


FORM OF ORDER SHEET

Court of _____

Appeal No. 269/2024

S.No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/02/2024	<p>The appeal of Mr. Habib ur Rehman received today by registered post through Sheikh Ifikhar ul Haq Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Habib ur Rehman received today i.e on 23.01.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and re-submission within 15 days.

Page nos. 7 to 10, 21, 30, 31, 32 & 36 of the appeal are illegible which may be replaced by legible/better one.

No. 180 /S.C.

Dt. 25/1 /2024.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Shrih Habib ur Rehman Ut Haq Adv.
High Court of D.I. Khan.

Respected Sir,

The objection has been removed. Hence please Sir.

Dated:

has been resubmitted

your humble
Appellant
through counsel
in this way
Sh: Shrih Habib ur Rehman
A.S.C

- A -

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 269 / 2024

Habib ur Rehman

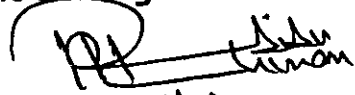
Versus

Govt. of KPK etc

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Appellant through Counsel


 Habib ur Rehman
 Sh. S. Khan ul - H. S. Khan

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT DERA ISMAIL KHAN

Service Appeal No. 269 / 2024

Habib ur Rehman son of Allah Dad r/o Kot Khadak Tehsil & District Tank. Presently serving as Forest Guard in the incumbency of Sub Division Tank. Cell# 0346-9499097

(PETITIONER)

VERSUS

1. Conservative Forest Department, Southern Forest Circle Bannu.
2. **Divisional Forest Officer**, D.I.Khan Forest Division Dera Ismail Khan.

(RESPONDENTS)

**SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974.**

Prayer:

On acceptance of instant service appeal the impugned appellate authority order No. 21 dated 28/12/2023 may graciously be partially set aside/modified and the reinstatement be considered for not with immediate effect but from the date of 07/07/2023, without holding promotion for three years may kindly be set aside, reduction to a lower stage in a time scale for two stages with accumulative effect may be set at naught, the intervening period may be treated with pay, and reflecting the aforementioned penalties in the ACR, personal file and service book may kindly be deleted/washed away and issuance of character role warning may also be set aside. In short aforementioned penalties may graciously be set aside and the

appellant's reinstatement be considered from the date of 07/07/2023 and monthly salaries may kindly be disbursed from June 2023 till 11/01/2024 and onwards without any deduction in any shape from the appellant.

Respectfully Sheweth;

Appellant humbly submits and requests as under:-

1. That the appellant is a permanent resident village District Tank and was appointed in the Forest Department Tank as Forest Guard on 11/09/2007. In this regard service record of appellant is annexed as **Annexure-A**.
2. That the appellant served the department honestly, with zeal and zest and to the entire satisfaction of his superiors.
3. That firstly vide office order No. 155 dated 10/03/2023 the appellant was suspended/attached from services with the Conservator of Forest Circle Bannu. Copy of the suspension order dated 10/03/2023 is annexed as **Annexure-B**.
4. That the respondents issued an Explanation letter dated 17/04/2023 vide which it was alleged that appellant should be report to the concern Bannu office on 16/03/2023. Copy of the letter dated 16/03/2023 is annexed as **Annexure-C**.
5. That as the daughter of appellant namely Mst. Bushra Bibi and his son namely Aziz ur Rehman are the patient of Blood Thalassemia (Cancer) and there is no other male member in the family to look after the patients, thus the appellant requested to the department that in the attending circumstances the appellant is not in a position and furthermore, there is no complaints, stigma on the services of the appellant the grievances of the appellant be redressed but the respondents authority were not accepted the requests of appellant, thus the appellant have no other remedy at that time filed a civil suit before the court of Senior Civil Judge Tank which was entrusted to the court of learned Civil Judge-

- 3 -

II Tank for disposal, on 27/03/2023, wherein the learned Civil Judge-II Tank was pleased to pass a temporary injunction order in favour of appellant and thus the appellant performed the duties with full satisfaction of superiors and never remained absented but due to the personal grudges and biased behavior of the respondents the appellant was teased on pretext and other. Copies of the civil suit along with order sheets are annexed as **Annexure-D**.

6. That on 19/04/2023 the appellant filed a departmental appeal against the suspension order. Copy of the departmental appeal along with postal receipt is annexed as **Annexure-E**.
7. That, when the appellant was on duty, during this the appellant was asked that you will receive documents, although the appellant was on duty but in spite of this on 04/06/2023, the appellant received a subject Advertisement dated 30/05/2023 along with suspension order dated 10/03/2023, notice dated 04/04/2023, final notice dated 22/05/2023 and absentee notice dated NIL along with final notice dated NIL & without signed. Copies of Advertisement dated 30/05/2023 along with suspension order dated 10/03/2023, notice dated 04/04/2023, final notice dated 22/05/2023 and absentee notice dated NIL along with final notice dated NIL & without signed are annexed as **Annexure-F & F/5**.
8. That thereafter, the appellant submitted reply on 06/06/2023. Copy of the reply along with postal receipt is annexed as **Annexure-G**.
9. That meanwhile the learned Civil Judge-II Tank, on 06/07/2023, return the plaint under order VII Rule 10 CPC to the appellant. Copy of order sheet dated 06/07/2023 is annexed as **Annexure-H**.
10. That on 07/07/2023, the appellant was removed from services vide impugned order No. 4, and just to tease the appellant the copy of the impugned order was sent through postal services on 14/07/2023, 24/07/2023 & 05/08/2023.

-4-

Copies of the impugned order dated 07/07/2023 with relevant documents are annexed as **Annexure-I**.

11. That thereafter the appellant submitted departmental appeal against the impugned order on 18/07/2023, which was dispatched on 19/07/2023 but the same was not accepted at that time. Copies of departmental appeal along with receipt are annexed as **Annexure-J**.

12. That the appellant submitted a service appeal No. 2431/2023 for setting aside the order dated 07/07/2023, before the KPK Service Tribunal, wherein the Honourable KPK Service Tribunal were pleased to admit for full hearing on 18/12/2023, the service appeal and the service appeal was fixed for reply on 17/01/2024. Meanwhile, the respondent#1/ appellate authority (Conservator of Forest Southern Forest Circle Bannu) partially accepted the departmental appeal of the appellant vide order#21 Bannu dated 28/12/2023 with following manner;

- i. Reinstated with immediate effect.
- ii. Withholding promotion for three years
- iii. Reduction to a lower stage in a time scale for two stages with accumulative effect.
- iv. The intervening period from 10/03/2023 to 18/12/2023 may be treated as leave without pay.
- v. Furnishing an affidavit for on attested judicial stamp paper for performing regular duty with good behavior and discipline.
- vi. Reflecting the same in ACR, personal file and service book.
- vii. Issuance of character role warning.

The copy of the order#21 Bannu dated 28/12/2023 was received to the appellant on 11/01/2024. Copy of the order#21 Bannu dated 28/12/2023 is annexed as **Annexure-K**.

13. That after receiving of the appellate authority order dated 28/12/2023, the appellant submitted an application before

- 5 -

the KPK Service Tribunal for withdrawal of appeal No. 2431/2023 on 17/01/2024, which was allowed on 17/01/2024 by the KPK Service Tribunal Camp Court Dera Ismail Khan and the appellant was permitted to file a fresh service appeal. Copies of the grounds of appeal, application and order dated 17/01/2024 are annexed as **Annexure-L, M & N.**

14. That the appellant has no other remedy but to submit the instant service appeal against the appellate authority order dated 28/12/2023 through instant service appeal, inter alia, on the following grounds.

GROUND S: -

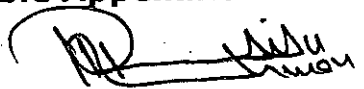
- A. That, partially impugned order#21 Bannu dated 28/12/2023 to the extent of impugned penalties is against law, facts and circumstances of the case and are liable to be set aside/modified.
- B. That the partially impugned order is also against the principle of service rules and policy.
- C. That the alleged inquiry report is not incumbency of ESTA Code because the appellant had been punished within aforesaid inquiry, hence, gross violation of law have been done.
- D. That no inquiry whatsoever has ever been conducted against the appellant and this sole ground is sufficient for acceptance of instant appeal.
- E. That no charge sheet, show cause notice, final show cause notice were given to the appellant when he was on duty but the whole proceedings (although not admitted) were conducted in the back of appellant, when the appellant complained in respect of cutting of wood trees. (proof is available).
- F. That the respondents/authority are deviating from the service rules and policy and over writing the service book of the appellant due to personal grudges.

