

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT D.I.KHAN

SERVICE APPEAL NO. 318/2015

Date of institution ... 26.03.2015
Date of judgment ... 25.07.2017

Moeen-ud-Din Ex-Rang Officer Wild Life D.I.Khan.
R/o Miankhel House D.I.Khan.

... (Appellant)

VERSUS

1. Secretary Environment Government of Khyber Pakhtunkhwa, Peshawar.
2. Chief Conservator Wild Life Khyber Pakhtunkhwa Peshawar.
3. DFO Wild Life D.I.Khan..

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
OFFICE ORDER NO. 45 DATED 25.11.2014 ISSUED BY CHIEF
CONSERVATOR WILD LIFE KPK PESHAWAR, WHEREBY THE
SERVICES OF APPELLANT, RANGE OFFICE, WILD LIFE
D.I.KHAN WERE TERMINATED W.E.F 12.11.2014, UNDER
ORDERS OF RESPONDENT NO. 1.

Mr. Muhammad Yousaf, Advocate.
Mr. Farhaj Sikandar, District Attorney

.. For appellant.
.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
MR. GUL ZEB KHAN

.. MEMBER (JUDICIAL)
.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: -

This service appeal

has been filed against the order dated 25.11.2014 whereby the departmental appeal dated 13.08.2014 of the appellant was rejected and the minor penalties of stoppage of one increment for a period of one year, willful absence from official duty (3 months and five days i.e 26.09.2013 to 31.12.2013) was treated as leave without pay and

M. Amin
25.7.2017

censure imposed upon the appellant vide office order No. 8 dated 18.07.2014 was converted into major penalty i.e termination from service.

2. Facts of the case are that the appellant was serving in Wild Life Department and during his service he was charge sheeted for willful absent from official duty since September 2013 to 30.12.2013, non attendance of Forest training course and allegedly involved in support of illegal hunting of Houbara Bustard by Arab Hunters at D.I.Khan in November 2013. After framing of charge sheet and statement of allegations inquiry was conducted and the inquiry officer after conducting inquiry recommended that Mr. Moeen-ud-Din Range Officer Wildlife must attend the prescribed training started from 01.09.2014 at Khyber Pakhtunkhwa Forest School Thai Abbottabad on self-finance basis. The expenditure of the prescribed training will be borne by himself and he will never claim training expenditure. In case he failed to fulfill his commitment of training, he may be demoted to prior post of Deputy Ranger Wildlife BPS-11 forthwith.

1. Willful absence from duty from September, 2013 to December, 2013 of Mr. Moeen-ud-Din may be treated as leave without pay. He may also be kept under strict-observations for six months if any negligence found in his performance the same may be reflected in his PERs.

2. Stoppage of one increment for the period of one year.

3. In the case of alleged involved in support of illegal hunt of Houbara Bustard at D.I.Khan during 11/2013, strict warning may be issued to him to be careful in future. And on the basis of said recommendations of the competent authority imposed the following penalties upon him vide office order No. 8 dated 18.07.2014 stoppage of one increment for a period of one year, willful absence from duty i.e 26.09.2013 to 31.12.2013 was treated as leave without pay and censure. The appellant challenged the aforesaid order in departmental appeal and the departmental authority enhanced the penalty and converted the aforesaid penalties into termination with effect from 12.11.2014 vide order dated 25.11.2014.

M. Amin
25.7.2017

3. Learned counsel for the appellant contended that major penalty was imposed upon the appellant but neither a regular inquiry was conducted nor he was given opportunity of cross examination and defence. It was further contended that the competent authority imposed the penalties of stoppage of one increment for a period of one year, willful absence from official duty (3 months and five days i.e 26.09.2013 to 31.12.2013) was treated as leave without pay and censure. But when the appellant challenged the same through departmental appeal dated 13.08.2014 but the competent authority enhanced the penalties and converted the same into termination of service vide order dated 25.11.2014 without any show-cause notice as to why his penalties should not be enhanced, therefore, the impugned orders are illegal and liable to be set-aside.

4. On the other hand learned District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was absent from duty and had also not attended the forest training course. It was further contended that after framing of charge sheet statement of allegations proper inquiry was conducted and he was rightly imposed a major penalty by the competent authority and prayed for dismissal of appeal.


5. We have heard the arguments on both the sides and gone through the record available on file.


6. Perusal of record reveals that the competent authority imposed penalties of stoppage of one increment for a period of one year, willful absence from official duty (3 months and five days i.e 26.09.2013 to 31.12.2013) was treated as leave without pay and censure vide office order No. 8 dated 18.07.2014 but neither a proper regular inquiry was conducted in accordance with law and rules nor he was given opportunity of cross examination and defence. Moreover, the alleged willful absence from duty for a period of three months and five days was also regularized by the competent authority as treated the same as leave without pay. Furthermore, when the appellant challenged the aforesaid penalties through departmental appeal dated 13.08.2014 the departmental authority rejected his appeal and

M. Anwar
25.7.2017

without giving of any show-cause notice required under rule 5 (c) of Civil Servants (Appeal) Rules, 1986 that as to why his penalty should not be enhanced and converted the same into termination from service with effect from 12.11.2014, therefore, the aforesaid orders are illegal, void ab-initio and are liable to be set-aside. As such we are constrained to accept the present appeal, set-aside the impugned orders and reinstate the appellant into service with the direction to the respondents to conduct a de-novo inquiry within a period of three months after receipt of this judgment in accordance with law and rules. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
25.07.2017


(GUL ZEB KHAN)
MEMBER
CAMP COURT D.I.KHAN


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT D.I.KHAN

25.07.2017

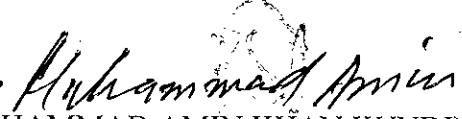
Appellant alongwith his counsel present. Mr. Muhammad Sohail, Junior Clerk alongwith Mr. Farhaj Sikandar, District Attorney for the respondents also present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, we are constrained to accept the present appeal, set-aside the impugned orders and reinstate the appellant into service with the direction to the respondents to conduct a de-novo inquiry within a period of three months after receipt of this judgment in accordance with law and rules. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

25.07.2017


(GUL ZEB KHAN)
MEMBER
CAMP COURT D.I.KHAN


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT D.I.KHAN

318/2015

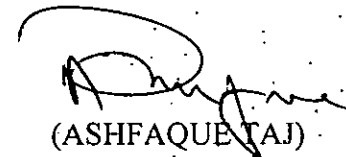
23.01.2017 Counsel for appellant and Mr. Farhaj Sikandar, Government Pleader for respondents present. Due to non-availability of D.B the appeal is adjourned to 21.02.2017 for same as before.


Reader

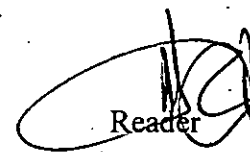
30.01.2017 Appellant in person present and submitted application. File requisitioned for today. Request accepted. Notice and record for the date fixed.


(ASHFAQUE TAJ)
MEMBER

21.02.2017 Appellant in person and Mr. Inamullah, Computer Operator alongwith Mr. Farhaj Sikandar, Government Pleader for respondents present. Due to non-availability of D.B arguments could not be heard. To come up for record and arguments on 28.03.2017 before D.B at Camp Court D.I.Khan.


(ASHFAQUE TAJ)
MEMBER
Camp Court D.I.Khan

28.03.2017 Since tour is hereby cancelled, therefore, the case is adjourned for the same on 25.07.2017.


Reader

23.05.2016

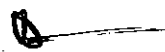
Counsel for the appellant and Mr. Inamullah Khan, Computer Operator alongwith Mr. Farkhaj Sikandar, GP for respondents present. Respondent-department requested to produce record of impugned final termination order of the appellant from Secretary Environment Office. To come up for such record and arguments on 26.09.2016 at camp court D.I. Khan.


Member


Member
Camp Court D.I.Khan

26.09.2016


Appellant in person and Mr. Muhammad Hussain, DFO (Headquarter) alongwith Mr. Farhaj Sikandar, Government Pleader for the respondents present. Copy of the final termination order dated 12.11.2014 submitted which is placed on file. Appellant requested for adjournment due to engagement of his counsel before the Hon'ble Peshawar High Court D.I.Khan Bench. Request accepted. To come up for arguments on 26.12.2016 before D.B at Camp Court D.I.Khan.


Member


Member
Camp Court D.I.Khan

26.12.2016

Counsel for appellant and Mr. Sohail, Junior Clerk alongwith Mr. Farhaj Sikandar, Government Pleader for the respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 23.01.2017 before D.B at Camp Court D.I.Khan.


ASHFAQUE TAJ
MEMBER
Camp Court D.I.Khan


28.07.2015

Appellant in person and Mr. Farhaj Sikandar, GP with Hameedullah, Assistant for the respondents present. Respondents requested for further time. Therefore, case to come up for written reply at camp court, D.I.Khan on 26-10-15.


MEMBER
Camp Court, D.I.Khan

26.10.2015

Clerk of counsel for the appellant and Mr. Farhaj Sikandar, GP with Hameedullah, Head Clerk for the respondents present and reply filed. To come up for rejoinder and arguments at camp court, D.I.Khan on 28-12-15.


MEMBER
Camp court, D.I.Khan

22.2.2016

Counsel for the appellant (Mr. Muhammad Yousaf Advocate) and Mr. Farhaj Sikandar, GP with Bakht Muhammad, Range Officer for the respondents present. Fresh Wakalatnama in respect of counsel for the appellant placed on file. Counsel for the appellant requested for adjournment. Therefore, case to come up for arguments on 23-5-16 at Camp Court D.I.Khan.


MEMBER


MEMBER
Camp Court, D.I.Khan

17.04.2015

None present for appellant. The appeal be relisted for preliminary hearing for 30.04.2015 before S.B.


Chairman

30.04.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Ranger Officer when vide impugned order dated 01.06.2014 he was awarded punishment of stoppage of one increment and reduction from BPS-16 to BPS-11 regarding which appellant preferred departmental appeal on 13.08.2014 which was decided vide order date 25.11.2014 transforming the afore-stated penalty into termination of service and hence the instant service appeal on 26.03.2015.

That the impugned punishment awarded on the basis of wilful absence was not warranted as the appellant was sick.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 25.05.2015 before S.B. Since the appeal pertains to territorial limit of D.I. Khan as such to be heard at camp court D.I.Khan on date fixed.


Chairman

25.05.2015

Appellant in person and Mr. Farhaj Sikandar, GP with Khalil Kundi, SDFO for the respondents present. Reply not submitted. To come for written reply on 28.7.2015 at camp court, D.I.Khan.


MEMBER
Camp Court, D.I.Khan




Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 318/2015

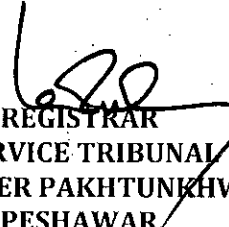
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14.04.2015	<p>The appeal of Mr. Moeen-ud-Din resubmitted today by Mr. Qazi Muhammad Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-4-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>17-4-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> 

The appeal of Mr. Moeen-u-Din Former Ranger Officer Wild Life D.I.Khan received to-day i.e. on 26.03.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal against the reversion order mentioned in para-16 of the memo of appeal is not attached with the appeal, which may be placed on it. Impugned order was passed on 22.10.2014 and departmental appeal was made on 18.8.2014 much before passing the impugned reversion order
- 2- Copy of order dated 18.7.2014 is not attached with the appeal which may be placed on it.

No. 415 /S.T,

Dt. 30/3 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR

Qazi Muhammad Anwar Adv. Pesh.

Re submitted with the submission:-

1. Departmental appeal referred in objection No. 1 was submitted to the appellate authority against office order dated 18/07/2014, unfortunately copy thereof was not kept by the appellant but it has not been denied by the appellate authority. Further the copy of departmental appeal against office order dated 18/07/2014 even otherwise loses significance on the ground that the competent authority vide impugned order dated 22/10/2014 has superseded the office order dated 18/07/2014 by terminating the services of the appellant.
2. Objection No.2 has been met and copy of the office order dated 18/07/2014 is annexed as **Annex-O**.

The appeal may so kindly be placed before the tribunal.

