

BEFORE THE HONORABLE SERVICE TRIBUNAL CAMP COURT, ABBOTTABAD

Appeal No. 982/2023

2. Kashif Awais

.....Appellant/Petitioner

VERSUS

3. Divisional Forest Officer Haripur Forest Division
4. Conservator of Forests Lower Hazara Forest Circle Abbottabad

.....Respondents

Parawise Comments On Behalf Of Respondent No. 01 & 02

W.P No. 1131-A/2023

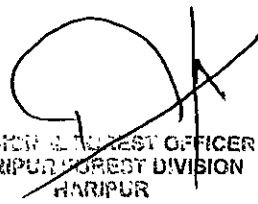
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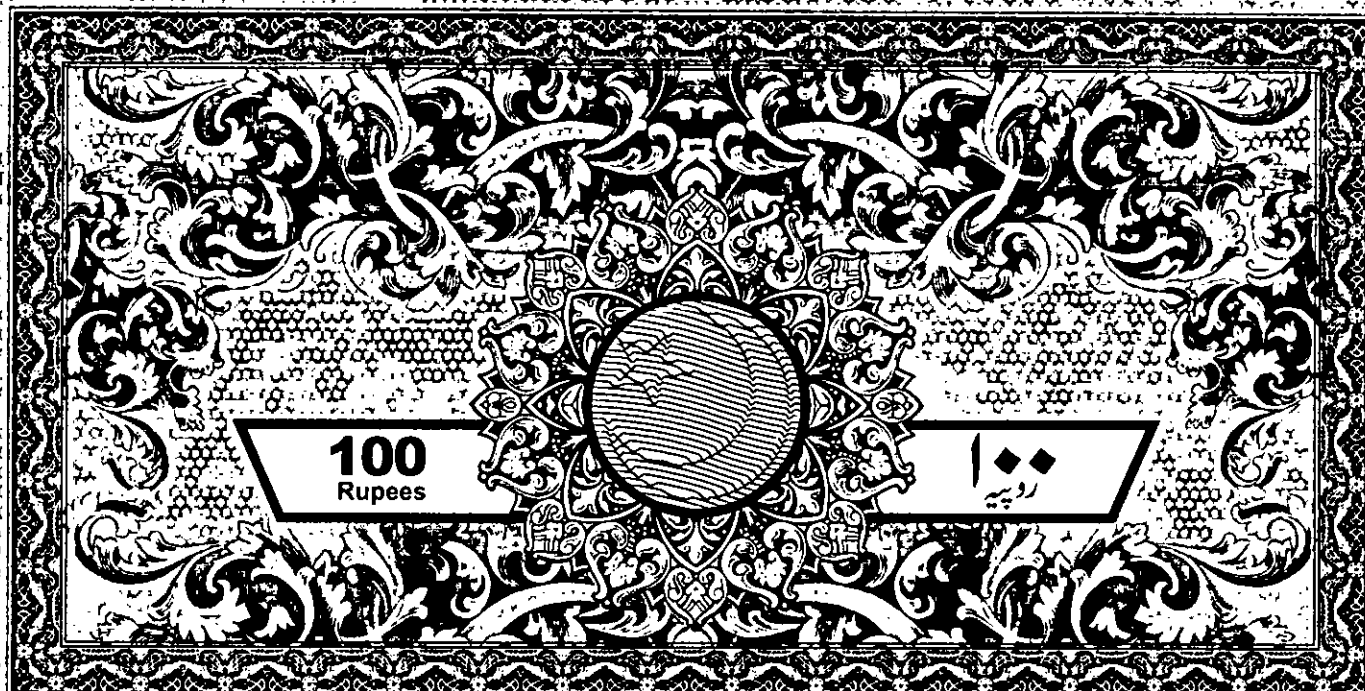
S.No	Particular of documents	Pages
1	Affidavit	01
2	Para wise comments	02 to 04
3	Annexure	05

Dated /01/2024

Government of Khyber Pakhtunkhwa through Additional Advocate General Peshawar
High Court Abbottabad Bench


DIVISIONAL FOREST OFFICER
HARIPUR FOREST DIVISION
HARIPUR

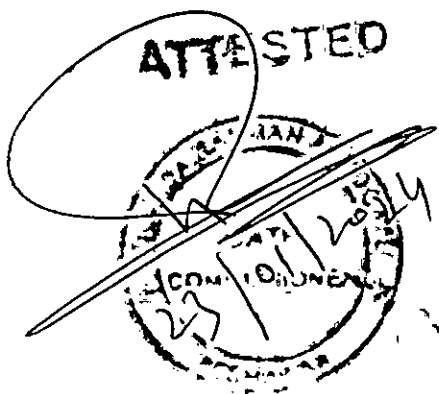
25-1-24
A. Abbott



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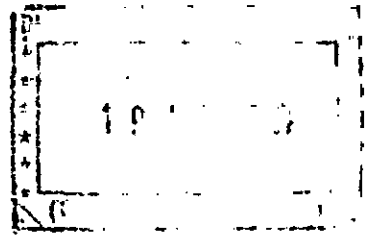
I, Farhad Ali (Divisional Forest Officer Haripur), do hereby solemnly affirm and declare that the contents of the foregoing para wise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Dated. 23-01-2024



DEPONENT
DIVISIONAL FOREST OFFICER
HARIPUR FOREST DIVISION
HARIPUR

23-01-24
فہرہ علی دو بیٹہ نل آ خدیجہ بیگم دیوڑ




ABID UR REHMAN
Stamp Vendor
Lic. No. 23-5007-0 Date: 14/02/24
REHMANI TREASURY PESHAWAR

AUTHORITY LETTER

I, Farhad Ali (Divisional Forest Officer Haripur), do hereby authorized Mr. Adnan Khan Forest Guard Khanpur Sub Division to submit the comment in appeal No.982/2023 in Service Tribunal Peshawar.