- G. That the acts and omissions of the respondents/authority are against the principle of law, service acts & rules, and also against the natural justice.
- H. That the appellant never misconducted, never remained absent, and all the allegations against the appellant is on the basis of ill footings and baseless and thus the appellate authority order has been issued in slipshod manner and is liable to be set aside/modified because the impugned order has been questioned in the instant appeal is harsh and not in accordance with law and in violation of service laws and rules.
- I. That counsel for the appellant may please be allowed to raise additional grounds at the time of arguments.

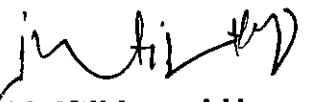
It is therefore humbly prayed that on acceptance of instant service appeal the impugned appellate authority order No. 21 dated 28/12/2023 may graciously be partially set aside/modified and the reinstatement be considered for not with immediate effect but from the date of 07/07/2023, without holding promotion for three years may kindly be set aside, reduction to a lower stage in a time scale for two stages with accumulative effect may be set at naught, the intervening period may be treated with pay, and reflecting the aforementioned penalties in the ACR, personal file and service book may kindly be deleted/washed away and issuance of character role warning may also be set aside. In short aforementioned penalties may graciously be set aside and the appellant's reinstatement be considered from the date of 07/07/2023 and monthly salaries may kindly be disbursed from June 2023 till 11/01/2024 and onwards without any deduction in any shape from the appellant.

Dated: 18/01/2024

Humble Appellant



Habib ur Rehman
Through Counsel



Sheikh Iftikhar ul Haq
Advocate Supreme Court

- 6 - (a)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT DERA ISMAIL KHAN

Service Appeal No. _____ / 2024

Habib ur Rehman Versus Govt. of KPK etc

SERVICE APPEAL

CERTIFICATE

Certified that no service appeal on the subject has earlier been filed before this Hon'ble Tribunal.

[Handwritten Signature]

Appellant
Through Counsel

[Handwritten Signature]
Sh. Iftikhar ul Haq
A.S.C.

AFFIDAVIT:

I, **Habib ur Rehman** son of Allah Dad r/o Kot Khadak Tehsil & District Tank, the appellant, do hereby solemnly affirm and declare on Oath that contents of the service appeal are true and correct to the best of our knowledge and belief; and nothing has been deliberately concealed from this Hon'ble Tribunal.

Dated: 18 /01/2024

[Handwritten Signature]

DEPONENT



CNIC# 12201-8415131-1

Identified by Counsel


[Handwritten Signature]
Sh. Iftikhar ul Haq
A.S.C.


OFFICES ORDER NO. 18 DATED D.I.KHAN THE 11 TH SEPTEMBER 2007
ISSUED BY INAYATULLAH KHAN DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST
DIVISION D.I.KHAN.

Having examined by the departmental selection committee and selected by the authority after having test and interview on 07.9.2007, Mr. Habib ur-Rehman Son of Allah Dad resident of Kot.Khaddak, Tehsil & District Tank is hereby appointed as Forest Guard in the pay scale Basic Pay Scale - 5 (Rs. 2415 - 115 - 5865) against the posts created through S.N.E titled "Creation of various posts in D.I.Khan Forest Division" with effect from the date of his joining for duty.

The appointment is subject to following terms and conditions:

1. The appointment is purely temporary on "Contract Basis" against the post created through S.N.E for D.I.Khan Forest Division for the year 2007-08, and can be terminated any time without showing him any cause and reason or opportunity after giving Fourteen (14) days notice or payment of Fourteen (14) days pay in lieu thereof.
2. The appointment is for the posts created S.N.E for D.I.Khan Forest Division for the specified period of the S.N.E. As long as approval of S.N.E (for this post) is continued to be received from Finance Department Government of N.W.F.P on year to year basis, his appointment will continued to be valid and in case if approval of Finance Department ceased to exist for any reason, he will automatically be terminated from service. In that case he will have no right or claim what so ever for further continuation/absorption against any of the post falling vacant in D.I.Khan Forest Division or Circle or Province.
3. In case of re-attachment of staff, if desired by the department due to either abolition of this vacancy for any other reason, the appointee will be having no right or claim for transfer or adjustment against any vacancy in this Division or Circle or Province.
4. He will have to undergo training of Forest Guard at Sarhad Forest School Abbottabad, and will successfully pass the examination/training. In case he is avoided to undergo training (on nomination for training) under the shelter of any reason i.e. Medical illness, domestic affairs or political influence etc. he will automatically be terminated from service. In case he failed to successfully pass Forester training/examination, he will be removed from service soon after declaration of results.
5. Initially he will remain on probation of (2) two years (subject to continuation of posts) extendable up to (4) four years and his services can be terminated at any time without assigning any notice if his performance or conduct is found unsatisfactory during the probation period and extended probation period.
6. He will be governed by all relevant N.W.F.P. (Government Servant) Government Servants Act 1973, N.W.F.P. Government Servant (Efficiency & Discipline) Rules 1973, N.W.F.P. Government Servants Removal from Service Special Provisions Ordinance-2000, and all other relevant Rules applicable to N.W.F.P. Government Servants and framed by the Government of N.W.F.P. from time to time.
7. He will have to produce Medical fitness Certificate from the Medical Superintendent District Teaching Hospital D.I.Khan within (10) Ten days from the date of joining his service.

Attached to be true copy


Attached to be true copy


- 9. He will have to tender one month notice for resignation as and when he desire to leave forest department else in lieu of that he will have to deposit one month pay in advance.
- 10. As long as he will be the effective strength of D.I. Khan Forest Division D.I. Khan, he can be posted/transfer/adjusted any where throughout the territorial jurisdiction of Tank, if he is posted in D.I. Khan Forest Division, D.I. Khan. He will be having no right for asking his posting/transfer at any place of his choice, in case of refusal, his service can be terminated without giving any notice.

If he accepts the post on the terms and conditions mentioned above he should report themselves for duty within (15) Ten days and will produce original certificate in connection with his qualification and domicile etc.

DIVISIONAL FOREST OFFICER
D.I. KHAN FOREST DIVISION
D.I. KHAN.

No. 900-03 IG.

Copy forwarded to the:-

21

Conservator of Forests, Southern Circle Peshawar, for favour of information.

22

Individual Concerned.

3.

Head Clerk/Accountant Divisional Office D.I. Khan.

For information.

DIVISIONAL FOREST OFFICER
D.I. KHAN FOREST DIVISION
D.I. KHAN.

Wahid Ullman
Wahid Ullman

*Attached to be
true copy*

Wahid Ullman

*Attached to be
true copy*

Wahid Ullman

OFFICE ORDER NO. 155 DATED D.L.KHAN THE 17 MAR/2023 ISSUED BY
MR. AMIN-UL-ISLAM, DIVISIONAL FOREST OFFICER D.L.KHAN FOREST
DIVISION, D.L.KHAN

As reported by SDFO Tank vide Letter No. 143/SDFO/TANK dated 07-03-2023 Mr. Habib Ur Rehman, Forest Guard of Tank Forest Sub Division has been found involved in misconduct, blackmailing of officers/officials of the department through baseline complaints and corrupt practices, therefore under the exercise of power vested vide Section-VI of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rule 2011. He is hereby placed under suspension and attached with the Conservator of Forest, Southern Forest Circle Bannu, in the interest of public services with immediate effect.

(AMIN-UL-ISLAM)
DIVISIONAL FOREST OFFICER
D.L.KHAN FOREST DIVISION
D.L.KHAN

No 7016-201E

Copy forwarded to the:

- 1. Conservator of Forests, Southern Forest Circle Bannu for information and further necessary action.
- 2. Sub-Divisional Forest Officer Tank for information and further necessary action.
- 3. Mr. Habib Ur Rehman Forest Guard for information and immediate necessary action.
- 4. I/C/Accountant/Establishment Clerk of Divisional Forest Office D.L.Khan for information.