Dated: 08/04/2015

Appellant

Through


Qazi Muhammad Anwar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Appeal No. 318/2015

In Re:-
Moeen-u-ddin Versus..... Secretary Environment, etc

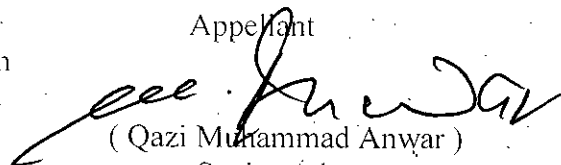
I N D E X

S.NO.	Description	Date	Page No.
1.	Appeal	16-01-2015	1-6
2.	Affidavit		7
3.	Annexure-A Suspension order	2-12-2013	8
4.	Annexure-B Letter No.4580 dated 29.1.2014	29-1-2014	9
5.	Annexure-B/1 (Order No.63)	12-2-104	10
6.	Annexure-C (Charge sheet)	12-2-2014	11
7.	Annexure-C/1 (Statement of Allegation)	12-2-104	12
8.	Annexure-D (Office Order No.63)	12-2-104	13
9.	Annexure-D/1 (Office order No.65)	12-2-104	14
10.	Annexure-D/2 (Latter No.1860)	24-2-2014	15
11.	Annexure-D/3 (Latter No.1862)	24-2-2014	16
12.	Annexure-D/4 (Latter No.879)	6-3-2014	17
13.	Annexure-E Reply	11-3-2014	18
14.	Annexure-F Affidavit	14-4-2014	19
15.	Annexure-G	21-5-2014	20
16.	Annexure-G/1 (Show cause notice)	21-5-2014	21
17.	Annexure-H (Reply of the Show cause notice)	29-5-2014	22
18.	Annexure-J (Enquiry Report)		23-31
19.	Annexure-K (Office order No.36)	22-10-2014	32
20.	Annexure-L (forwarding latter)	13-8-2014	33
21.	Annexure-L/1 (Memo of Appeal)	13-8-2014	34-35
22.	Annexure-M Office Order No.43)	25-11-2014	36

23.	Annexure-N (Memo of Appeal)	16-12-2014	37-42
24.	Annexure-O (Office Order No. 8	18-07-2014	43-45
25.	Vakalat Nama		

Through

Appellant


(Qazi Muhammad Anwar)
Senior Advocate,
10-A Nasir Mansion, Peshawar.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Appeal no. 318/2015

A.W.F. Province
Service Tribunal

Diary No. 274

Dated 26-3-2015

In Re:-

Moeen-u-ddin Former Ranger Officer Wild Life D.I.Khan.
R/o Miankhel House D.I.Khan

Appellant

VERSUS

1. Secretary Environment Government of KPK, Peshawar.
2. Chief Conservator Wild life KPK Peshawar
3. DFO wild life D.I.Khan

Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST OFFICE ORDER NO 45 DATED 25/11/2014 ISSUED BY
CHIEF CONSERVATOR WILD LIFE KPK PESHAWAR, WHEREBY
THE SERVICES OF APPEALANT, A RANGE OFFICER, WILD LIFE
D.I. KHAN WERE TERMINATED W.E.F 12/11/2014, under orders of
respondent No.1.

PRAYER: - THAT ON ACCPETANCE OF THIS APPEAL THE TERMINATION
ORDER BEING ILLEGAL AND UNLAWFUL, BE SET-ASIDE AND
THE APPELLANT BE REINSTATED IN SERVICE WITH FULL
BENEFITS OF SERVICE.

Respectfully Sheweth:-

Short facts giving rise to the present appeal are as under:-

1. That the appellant ranger was promoted to the post of Range Officer vide order No. 05. Dated 8/05/2011 with the condition that he shall undergo and successfully complete the prescribed training in KPK forest School Thai Abbotabad. He assumed the office and when he was proceeding for training to Thai Abbotabad, he suffered angina pain as result of which he underwent angiography and it was found that he had serious cardiac problem. He was advised not to join the training at the Forest Institute Thai Abbotabad, he accordingly informed the Department and the Department understanding the problem extended to him the concession that he may go for training whenever he fully recovers. Subsequently appellant did report for training at Forest Institute for Training at Thai Abbottabad but keeping in view his health condition the management of the Institute refused to take him on training saying that any, body exertion may prove fatal to his life and accordingly he came back. which fact is fully in the knowldge of the training institute as well as the high ups in the Department and during the period of the treatment he could not attend his

e-submitted to-
ad filed.26/3/15
24/4/15

official duty, due to sickness, which fact too was brought to the knowledge of the high ups.

2. That in November 2013, a prince of Qatar visited D.I. Khan and stayed with the cousin of the appellant namely Fatehullah Khan Mian Khel. Though Fateh Ullah Khan Miankhel is the first cousin of the Appellant but each one of us has his own independent living.
3. That it is alleged that during the stay of the Arab Prince, he had hunted Houbara Bustards, at an unknown time and date and also undeclared and undisclosed place of hunting.
4. That without the Service of any Charge Sheet/statement of Allegation appellant was placed under suspension Vide Office Order No. 44 dated 2/12/2013 for unspecified period on the following allegations:-

- a. Willful absence from duty ,
- b. Non Attendance of Forester training course and
- c. Alleged involvement and collusion with offenders involved in illegal hunt of Houbara Bustard at D.I. Khan during 11/2013

Though appellant had been placed under suspension Vide Order No 44 dated 2/12/2013, yet no Charge Sheet/Statement of Allegation was served on him and it appears that the Competent Authority while placing appellant under suspension was not possessing the record of any allegation against him, and also the Charge Sheet/Statement of Allegation. Copy of the Order is

ANNEX-A.

5. After about two months of the suspension order, the conservator wild life vide letter No. 4580 Dated 29/01/2014 asked DFO wild life D.I. Khan to immediately submit a statement of allegation along with the Charge Sheet, so as the same may be served on the appellant and it is stated in the letter that for lack of the documents, Charge Sheet/Statement of Allegation has not been issued.(this letter though is dated 24/01/2014 but it was dispatched on 29/01/2014 which is printed at the top of the letter). Copy of the same is Annex-B.

6. That without service of Charge Sheet/Statement of Allegation the suspension order dated 2/12/2013 was extended for further three months vide officer order No. 63 dated 12/02/2014. Copy of the same is Annex-B/1.
7. That it appears that no Charge Sheet was served till 12/02/2014, when a charge sheet was issued on the same allegation which have been reproduced in order No 44 dated 2/12/2014 which was accompanied by Statement of Allegation with no detail. Copy of the Charge sheet is **Annex-C** and Copy of the Statement of Allegation under caption Disciplinary Action is **Annex-C/1**. Suspension period was extended for another 3 months, the same is Annex-D and by Order No. 65 dated 12/02/2014 the DFO Wild life Officer Kohat was appointed Enquiry Officer into the allegations mentioned in the Charge Sheet/ Statement of Allegation, Copy of the same is **Annex-D/1**. Accordingly the appointed Enquiry Officer vide his letter No. 1860 dated 24/02/2014 directed appellant to submit a written defence statement within 7 days, Copy of the same is **Annex-D/2**. It appears that even the appointed enquiry Officer was not in possession of the concerned record, and he therefore vide letter No. 1862 dated 24/02/2014 asked DFO Wild Life D.I. Khan Division to provide the record in support of the allegations. Copy of the same is **Annex-D/3**. DFO Wild Life D.I. Khan Division vide letter No. 879 dated 06/03/2014 sent the record to the Enquiry Officer, Copy of the same is **Annex-D/4**.
8. In compliance with the directions of the Enquiry Officer the appellant submitted a written statement qua the allegations, in which he informed the Enquiry officer that as far as not joining the training is concerned, he has been exempted from training vide letter No 1216 dated 06/09/2011, and that in respect of the absence he submitted that during 26 years of service he has never absented from duty and further that no explanation has ever been called from him in respect of any alleged absence.
9. In respect of the allegation of hunting of houbara Bustard by an Arab dignitary, appellant submitted that he was not at all involved in the hunting, nor he has any contact or connection with the royal family of Qatar. The reply is **Annex-E**. He also submitted an unattested Urdu affidavit dated 14/04/2014, which was obtained from him under pressure and force, the same is **Annex-F**.

10. That the Chief Conservator vide letter dated 21/05/2014 served show cause notice on the appellant in which appellant was informed that the Chief Conservator as the competent authority has decided to tentatively impose the following penalties under rule-14(4)(b) of KPK Government Servants (Efficiency & Discipline) Rules 2011.

The proposed penalties are reproduced:-

- a. As per condition of promotion order as Ranger Officer Wildlife (BPS-16) vide this office order No.05 dated 08-08-2012, you must undergo and complete the prescribed training of Forester Course at Sarhad Forest School at Thai Abbottabad in the coming session of 2014-15.
- b. Stoppage of one increment for the period of one year.
- c. Extra ordinary leave without pay for 120 days; i.e. willful absence from September, 2013 to December, 2013.

Copy of the letter dated 21/05/2014 is **Annex-G**. And the show cause Notice is **Annex-G/1**.

11. That appellant submitted the reply to the Show Cause Notice on 29/05/2014 denied the allegations and clarified his position. Copy of the same is **Annex-H**.

12. The report of the enquiry officer spread over 10 pages was submitted on an unprinted unspecified date in which at page 9 in respect of the hunting of Houbara Bustards by an Arab prince it was held that there was no evidence of the direct involvement of the Appellant but the enquiry officer noticed that appellant has failed to inform the authorities that an Arab prince was staying with his cousin Fateh ullah Miankhel without disclosing that which law obliges the appellant to communicate the arrival or departure of guests in the houses of his cousin, who have their independent living

13. In respect of the training, it was directed that the appellant should attend the training from 1/09/2014, failing which it was proposed that he be demoted from Grade 16 to Grade 11.

14. In respect of absence from duty it was held that no willful absence has been established and if there be any absentee, the same be treated as leaves with pay. The report of Enquiry officer is **Annex-J**.

15. That the Chief Conservator of Forest Vide office orders No. 36 dated 22/10/2014 directed the reversion of the appellant from the post of Range officer Grade 16 to the

post of Deputy Range officer Wildlife Grade 11 with immediate effect. Copy of the same is **Annex-K**.

16. Appellant submitted an appeal to the Secretary Government of KPK Environment Department Peshawar against his reversion from Grade 16 to grade 11. Copy of the Forwarding letter is **Annex- L** and the memo of appeal is **Annex- L/1**.
17. That the Secretary environment without any notice to the appellant and in utter violation of the law and rules passed office order No. 45 dated 25/11/2014 and converted the penalty earlier inflicted on the appellant namely reversion from Grade 16 to Grade 11 into major penalty of termination of service and accordingly the Chief Conservator forest vide office order No. 45 of 25/11/2014 informed all concerned that the competent authority has directed the termination of appellant from service with effect from 12/11/2014. Copy of the order is **Annex- M**.
18. That appellant submitted the appeal against the termination order mentioned in Para 17 above to the competent authority which was received by the office of the Chief Minister vide receipt No. 2397 dated 16/12/2014, and the appeal has been filed without intimation to the appellant which fact appellant learned when he wanted to know the fate of his appeal. Copy of the appeal is **ANNEX- N**.

Hence this appeal.

GROUND

1. That Order No.45 dated 25/11/2014 whereby the major penalty of termination from service has been imposed on appellant is illegal, unlawful and in fact is an order passed in excess of jurisdiction and authority.
2. That in the matter of the same charge sheet and the show cause notice Order No 45 dated 25/11/2014 termination order has been passed in which earlier and in office order dated 22/10/2014 by the chief conservative officer who is the authority for the appellant has imposed the punishment of reversion of appellant from the post of Range Officer Grade-16 to Deputy Range officer Grade- 11 with immediate effect therefore, disciplinary proceedings against the appellant based on charge sheet dated 12/02/2014 accompanied by statement of allegations, which has been referred in the body of appeal which is Annex- C and C/1 against which the appellant submitted

appeal therefore appellate authority could not re open chapter of proceedings and substitute and impose a high degree of punishment of termination.

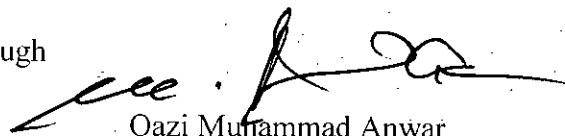
3. That the appellate authority namely the Secretary had before him the appeal of the appellant and under the law and the rules he could only either accept the appeal or reject the same or remand the matter back to the authority namely chief conservative of forests if the appellate authority was of the view that fresh proceedings were needed therefore, the order of infliction of the punishment of termination from service by appellate authority is in violation of law and rules because it was not within his authority. The order of termination is void.
4. That the earlier punishment against which appellant has submitted the appeal and which was before the appellate authority, no punishment could be imposed by the appellate authority because double punishment could not only be imposed by the authority who has already exercised his authority by imposing punishment of reversion against which appeal was before him.
5. That the appellate authority/competent authority was under the law required to intimate to the appellant the decision on the appeal. None communication of the fate of the appeal to the appellant amounts to the violation of laws and the rules.

It is therefore most humbly prayed that on acceptance of this appeal the termination order being illegal and unlawful, be set-aside and the appellant be reinstated in service with full benefits of service.