Dated. 23-01-2024


Divisional Forest Officer
Haripur Forest Division
Haripur.

②

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT ABBOTTABAD

Appeal No.982/2023

Kashif Awais

Khyber Pakhtukhwa
Service Tribunal

Versus

Diary No. 10739

1. Divisional Forest Officer Haripur Forest Division
2. Conservator of Forests Lower Hazara Forest Circle
Abbottabad

Dated 23-1-2024

(Respondents)

Parawise comments on behalf of respondent No. 01 & 02

Preliminary Objections

1. That the appellant has got no cause of action.
2. That the appellant is barred by law and limitation.
3. That the appellant has not come to this Honorable Tribunal with clean hands.

On Facts:

1. Correct to the extent that the appellant holds the post of Forest Guard in Haripur Forest Division under the control of respondent No. 1.
2. Correct to the extent that the respondent No. 01 being competent authority initiated proper disciplinary proceedings as provided under the rules to ascertain the facts and constituted an Inquiry Officer to conduct enquiry against the appellant on account of negligence resulting in theft of Govt. Motorcycle 125 Honda (2020 Model) APL Engine No. EB 350961, Chasis No. 66803, allotted to the appellant.
3. Relates to record.
4. Incorrect that the appellant has not submitted his written defense to the Inquiry Officer through this office.
5. Correct to the extent that as provided under the rules, upon receipt of Inquiry

5. Correct to the extent that as provided under the rules, upon receipt of Inquiry Report the appellant was serve with show cause notice against which the appellant submitted reply.
6. Correct to the extent that the respondent No. 01 after adopting the due course of law and keeping in mind the factual and circumstantial evidence and inquiry report recommendation imposed penalty of recovery of amount being cost of Govt. property (Motor cycle) 125,500/-, due to in-efficiency/ carelessness of the appellant.
7. Pertains to record.

Grounds:

- i. Incorrect: The impugned order is as per law and nothing against the law and rules. All the proceedings have been in accordance with E&D rules 2011 and other instructions on the subject.
- ii. Incorrect, the appellant has not submitted application in Police Station Ghazi & Haripur through this office even mere submission of first information report in Police Station do not serve any purpose and cannot be made basis to absolve the appellant from recovery of amount due
- iii. Incorrect RFO Ghazi vide his letter No. 25/G dated 27/08/2022 informed regarding theft of Govt. Motorcycle allotted to appellant in Ghazi Forest Range
- iv. Incorrect: relates to record. Further no progress or recovery of the stolen Govt. property reveals that the appellant just trying to deceive the higher ups and no concrete efforts have been made by the appellant.

his negligence that resulted in theft of same and he is liable to pay the amount due as per law.

- vi. Incorrect, the penalty of recovery imposed by the Competent Authority after following the due course of law is legal and maintainable before the eye of law.
- vii. Incorrect the law has been properly applied and nothing against the legal right of appellant, the order of respondent No. 01 is result of legal proceedings and has legal effect.
- viii. Incorrect nothing worthwhile provided in defense by the appellant
- ix. In-correct
- x. Incorrect, as the whole process has been as per law & rules on the subject. The resultant order being legal needs not to be set aside rather be upheld and loss to the Govt. exchequer be recovered from the appellant.
- xi. That the respondents also seek permission to raise further grounds at the time of arguments.
- xii. Subject to proof

It is, therefore, requested, in the light of above exposition, material on record and facts revealed it is humbly prayed that the appeal on the impugned order being meritless be dismissed with cost.

Signature of Respondents


Muhammad Yousaf

Conservator of Forests, Lower
Hazara Forests Circle,
Abbottabad.

Respondent No.02


Farhad Ali

Divisional Forest Officer,
Haripur Forest Division,
Haripur.

Respondent No. 01

OFFICE ORDER NO. 34 DATED ABBOTTABAD THE 17/10/2023, ISSUED BY MUHAMMAD YOUSAF KHAN, CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE ABBOTTABAD

In consequence of appeal preferred by one Mr Kashif Awais, Forest Guard dated 02/01/2023 received through DFO Haripur Forest Division letter No 3545/GE dated 11/01/2023. After proper perusal of record on file and appellant heard in person. Office Order No 132 dated 16/12/2022 issued by DFO Haripur is hereby held in abeyance until final outcome of the criminal FIR No 345 dated 27/8/2022 thereafter the fate of the appellant will be decided accordingly. The appellant is further directed to vigorously pursue and recover the Government Motor Cycle.

Sd/-
Muhammad Yousaf Khan
Conservator of Forests
Lower Hazara Circle
Abbottabad

Memo
Copy forwarded to -

- 1. The Divisional Forest Officer Haripur Forest Division for information and further necessary action with reference to his letter cited above. He is directed to collect the outcome of FIR from DPO Haripur and intimate this office accordingly.
- 2. Mr Kashif Awais Forest Guard c/o DFO Haripur for information with reference to his appeal dated 2/1/2023.

Muhammad Yousaf Khan
Conservator of Forests
Lower Hazara Circle
Abbottabad

Attested

DIVISIONAL FOREST OFFICER
HARIPUR FOREST DIVISION
HARIPUR

EC
To do the needful

DFO
19/11

1771
26/10/23

unattested