Attested to be true copy

(Signature) Habib Ur Rehman

DIVISIONAL FOREST OFFICER
D.L.KHAN FOREST DIVISION
D.L.KHAN

Attested to be true copy

(Signature) Habib Ur Rehman

Mr. Habib-ur-Rehman
Forest Guard C/O SDFO Tank

- 10 -

Ann: C

SUBJECT: EXPLANATION THEREOF.

You are suspended vide this Office Order No.155 dated 10-03-2023 and were attached with Conservator of Forests, Southern Forest Circle Bannu. You were directed to report to the concern office on 16-03-2023. Conservator of Forests, enquired regarding your whereabouts as you have not reported your arrival in Conservator of Forests, Southern Forest Circle Bannu Office. Upon contacting you vide his cell no. 03-169499097 on 16-03-2023, you stated that you are in Tank. The undersigned requested you to attend the Divisional Forest Office but you straight away refused to do so. Furthermore, you misbehaved and threatened Mr. Ali Raza Shah, Establishment Clerk, with dire consequences. Besides, above you are also performing your duties illegally and without any directives from this office. All of your actions tantamount to disobedience, misbehavior and non-compliance of official orders issued by competent authority.

You are therefore, called upon to explain your position that why you have not obeyed the orders of high-ups, misbehaved and threatened the official. Your explanation should reach in this office within 03 (three) days after the receipt of this letter, failing which, drastic action will be taken against you under Efficiency & Disciplinary Rule -2011.


DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN.


No. 7205-09/16


Copy forwarded to the:-

1. Conservator of Forests, Southern Forest Circle Bannu for favour of information and further necessary action.
2. SDFO Tank Forest Sub Division for information and necessary action. He is requested to deliver the letter under receipt and report compliance to this office.
3. Mr. Habib-ur-Rehman Forest Guard for information and immediate necessary action.
4. The Acctt.F.C. Divisional office for information and necessary action.

Attach 201
to be true copy

 Kishu Luman


Attestal to be true copy

 Kishu Luman

بعدالت جناب سٹنیر سول جج صاحبہ ضلع ٹانک

حبیب الرحمن بنام ڈویژنل فارسٹ آفسر وغیرہ

دعویٰ استقرانیہ

Ann = "D"

درخواست بمراد صدور حکم امتناعی عارضی بنام مدعا علیہ نمبر 1 کہ ود تا تصفیہ مقدمہ عنوان بالا آفس آڈر نمبر 155 مصدقہ مورخہ 10-03-2023 کو معطل فرمایا جائے۔

جناب عالی! من مسائل / مدعی حسب ذیل عرض فرما رہا ہے۔

- 1- یہ کہ مقدمہ عنوان بالا دائر عدالت آنجناب کیا جا رہا ہے مقدمہ ہذا کو درخواست ہذا کا ضروری جزو تصور فرمایا جائے۔
- 2- یہ کہ من مدعی کا Prima Facie کیس ہے اور میزان سہولت بحق من مدعی ہے اور مقدمہ ہذا کے ڈگری ہونے کے قوی امکانات ہیں۔
- 3- یہ کہ منمدعی کے بچے میجر thalassemia کے مریض ہیں جنکو ہر سات یوم میں بلڈ ٹرانفوزیشن دینا ہوتا ہے اور مدعا علیہ نمبر 1 نے منمدعی کو بغیر کسی قانونی جواز کے اور بدنیتی کی بنیاد پر بروئے آفس آڈر نمبر 155 مصدقہ مورخہ 10-03-2023 معطل کر کے سرکل بنوں attach کر دیا ہے اور اگر معطل آڈر مذکورہ کو معطل نہ کیا گیا اور منمدعی سرکل بنوں attach ہو گیا تو منمدعی کے بچوں کو بروقت علاج نہ ملنے کی وجہ سے منمدعی کے بچے اپنی زندگی کی بازی ہار سکتے ہیں جس سے منمدعی کو ناقابل تلافی نقصان ہوگا۔
- 4- یہ کہ دیکل مسائل / مدعی کو بدوران سخت بردر درخواست ہذا مذکورہ نقطہ نظر اور نظر کے پیش کرنے کی اجازت فرمائی جائے۔

لہذا: استدعاء ہے کہ بوجوبات بالا تا تصفیہ مقدمہ عنوان بالا مدعا علیہ نمبر 1 کی طرف سے بدنیتی کی بنیاد سے جاری کردہ آفس آڈر نمبر 155 مصدقہ مورخہ 10-03-2023 کو معطل فرمایا جائے کا حکم صادر فرمایا جائے۔

العبد

حبیب الرحمن (مدعی / مسائل)

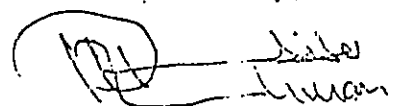


بیان حلفی:

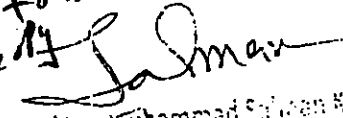
برحلقہ بیان کیا ہے جملہ اندراجات ایٹیل ہذا اتحاد علم و یقین کے حرف بحرف بالکل درست ہے، کوئی امر پوشیدہ نہیں رکھا گیا ہے۔

العبد

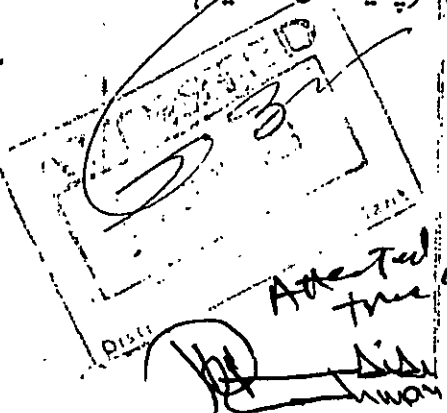
حبیب الرحمن (مدعی / مسائل)



R. S. A. Attested



Muhammad Salim Khan Kundi
Oath Commissioner
District Court Tank



14/06

27/03

100/1

بعدالت جناب مستند ستون رجوع صاحبہ ضلع ٹانک 23

حبیب الرحمن ولد اللہ داد قوم شیخ ساکن کوٹ خدک تحصیل و ضلع ٹانک۔ فارمٹ آفس ٹانک۔

(مدعی)

بنام

(HAFIZ AURANGZEB KHAN)
SENIOR CIVIL ENGINEER
1988

1- ڈیڑھل فارمٹ آفس ڈی آئی خان ڈویژن۔

2- ڈیڑھل فارمٹ آفس ٹانک۔

(مدعا علیہم)