Dated: 16/01/2015

APPELLANT

Through

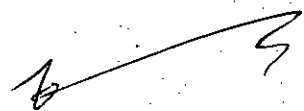

Qazi Muhammad Anwar
Senior Advocate
10-A.Nasir Mansion. Peshawar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

In Re:-
Moeen-u-ddinVersus.....Secretary Environment,etc

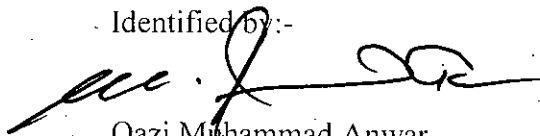
AFFIDAVIT

I Moeen-ud-Din S/o Saadullah Khan Ex Range officer wild life
D.I.Khan R/o Garah Esa Khan, Tehsil Daraban, District D.I.Khan do hereby
solemnly affirm on oath that the contents of the appeal are true and correct to
the best of my knowledge and belief and nothing has been concealed from
this Honorable Tribunal.



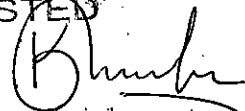
Deponent

Identified by:-



Qazi Muhammad Anwar,
Senior Advocate
10-A.Nasir Mansion. Peshawar \

ATTESTED



Khalid Mahmood Advocate

OATH COMMISSIONER
Peshawar High Court.

16/1/15

(A)

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(29)

OFFICE ORDER NO. 44 DATED PESHAWAR THE 2-12-2013
BY SYED MUBARIK ALI SHAH, CHIEF CONSERVATOR WILDLIFE KHYBER
PAKHTUNKHWA PESHAWAR

Copy No. 54716
Date 26/12/13
Mr. Moeen-ud-Din

Mr. Moeen-ud-Din Range Officer Wildlife BPS-16 incarhge Sub-Divisional
Wildlife D.I.Khan is hereby placed under suspension on account of following charges.

1. Willful absence from duty,
2. Non attendance of Forester ^{training} course and
3. Alleged involvement and collusion with offenders involved in illegal hunt of
Houbara Bustard at D.I.Khan during 11/2013.

During suspension he will remain attached with Divisional Forest Officer
Wildlife D.I.Khan.

S.A.I.
(Syed Mubarik Ali Shah)
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

No. 3089-91 /WL/E

Copy forwarded to :

1. Conservator Wildlife Southern Circle, Peshawar with reference to his letter
No.2946/WL(SC), dated 26-11-2013. He is requested to submit charge sheet
of the Range Officer in this regard immediately for further necessary
action.
2. Divisional Forest Officer Wildlife D.I.Khan for information and
necessary action.
3. Mr. Moeen-ud-Din, Range Officer Wildlife C/O DFO Wildlife D.I.Khan.

[Signature]
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

*Copy forwarded to Mr. Moeen-ud-Din
Range Officer Wildlife In sub Division D.I.Khan
for information & n/action.*

[Signature]
Divisional Forest Officer
Wild Life Division, D.I.Khan

Attested
[Signature]

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[Signature]

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9 (B) 59

OFFICE OF THE CONSERVATOR WILDLIFE SOUTHERN CIRCLE PESHAWAR

To

The Divisional Forest Officer
DIKhan Wildlife Division
DIKhan

Sl. No. 67/2014

Date 29-01-2014

D.F.O. Wildlife Division

No. 4580/WL(SC)

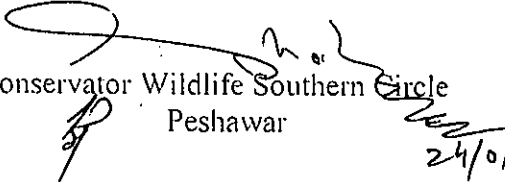
dated Peshawar the 24-1-2014

SUBJECT: OFFICE ORDER NO. 44 DATED 2-12-2013 REGARDING
SUSPENSION OF MR. MOEEN UD DIN RANGE OFFICER
WILDLIFE

Reference: This office No. 3372/WL(SC) Dated 13-12-2013 and No. 3740/WL(SC)
dated 30-12-2013


On your recommendations, Mr. Moeen-Ud-Din Range Officer Wildlife was placed under suspension by Chief Conservator Wildlife vide his order No. 44 dated 2-12-2013 in which case you were required to submit statement of allegation alongwith charge sheet of the accused officer immediately but the same still awaited from your side which is highly undesirable.

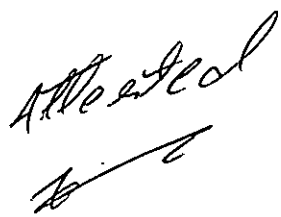
You are therefore directed to immediately submit the requisite statement of allegation alongwith charge sheet of the accused officer with out any further loss of time otherwise disciplinary action may be initiated against you for such casual approach / negligence.


Conservator Wildlife Southern Circle
Peshawar
24/01/14

No. _____/WL(SC)

Copy forwarded to Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar for favour of information please.


Conservator Wildlife Southern Circle
Peshawar



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D-I Khan

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OFFICE ORDER NO. 63 DATED PESHAWAR THE 12-2-2014,
ISSUED BY SYED MUBARIK ALI SHAH, CHIEF CONSERVATOR WILDLIFE,
KHYBER PAKHTUNKHWA PESHAWAR.

PESHAWAR

14/WL(CSC)

12-2-2014

The suspension order of Mr. Moeen-ud-Din Range Officer
Wildlife DIKhan vide this office order No. 44, dated 02-12-2013 is hereby
extended for further period of three months with immediate effect.

ie
of

Slary No. 123/101

Date 24-2-2014

D.F.O Wildlife DIKhan

SJA
(Syed Mubarik Ali Shah)
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.

No. 4644-46 WL (E)

Copy forwarded for information and necessary action to the:-

1. Conservator Wildlife Southern Circle, Peshawar.
2. Divisional Forest Officer Wildlife DIKhan
3. Mr. Moeen-ud-Din Range Officer Wildlife C/O DFO Wildlife DIKhan.

[Signature]
12/2/2014
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.

No. 5255 WL (SC)

dated Peshawar the 18-2- 2014

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

[Signature]
Conservator Wildlife Southern Circle
Peshawar

[Signature]
DFO M.A.

attested
[Signature]

B/I


11 (C) 67

CHARGE SHEET

1. I, Syed Mubarik Ali Shah Chief Conservator Wildlife Khyber Pakhtunkhwa, as competent authority, hereby charge you Mr. Moeen ud Din Range Officer Wildlife as follows:

That you, while posted as Range Officer Wildlife at DIKhan committed the following irregularities:

- i. Non-attendance of Forester training course.
 - ii. Willful absence from official duty since September 2013 to 30-12-2013.
 - iii. Allegedly involved in support of illegal hunt of Houbara Bustard at DIKhan during 11/2013.
2. By reason of the above, you appear to be guilty of **Misconduct and Inefficiency** under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and 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, as the case may be.
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.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.


Syed Mubarik Ali Shah
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.
(Competent Authority)

Accepted

to

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DISCIPLINARY ACTION

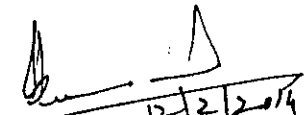
1. I, Syed Mubarik Ali Shah Chief Conservator Wildlife Khyber Pakhtunkhwa, as competent authority; am of the opinion that Mr. Moeen-ud-Din Range Officer Wildlife has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:

STATEMENT OF ALLEGATIONS

- i. Non-attendance of Forester training course.
 - ii. Willful absence from official duty since September, 2013 to 30-12-2013.
 - iii. Allegedly involved in support of illegal hunt of Houbara Bustard at DIKhan during 11/2013.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer, consisting of the following, is constituted under rule 10(1) (a) of the ibid rules.

i. Mr. Muhammad Israr Divisional Forest Officer Wildlife Kohat.

3. The inquiry officer shall, in accordance with the provisions of the ibid rules, 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 or other appropriate action against the accused.
4. 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.


12/2/2014
Syed Mubarik Ali Shah
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.
(Competent Authority)

Attested

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OFFICE ORDER NO 63 DATED PESHAWAR THE 12-2-2014,
ISSUED BY SYED MUBARIK ALI SHAH, CHIEF CONSERVATOR WILDLIFE,
KHYBER PAKHTUNKHWA PESHAWAR.

The suspension order of Mr. Moeen-ud-Din Range Officer Wildlife DIKhan vide this office order No. 44, dated 02-12-2013 is hereby extended for further period of three months with immediate effect.

Sd/-
(Syed Mubarik Ali Shah)
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.

No. 4644-46 /WL (E),

Copy forwarded for information and necessary action to the:-

1. Conservator Wildlife Southern Circle, Peshawar.
2. Divisional Forest Officer Wildlife DIKhan
3. Mr. Moeen-ud-Din Range Officer Wildlife C/O DFO Wildlife DIKhan.

Sd/-
12/2/2014
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.

Attended
Sd/-

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OFFICE ORDER NO 65 DATED PESHAWAR THE 13-2-2014,
ISSUED BY SYED MUBARIK ALI SHAH, CHIEF CONSERVATOR WILDLIFE,
KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Muhammad Israr Divisional Forest Officer Wildlife Kohat is hereby appointed as enquiry officer to enquire into the charges leveled against Mr. Moeen-ud-Din Range Officer Wildlife for his misconduct, willful absence and alleged involvement in support of illegal hunting by Arab Hunters.

The enquiry officer shall submit his findings within one month positively.

S/A
(Syed Mubarik Ali Shah)
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.

No. 4657-60 /WL (E)

Copy forwarded to:-

1. Conservator Wildlife Southern Circle, Peshawar for information with reference to his letter No. 4912/WL (SC), dated 04-02-2014.
2. Mr. Muhammad Israr Divisional Forest Officer Wildlife Kohat for information and necessary action. Three copies of charge sheet and memo of allegation are enclosed herewith.
3. Divisional Forest Officer Wildlife DIKhan for information and necessary action.
4. Mr. Moeen-ud-Din Range Officer Wildlife C/O DFO Wildlife DIKhan.

[Signature]
12/2/2014
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.

Attended
[Signature]

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

To :


Mr. Moeen-ud-Din
Range Officer Wildlife
C/O
The Divisional Forest Officer
D.I. Khan Wildlife Division.

No. 1860 /WL - KT dated Kohat the 24/2 / 2014.

Subject **ENQUIRY**


In compliance of order No. 65 dated 12/2/2014 issued by the competent authority, the charge sheet and memo of allegation are enclosed herewith (in original). You are therefore required to submit your written defense within seven days after receipt of this letter. In case of failing it will be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you under the rules.

Encls As above


Divisional Forest Officer
Kohat Wildlife Division
Kohat

No. _____ /WL - KT

Copy forwarded the Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar for information with reference to above please.


Divisional Forest Officer
Kohat Wildlife Division
Kohat




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

To

The Divisional Forest Officer
D.I. Khan Wildlife Division

No. 1862 /WL - KT dated Kohat the 24/2 /2014.

Subject **ENQUIRY**

Ref Office Order No.65 dated 12/2/2014.

It is submitted that the subject enquiry case against Mr. Moeen-ud-Din Range Officer Wildlife for his misconduct, willful absence and alleged involvement in support of illegal hunting by Arab Hunters has to be processed. The following charges have been leveled against him by the competent authority.

- i- Non-attendance of Forester training course.
- ii- Willful absence from official duty since September 2013 to 30-12-2013.
- iii- Allegedly involved in support of illegal hunt of Houbara Bustard at DI Khan during 11/2013.

You are requested to provide complete official record pertaining to the above irregularities against the concerned Range Officer Wildlife.


Divisional Forest Officer
Kohat Wildlife Division
Kohat

No. /WL - KT

Copy forwarded to:

- 1- The Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar.
 - 2- The Conservator Wildlife Southern Circle Peshawar.
- For information and necessary action with reference to above please.


Divisional Forest Officer
Kohat Wildlife Division
Kohat

intended

D/3

OFFICE OF THE DIVISIONAL FOREST OFFICER WILDLIFE DIVISION DIKHAN
NORTH CIRCULAR ROAD D.I.KHAN KHYBER PAKHTUNKHWA
Phone: 0092-0966-9280183

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To,

The Divisional Forest Officer
Kohat Wildlife Division Kohat

No. 879 MWL Dated DIKhan the 06.103 2014.

SUBJECT:- ENQUIRY

Memo:-

Enclosed Kindly find herewith complete official record pertaining to the Suspension / enquiry of Mr. Moin-ud-Din Range Officer Wildlife DIKhan for favour of information and further necessary action please.

Enclosed Page 01 - 67.

DIVISIONAL FOREST OFFICER
WILDLIFE DIVISION D.I.KHAN

No. 880.81 MWL,
Copy forwarded to:-

1. Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar
2. Conservator of Wildlife Southern Circle Peshawar for favour of information and record in your office please.

DIVISIONAL FOREST OFFICER
WILDLIFE DIVISION D.I.KHAN

Attended

D/4

To,

The Divisional Forest Officer,
Wildlife Division Kohat.

SUBJECT:- ENQUIRY

Sir,

Reference your letter No. 1860/WL-Kt Dated:24/02/2014 along with enclosed received on dated: 06/03/2014.

