور 13c-10