دعویٰ استتقراریہ بدیں قرار داد کہ منمد شی فارمٹ ڈیپارٹمنٹ ٹانک میں بحیثیت فارمٹ آفس تعینات ہوا ہے اور بعد از تعینات منمد شی اپنی ڈیوٹی احسن طریقہ سے سرانجام دی ہے اور دے رہا ہے منمد شی اپنے گھر کا واحد زرعیہ معاش ہے اور منمد شی۔ علاوہ منمد شی کا کوئی اور زرعیہ معاش نہ ہے منمد شی کے پسر سکی عزیز الرحمن اور منمد شی کی دختر سماتہ بشری بی میجر thalassaemia کے مریض ہیں جو کہ منمد شی ہر سات یوم کے بعد انکو زندہ رکھنے کیلئے بلڈ لگواتا ہے (منمد شی کے بچوں کے میڈیکل رپورٹ منسلک عرضید عمومی ہذا ہیں) منمد شی کے علاوہ منمد شی کے گھر میں کوئی اور مرد نہ ہے جو کہ منمد شی کے تمام تر خدمات سرانجام دے منمد شی اپنے بچوں کے علاج معالجہ کے ساتھ ساتھ اپنی ڈیوٹی بھی احسن طریقہ سے سرانجام دیتا ہے اور کبھی بھی کسی قسم کی شکایت کا موقع اپنے افسران بالا کو نہیں دیا ہے لیکن مدعا علیہ نمبر 1 نے بغیر کسی وجہ کے -topsy turvy انداز اور اپنے اختیارات کا ناجائز فائدہ لیتے ہوئے اور بدعتی کی بنیاد پر منمد شی کو ہڈے آفسن آڈر نمبر 155 مصدق مورخہ 10-03-2023 کے تحت منمد شی کو معطل کر کے conservator of forests, southern ٹانک سرکل بنوں attach کر دیا ہے حالانکہ منمد شی نے کسی قسم کی کوئی شکایت کا موقع بھی مدعا علیہم کو نہیں دیا ہے اور نہ ہی اپنی ڈیوٹی میں کوئی کوتاہی کی ہے منمد شی کے معطل اور attachment سرکل بنوں میں ہونے کی وجہ سے منمد شی کے بچوں کی اموات کا خطرہ لاحق ہے کیونکہ منمد شی کے بچوں کو ہر دو سرے یا تیسرے دن علاج معالجہ کیلئے متعلقہ میڈیکل ڈاکٹر کے پاس لے جانا ہوتا ہے اور بلڈ لگوانا ہوتا ہے مدعا علیہ نمبر 1 منمد شی کی مجبوری اور بے بسی مذکورہ سے اچھی طرح سے واقف ہونے کے باوجود بھی منمد شی کو آڈر مذکورہ کی بنیاد پر معطل کر کے سرکل بنوں attach کر دیا ہے حالانکہ مدعا علیہ نمبر 1 منمد شی کو معطل کرنے اور attach کرنے کا عیاں آفسرنہ بدیں ہے اور آڈر مذکورہ قابل منسوختی ہے اور مدعا علیہ نمبر 1 کا مذکورہ فعل سراسر نلط، فرضی، بناوٹی، سازشی، خلاف قانوں و Mila fide ہونے کی وجہ سے باطل / Void ہے اور مدعی کے پہلے سے موجود انتہائی قیمتی حقوق پر غیر متبر ہیں۔ معہ



صدور حکم امتناعی دواہی و تاکید ی بنام مدعا علیہ نمبر 1 کا آفس آڈر نمبر 155 مصدقہ مورخہ 10-03-2023 کے منسوخ ہونے پر اقدام فرمایا جائے اور مندرجہ ذیل کے خلاف کسی بھی قسم کا کوئی adverse action لینے سے باز رہیں اور مندرجہ ذیل کو اپنی ڈیوٹی فارسٹ آفس ٹانک میں کرنے کی اجازت دی جائے۔ نیز عدالت آنجناب مندرجہ ذیل کیلئے کوئی اور دائرہ کی سطح سمجھے تو اسکی بھی ڈگری بحق مندرجہ ذیل صادر فرمائی جائے۔

(HAFIZ AURANGZEB KHAN)
Senior Civil Judge (Adm.)
Tahsil
District

مندرجہ ذیل حسب ذیل عرض رساں ہے۔

- 1- یہ کہ مندرجہ ذیل تحصیل ضلع ٹانک کے گاؤں کوٹ خدک کا مستقل سکونتی ہے اور حکومت دقت کا فرمانبردار شہری ہے۔
- 2- یہ کہ مندرجہ ذیل فارسٹ ڈیپارٹمنٹ ٹانک میں بحیثیت فارسٹ آفسر تعینات ہوا ہے اور بعد از تعیناتی مندرجہ ذیل اپنی ڈیوٹی احسن طریقہ سے انجام دے رہا ہے۔
- 3- یہ کہ مندرجہ ذیل اپنے گھر کا دائرہ زرعیہ معاش ہے اور مندرجہ ذیل کے علاوہ مندرجہ ذیل کا کوئی اور زرعیہ معاش نہ ہے مندرجہ ذیل کے پسر کسی عزیز اہل خانہ اور مندرجہ ذیل کی دختر سہ ماہہ بشرہ ذیل بی بی میجر thalassemia کے مریض ہیں جو کہ مندرجہ ذیل ہر سات یوم کے بعد انکو زندہ رکھنے کیلئے بلڈ لگواتا ہے (مندرجہ ذیل کے بچوں کے میڈیکل رپورٹ منسلک عرضیہ عوی ہذا ہیں)۔
- 4- یہ کہ مندرجہ ذیل کے علاوہ مندرجہ ذیل کے گھر میں کوئی اور مرد نہ ہے جو کہ مندرجہ ذیل کے تمام تر خدمات سر انجام دے مندرجہ ذیل اپنے بچوں کے علاج معالجہ کے ساتھ ساتھ اپنی ڈیوٹی بھی احسن طریقہ سے سر انجام دیتا ہے اور کبھی بھی کسی قسم کی شکایت کا موقع اپنے افسران بالا کو نہیں دیا ہے لیکن مدعا علیہ نمبر 1 نے بغیر کسی وجہ کے topsy-turvy انداز اور اپنے اختیارات کا ناجائز فائدہ لیتے ہوئے اور بدینتی کی بنیاد پر مندرجہ ذیل کو بروئے آفس آڈر نمبر 155 مصدقہ مورخہ 10-03-2023 کے تحت مندرجہ ذیل کو معطل کر کے conservator of forests, southern میں attach کر دیا ہے حالانکہ مندرجہ ذیل نے کسی قسم کی کوئی شکایت کا موقع بھی مدعا علیہم کو نہیں دیا ہے اور نہ ہی اپنی ڈیوٹی میں کوئی کوتاہی کی ہے مندرجہ ذیل کے معطل اور attachment سرکل بنوں میں ہونے کی وجہ سے مندرجہ ذیل کے بچوں کی اموات کا خطرہ لاحق ہے کیونکہ مندرجہ ذیل کے بچوں کو ہر دو ہرے یا تیسرے دن علاج معالجہ کیلئے متعلقہ میڈیکل ڈاکٹر کے پاس لے جانا ہوتا ہے اور بلڈ لگوانا ہوتا ہے مدعا علیہ نمبر 1 مندرجہ ذیل کی اجبوری اور بے بسی مذکورہ سے اچھی طرح سے واقف ہونے کے باوجود بھی مندرجہ ذیل کو آڈر مذکورہ کی بنیاد پر معطل کر کے سرکل بنوں attach کر دیا ہے، نقل آڈر مذکورہ لف ہے۔

- 5- یہ کہ مدعا علیہ نمبر 1 مندرجہ ذیل کو معطل کرنے اور attach کرنے کا مجاز آفسر نہ ہے بدین وجہ آڈر مذکورہ قابل منسوخی ہے اور مدعا علیہ نمبر 1 مذکورہ نقل سر اسر غلط، فرضی، بناوٹی، سازشی، خلاف قانون و Mala fide ہونے کی وجہ سے باطل / Void ہے۔

(HAFIZ AURANGZEB KHAN)
Senior Civil Judge (Adm.)
Tahsil
District

اور مدعی کے پہلے سے موجود انتہائی قیمتی حقوق پر غیر موثر نہیں۔ معہ صدور حکم امتناعی دوامی و تاکید ی بنا
مدعا علیہ نمبر 1 کا آفس آرڈر نمبر 155 مصدقہ مورخہ 10-03-2023 کو منسوخ و کالعدم فرمایا جائے اور مندرجہ کے خلاف کسی بھی
قسم کا کوئی adverse action لینے سے بازو منسوخ رہیں اور مندرجہ کو اپنی ڈیوٹی فارنسٹ آفس ٹانک میں کرنے کی اجازت دی
جائے۔

HAFIZ TURAB KHAN
Advocate
CIVIL JUDGE
TANK

6- یہ کہ مدعا علیہم کو ہر چند کہا اور کہا دیا گیا ہے کہ وہ معطل آڈر مذکورہ کو منسوخ و کالعدم فرمایا جائے لیکن مدعا علیہم لیت و لعل
اور مثال مثالی سے کام لیتے ہوئے عرصہ تقریباً دس یوم سے صاف طور پر انکاری ہوا۔ بدین وجہ ضرورت دعویٰ ہذا
لاحق بہوا۔

7- یہ کہ بنائے دعویٰ از مخاصمت انکار مدعا علیہم عرصہ دس یوم سے پیدا ہوا ہے جو کہ دعویٰ ہذا انڈر میجا و انڈر حدود اختیار
سماعت عدالت آنجناب ہے۔

8- یہ کہ مالیت عرضید دعویٰ ہذا بغرض اختیار سماعت کورٹ فیس دو صد روپے مقرر کیجاتی ہے جو کہ عرضید دعویٰ ہذا کورٹ
فیس چسپاں کرنے سے مستثنیٰ ہے۔