The allegations as communicated to me vide chargsheet enclosed to the letter under reference are not correct and I deny the same. The facts are as under:-

1. I have never refused to attend the Forest Training Course but due to following reasons I could not join current session of the course:-
 - a) I had been exempted from training vide letter No.1216/WL dated: 06/09/2001 on medical grounds and my appeal to the respected Secretary Environment for the reconsideration of promotion Committee's decision was under consideration at that time.
 - b) Since the then Divisional Forest Officer DIKhan was well aware of these facts that the Forester Training Course has taken regular start from 1st September, 2013 for which the nomination was to be finalized during the month of August, 2013 but the then DFO Wildlife Division DIKhan has nominated me on dated:01/10/2013 which is one & half months late, therefore, he did not recommend me for training well in time but he suddenly asked me to join the current session of training after the laps of its one and half months period which was not possible. Therefore, I had to wait for the next course and could not join the current session. However, my so late and sudden nomination has developed several doubts and stinks malafide intention of the then Divisional Forest Officer Wildlife Division DIKhan.
2. It is a matter of recorded that I have never been conveyed absence from duty during my whole service of 26 years. Regarding the period of my absence as mentioned in the charge sheet questions arise that did the then Divisional Forest Officer asked me at that time? If not then why not? Was the Divisional Forest Officer himself not on duty? Or was he so ignorant of his subordinates for about 4 months? Etc. Therefore, the allegation is baseless and reflects victimization for the reasons best known to the then Divisional Forest Officer DIKhan.
3. I have never been alleged for involvement and collusion with offenders involved in illegal hunt of Houbara Bustard. The record is evident that my performance and devotion to my official duty have always been appreciated by my superiors.

It is also worth mentioning that I belong to a political family whose political rivals might have created misunderstanding to my immediate boss for my victimization.

Taking account of the above facts it is requested that the charge sheet may please be withdrawn for being baseless and absolutely incorrect. I also request for an opportunity of being heard so that I may respond your x-question, if any, by explaining the detailed facts.

Thanking you in good honour.

Yours sincerely,

Dated:11/03/2014.

(MOEEN-UD-DIN KHAN)
RANGE OFFICER WILDLIFE

میں مسیحی حسین الدین خان سب ڈویژنل فارمس انجینئر
 وائلڈ لائف ڈویژن ڈیرہ اسماعیل خان اپنے فونٹس و ہوائس
 پر فوری آگے ہوئے انٹرویو میں صاف کر لگو دیتا ہوں
 ۱۔ کہ آئندہ آئے والی ٹریننگ پر فوری جادو تھا
 ۲۔ غیر حاضر کے بارے میں عرض ہے کہ میں کبھی گھبراؤ نہ دیکھتا
 حاضر ہوتا تھا۔ اور اپنا سرگام کام کھٹا دیتا تھا۔
 گھریلو محوری کی وجہ سے صاف حاضر نہ ہوتا تو صدمہ کھڑا
 کرتا دیتا تھا۔

۳۔ یہ کہ درست ہے کہ ڈیرہ اسماعیل خان میں عربی آئے تھے
 صیبا کو غیب رشتہ داروں کے ساتھ قیام پزیر تھے۔
 سکین میری موجودگی میں کوئی شکار نہیں ہوا اور میں نے اپنے
 واپسوں / اشاف کو حدیث کی تھی کہ عربی کو غیر جانوری
 شکار سے ہم حالت میں روکیں۔

حسین الدین خان
 ۱۵/۴/۲۰۱۶

Handwritten signature and scribbles at the bottom right.

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OFFICE OF THE CHIEF CONSERVATOR WILDLIFE KHYBER PAKHTUNKHWA
PESHAWAR.

To

Mr. Moeen-ud-Din,
Range Officer Wildlife (BPS-16),
C/O DFO Wildlife DIKhan.

No. 11-42 /WL (E), Dated Peshawar the 21/5 /2014.

Subject: SHOW CAUSE NOTICE.

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

Please acknowledge receipt.

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

No. 11-42 /WL (E),

Copy alongwith a copy of show cause notice and enquiry report forwarded for information and necessary action to the:-

1. Conservator Wildlife Southern Circle, Peshawar. He is requested to pursue the case for submission of reply alongwith his comments within stipulated period positively.
2. DFO Wildlife DIKhan. He is requested to ask the above Range Officer Wildlife for submission of his reply timely through Conservator Wildlife Southern Circle, Peshawar.

No. 9250 WL(SC)

dated Peshawar the 22 /05/2014

Copy alongwith its enclosures forwarded to Divisional Forest Officer Wildlife DIKhan for information and necessary action as directed by Head Office.

Conservator Wildlife Southern Circle
Peshawar

Attended

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Moeen-ud-Din

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KHYBER PAKHTUNKHWA WILDLIFE DEPARTMENT

SHOW CAUSE NOTICE

I, Syed Mubarik Ali Shah, Chief Conservator Wildlife, Khyber Pakhtunkhwa, Peshawar as Competent Authority, under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Moeen-ud-Din Range Officer Wildlife (BPS-16), as follows:

1. (i) that consequent upon the completion of enquiry conducted against you by the Enquiry Officer, for which you were given opportunity of hearing vide office communication No. 2365/WL-KT, dated 08-04-2014; and
- (ii) on going through the findings and recommendations of the Enquiry Officer, the material on record and other connected papers including your defence before the Enquiry Officer;

I am satisfied that you have committed the following acts/omissions specified in the Rule-3 of the said Rules:

1. Inefficiency
2. Misconduct

2. 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.

i. As per condition of promotion order as Range Officer Wildlife (BPS-16) vide this office order No.05 dated 08-08-2012, you must undergo and complete the prescribed training of Forester Course at Sarhad Forest School at Thai Abbottabad in the coming session of 2014-15.

ii. Stoppage of one increment for the period of one year.


iii. Extraordinary leave without pay for 120 days; i.e. willful absence from September, 2013 to December, 2013.

3. 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.

4. 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, an ex-parte action shall be taken against you.

A copy of the findings of the Enquiry Officer is enclosed.

Noted


(Syed Mubarik Ali Shah)
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.
Competent Authority.

G-1

خدمت جناب چیف سزویٹر وانڈلڈائف، خیبر پختون خواہ پشاور۔

عنوان: شوکاز نوٹس

جناب عالی!

گزارش ہے کہ سائل کو شوکاز نوٹس بحوالہ آفس لیٹر نمبر 6840/WL(E) مورخہ: 21/05/2014، آج مورخہ: 28/05/2014 کو موصول ہوا۔ اس سلسلے میں سائل مندرجہ ذیل گزارشات پیش کرتا ہے۔

۱۔ جناب والا! یہ سچ ہے کہ سائل کی پروموشن بحوالہ آفس آرڈر نمبر 5 مورخہ: 08/08/2012 کو مشروط طور پر ہوئی تھی۔ جس سے سائل نے بھی انکار نہیں کیا ہے لیکن کسی بھی ڈویژنل فارسٹ آفیسر وانڈلڈائف نے مجھے ٹریننگ کیلئے وقت پر نامزد نہیں کیا۔

ستمبر 2013ء میں میرے ایک رشتہ دار نے مجھے انچارج ڈی ایف او، وانڈلڈائف ڈویژن ڈیرہ اسماعیل خان بنانے کیلئے سیکرٹری ماحولیات سے سفارش کی جس کا مجھے بالکل علم ہی نہیں تھا لیکن اسکے بعد اُس وقت کے ڈویژنل فارسٹ آفیسر وانڈلڈائف ڈویژن ڈیرہ اسماعیل خان میرے خلاف ہو گئے اور مجھے انتقام کا نشانہ بناتے ہوئے مورخہ: 01/10/2013 کو ایسے وقت میں مجھے ٹریننگ کیلئے نامزد کیا، جب ٹریننگ کو تقریباً ایک ماہ سے زیادہ وقت گزر چکا تھا۔

جناب والا! ٹریننگ ستمبر کے مہینے میں شروع ہوتی ہے اور نامزدگی اگست کے مہینے میں کی جاتی ہے جبکہ اُس وقت کے ڈویژنل فارسٹ آفیسر وانڈلڈائف ڈویژن ڈیرہ اسماعیل خان نے میری نامزدگی اکتوبر میں کر دی جو کہ سراسر نا انصافی اور ذلت پر مبنی تھی۔ من سائل نے فارسٹ سکول تھائی ایبٹ آباد سے معلومات حاصل کیں تو مجھے بتایا گیا کہ آپ تقریباً ڈیڑھ مہینہ لیٹ ہیں۔ لہذا آپ اگلے سیشن میں ٹریننگ حاصل کر سکتے ہیں۔ لیکن اس کیلئے بروقت نامزدگی ضروری ہے۔

جناب والا! سائل 15-2014ء ٹریننگ کورس میں فارسٹ سکول تھائی ایبٹ آباد میں ٹریننگ جان کر وہاں باقاعدہ طور پر حلفا بیان اگلواری آفیسر کو جمع کر چکا ہوں۔

۲۔ جناب عالی! سائل کا سروس ریکارڈ چیک کیا جائے جس سے صاف ظاہر ہے کہ میں نے کبھی بھی اپنے آفیسرز کی حکم عدولی نہیں کی اور نہ کسی غیر قانونی سرگرمیوں میں ملوث پایا گیا ہوں، لہذا آپ جناب سے مودبانہ گزارش ہے کہ سائل کا سالانہ انکریمنٹ اسٹاپ نہ کیا جائے۔

۳۔ جناب والا! سائل کی پوری سروس میں کبھی بھی غیر حاضری نہیں ہوئی جو کہ سائل کے سروس ریکارڈ سے صاف ظاہر ہے اور سائل نے ہمیشہ رخصتی اچھٹی کیلئے باقاعدہ درخواست گزاری کی ہے۔

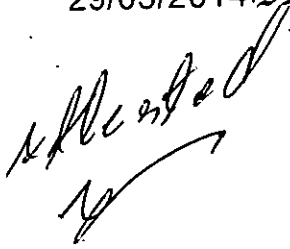
ستمبر 2013ء سے دسمبر 2013ء تک سائل باقاعدہ طور پر دفتر اور فیلڈ ڈیوٹی سرانجام دیتا رہا، ماسوائے چند دنوں کے جس کی باقاعدہ سائل نے درخواست دی یا ٹیلی فونک اطلاع دفتر دی تھی۔ لہذا آپ جناب سے مندرجہ بالا حقائق کو مد نظر رکھتے ہوئے سائل کو پرسنل ہیئرنگ کی اجازت دی جائے اور سائل کی مجوزہ سزا معاف فرما کر مشکور فرمائیں۔

مورخہ: 29/05/2014

العارض

H

معین الدین ریخ آفیسر وانڈلڈائف ڈویژن ڈیرہ اسماعیل خان





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23

(J)

Enquiry Report

Of

Mr. Moeen-ud-Din
Range Officer Wildlife
Dera Ismail Khan Wildlife
Division

Conducted by

Mr. Mohammad Israr,
Divisional Forest Officer
Kohat Wildlife Division
Kohat

Moeen-ud-Din
Moeen-ud-Din

(J)

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P-1

**ENQUIRY REPORT INTO THE CASE OF MR. MOEEN-UD-DIN
RANGE OFFICER, WILDLIFE DERA ISMAIL KHAN, WILDLIFE DIVISION.**

Background

Mr. Moeen-ud-Din Deputy Ranger Wildlife BPS-11 (D.I. Khan Wildlife Division) was promoted to the rank of Range Officer Wildlife, BPS-16 vide the Chief Conservator Wildlife Khyber Pakhtunkhwa Office Order No. 5 dated 5/8/2012, conditionally with the following remarks:

Note "Promotion of official at serial # 4 i.e, Mr. Moeen-ud-Din Range Officer Wildlife is subject to the condition that he shall undergo and complete the prescribed training in Sarhad Forest School at Thai Abbottabad"
(Annex-A)

He was posted as a Range Officer Wildlife at Water Fowl Range D.I. Khan along with additional charge for look after the affairs of D.I. Khan Wildlife Sub Division till posting of SDWO by the competent authority vide Office Order No. 44 dated 1/1/2013.

The Divisional Forest Officer Wildlife D.I. Khan vide his letter No. 290 dated 25/9/2013 requested the Conservator Wildlife Southern Circle for nomination of the said officer for the prescribed training course at Sarhad Forest School Thai Abbottabad. The completion of prescribed training is essential in his own interest as well as to fulfill the condition mentioned in his promotion Office Order to the rank of Range Officer Wildlife BPS-16. (Annex-B)

In response to aforementioned letter, Mr. Moeen-ud-Din Range Officer Wildlife submitted an application for grant of Casual leave for two days on 27 & 28/9/2013, but his application was rejected by the Divisional Forest Officer Wildlife with the remarks that the application in question has not been signed by him and the station leave was also not requested. (Annex-C).

