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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR  
CAMP COURT ABBOTTABAD.

Abdul Ghani

Appeal No 3991/21

....APPELLANT

Government of Khyber Pakhtunkhwa through Secretary Forestry  
Envoirmentals Wildlife Department Peshawar & others

...RESPONDENT

SERVICE APPEAL

Khyber Pakhtunkhwa  
Service Tribunal

APPLICATION FOR PERMISSION OF SUBMISSION OF  
AMENDED APPEAL.

Diary No 10437

Dated 09-1-2024

1. That the above titled appeal is pending for adjudication before this Honourable Tribunal.
2. That at the time of filing of this appeal inadvertently due to a typographical mistake, order No.15 dated 19.03.2020 was challenged instead of order No.18 dated 19.03.2020. (Copy of order No.18 dated 19.03.2020 is annexed. as Annexure 'A')
3. That the respondent / department ordered for recovery form the appellant vide order No.18 dated 19.03.2020 and appellant also filed department appeal against the said order.
4. That for the purpose of requirement of law and justice it is extremely necessary to challenge the order No.18 dated 19.03.2020 through amended appeal.
5. That the value able rights of the appellant are involved in this appeal.

6. That there is no bar for filling of amended appeal.
7. That the filling of an amended appeal will not change the nature of the appeal.

It is therefore respectfully prayed that on acceptance of this application the appellant may kindly be allowed only to the extent of challenge the order No.18 dated 19.03.2020 in prayer through amended appeal <sup>in</sup> the interest of justice .

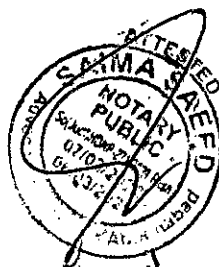
  
....APPELLANT

**Through Counsel:**

(SARDAR MUHAMMAD AZEEM)  
Advocate High Court Abbottabad

**AFFIDAVIT**

I, Abdul Ghani S/o Khani Zaman Ex-forest guard, **Petitioner**, do hereby solemnly affirm and declare on Oath that the contents of instant **Petition** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.



A Ghani  
DEPONENT

04/01/24

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OFFICE ORDER NO. 18 DATED ABBOTTABAD THE 19 /03/2020, ISSUED BY  
SAGHEER AHMED MALIK CONSERVATOR OF FORESTS, WATERSHED MANAGEMENT CIRCLE,  
ABBOTTABAD.

READ WITH

Whereas:-

1. Conservator of Forests/PD, Watershed Management Circle Abbottabad office endorsement No. 2381-82/E-F dated 9.11.2018.
2. Charge sheet issued to accused vide Conservator of Forests Watershed Management Circle Abbottabad letter No. 2376-79/E, dated 9.11.2018
3. Divisional Forest Officer, Kunhar Watershed Division Mansehra office letter No. 534-39/KWM dated 20.11.2018.
4. Divisional Forest Officer, Kunhar Watershed Division Mansehra office letter No. 625-30/KWM dated 12.12.2018
5. Conservator of Forests/PD, Watershed Management Circle Abbottabad office endorsement No. 3180-81/E-F dated 12.12.2018.
6. Divisional Forest Officer, Kunhar Watershed Division Mansehra office letter No. 1216/KWM dated 01.03.2019
7. Reply furnished by the accused official dated 17.12.2018.
8. Personal hearing conducted on 6.03.2019.
9. Enquiry report submitted by the enquiry officer vide DFO Kunhar Watershed Division Mansehra letter No. 263/KWM dated 21.08.2019.
10. Show cause notice bearing No. 1580/E-F dated 4.09.2019 served upon to the accused official by Conservator of Forests Watershed Management Circle Abbottabad
11. Reply furnished by the accused in response to the show cause notice dated 23.09.2019.
12. Personal hearing dated 18/03/2020.

BRIEF HISTORY OF THE CASE.

Whereas:- Mr. Taimur Ilyas Divisional Forest Officer took over the charge of Daur Watershed Division on 08.06.2018 and reported that he has conducted tour of Sherwan Watershed Range on 13.06.2018, 6.07.2018, 07.07.2018, 12.7.2018, 17.07.2018 and 22.07.2018, checked the field activities carried out under BTAP and observed some serious nature irregularities. The task assigned to the field staff i.e. afforestation work but they failed to complete the assignment.