لہذا: استدعاء ہے کہ دعویٰ مدعی حسب صراحت عنوان و تشریح عرضید دعویٰ
بحق مدعی و برخلاف مدعا علیہم معہ خرچہ مقدمہ کہ آڈگری فرمایا جائے۔

العبد

حبیب الرحمان (مدعی)

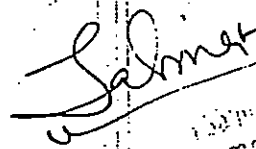


بیان حلفی:

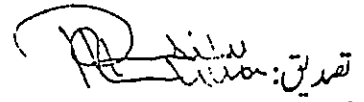
برحلفاً بیان کیا ہے کہ جملہ اندراجات عرضید دعویٰ تا حد علم و یقین بالکل درست ہیں۔

العبد

Rosac
Alleged



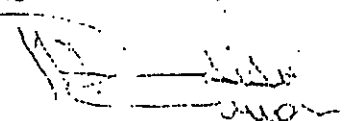
حبیب الرحمان (مدعی)



باقرار صالح تصدیق کیجاتی ہے کوئی امر پوشیدہ نہیں رکھا گیا ہے۔

العبد

حبیب الرحمان (مدعی)



Dt: 25/03/23



Or.....03
27.03.2023

9
2.8.7

Instant civil suit received from the Court of learned Senior Civil Judge (Admn) Tank. Be entered into relevant register. The plaintiff with counsel present and admits contents of the plaint as true and correct. Summonses be issued to the defendants.

Alongwith the suit an application for grant of temporary injunction has also been annexed. Preliminary arguments heard and record perused. Application is oath on affidavit and necessary documents are attached, therefore, status quo is granted to the extent of suspension of operation of order bearing No.155, dated 10.03.2023 for five days subject to notice or any contrary order of the Superior Courts. File to come up on 31-3-23

(Rizwan Uilah Marwat)
Civil Judge-II, Tank

Handwritten notes in Urdu script, including dates like 04/4/23 and 31-3-23, and a signature.

Civil Judge / Judicial Magistrate
Tank



بخدمت جناب Conservator محکمہ جنگلات بنوں

Proper channel through Divisional Forest officer D.I. Khan.

حکمہ ایپیل بنارہ شمالی / برخلاف آفس آڈر نمبر 155 مصدقہ مورخہ 10-03-2023 جاری کردہ ڈویژنل فارسٹ آفسر ڈی آئی خان ڈویژن جسکی رو سے ڈویژنل فارسٹ آفسر ڈی آئی خان نے من ایپلانٹ کو معطل کر کے Conservator آفس سرکل بنوں attach کر دیا ہے۔

استدعاء: بمنظوری ایپیل ہذا آفس آڈر نمبر 155 مصدقہ مورخہ 10-03-2023 کو منسوخ و کالعدم فرمایا جائے اور من ایپلانٹ کو تمام تر الزامات سے بری فرمایا جائے۔

جناب عالی! من ایپلانٹ حسب ذیل عرض رساں ہے۔

- 1- یہ کہ من ایپلانٹ سال 2007ء میں محکمہ بالا میں بحیثیت فارسٹ گارڈ بھرتی ہوا ہے اور بعد از بھرتی ہونے من ایپلانٹ نے اپنی ڈیوٹی احسن طریقہ سے سر انجام دی ہے اور دیتا چلا آ رہا ہے۔
- 2- یہ کہ من ایپلانٹ نے قبل ازیں بھی محکمہ بالا کے مختلف مہم میں حصہ لیا ہے اور بغیر کسی روکاؤٹ کے اور بغیر کسی قانونی امر کے پائے تکمیل تک پہنچائے ہیں۔
- 3- یہ کہ سب ڈویژنل فارسٹ آفسر ٹانک کے آفس آڈر نمبر 143 مصدقہ مورخہ 07-03-2023 کو ڈویژنل فارسٹ آفسر ڈی آئی خان کو جاری کرتے ہوئے من ایپلانٹ کو معطل کرنے کی استدعا کی جو کہ ڈویژنل فارسٹ آفسر ڈی آئی خان نے من ایپلانٹ کو بغیر کسی وجہ کے بغیر شنوائی کا موقع فراہم کیے اور سب ڈویژنل فارسٹ آفسر ٹانک کے کہنے پر روئے آفس آڈر نمبر 155 مصدقہ مورخہ 10-03-2023 معطل کر کے Conservator آفس سرکل بنوں attach کر دیا ہے حالانکہ ڈویژنل فارسٹ آفسر ڈی آئی خان نے آفس آڈر مذکورہ جاری کرنے سے قبل من ایپلانٹ کو نہ ہی چارج شیٹ، فائنل شو کاز نوٹس یا ذاتی شنوائی کا موقع فراہم کیا ہے بلکہ سب ڈویژنل فارسٹ آفسر ٹانک کے ایماء پر من ایپلانٹ کو آفس آڈر مذکورہ کی بنیاد پر معطل کر دیا ہے جو کہ ڈویژنل فارسٹ آفسر ڈی آئی خان کا یہ فعل سراسر غلط، فرضی، بناوٹی، سازشی خلاف قانون، mala fide ہونے کی وجہ سے باطل / void ہے اور آفس آڈر مذکورہ Concoction on the basis of Mala fide ہونے کی وجہ سے قابل منسوخ ہے۔

- 4- یہ کہ من ایپلانٹ ایک غریب گھبر / خاندان سے تعلق رکھتا ہے اور من ایپلانٹ اپنے گھر کا واحد ذریعہ معاش ہے اور من ایپلانٹ کے علاوہ من ایپلانٹ کا کوئی اور ذریعہ معاش نہ ہے من ایپلانٹ کے پسر سکی عزیز ار حمان اور من ایپلانٹ کی دختر سمانہ بشرہ بی بی میجر thalassaemia کے مریض ہیں جو کہ من ایپلانٹ ہر سات یوم کے بعد اکو زندہ رکھنے کیلئے بلڈ گلو اتا ہے (من ایپلانٹ کے بچوں کے میڈیکل رپورٹ منسلک محکمہ ایپیل بنارہ ہیں) من ایپلانٹ کے علاوہ من ایپلانٹ کے گھر میں کوئی اور مرد نہ ہے

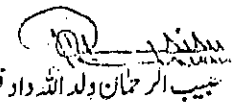
Attesten copy

10/11/2023

جو کہ من ایپلانٹ کے تمام تر خدمات سرانجام دے من ایپلانٹ اپنے بچوں کے علاج معالجہ کے ساتھ ساتھ اپنی ڈیوٹی بھی ادا کرتا ہے۔
 طریقہ سے سرانجام دی ہے اور کبھی بھی کسی قسم کی شکایت کا موقع اپنے انسران بالا کو نہیں دیا ہے لیکن اولڈ ڈویژنل فارسٹ آفیسر
 ٹانک نے بعدہ ڈویژنل فارسٹ آفیسر ڈی آئی خان ہنیر کسی وجہ کے topsy-turvy انداز اور اپنے اختیارات کا ناجائز فائدہ دیتے
 ہوئے اور بدینٹی کی بنیاد پر من ایپلانٹ کو بروئے آفس آرڈر نمبر 155 مصدقہ مورخہ 10-03-2023 کے تحت من ایپلانٹ کو
 معطل کر کے conservator of forests, southern فارسٹ سرکل بنوں attach کر دیا ہے حالانکہ من ایپلانٹ نے کسی
 قسم کی کوئی شکایت کا موقع بھی اپنے انسران بالا کو نہیں دیا ہے اور نہ ہی اپنی ڈیوٹی میں کوئی کوتاہی کی ہے من ایپلانٹ کے معطل اور
 سرکل بنوں میں attach ہونے کی وجہ سے من ایپلانٹ کے بچوں کی اموات کا خطرہ لاحق ہے کیونکہ من ایپلانٹ کے بچوں کو ہر
 دوسرے یا تیسرے دن علاج معالجہ کیلئے متعلقہ میڈیکل ڈاکٹر کے پاس لے جانا ہوتا ہے۔ میڈیکل رپورٹ لف ہیں۔