The Divisional Forest Officer Wildlife D.I. Khan vide his letter no. 348 dated 1/10/2013 directed him to report positively by day after tomorrow on dated 3/10/2013 to the Principal Khyber Pakhtunkhwa Forest School Thai Abbottabad and relinquish the charge of the Sub Divisional Wildlife Office D.I. Wildlife Sub Division most positively by today dated 1/10/2013. (Annex-D).

The Divisional Forest Officer Wildlife D.I. Khan vide his letter no. 351 dated 1/10/2013 requested Principal Khyber Pakhtunkhwa Forest School Abbottabad at Thai to kindly consider arrival of Mr. Moeen-ud-Din for Forester course and allocate one seat for the said training course for the above named officer. (Annex-E).

P-2...

Abdul Halim

Enquiry report Mr. Moeen-ud-Din RO WL D.I. Khan)

The Divisional Forest Officer Wildlife D.I. Khan vide his letter No.360, dated 28/10/2013 called explanation of Mr. Moeen-ud-Din Range Officer Wildlife for his willful absence from duty since last five days and his whereabouts is also unknown. (Annex-F)

The Divisional Forest Officer Wildlife D.I. Khan vide his letter No. 361 dated 28/10/2013 directed him to be punctual in discharging of official duties and maintain proper record of his respective Sub Divisional Wildlife office D.I. Khan otherwise disciplinary action will be initiated against him. (Annex-G)

The Divisional Forest Officer Wildlife D.I. Khan vide his letter No. 392 dated 28/10/2013 called explanation of Mr. Moeen-ud-Din Range Officer Wildlife regarding his absence from official duty and disobedience as well as exerting Political Pressure for personal interest. (Annex-H)

The Divisional Forest Officer Wildlife D.I. Khan vide his letter with the subject non-compliance of orders / directives regarding training. No. 395, -dated 8/10/2013 issued to Mr. Moeen-ud-Din Range Officer Wildlife D.I. Khan. (Annex-I)

The Divisional Forest Officer Wildlife D.I. Khan vide his letter No.406, dated 28/10/2013 quoted all previous references and was directed him to implement the instructions and immediately relinquish the charge of office of the Sub Divisional Wildlife Office D.I. Khan. But the whereabouts of Mr. Moeen-ud-Din Range Officer Wildlife was unknown. He was also directed to proceed for training by tomorrow i.e. dated 10/10/2013 otherwise he will be recommended for demotion to his prior post i.e. Deputy Ranger Wildlife BPS-11, accordingly. (Annex-J)

The Chief Conservator Wildlife vide letter No 1837WL (E) dated 8/10/2013 addressed to the DFO Wildlife D.I. Khan & directed that:

"Make sure that Mr. Moeen-ud-Din Range Officer Wildlife must attend the training course as soon as possible. No delay is acceptable. In case of delay or failure, intimate proper disciplinary action as per rules." (Annex-K)

In response to the above many instructions issued from time to time to him. Mr. Moeen-ud-Din Range Officer Wildlife D.I Khan submitted reply (Annex-L) which was also not accepted by the Divisional Forest Officer Wildlife D.I. Khan and observations were raised in his reply and communicated to him vide letter no. 440 dated 28/10/2013. (Annex- M)

Attested

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The Divisional Forest Officer Wildlife D.I. Khan vide his letter No. 470, dated 11/11/2013 addressed to Mr. Moeen-ud-Din Range Officer Wildlife pointing out that not only he has lost the chance of Forester Training course at Abbottabad but also his whereabouts is not known. He neither submitted his reply nor he performed official duty and even his whereabouts are not known after the lapse of 40 days, which is a gross misconduct on his part. He was therefore directed to explain his position or this will be assumed that he has no interest in discharge of official duty and hence disciplinary action will be initiated against him accordingly. (Annex-N)

The Conservator Wildlife letter No. 2357 dated 25/10/2013 directed the Divisional Forest Officer Wildlife D.I. Khan to submit draft charge sheet in this regard and include all the charges therein against Mr. Moeen-ud-Din Range Officer Wildlife for further necessary action. (Annex-O)

The Chief Conservator vide Office Order No. 44, dated 2/12/2013 suspended Mr. Moeen-ud-Din Range Officer Wildlife from service on account of following charges:

- 1- Willful absence from duty
- 2- Non-attendance of Forester Training Course &
- 3- Allegedly involvement of collusion with offenders involved in illegal hunt of Houbara Bustard at D.I. Khan during 11/2013.

(Annex-P)

The Divisional Forest Officer Wildlife D.I. Khan vide his letter No. 677, dated 27/12/2014 submitted Draft Charge Sheet alongwith Memo of Allegations to the Conservator Wildlife Southern Circle against Mr. Moeen-ud-Din Range Officer Wildlife for further necessary action. (Annex-Q)

The Chief Conservator Wildlife vide his Officer Order No. 63 dated 12/2/2014 extended the suspension of Mr. Moeen-ud-Din Range Officer Wildlife for further three months with immediate effect. (Annex-R)

Upholding sequence, the Chief Conservator Wildlife vide his office Order No. 65 dated 27/2/2014 appointed the undersigned (Mr. Mohammad Israr DFO Wildlife Kohat) as enquiry officer to inquire the following charges leveled against Mr. Moeen-ud-Din Range Officer Wildlife. (Annex-S).

- 1- Non-attendance of Forest training course
- 2- Willful absence from official duty since September 2013 to 30-12-2013
- 3- Allegedly involved in support of illegal hunt of Houbara Bustard at D.I. Khan during 11/2013.

Mohammad Israr

[Signature]

(P-4)

Enquiry report Mr. Moeen-ud-Din RO WL D.I. Khan)

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After receipt of above case, the undersigned served the charge to Mr. Moeen-ud-Din Range Officer Wildlife C/O DFO Wildlife D.I Khan vide letter No. 1860/WL-KT dated 24/2/2014 as per rules and followed by a reminder vide letter No. 2083/WL-KT dated 11/3/2014 to submit his reply immediately.

Mr. Moeen-ud-Din Range Officer Wildlife submitted his written reply to the enquiry officer regarding the above charge sheet without any sufficient and valid supporting documents in his defense. (Annex-T).

His reply was examined by the undersigned and he was directed vide letter No. 2365/WL-KT, dated 8/4/2014 to provide sufficient and valid documentary evidence in support of his reply. (Annex-U). But he failed to produce any documentary proof in his defense.

Procedure

The undersigned proceeded to D.I. Khan Wildlife Division on dated 14/4/2014, regarding checking the relevant record and recording the evidences and provided ample opportunity of hearing to Mr. Moeen-ud-Din Range Officer Wildlife D.I. Khan in presence of the Divisional Forest Officer Wildlife D.I. Khan and Office Assistant. The queries were made about the allegations leveled against him. It was observed that the verbal replies / justifications given by Mr. Moeen-ud-Din Range Officer Wildlife D.I. Khan were found unsatisfactory & justified about his willful absence from duty and non-attendance of prescribed training at Karnal Forest School Thai Abbottabad.

Written statement of Mr. Moeen-ud-Din Range Officer Wildlife

In his written statement dated 14/4/2014, Mr. Moeen-ud-Din Range Officer Wildlife assured the undersigned that he will under-go for the prescribed training at Khyber Pakhtunkhwa Forest School Thai Abbottabad in the forthcoming session 2014-15 (to be commenced from 1-9-2014) to fulfill the conditions of the Office Order No.05 dated 5/8/2012. (Annex-V).

In this regard he furnished an affidavit on stamp paper. (Annex-W)

He also admitted in his written statement that he occasionally attended the office & in case of his absence he informed the office Assistant but he did not got proper leave from the competent authority.

Attested

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(P-5)

Enquiry report Mr. Moeen-ud-Din RO WL D.I. Khan)

He also admitted that the Foreigner belong to Arab Country visited the D.I. Khan during 11/2013 and stayed with my relative namely Mr. Fatehullah Khan. But he stressed that I am not involved in illegal hunting of Houbara Bustard.

During personal hearings on the date, Mr. Moeen-ud-Din Range Officer Wildlife could not produce any written defense in the case except the above contents at one page.

Written statement of Mr. Samiullah RO WL Drabin Kolachi and Mr. Elahi Baksh D/R WL Incharge Raid Party.

In a joint statement of both above officer/official accepted the facts that the Foreigner belong to Arab country visited & observed at Kothi Checkpost D.I. Wildlife Division on 11/11/2013 at 7.30 P.M. We stopped their vehicles for checking at site. But we did not see Mr. Moeen-ud-Din Range Officer Wildlife with them. In this regard neither Mr. Moeen-ud-Din shared any information nor we make contact with him.

Written statements of Mr. Mohammad Salim wildlife watcher and Mr. Naimatullah wildlife watcher posted at Rammak Checkpost during 11/2013.

Both the above wildlife watchers posted at Rammak Checkpost during 11/2013 stated that they were directed during 11/2013 by Mr. Moeen-ud-Din Range Officer Wildlife through cell phone to be careful and vigilant as there is information regarding arrival of an Arab hunter in D.I. Khan in connection with illegal hunting of Houbara Bustard.

Statement of Mohammad Zahid wildlife watcher

Mr. Mohammad Zahid wildlife watcher submitted statement that he was left for Forest Guard Training in Khyber Pakhtunkhwa Forest School Thai Abbottabad during September 2013.

Written statement of Mr. Mohammad Ramzan Wildlife watcher Gara Rehman Area

Mr. Mohammad Ramazan wildlife watchers posted at Gara Rehman Area during November 2013 stated that he was directed by Mr. Moeen-ud-Din Range Officer Wildlife through cell phone to be careful and vigilant as there is information regarding arrival of an Arab hunter in D.I. Khan in connection with illegal hunting of Houbara Bustard.

P-6..

Attended
[Signature]

(P-6)

Enquiry report Mr. Moeen-ud-Din RO WI. D.I. Khan

Written statement of Mr. Moeen-ud-Din Wildlife watcher of Tank Range.

In his statement, Mr. Moeen-ud-Din Wildlife watcher of Tank Range recorded that an Arab hunter was found in roadside checking in the area but Mr. Moeen-ud-Din Range Officer Wildlife was not observed in any vehicle of the party. Before that he was directed by Mr. Moeen-ud-Din Range Officer Wildlife to be careful and vigilant against any illegal hunt of Arab hunter.

Written statement of Mr. Shah Faisal wildlife watcher of Tank Range.

Stated that during 11/2013, he, alongwith incharge Raid party searching the Arab hunter reached at Khoti Checkpost where at the evening hours a Caravan arrived from the side at evening. The Caravan was checked where Arab hunter was found in the vehicle but Mr. Moeen-ud-Din Range Officer Wildlife was not found with the Caravan.

Written statement of Mr. Munawar Shah incharge Range Officer Wildlife Tank

Stated that he was suspended from service during 11/2013 and remained attached with the office of the Range Officer Wildlife Diabn Kalan.

Findings

Going through the above precise situation the following enquiry findings have observed in the case:

Non-attendance of Forester Training Course

In the case of Forester training course at Khyber Pakhtunkhwa Forest School Thai Abbottabad, it is conditional to his promotion to the rank of Range Officer Wildlife, BPS-16 and inevitable at all costs. Mr. Moeen-ud-Din Range Officer Wildlife D.I. Khan totally failed to implement the instructions of the Head of the Department and concerned Divisional Forest Officer Wildlife regarding Forester Training Course, despite he was provided a golden opportunity of the same in his own interest. He committed misconduct and did not follow the instructions.

During personal hearing with Mr. Moeen-ud-Din Range Officer Wildlife, he offered excuse to attend Forester Training Course due to suffering with cardiac epidemic problem. Following the reason the enquiry officer suggested him for retirement from service on medical grounds but he is reluctant to get retirement from service. Therefore, he made a genuine request for next opportunity to under-go the Forester Training Course to be commenced from 1-9-2014 to 31-8-2015 in Khyber Pakhtunkhwa Forest School Thai Abbottabad.

Admitted

[Signature]

P-7...

Willful absence from duty

It is fact that Mr. Moeen-ud-Din Range Officer Wildlife remained willful absent from his official duty which has also been admitted in his written statement on 14/4/2014. It is also evident from official record wherein Mr. Moeen-ud-Din has not signed cash book from 9/2013 to 12/2013, Memo for funds from 10/2013 to 12/2013 submitted by Mr. Jabbar D/R which was not signed by Mr. Moeen-ud-Din. Similarly his signatures on Monthly progress reports disbursement certificate on pay bills etc. have also not been found on the available official record. It was also observed from the record that he did not submit monthly diary for the period mentioned in the charge sheet, when the office Assistant was asked to produce the record regarding monthly diary, he submitted written statement (Annex - X) that this office did not receive the monthly diary of Mr. Moeen-ud-Din Range Officer Wildlife from 9/2013 to 12/2013 Besides, the time to time correspondence of the Divisional Forest Officer Wildlife D.I. Khan from September, 2013 to December, 2013 regarding whereabouts as well as no response from Mr. Moeen-ud-Din Range Officer Wildlife is the apparently witnessing his willful absence from duty during the period mentioned in the charge sheet.