PROCEEDING.

Whereas: On receipt of the report from the Divisional Forest Officer Daur Watershed Division Abbottabad to scrutinizing the conduct of the incharge Range Forest Officers, Foresters and Forest Guards a committee comprising upon M/s Jawad Mumtaz Divisional Forest Officer Kunhar Watershed Division Mansehra and Muhammad Nazir SDFO Siran Watershed Sub Division Mansehra was constituted vide letter No. 2360-63/E dated 9.11.2018. Charge sheet and memo of allegation was served upon to the accused official. The accused official submitted his report to the enquiry committee vide his letter dated 1.3.2019. On receipt of reply to the charge sheet the enquiry committee called the accused official for personal hearing vide letter No. 534-39/KWS, dated 20.11.2018, No. 625-30/KWM dated 12.12.2018 and No. 1147-52/KWM dated 25.2.2019 and heard in person on 28.02.2019 and also give the opportunity for cross examination. After detailed enquiry the enquiry committee submitted his finding to the Conservator of Forests Watershed Management Circle Abbottabad vide letter No. 263/KWM dated 21.08.2019. On receipt of enquiry report a show cause notice bearing No. 1512/E-F dated 04.9.2019 served upon to the accused official. In response to the said show cause notice he submitted his reply dated 5.12.2019. The accused official also heard in person on 18/03/2020.

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**DISCUSSION.**

Whereas: Divisional Forest Officer Daur Watershed Division Abbottabad personally inspected the plantation site which were carried under Billion Tree Afforestation Project (BATP) by the staff under the supervision of Range Forest Officer Sherwan but the areas were less than the charged in the Muster roll. The detail of the areas where plantations were carried out and not according to the payment paid to the laborers and Chowkidar and mentioned in the charge sheet are as under:-

Status as per charge sheet

Name of area	Area charged (Ha)	Area measured (Ha)	Difference
Talhar ✓	81.00	26.00	55.00
Mangaldara	62.00	39.14	22.86
Sherbai Gramery	90.00	83.00	07.00
Thanna Kalan	61.00	35.00	26.02
Kasakl	56.00	20.61	35.39
Sandogali ✓	30.00	24.35	05.65

On the above short coming the enquiry committee conducted detailed elaborations about the shortage of plantation area, free grazing, engagement of bogus Chowkidars hired for the areas. After perusal of the reply to the charge sheet, personal hearing, cross examined and kept in view the latest monitoring report of the area prepared by the monitoring team wherein irregularity mentioned is tabulated as under.

Status as per latest monitoring report;

Name of area	Area charged (Ha)	Area measured (Ha)	Diff: (Ha)	5% concession (+)	Net diff:	Amount	Survival %age
Talhar ✓	81.00	25.98	55.02	4.05	50.97	1007167	54-59
Mangaldara	62.00	39.14	22.86	3.10	19.76	390458	0
Gramery 1 & II	90.00	81.00	09.00	4.00	05.00	98800	70-75
Thanna Kalan	61.00	35.00	26.00	3.05	22.95	453492	58-63
Kasakl	56.00	20.61	35.39	2.80	32.59	643978	0
Sandogali ✓	30.00	24.35	05.65	1.50	04.15	82000	80-83

On the above facts the enquiry committee submitted his finding that:-

It has been concluded that the survival % age is improved in the plantations, whereas the shortage in the area/plantation as per charge sheet served upon the accused dated 9.11.2018 and as per latest monitoring report dated 12.5.2019 the short fall still stands neither improvement found and nor proper evidence/defense/cogent reasons in this regard has been provided by the accused official.

The shortfall may either be recovered or the shortfall may be rectified/ maintained by the accused official.