5- یہ کہ من ایپلانٹ کے ساتھ نا انصافی ہوئی ہے من ایپلانٹ کی داد رسی فرمائی جائے اور من ایپلانٹ کو زبانی شنوائی کا بھی
 موقع فراہم کیا جائے عین قرینہ انصاف ہے۔

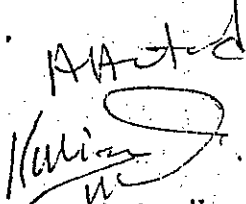
لہذا بمستطوری اپیل ہذا آفس آرڈر نمبر 155 مصدقہ مورخہ 10-03-2023 کو منسوخ و کالعدم فرمایا جائے اور من
 ایپلانٹ کو تمام تر الزامات سے بری فرمایا جائے۔


العبد

 حبیب الرحمن ولد اللہ داد قوم شیخ سناکن کوٹ خدک تحصیل و ضلع ٹانک۔ (ایپلانٹ)

حال تعیناتی بلوچ فارسٹ گارڈ سب ڈویژنل فارسٹ آفس ٹانک۔

بیان حافی:


برحافہ بیان کیا ہے کہ جملہ اندراجات محکمہ اپیل ہذا حرف بحرف بالکل درست و صحیح ہیں۔ کوئی امر پوشیدہ نہیں رکھا گیا ہے۔

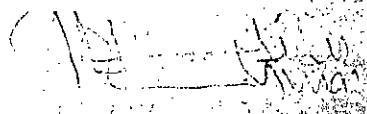
Attested

 Kalim Ullah Kundi
 Advocate Oath Commissioner
 District Court Tank

العبد
 حبیب الرحمن (ایپلانٹ)


Attested to be
 true copy

19/11/2023


 Habib ur Rehman


 Habib ur Rehman

T.M Cargo & Logistics		Topan <i>9/8/13</i> PERA ISMAIL KHAN (KPK)	
		Ph: 0966-717906/07 Web: www.tmcargo.net	
CLIENT RECD. NO.	ORIGIN DIK	DESTINATION	WEIGHT
		- 711544	PIECES
FROM: (SHIPPER)		TO: (CONSIGNEE) <i>GRV</i>	
<i>PERA ISMAIL KHAN</i>		<i>CONSIGNEE - GRV</i>	
		DOC PARCEL	
		CHARGES	
		Wt. Charges	
		TOTAL	
		NO VALUE DECLARED	
		Shipper Signature	
COLLECTION INFORMATION		DELIVERY INFORMATION	
Col. Code	Col. Date	Receiver Name	Date Time
<i>110</i>	<i>14/12</i>		
<small>TERMS & CONDITIONS: T.M. has not to inspect any shipment... (The rest of the text is too small to transcribe accurately but follows a standard shipping terms structure.)</small>			





Divisional Forest Officer
D.I.Khan Forest Division

Bungalow # 20 - Allama Iqbal
road D.I.Khan Cantt.
Phone# 0966-9280181



No.

/Estt

Dated D.I.Khan the 30/5/2023

19

To

The Director of Information,
Khyber Pakhtunkhwa Peshawar

Ann: f

SUBJECT: ADVERTISEMENT

Memo: In continuation this Office Letter No. 8195/G dated 05-05-2023.

It is to ultimate that this office vide above referred letter sent advertisement but the same has been returned to this as the same has not been acknowledged in your office due to strike.

Therefore, advertisement (07) copies re-submitted to your office wide publicity in the daily leading newspapers as per the policy for your office. It is certified that funds to meet the charges are available under appropriation Budget sub head please.

Enclosed as above:

**DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN**

No. 8935-36 /E

Copy along with advertisement forwarded for favour of information and further necessary action to the:

1. Conservator of Forests, Southern Forest Circle Bannu.
2. Mr. Habib ur Rehman S/O Allah Dad R/O Village Kot Khadaq P.O Box Kot Nawaz Tehsil & District Tank.

*Attested to be
true copy*

**DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN**

[Signature]
Habib ur Rehman

[Signature]
Habib ur Rehman

W. J. S. 4/6/2023

170



SENT FROM GOVERNMENT DUTY



FINAL NOTICE

- 20 -
Annex F/1

Mr. Habib-ur-Rehman Forest Guard (BPS-08) S/O Allah Dad R/O Village Kot Khadak P/O Kot Nawaz Tehsil & District Tank bearing CNIC No. 12201-8415131-1.

It is stated that you (**Mr. Habib-ur-Rehman Forest Guard (BPS-08)**) are absent from **10th March, 2023** to till date government duty without any information/leave sanctioned from competent authority. You are hereby issued final notice through daily leading National Newspaper Urdu/English to get present on your government duty without loss of time but not later than 15 days & submit reason for absconding from government duty. Failing which one sided action will be taken against you as prescribed under Rules-9, E&D Rules-2011, which is Dismissal from service under these rules.

**Divisional Forest Officer
D.I.Khan Forest Division
D.I.Khan**

*Attested to be
true copy*

[Signature] D.I.Khan

*Attested to be
true copy*

[Signature] D.I.Khan

- 21 - Ann. F/2

OFFICE ORDER NO. 155 DATED D.I.KHAN THE 10 MAR/2023 ISSUED BY
MR. AMIN-UL-ISLAM, DIVISIONAL FOREST OFFICER D.I.KHAN FOREST
DIVISION, D.I.KHAN

As reported by SDFO Tank vide Letter No. 143/SDFO/TANK dated 07-03-2023. Mr. **Habib Ur Rehman, Forest Guard** of Tank Forest Sub Division has been found involved in misconduct, blackmailing of officers/officials of the department through baseline complaints and corrupt practices; therefore under the exercise of power vested vide Section-VI of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rule 2011. He is hereby placed under suspension and attached with the Conservator of Forest, Southern Forest Circle Bannu, in the interest of public services with immediate effect.

(AMIN-UL-ISLAM)
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

No 7018-201E

Copy forwarded to the:

1. Conservator of Forests, Southern Forest Circle Bannu for information and further necessary action.
2. Sub Divisional Forest Officer Tank for information and further necessary action.
- ✓ 3. Mr. Habib Ur Rehman Forest Guard for information and immediate necessary action.
4. H/C/Accountant/Establishment Clerk of Divisional Forest Office D.I.Khan for information


DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

Attested to be
true copy

Attested to
be true copy


Habib Ur Rehman


Habib Ur Rehman



Amin-Ul-Islam
 Divisional Forest Officer
 D.I.Khan Forest Division

Bungalow # 20 - Allama Iqbal
 Road D.I.Khan Cantt.
 Phone# 0966-9280181



No. _____ /Estt

Dated D.I.Khan the _____ /2023

NOTICE

Annex F/3

You are suspended vide this Office Order No.155 dated 10-03-2023 and were attached with Conservator of Forests, Southern Forest Circle Bannu. You were directed to report to the concern office on 16-03-2023. Conservator of Forests, enquired regarding your whereabouts as you have not reported your arrival in Conservator of Forests, Southern Forest Circle Bannu Office. Upon contacting you vide his cell no. 03469499097 on 16-03-2023, you stated that you are in Tank. The undersigned requested you to attend the Divisional Forest Office but you straight away refused to do so. You are absent from 11-03-2023 till date. Your willful absence from government duty tantamount to disobedience, misbehavior and non-compliance of official orders issued by competent authority.

In light of the above facts, this notice is hereby served upon you in accordance to the Rule-9 E&D Rules, 2011 with direction to submit your arrival within 15 days from the date of issuance of this notice.

Amin-Ul-Islam
 DIVISIONAL FOREST OFFICER
 D.I.KHAN FOREST DIVISION
 D.I.KHAN

No. _____ /E

Copy forwarded to the:

1. Conservator of Forests, Southern Forest Circle for favour of information and further necessary action.
2. Sub Divisional Forest Officer Tank. He is directed to ensure the acknowledgement of the receipt of notice.