Allegedly involved in support of illegal hunt of Houbara Bustard at D.I. Khan during 11/2013.

Regarding the above mentioned allegation the statements of Wildlife watchers and raid party performing duties at Houbara Bustard areas during the period mentioned in the charge sheet, their statement was recorded.

It has been proved that the Foreigner belong to Arab country visited D.I. Khan Wildlife Division and accommodation and other facilities were provided by Mr. Fatehullah Miankhel relative of Mr. Moeen-ud-Din Range Officer Wildlife D.I. Khan. He also admitted the same in his written statement.

Keeping in view the written statements of the concerned field staff, raid party the involvement of Mr. Moeen-ud-Din Range Officer Wildlife has not observed directly in illegal hunting of Houbara Bustard during 11/2013. But being a Range Officer Wildlife he did not informed the Divisional Forest Officer Wildlife D.I. Khan regarding the arrival and stay of Foreigner with his close relative. So this shows his lack of interest in his official duty.

Fatehullah Miankhel

[Signature]

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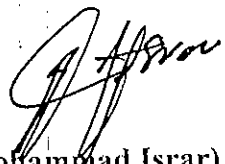
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(Enquiry report Mr. Moeen-ud-Din RO WL D.I. Khan)

Recommendations

- > Mr. Moeen-ud-Din Range Officer Wildlife must attend the prescribed training started from 1-9-2014 at Khyber Pakhtunkhwa Forest School Thai Abbottabad on self-finance basis. The expenditure of the prescribed training will be born by himself and he will never claim training expenditure. In case he failed to fulfill his commitment of training, he may be demoted to prior post of Deputy Ranger Wildlife BPS-11 forthwith.
- > Willful absence from duty from September, 2013 to December, 2013 of Mr. Moeen-ud-Din may be treated as leave with pay. He may also be kept under strict-observations for six months and if any negligence found in his performance the same may be reflected in his PERs
- > Stoppage of one increment for the period of one year.
- > In the case of allegedly involved in support of illegal hunt of Houbara Bustard at D.I. Khan during 11/2013, strict warning may be issued to him to be careful in future.



(Mohammad Israr)
(Enquiry Officer)
Divisional Forest Officer
Kohat Wildlife Division.

Accepted
to

32 (K)
OFFICE ORDER NO. 36 DATED PESHAWAR THE 22-10-2014
ISSUED BY SYED MUBARIK ALI SHAH, CHIEF CONSERVATOR WILDLIFE
KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Moeen-ud-Din was promoted to the rank of Range Officer Wildlife vide this office order No. 05 dated 08-08-2012 with the condition that the incumbent shall undergo and successfully complete the prescribed training course in Khyber Pakhtunkhwa Forest School Thai Abbottabad. The officer did not get the required training in spite of nominating him for 2013-14 and 2014-15 sessions of the course. This office order No. 08 dated 18-07-2014 was issued stating that in case the incumbent fails to complete the prescribed Forester Training Course as provided under the rules, he shall be reverted to his lower grade automatically.

Keeping in view the condition in his promotion order No.05 dated 08-08-2012, this office order No.08 dated 18-07-2014 and the rules on the subject, Mr. Moeen-ud-Din stands reverted to his original post of Deputy Ranger Wildlife (BPS-11) with immediate effect.

Sd/-
(Syed Mubarik Ali Shah)
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.

No. 1756-61 MWL (B-X-11)

Copy forwarded for information and necessary action to the:-

1. Section Officer (Estt), Government of Khyber Pakhtunkhwa, Environment Department.
2. Conservator Wildlife Southern Circle, Peshawar.
3. Director Budget & Accounts, Government of Khyber Pakhtunkhwa, Environment Department.
- ✓ 4. Divisional Forest Officer Wildlife DIKhan.
5. Official concerned.
6. Personal file.

A. Akhbar
22/10/2014
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.

(L)

33

To,

The Divisional Forest Officer,
Wildlife Division D.I.Khan.

SUBJECT - APPEAL

Dear Sir,

Kindly find enclosed herewith an appeal made by Mr.Moeen-ud-Din Range Officer Wildlife, Wildlife Division D.I.Khan for favour of information and onward submission to the quarter concerned on please.

2

13/8/14

(MOEEN-UD-DIN)
Range Officer Wildlife,
Wildlife Division D.I.Khan

Accepted

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34

L/1

The Secretary,
Government of Khyber Pakhtunkhwa,
(Environment) Department Peshawar.

SUBJECT: APPEAL
THROUGH: PROPER CHANNEL

Respected Sir,

With profound regards, it is submitted that on the political motivated report of the then Divisional Forest Officer Wildlife Division D.I.Khan, the Respected Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar initiated disciplinary proceedings under (Efficiency & Disciplinary) Rules – 2011 against me.

Consequently, I was suspended vide Office Order No 44/WL, dated: 02/12/2013 (Annexure – A) and an Enquiry Officer was appointed vide Office Order No. 65/WL, dated: 12/02/2014. I was also served with Show Cause Notice vide letter No. 6840/WL (E), dated: 21/05/2014 and was charged sheeted. I responded to all the above referred letters by explaining the facts sufficient to negate the charges and prove me innocent.

However, the Respected Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar didn't pay any considerations to the facts and remained stick to the concocted allegations of the then DFO Wildlife Division D.I.Khan and imposed the following penalties upon me:-

- i. Stoppage of one increment for a period of one year.
- ii. Willful absence from official duty (3 months and five days i.e. 26-09-2013 to 31-12-2013) is hereby treated as leave without pay.
- iii. Censure

Since the penalties imposed are absolute high handedness with me, therefore, I submit the following facts for your kind consideration and request your good self to set-aside the Office Order No. 44/WL, dated: 02/12/2013:-

- i. As stated in my earlier response dated: 29/05/2014 (Annexure – B), it is a matter of record that I have never been marked absent from official duty during my whole service since 1987. Furthermore, the Enquiry Officer recommended my leave with full pay for the period reported as absent but the Respected Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar marked it as leave without pay which is not justified. It is incredible that the Enquiry Officer confirmed my absence from official duty and graded it as Willful but without attaching a copy or without referring to the record.

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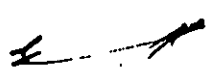
Since I had undergone through Heart Surgery, therefore, my doctor declared my training as risky for my life and the then Conservator Wildlife Khyber Pakhtunkhwa Peshawar vide his Office letter No 1216/WL, dated:06/09/2004 (Annexure - C), accepted that. In my reply to the Show Cause Notice I explained the reasons, apart from medical, for not attending training session for which I was nominated.

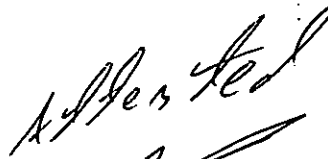

However, when I was directed to undergo and complete the training, I obeyed the orders by giving an undertaking dated:16/04/2014 (Annexure - D) that I will attend the said training at Thal Abbottabad in coming session, after which there remained no room for imposing penalties.

iii. Again, it is a matter of record that in my whole service, I performed my official duties efficiently with honesty and devotion. I always remained obedient to my superior which can be confirmed from my Annual Confidential Reports (ACRs). Therefore, stoppage of one increment for a period of one year is unjustified.

Your good self is, therefore, most humbly requested that taking account of the facts, Office Order No.08/WL, dated:18/07/2014 may please be cancelled and I may please be let off.

Thanking you in good honor.

 13/8/14
(MOEEN-UD-DIN)
Range Officer Wildlife,
Wildlife Division D.I.Khan

36

(M)


OFFICE ORDER NO 43 DATED PESHAWAR THE 25-11-2014
ISSUED BY SYED MUBARIK ALI SHAH, CHIEF CONSERVATOR WILDLIFE
KHYBER PAKHTUNKHWA PESHAWAR.

The following penalties were imposed upon Mr. Moeen-ud-Din Range Officer Wildlife vide this office order No. 08 dated 18-07-2014.

1. Stoppage of one increment for a period of one year.
2. Willful absence from duty (3 months and five days i.e. 26-09-2013 to 31-12-2013) is hereby treated as leave without pay.
3. Censure.

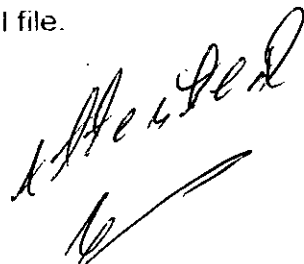
The incumbent furnished appeal to the Secretary Forestry, Environment and Wildlife Department vide his application dated 13-08-2014 which was sent to Administrative Department vide this office letter No. 1056/WL (E), dated 04-09-2014 for necessary action. On consideration of appeal by the competent authority and after personal hearing on 11-11-2014 of the appellant, the appeal was rejected and the competent authority enhanced/ converted the above minor penalties into major penalty i.e. termination from service as per E&D Rules, 2011 vide Section Officer (Estt) Govt: of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department letter No. SO(Estt)Env/II-5/2K9/4680, dated 12-11-2014.


With reference to the above decision of the competent authority the services of Mr. Moeen-ud-Din Deputy Ranger Wildlife are hereby terminated with effect from 12-11-2014.


(Syed Mubarak Ali Shah)
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.

No 2414-19 WL (B-X-11)

- Copy forwarded for information and necessary action to the:-
1. Section Officer (Estt), Government of Khyber Pakhtunkhwa, Environment Department.
 2. Conservator Wildlife Southern Circle, Peshawar.
 3. Director Budget & Accounts, Government of Khyber Pakhtunkhwa, Environment Department.
 4. Divisional Forest Officer Wildlife DIKhan.
 5. Official concerned.
 6. Personal file.




25/11/2014
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.

(M)

Office of the PSCM

D. No:2397.....

Date:16/12/14.....

(N)

37

To
The Chief Minister
KPK, Peshawar

Subject: - APPEAL AGAINST OFFICE ORDER NO 45 DATED 25/11/2011 ISSUED BY CHIEF CONSERVATOR WILD LIFE KPK PESHAWAR, WHEREBY THE SERVICES OF APPELLANT, A RANGE OFFICER, WILD LIFE D.I. KHAN WERE TERMINATED W.E.F. 12/11/2014.

Prayer: - THAT ON ACCPETANCE OF THIS APPEAL THE TERMINATION ORDER BEING ILLEGAL AND UNLAWFUL, BE SET-ASIDE AND THE APPELLANT BE REINSTATED IN SERVICE WITH FULL BENEFITS OF SERVICE.

Respected Sir

Short facts giving rise to the present appeal are as under:-

1. That the appellant ranger was promoted to the post of Range Officer vide order No: 05: Dated 8/05/2011 with the condition that he shall undergo and successfully complete the prescribed training in KPK forest School Thai Abbotabad. He assumed the office and when he was proceeding for training to Thai Abbotabad, he suffered angina pain as a result of which he underwent angiography and it was found that he had serious cardiac problem. He was advised not to join the training at the Forest Institute Thai Abbotabad, he accordingly informed the Department and the Department understanding the problem extended to him the concession that he may go for training whenever he fully recovers. Subsequently appellant did report for training at Forest Institute for Training at Thai Abbottabad but keeping in view his health condition the management of the Institute refused to take him on training saying that any, body exertion may prove fatal to his life and accordingly he came back, which fact is fully in the knowledge of the training institute as well as the high ups in the Department and during the period of the treatment he could not attend his official duty, due to sickness, which fact too was brought to the knowledge of the high ups.
2. That in November 2013, a prince of Qatar visited D.I. Khan and stayed with the cousin of the appellant namely Fatehullah Khan Mian Khel. Though Fateh Ullah Khan Miankhel is the first cousin of the Appellant but each one of us has his own independent living.
3. That it is alleged that during the stay of the Arab Prince, he had hunted Houbara Bustards, at an unknown time and date and also undeclared and undisclosed place of hunting.

4. That without the Service of any Charge Sheet/statement of Allegation appellant was placed under suspension Vide Office Order No. 44 dated 2/12/2013 for unspecified period on the following allegations:-

- a. Willful absence from duty;
- b. Non Attendance of Forester training course and
- c. Alleged involvement and collusion with offenders involved in illegal hunt of Houbara Bustard at D.I. Khan during 11/2013

Though appellant had been placed under suspension Vide Order No 44 dated 2/12/2013, yet no Charge Sheet/Statement of Allegation was served on him and it appears that the Competent Authority while placing appellant under suspension was not possessing the record of any allegation against him, and also the Charge Sheet/Statement of Allegation. Copy of the Order is **ANNEX-A**.

5. After about two months of the suspension order, the conservator wild life vide letter No. 4580 Dated 29/01/2014 asked DFO wild life D.I. Khan to immediately submit a statement of allegation along with the Charge Sheet, so as the same may be served on the appellant and it is stated in the letter that for lack of the documents, Charge Sheet/Statement of Allegation has not been issued. (this letter though is dated 24/01/2014 but it was dispatched on 29/01/2014 which is printed at the top of the letter). Copy of the same is Annex-B.