Whereas beside above all the areas have been checked with the paid vouchers It has been observed that the same activities of the case have been done by Mr. Shabir Ahmad IC Range Forest Officer and Mr. Abdul Ghani Forest Guard as IC of work. Therefore original position according to Muster Rolls and Amount charged are as under:-

(2)


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Status as per vouchers

#	Name of area	Area charged	Area measured by the monitoring team	Diff:	5% concession according to the provision of PC-I	Net diff:	Amount recoverable	Remarks
1	Talhar	81	25.98	55.02	4.05	50.97	1007167	Relates to Shabir RFO & Abdul Ghani FG
2	Sandogali	30	24.35	5.65	1.50	4.15	82000	Relates to Shabir RFO & Abdul Ghani FG
G. Total							1089167	

In the light of above exposition I, Sagheer Ahmed Malik in the capacity of authority under section 2 (c) of Efficiency and Discipline rules 2011 fully agree with the recommendation of enquiry committee and do hereby imposed upon recovery of one half of the total recoverable amount worth Rs. 5,44,584/- (Rupees Five lacs forty four thousand five hundred and eighty four) only on Mr. Abdul Ghanni Forest Guard in the best interest of state.

  
(Sagheer Ahmed Malik)  
Conservator of Forests  
Watershed Management Circle  
Abbottabad

Memorandum:-

Copy for information and necessary action forwarded to:-

- 1- Chief Conservator of Forests Northern Forest Region-II Abbottabad for favour of information.
- 2- Divisional Forest Officer Daur Watershed Division Abbottabad for information. He is directed to recover the above amount from the above named official at an early date and intimate the outcome of recovery to the undersigned for record and further necessary action
- 3- Divisional Forest Officer Kunhar Watershed Division Mansehra for information.
- 4- Mr. Abdul Ghanni Forest Guard C/O Divisional Forest Officer Daur Watershed Division Abbottabad for information. He is directed to deposit the above amount into Government treasury at an early date.
- 5- Office order file.

  
Conservator of Forests  
Watershed Management Circle  
Abbottabad

Name of Province \_\_\_\_\_  
 BC No. \_\_\_\_\_  
 Name of Advocate \_\_\_\_\_

S.No. 2461



Ch. Muhammad Waseem  
 Finance Secretary  
 District Bar Association  
 Abbottabad

وکالت نامہ

بعدالت سول ٹریبونل کیمپ کورٹ ایبٹ آباد  
 عنوان: عبدالغنی بنام گورنمنٹ  
 منجانب: ایبٹ آباد نوعیت مقدمہ سول اپیل  
 باعث تحریر آنکھ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطی وی وی جی اے کے پیشی یا تصفیہ مقدمہ بمقام سول ٹریبونل ایبٹ آباد کے لیے  
سردار عزیز عظیم ایڈووکیٹ سرائی کورٹ  
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ جس پر پیشی پر خود یا بذریعہ مختار خاص مدد و عدالت حاضر ہونا ہوں گا اور بروقت پکارے  
 جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر جا۔ عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ سہری غیر حاضر کی وجہ  
 سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پگھری کے  
 علاوہ کسی جگہ یا پگھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پگھری کے علاوہ کسی اور جگہ  
 ساعت ہونے پر یا بروز تعطیل یا پگھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی قصبان پہنچے تو اس کے ذمہ دار نہیں اس کے واسطے  
 کسی معاوضہ کے ادا کرنے یا عین کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل ساختہ ہوا ساختہ صاحب موصوف  
 مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ذمہ دار نہ ہوں گے اور ہر قسم  
 درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ذمہ داری کرنے اور ہر قسم کا وہیہ وصول کرنے اور سہاویہ وصول کرنے  
 اور ہر قسم کے بیان دینے اور اس پر تائید و رضی نامہ دینا یا صلح کرنے یا قبول دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے ہر وجوہات  
 از پگھری صدر اپیل و آراء کی مقدمہ یا منسوخی ذمہ داری یا مقررہ درخواست حکم اختتامی یا قرضی یا لٹری مل یا لٹری و اجراء کے ذمہ داری بھی صاحب  
 موصوف کو بشرط ادا تکلیف علیحدہ مختار نہ بیرونی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور پاس کے  
 کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں  
 وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور درملان مقدمہ جو جگہ ہر جاننا تو اپنے گاہ صاحب موصوف  
 کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ  
 کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ مندر ہے۔  
 مورخہ 26 اکتوبر / 2023  
 دن ماہ سال  
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted  
 Amjad Ali

A. ahani