*Attested to
 be true copy*

[Signature]
 D.I.KHAN

DIVISIONAL FOREST OFFICER
 D.I.KHAN FOREST DIVISION
 D.I.KHAN

*Attested to
 be true copy*

[Signature]
 D.I.KHAN

u u

[Handwritten marks]



Amin-Ul-Islam
 Divisional Forest Officer
 D.I.Khan Forest Division

Bungalow # 20 - Allama Iqbal
 Road D.I.Khan Cantt.
 Phone# 0966-9280181



No. 8602 /Estt

Dated D.I.Khan the 22/5/2023

- 23 -

Ann: F/4

To

Mr. Habib-ur-Rehman
 S/O Allah Dad
 CNIC: 12201-8415131-1
 R/O Village Kot Khadak P/O Kot Nawaz
 Phone No. : 0346-9499097
 Tehsil & District Tank

FINAL NOTICE

Reference: In-continuation of this Office Notice No. 7631/Estt dated 04-04-2023.

You are suspended vide this Office Order No.155 dated 10-03-2023 and were attached with Conservator of Forests, Southern Forest Circle Bannu. You were directed to report to the concern office on 16-03-2023. Conservator of Forests, enquired regarding your whereabouts as you have not reported your arrival in Conservator of Forests, Southern Forest Circle Bannu Office. Upon contacting you vide his cell no. 0346-9499097 on 16-03-2023, you stated that you are in Tank. The undersigned requested you to attend the Divisional Forest Office but you straight away refused to do so. You are absent from duty from 11-03-2023 till date. Your willful absence from government duty tantamount to disobedience, misbehavior and non-compliance of official orders issued by competent authority.

In light of the above facts, this final notice is hereby served upon you in accordance to the Rule-9 E&D Rules, 2011 with direction to submit your arrival within 07 days from the date of issuance of this notice.

[Signature]
 DIVISIONAL FOREST OFFICER
 D.I.KHAN FOREST DIVISION
 D.I.KHAN

No. _____ /E

Copy forwarded to the:

1. Conservator of Forests, Southern Forest Circle for favour of information and further necessary action.
2. Sub Divisional Forest Officer Tank. He is directed to ensure the acknowledgement of the receipt of notice.

W/O Jol 4/6/2023

DIVISIONAL FOREST OFFICER
 D.I.KHAN FOREST DIVISION
 D.I.KHAN

[Signature]
 Attested to be true copy

[Signature]

غیر حاضری نوٹس

- 24 -

Ann = 5/5

آپ مگر حبیب الرحمن فارسٹ گارڈ BPS-08 ولد اللہ داد سکنتہ کوٹ خداک ڈاک خانہ کوٹ اعظم تحصیل ضلع ٹانک قومی شناختی کارڈ نمبر 1-131-8415-12201 مورخہ 10 مارچ 2023 سے بغیر اطلاع و اجازت آفیسر مجاز اپنی ڈیوٹی سے غیر حاضر ہیں۔ آپ کو ڈیوٹی پر حاضر ہونے کے لئے بذریعہ نوٹس غیر حاضری آپ کے گھر کے پتہ پر بذریعہ رجسٹرڈ ڈاک ارسال کیے گئے مگر آپ تا حال ڈیوٹی پر حاضر نہ ہوئے۔

لہذا آپ کو آخری مرتبہ بذریعہ اخبار اشتہار ہدایت کی جاتی ہے کہ اگر آپ اس اشتہار کی اشاعت کے 15 یوم کے اندر اپنی ڈیوٹی پر حاضر نہ ہوئے تو آپ کے خلاف یکطرفہ محکمہ کارروائی عمل میں لائی جائے گی جو کہ نوکری سے برخاستگی بھی ہو سکتی ہے اور بعد میں کوئی بھی عذر قابل قبول نہ ہوگا۔

ڈویژنل فارسٹ آفیسر
ڈی آئی خان فارسٹ ڈویژن
ڈی آئی خان

Attested to be
true copy

 Nisar
Khan

Attested to be
true copy

 Nisar
Khan

مکتوبہ نمبر - ڈی جی ایف فارسیہ آفیسر صاحب ڈی آئی خان ڈی جی

-25-

عنوان درخواست پیراد مندرجہ فرمائی جانے آفیس آرڈر نمبر 36-8935

تاریخ مورخہ 30-5-23 بوجوہات ذیل

Ann-9

جناب عالی! سائل حسب ذیل عرض رسانی ہے

یہ کہ مورخہ 10-3-2023 کو ایجناب نے من سائل کو بروئے آفیس آرڈر نمبر 155 مقدمہ مورخہ 10-3-2023 فیصلہ ٹانگ ایچ جی فارسیہ آفیس سے Suspend کر کے سسرکل بنوں اشپ کیا ہے۔ حسب کے فیصلہ من سائل نے اپنی داد رسی حاصل کرنے کیلئے اور ایجناب کے مذکورہ Suspension آرڈر کو منسوخ کرنے کیلئے عدالت مجاز رجوع پذیر ہوا ہے۔ اور دعویٰ اجنون "ب" - الرحمان نسیم

ڈی جی ایف فارسیہ آفیسر وغیرہ "دائر کیا" جو کہ عدالت سول جج صاحب

II ٹانگ میں زیر توثیق ہے۔ اور میں عدالت سول جج صاحب III

ٹانگ نے بروئے آرڈر شیڈ نمبر 3 مقدمہ مورخہ 27-3-2023 کو عدالت

حکم اقتضائی عارضی فرماتے ہوئے۔ ایجناب کے مذکورہ Suspension

آرڈر کو معطل کیا۔ لیکن ایجناب نے عدالت سول جج III ٹانگ کے

حکم فیصلہ مذکورہ کی حکم عدالت کرتے ہوئے Suspension آرڈر

مذکورہ کی بنیاد پر من سائل کو آفیس آرڈر نمبر 36-8935 مقدمہ

مورخہ 30-5-2023 جاری کیا ہے۔ جو کہ ایجناب کا یہ نقل

سول جج صاحب III ٹانگ کے حکم فیصلہ مذکورہ کی حکم عدالت

کے ذمے میں آتا ہے۔

میں وجہ ایجناب کو درخواست پیرا کے ذریعے مطلع کیا

Suspension آرڈر مذکورہ جو کہ عدالت Request to be transacted

ATO

Signature

سول رنج ای ٹی ٹی کے سuspend کیے ہیں۔ یہ کہیں
 بھی منظم کی کارروائی میں مسائل کے خلاف کرنے سے باز رہنا
 ہے۔ بصورت دیگر انجناب کے خلاف میں مسائل اپنی وادریں
 کیلئے خلاف میں مسائل اپنی وادریں کیلئے عدالت مجاز سے
 رجوع پذیر ہو گا

سید احمد علی سے کہہ کر منظم آرڈر نمبر 36-35-89

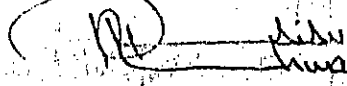
بعد سے مورخہ 2023-20-30 جاری انجناب کو معنون
 فرمایا جائے

ڈسٹریکشن درخواست برائے منظم کارروائی کی گئی ہے

کاپی نو
 سید ڈیڑھ ل فارمنگ ڈیفینڈنٹ

06/06
 2023

سید عبدالرحمان فارمنگ گارڈ


 7/6

[Faint, mostly illegible text, possibly a list or index of items or names.]

Attached to be
 treasury

[Handwritten signature or initials]

U.S. Department of the Treasury
 Internal Security
 (800) 678-1234

[Handwritten signature or initials]

- 28 -

Ann = "H"

Order No.13

06.07.2023

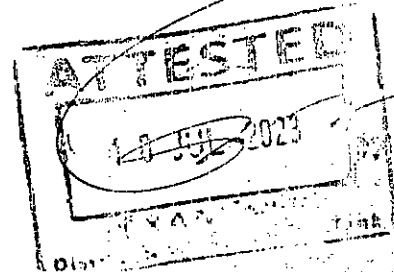
The plaintiff in person with counsel present. Arguments on maintainability of instant suit heard and record perused.

Brief facts of the case are that the plaintiff has filed present suit for declaration to the effect that the proceedings and disciplinary actions taken against him vide order No.155, dated 10.03.2023, are illegal, void, based on malafide, and liable to be set aside. The plaintiff also prayed for grant of temporary cum perpetual injunction for declaring office order dated 155, dated 10.03.2023 null and void and permit him to continue his service in District Tank.