6. That without service of Charge Sheet/Statement of Allegation the suspension order dated 2/12/2013 was extended for further three months vide officer order No. 63 dated 12/02/2014. Copy of the same is Annex-B/1.

7. That it appears that no Charge Sheet was served till 12/02/2014, when a charge sheet was issued on the same allegation which have been reproduced in order No 44 dated 2/12/2014 which was accompanied by Statement of Allegation with no detail. Copy of the Charge sheet is **Annex-C** and Copy of the Statement of Allegation under caption Disciplinary Action is **Annex-C/1**. Suspension period was extended for another 3 months, the same is Annex-D and by Order No. 65 dated 12/02/2014 the DFO Wild life Officer Kohat was appointed Enquiry Officer into the allegations mentioned in the Charge

- Sheet/ Statement of Allegation, Copy of the same is **Annex-D/1**. Accordingly the appointed Enquiry Officer vide his letter No. 1860 dated 24/02/2014 directed appellant to submit a written defence statement within 7 days; Copy of the same is **Annex-D/2**. It appears that even the appointed enquiry Officer was not in possession of the concerned record, and he therefore vide letter No. 1862 dated 24/02/2014 asked DFO-Wild Life D.I. Khan Division to provide the record in support of the allegations. Copy of the same is **Annex-D/3**. DFO Wild Life D.I. Khan Division vide letter No. 879 dated 06/03/2014 sent the record to the Enquiry Officer, Copy of the same is **Annex-D/4**.
8. In compliance with the directions of the Enquiry Officer the appellant submitted a written statement qua the allegations, in which he informed the Enquiry officer that as far as not joining the training is concerned, he has been exempted from training vide letter No 1216 dated 06/09/2011, and that in respect of the absence he submitted that during 26 years of service he has never absented from duty and further that no explanation has ever been called from him in respect of any alleged absence.
 9. In respect of the allegation of hunting of houbara Bustard by an Arab dignitary, appellant submitted that he was not at all involved in the hunting, nor he has any contact or connection with the royal family of Qatar. The reply is **Annex-E**. He also submitted an unattested Urdu affidavit dated 14/04/2014, which was obtained from him under pressure and force, the same is **Annex-F**.
 10. That the Chief Conservator vide letter dated 21/05/2014 served show cause notice on the appellant in which appellant was informed that the Chief Conservator as the competent authority has decided to tentatively impose the following penalties under rule-14(4)(b) of KPK Government Servants (Efficiency & Discipline) Rules 2011. The proposed penalties are reproduced:-
 - a. As per condition of promotion order as Ranger Officer Wildlife (BPS-16) vide this office order No.05 dated 08-08-2012, you must undergo and complete the prescribed training of Forester Course at Sarhad Forest School at Thaini Abbottabad in the coming session of 2014-15.
 - b. Stoppage of one increment for the period of one year.

c. Extra ordinary leave without pay for 120 days; i.e. willful absence from September, 2013 to December, 2013.

Copy of the letter dated 21/05/2014 is **Annex-G**. And the show cause Notice is **Annex-G/1**.

- 11. That appellant submitted the reply to the Show Cause Notice on 29/05/2014 denied the allegations and clarified his position. Copy of the same is **Annex-H**.
- 12. The report of the enquiry officer spread over 10 pages was submitted on an unspecified date in which at page 9 in respect of the hunting of Houbara Bustards by an Arab prince it was held that there was no evidence of the direct involvement of the Appellant but the enquiry officer noticed that appellant has failed to inform the authorities that an Arab prince was staying with his cousin Fateh ullah Miankhel without disclosing that which law obliges the appellant to communicate the arrival or departure of guests in the houses of his cousin, who have their independent living
- 13. In respect of the training, it was directed that the appellant should attend the training from 1/09/2014, failing which it was proposed that he be demoted from Grade 16 to Grade 11.
- 14. In respect of absence from duty it was held that no willful absence has been established and if there be any absentee, the same be treated as leaves with pay. The report of Enquiry officer is **Annex-J**.
- 15. That the Chief Conservator of Forest Vide office orders No. 36 dated 22/10/2014 directed the reversion of the appellant from the post of Range officer Grade 16 to the post of Deputy Range officer Wildlife Grade 11 with immediate effect. Copy of the same is **Annex-K**.
- 16. Appellant submitted an appeal to the Secretary Government of KPK Environment Department Peshawar against his reversion from Grade 16 to grade 11. Copy of the Forwarding letter is **Annex- L** and the memo of appeal is **Annex- L/1**.
- 17. That the Secretary environment without any notice to the appellant and in utter violation of the law and rules passed office order No. 45 dated 25/11/2014 and converted the penalty earlier inflicted on the appellant namely reversion from Grade 16

W

to Grade 11 into major penalty of termination of service and accordingly the Chief Conservator forest vide office order No. 45 of 25/11/2014 informed all concerned that the competent authority has directed the termination of appellant from service with effect from 12/11/2014. Copy of the order is Annex- M.

Hence this appeal.

GROUNDS


1. That Order No.45 dated 25/11/2014 whereby the major penalty of termination from service has been imposed on appellant is illegal, unlawful and in fact is an order passed in excess of jurisdiction and authority.
2. That in the matter of the same charge sheet and the show cause notice Order No 45 dated 25/11/2014 termination order has been passed in which earlier and in office order dated 22/10/2014 by the chief conservative officer who is the authority for the appellant has imposed the punishment of reversion of appellant from the post of Range Officer Grade-16 to Deputy Range officer Grade- 11 with immediate effect therefore, disciplinary proceedings against the appellant based on charge sheet dated 12/02/2014 accompanied by statement of allegations, which has been referred in the body of appeal which is Annex- C and C/1 against which the appellant submitted appeal therefore appellate authority could not re open chapter of proceedings and substitute and impose a high degree of punishment of termination.
3. That the appellate authority namely the Secretary had before him the appeal of the appellant and under the law and the rules he could only either accept the appeal or reject the same or remand the matter back to the authority namely chief conservative of forests if the appellate authority was of the view that fresh proceedings were needed therefore, the order of infliction of the punishment of termination from service by appellate authority is in violation of law and rules because it was not within his authority. The order of termination is void.
4. That the earlier punishment against which appellant has submitted the appeal and which was before the appellate authority, no punishment could be imposed in law by

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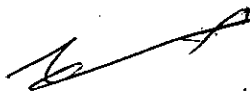
the appellate authority but punishment could only be imposed by the authority who has already exercised his authority.

It is therefore most humbly prayed that the appeal be accepted as prayed in the heading of the appeal.

Yours Sincerely



Moeen-ud-Din

Attested


13

"01"

OFFICE ORDER NO. 08 /DATED PESHAWAR THE 18/7 /2014, ISSUED
BY SYED MUBARIK ALI SHAH, CHIEF CONSERVATOR WILDLIFE KHYBER
PAKHTUNKHWA PESHAWAR.

Brief history of the case

As per recommendations of the Departmental Promotion Committee (DPC) dated 28-06-2012 and subsequent office order No. 05/WL, dated 05-08-2012 issued by the Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar, Mr. Moeen Uddin was promoted to the rank of Range Officer Wildlife BPS-16 with the condition "Promotion of the concerned Range Officer Wildlife is subject to the condition that he shall undergo and complete the prescribed training in Khyber Pakhtunkhwa Forest School, at Thai, Abbottabad". In order to regularize the promotion and to fulfill the conditions of the DPC it was imperative for Mr. Moeen Uddin to undergo the requisite training at Thai; and accordingly he was nominated for the subject training course vide DFO Wildlife D.I.Khan office letter No. 348/WL, dated 01-10-2013. However the concerned Range Officer Wildlife had not only failed to join the training course but was also found willfully absent from the government duties. Consequently the DFO Wildlife D.I.Khan vide his letter No. 470/WL dated 01-11-2013 called his explanation.

Mr. Moeen Uddin Range Officer Wildlife not only failed to join the training, but also remained willfully absent from his duties and thus on the recommendations of the DFO Wildlife D.I.Khan, the Range Officer Wildlife was placed under suspension vide Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar Office Order No. 44, dated 02-12-2013. Subsequently he was proceeded under Khyber Pakhtunkhwa, Efficiency and Disciplinary Rules, 2011. In this regard memo of allegations and charge sheet was issued to him and Enquiry Officer was appointed to probe the case with following allegations:

- i. Non attendance of Forest training course.
- ii. Willful absence from official duty since 26-09-2013 to 30-12-2013
- iii. Allegedly involvement in support of illegal hunting of Houbara Bustard by Arab Hunter(s).

Proceeding of the enquiry:

Mr. Muhammad Israr DFO Wildlife Kohat was appointed as Enquiry Officer vide Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar Office Order No. 65, dated 12-02-2014, to enquire into the allegations framed against the accuse. The DFO Wildlife Kohat in the capacity of Enquiry Officer served upon the charge sheet/memo of allegations to the accused incumbent vide his letter No. 1861/WL-KT, dated 24-02-2014. The Enquiry Officer visited D.I.Khan Wildlife Division and recorded statements of the concerned staff and provided opportunity of personal hearing to the accused. The Enquiry Officer also thoroughly checked the relevant record. In view of contradictory reply of the accused who stated on one hand that he could not join the training due to heart problem but on the other hand he has submitted undertaking for joining the training course commencing from 1st September 2014. The Enquiry Officer recommended following penalties;

- i. Mr. Moeen-ud-Din Range Officer Wildlife must attend the prescribed training started from 1-9-2014 at Khyber Pakhtunkhwa Forest School, at Thai, Abbottabad on self-finance basis. The expenditure of the prescribed training will be borne by himself and he will never claim training expenditure. In case he failed to join the

Attended
[Signature]

[Signature]

training, he may be demoted to prior post of Deputy Ranger Wildlife BPS-11 forthwith.

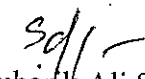
- ii. Wilful absence from duty from 26th September, 2013 to December 2013 of Mr. Moeen-ud-Din may be treated as leave with pay. He may also be kept under strict observations for six months and if any negligence found in his performance the same may be reflected in his PERs.
- iii. Stoppage of one increment for the period of one year.
- iv. In the case of illegal involvements in support of illegal hunt of Houbara Bustard at D.I.Khan during 11/2013, strict warning may be issued to him to be careful in future.

The accused was therefore served upon a Show Cause Notice and provided an opportunity of personal hearing on 26-06-2014 by the Chief Conservator Wildlife Khyber Pakhtunkhwa. Mr. Moen Uddin submitted his written reply to the Show Cause notice stated that he will join the prescribed mandatory training in Thai School Abbottabad in the forthcoming session.

Conclusion:

The accused failed to provide any evidence in his defense to deny the charges. However, keeping in view short duration of few months for next training session, he is provided final opportunity to attend the forthcoming training session. In case of failure he will be automatically reverted to the lower rank of Deputy Ranger Wildlife. The accused officer, Mr. Moeen Uddin Range Officer Wildlife, is hereby re-instated in service with immediate effect with the following penalties imposed upon him:


- i. Stoppage of one increment for a period of one year.
- ii. Willful absence from duty (3 months and five days i.e. 26-09-2013 to 31-12-2013) ~~is~~ hereby treated as leave without pay.
- iii. Censure


 (Syed Mubarak Ali Shah)
 Chief Conservator Wildlife
 Khyber Pakhtunkhwa
 Peshawar

No. 282-85/WL (E),

Copy forwarded for information and necessary action to the:

1. Director Budget & Accounts Environment Department Peshawar.
2. Conservator Wildlife Southern Circle Peshawar.
3. Divisional Forest Officer Wildlife DIKhan.
4. Mr. Moeen Uddin, Range Officer Wildlife, c/o DFO Wildlife DIKhan.


 17/7/2014
 Chief Conservator Wildlife
 Khyber Pakhtunkhwa
 Peshawar

WAKALAT NAMA

BEFORE THE

KPIC Service Tribunal Peshawar
No. _____ of 2015

Moeen-Uddin

(Petitioner)
(Plaintiff)
(Appellant)
(Complainant)
(Decree-Holder)

VERSUS

Secretary Environment, etc.

(Respondent)
(Defendant)
(Opponent)
(Accused)
(Judgement-Debtor)

I/we ~~Moeen-Uddin appellant~~

the above named ~~accused / Petitioner / Plaintiff / Appellant / respondents / Defendant~~ do hereby appoint and constitute **QAZI MUHAMMAD ANWAR**, senior Advocate Supreme Court of Pakistan, **ALI GOHAR** Advocate, and **ZARAK SHAH** Advocate as counsels (for Peshawar) in the above mentioned case, to do all or any of the following acts, deeds and things:-

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file Plant/Written Statement or withdraw all proceedings, petitions, suit appeals, revision, review, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other document, as may be deemed necessary or advisable by him for proper conduct, prosecution or defence of the said case at any stage.
3. To receive payment of and issue receipts for all money that may become due and payable to us during the course or on the conclusion of the proceedings. To do and perform all other acts which may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE :-

- a) To ratify whatever the said Advocates may do in the proceedings in my interest
- b) Not to hold the Advocates responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their absence from the Court/Tribunal when it is called for hearing or is decided against me/us.
- c) That the Advocates shall be entitled to withdraw from the prosecution of the said case if the whole OR any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this power of Attorney/Wakalat Nama hereunder the contents of which have been read/explained to me/us and fully understood by me / us this

16 day of Jan. 2015 at Peshawar

Signature of Executant/s

Moeen-Uddin

Accepted subject to term regarding payment of fee.

Qazi Muhammad Anwar
QAZI MUHAMMAD ANWAR

Senior Advocate,
Supreme Court of Pakistan
10-A Nasir Mansion, Peshawar
Ph.No. 2214301/2211041 (Office) 5812113/5810272 (Res)

Ali Gohar
ALI GOHAR Advocate
10-A Nasir Mansion, Peshawar.
Ph No. 0332-9297427

Zarak Shah
ZARAK SHAH Advocate
10-A Nasir Mansion, Peshawar
Ph. No. 0333-8335886

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Appeal No. 318/2015

Moeen-ud-Din Former Ranger Officer Wildlife D.I.Khan R/O Miankhel House
D.I.Khan.....Appellant.

VERSUS

1. Secretary Environment Khyber Pakhtunkhwa, Peshawar
2. Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar
3. Divisional Forest Officer Wildlife
D.I.Khan..... Respondents.

The comments of the respondents are furnished as below:-

Preliminary Objections:

1. The appellant has no locus standi.
2. The appeal is hit by limitation as it is time barred.
3. The appeal is not maintainable on the basis of non-joinder and mis-joinder.
4. The appeal is not in proper format in accordance with the law and the rules.

Para wise comments

1. Incorrect. The training at Khyber Pakhtunkhwa Forest School at Thai-Abbottabad is pre-requisite for promotion of Deputy Ranger Wildlife (BPS-11) to the rank of Range Officer Wildlife (BPS-16). When the appellant (Mr. Moeen-ud-Din) was nominated for the subject training, instead to comply the orders he remained absent from duty for a period of three months and five days with effect from 26-09-2013 to 31-12-2013 and disobeyed the order which was issued for fulfilment of the condition of his promotion order. Besides, the appellant did not submit formal application for leave for the aforementioned period.
2. No comments.
3. No comments.
4. Incorrect. As is clear from the statement of the appellant, he was placed under suspension and was served upon with the charge sheet and memo of allegation as per prevailing rules and procedures.
5. The instructions of the Conservator Wildlife to the Divisional Forest Officer Wildlife D.I.Khan communicated through the letter dated 24-01-2014 are in accordance with the procedures. The letter was dispatched from Peshawar by office of the Conservator Wildlife on 24-01-2014 and was received in the

office of DFO Wildlife DIKhan on 29-01-2014, hence the point of belated dispatch is incorrect.

- 6. The action was taken in accordance with rules and procedures.
- 7. The office order No. 44 dated 02-12-2014 had sufficient reasons for justifying the appellant to be placed under suspension. However the charge sheet and memo of allegation were compiled and communicated to the appellant with due course; the enquiry officer was appointed according to the rules and the enquiry conducted according to the procedures laid down in E&D Rules 2011.
- 8. No comments.
- 9. Incorrect. The appellant failed to perform his duty relating to conservation of Wildlife because not only he remained willfully absent from duty but also did not ensure implementation of the Wildlife Act and rules in his area of jurisdiction.
- 10. No comments.
- 11. The statement is contradictory to S.No.9 above claiming that his statement was obtained under pressure and force because at the end of S.No.1 of Annex-H, the appellant has confirmed his statement attached as Annex-F. It is also pointed out that the appellant has termed nomination for a compulsory training as "*token of revenge*" on behalf of the nominating officer in the referred Annex-JI. Also in the enquiry proceedings accusation cannot be considered as proof in favour of the accused.
- 12. The 8 pages enquiry report supported by Annex-A to Annex-X was submitted to the competent authority under a covering letter bearing No. 2526/WL-KT, dated 24-04-2014 initialized by the Chief Conservator Wildlife Khyber Pakhtunkhwa on 28-04-2014. Page-7 of the above mentioned report proves connivance of the appellant on one hand and negligence in duty on the other. Although a Key Officer of the department for implementing the Wildlife Act in his area of jurisdiction; he not only committed criminal breach of trust by keeping himself willfully absent but also did not inform the staff and his superior about the hunters of Hobara Bustard living in his close proximity.
- 13. No comments.
- 14. The appellant has accepted that the enquiry officer proved his absence from September, 2013 to December, 2013.
- 15. As the subject training was prerequisite for the appellant to be promoted to the rank of Range Officer Wildlife (BPS-16) and the appellant neither undergone nor was interested to avail the training even after lapse of more than three years, the competent authority correctly issued the order under the rules and reverted him to the lower rank of Deputy Ranger Wildlife (BPS-11) as fulfillment of the condition of his promotion order No. 08 dated 08-08-2012.
- 16. No comments.



- 17. As mentioned in S.No.14 above, the enquiry officer had established that the appellant remained willfully absent for three months and five days and under the rules "willful absence from duty is liable to dismissal" Prolonged absence of the appellant from his duty coupled with serious offence of hunting of Hobara Busturd in his jurisdiction justified to impose upon him the penalty of "termination of services".
- 18. In correct. The appellant did not submit departmental appeal against the office order No:45 dated 25-11-2014 under the rules. His approach to the Chief Minister Khyber Pakhtunkhwa is not covered under the prevailing rules or the Civil Servants Act, 1973 rather tantamount the case not only time bared but an attempt of the appellant to pressurize the authorities.

GROUNDS

- 1. As explained above.
- 2. As explained above.
- 3. As explained above.
- 4. As explained above.
- 5. Incorrect. The decision of appellate authority has been communicated to the appellant and no Rules or Law has been violated.

As explained above the orders passed by the competent authority are justified and are in accordance with the rules and procedures. Also the appellant has not preferred departmental representation as provided under Civil Servants Act, 1973; rendering this appeal as void, ibinitio and time bared, therefore it is humbly requested that the appeal may be dismissed with cost.

Divisional Forest Officer
DIKhan Wildlife Division
DIKhan.

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.

02/10/15

Secretary
Government of Khyber Pakhtunkhwa
Forestry, Environment and Wildlife
Department, Peshawar.

Vetted
Govt. Pleader
KPK Services Tribunal
Camp Court D.I.Khan

GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
(LITIGATION SECTION)

SO(Lit.)/E.D/3-227/2015
Dated Peshawar 12/10/2015. 3721-22
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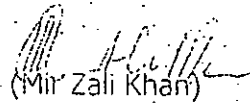
To
The Chief Conservator Wildlife,
Khyber Pakhtunkhwa, Peshawar.

Subject: APPEAL NO. 318/2015 MOEFN-UD-DIN. (FOREST RANGER
OFFICER WILDLIFE) VERSUS SECRETARY ENVIRONMENT
DEPARTMENT.

I am directed to refer to your letter No. 1824/WL(E) dated:
02.10.2015 on the subject noted above and to enclose herewith Six Copies (in
original) of the parawise Comments alongwith relevant documents in the subject
appeal duly signed by Secretary Forestry, Environment & Wildlife, Govt. of
Khyber Pakhtunkhwa for further necessary action at your end please.

Encl: As Above (in original)

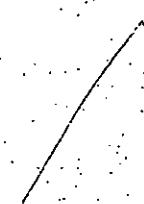
Authority letter (in original)
also enclosure


(Mir Zali Khan)

Section Officer (Litigation)

Copy forwarded to the:


Divisional Forest Officer Wildlife, D.I. Khan.


Section Officer (Litigation)

No. 2208-9 /WL (E). dated Peshawar the 16-10 2015

Copy forwarded for information and necessary action to the:-

1. Conservator Wildlife Southern Circle Peshawar.
2. DFO Wildlife D.I Khan. Five copies of parawise comments duly signed alongwith authority letter for attending the court and other relevant documents are sent herewith for further necessary action.


Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

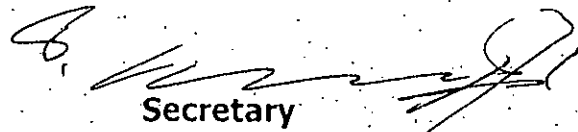


GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT AND WILDLIFE DEPARTMENT

Dated Peshawar: 08/10/2015

AUTHORITY LETTER

No. SO(Lit:)/ED/3-211/2015: Divisional Forest Officer Wildlife D.I.Khan,
Govt. of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department is
hereby authorized to attend the hearing of the case titled " Service Appeal No.
318/2015 Moeen-ud-Din Versus Secretary Environment Department and others "
on behalf of Secretary Forestry, Environment and Wildlife Department, Govt. of
Khyber Pakhtunkhwa in Khyber Pakhtunkhwa Service Tribunal Peshawar.



Secretary

Govt: of Khyber Pakhtunkhwa
Forestry, Environment & Wildlife Department

Secretary

Forestry, Environment And Wildlife
Department Government Of Khyber Pakhtunkhwa

وکالت نامہ



بعدالت جناب صدر من ٹریبیونل جیٹو بمقام ایٹا اور کیپ ڈیو ایٹا ایٹا خان

مخانب ایٹا ایٹا

مصین الدین بنام KPK وغیرہ

دعویٰ یا جرم

تفصیل دعویٰ یا جرم ایٹا

باعث تحریر آہنگہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ڈیو ایٹا کیلئے
محمد علی مصنف خان ایٹا ایٹا

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بخود یا اختیار خالص رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا برو تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا برو تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ سمیت آنے یا برو تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا نفاذ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل و گرائی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے میان دینے اور اس پر حاشی یا راضی نامہ و فیصلہ بر حالف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر بیروی مقدمہ مذکورہ نظر ثانی و اپیل و گرائی و برآمدگی مقدمہ یا منسوخی ڈگری یا طرف یا درخواست حکم انتہائی یا ترقی یا گرفتاری لٹل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ علیحدہ بیروی کا اختیار ہوگا اور تمام ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل یا گرائی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے امراء مقرر کریں۔ اور ایسے شیرتاتوں کو بھی ہر امر میں وہی اور ویسے اقتیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائزہ التوا ہر پیکار وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری نہیں تارخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھدیا ہے۔ تاکہ سند رہے۔
 مورخہ 22/2/16 2016ء

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد _____ العبد _____ العبد _____

مصین الدین

Accepted
 (Mansoor)

(Handwritten signature)

شعبہ تنظیم عدالت

**BEFORE THE HONORABLE SERVICE TRIBUNAL,
PESHAWAR, CAMP COURT, DERA ISMAIL KHAN.**

Appeal No. 318/2015.

Moeen ud Din

VERSUS

Secretary Environment.

**APPLICATION WITH REQUEST FOR THE ISSUENCE
OF NOTICE TO THE RESPONDENTS FOR THE
PRODUCTION OF ENTIRE RECORD OF THE CASE
FOR THE ALREADY DATE FIXED FOR 21-02-2017.**

Respected Sir,

- 1) That the above titled appeal is pending adjudication before this honorable court and is fixed for 21-02-2017.
- 2) That the respondent may kindly be directed by issuing notice for production of the entire record for the date fixed for the just decision of the instant appeal.
- 3) That this honorable court has got ample powers in this respect.

It is, therefore, humbly prayed that by accepting the instant application the respondent may kindly be directed to produce entire record for the date fixed

Your Humble Petitioner


Moeen ud Din.

VERIFICATION:

It is, verified here in district bar Dera Ismail Khan on 28-01-2017 that the contents of this application are correct and true.

Deponent

*put up to the court
with relevant appeal.*

Moeen ud Din

Moeen ud Din
30/1/17.



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

NO.SO(Estt)Env/II-5/2K9 4680
Dated Pesh: 12th Nov: 2014

491

To

The Chief Conservator Wildlife,
Khyber Pakhtunkhwa.

SUBJECT: APPEAL

I am directed to refer to your letter No.1056/WL(E) dated 04/09/2014 on the subject cited above and to inform that the Competent Authority, after personal hearing on 11/11/2014, has rejected the appeal preferred by Mr. Moeen-Ud-Din, Range Officer Wildlife, D.I.Khan dated 13/8/2014 and has enhanced/ converted the minor penalties i.e. stoppage of one increment for one year and censure in to major penalty i.e. termination from the service.

AB

M. A. Khan
SECTION OFFICER (ESTT)

Endst.No and date even.

Copy is forwarded to PS to Secretary Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa.

SECTION OFFICER (ESTT)

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1877 /ST

Dated 15 / 8 / 2017

To


The Chief Conservator of Forest, Wild Life Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 318/2015, MR. MOEEN UD DIN.

I am directed to forward herewith a certified copy of Judgement dated 25.07.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.