It appears from the record and is an admitted fact that the plaintiff served as Forest Guard in the Office of Forest Sub Division, Tank which is exclusive discretion of the Forest Department under Provincial Government and the Court can't override its discretion under Section 56 (d) of Specific Relief Act, 1877. For convenience and ready reference, the Court had better reproduce the said provisions:

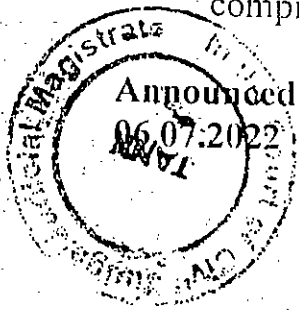
"An injunction cannot be granted to interfere with the Public Duties of any Department of the Central Govt or any Provincial Govt or with Sovereign Acts of Foreign Govt."


In the given scenario discussed above, this Court has got no jurisdiction to entertain the present suit. Therefore, the Court-

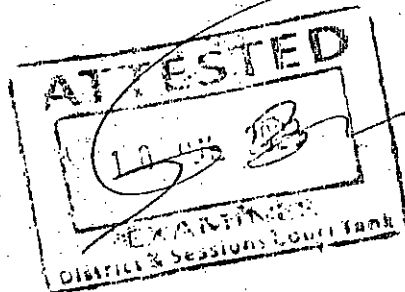


has left with no option but to invoke provisions of Order 7 Rule 10 C.P.C whereby plaint is returned to the plaintiff to present it before the proper forum.

Therefore, the *Plaint, annexed documents and attested copies of order sheets including this order* are to be returned to the plaintiff through Dak Bahi while attested copy of *plaint and annexed documents* are to be placed on this file for the purpose of record. File be consigned to record room after completion and compilation.




(Rizwan Ullah Marwat)
Civil Judge-II, Tank



OFFICE ORDER NO. 4 DATED D.I.KHAN THE 7 JULY 2023 ISSUED BY
MR. AMIN-UL-ISLAM, DIVISIONAL FOREST OFFICER D.I.KHAN FOREST
DIVISION, D.I.KHAN

Consequent upon the report by SDFO Tank vide his Letter No. 133/SDFO/TANK date 07-03-2023, Mr. Habib-Ur-Rehman, Forest Guard of Tank Forest Sub Division was placed under suspension and attached with Conservator of Forests, Southern Circle Bannu vide DFO D.I.Khan Office Order No. 155 dated 10-03-2023 in exercise of the power vested in me vide Section-4 of Khyber Pakhtunkhwa E&D Rules, 2011. Subsequently, the Conservator of Forests reported that Mr. Habib-ur-Rehman didn't submit his arrival to the Conservator Office. Furthermore, the staff of Tank Forest Sub Division reported that he is involved in instigating locals against staff and creating threats to the life of the staff vide their report dated 04-04-2023 duly endorsed by SDFO Tank. Later on Mr. Ali Raza Shah, Junior Clerk of D.I.Khan Forest Division, contacted him vide his Cell No. 0346-9499097 dated 16-03-2023 for submission of his arrival and to know his whereabouts. Instead of complying the Orders, the official Mr. Habib-ur-Rehman, threatened the Junior Clerk and misbehaved. Consequently, explanation Letter No. 7205/Estt dated 17-03-2023 was issued to explain his reasons for absence, misbehavior and threatening attitude and was dispatched through Registered Post No. RGL 105397332 dated 06-04-2023 and also through SDFO Tank. The official, Mr. Habib-ur-Rehman, was reluctant to receive the letter as per the report of SDFO Tank.

As ample opportunity was provided to Mr. Habib-ur-Rehman but he failed to comply, therefore a notice bearing No. 7631/Estt dated 04-04-2023 in accordance to the Rule-9 of E&D Rules on the account of willful absence and was posted through Registered Post No. RGL 105408823 dated 22-05-2023 on his home address. Once again a notice bearing No. 8602/Estt dated 22-05-2023 was served upon him and was communicated through Registered Post, dated 22-05-2023 but no response was received from him. In light of Rules-9, Absent Notice was published in National Daily newspaper on 02-06-2023, directing him to resume his duty within 15 days. But he remained absent till date.

After having considered the evidences and record, the competent authority (Divisional Forest Officer) in exercising the power under Rule-14 (5) (ii) and the penalties as envisaged in Rule-9, impose the major penalty i.e. Removal from Service upon Mr. Habib-ur-Rehman Forest Guard

(AMIN-UL-ISLAM)
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

120-23
No. /E

Copy forwarded to the:

1. Conservator of Forests, Southern Forest Circle Bannu in reference to his Letter No. 1618/E dated 03-05-2023 for information and further necessary action.
2. Sub-Divisional Forest Officer Tank for information and further necessary action. He is directed to deliver the Office Order to the concerned official.
3. Mr. Habib Ur Rehman Forest Guard S/O Allah Dad R/O Kot Khadak P/O Kot Nawaz Tehsil & District Tank for information.
4. H/C/Accountant/Establishment Clerk of Divisional Forest Office D.I.Khan for information

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

Approved to be
forwarded to

14/7/2023

Approved to
be forwarded

Signature

Signature

Signature

Signature

Consequent upon the report by SDFO Tank vide his Letter No. 143/SDFO/TANK dated 07-03-2023, Mr. Habib-Ur-Rehman, Forest Guard of Tank Forest Sub Division was placed under suspension and attached with Conservator of Forests, Southern Circle Bannu vide DFO D.I.Khan Office Order No. 155 dated 10-03-2023 in exercise of the power vested in me vide Section-4 of Khyber Pakhtunkhwa E&D Rules, 2011. Subsequently, the Conservator of Forests reported that Mr. Habib-ur-Rehman didn't submit his arrival to the Conservator Office. Furthermore, the staff of Tank Forest Sub Division reported that he is involved in instigating locals against staff and creating threats to the life of the staff vide their report dated 04-04-2023 duly endorsed by SDFO Tank. Later on Mr. Ali Raza Shah, Junior Clerk of D.I.Khan Forest Division, contacted him vide his Cell No. 9377-9495077 dated 16-03-2023 for submission of his arrival and to know his whereabouts. Instead of complying the Orders, the official Mr. Habib-ur-Rehman, threatened the Junior Clerk and misbehaved. Consequently, explanation Letter No. 7205/Estt dated 17-03-2023 was issued to explain his reasons for absence, misbehavior and threatening attitude and was dispatched through Registered Post No. RGL 105397332 dated 06-04-2023 and also through SDFO Tank. The official, Mr. Habib-ur-Rehman, was reluctant to receive the letter as per the report of SDFO Tank.

As ample opportunity was provided to Mr. Habib-ur-Rehman but he failed to comply, therefore a notice was issued bearing No.7631/Estt dated 04-04-2023 in accordance to the Rule-9 of E&D Rules on the account of willful absence and was posted through Registered Post No. RGL 105408823 dated 22-05-2023 on his home address. Once again a notice bearing No. 8602/Estt dated 22-05-2023 was served upon him and was communicated through Registered Post, dated 22-05-2023 but no response was received from him. In light of Rules-9, Absent Notice was published in National Daily newspaper on 02-06-2023, directing him to resume his duty within 15 days. But he remained absent till date.

After having considered the evidences and record, the competent authority (Divisional Forest Officer) in exercising the power under Rule-14 (5) (ii) and the penalties as envisaged in Rule-9, impose the major penalty, i.e. Removal from Service upon Mr. Habib-ur-Rehman Forest Guard

(AMIN-UL-ISLAM)
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

No 120-23
71

Copy forwarded to the:

1. Conservator of Forests, Southern Forest Circle Bannu in reference to his Letter No. 1618/E dated 03-05-2023 for information and further necessary action.
2. Sub Divisional Forest Officer Tank for information and further necessary action. He is directed to deliver the Office Order to the concerned official.
3. Mr. Habib Ur Rehman Forest Guard S/O Allah Dad R/O Kot Khadak P/O Kot Nawaz Tehsil & District Tank for information.
4. H/C/Accountant/Establishment Clerk of Divisional Forest Office D.I.Khan for information

Accepted to be true copy

Accepted to be true copy
[Signature]

24/7/2023

[Signature]

[Signature]

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

[Signature]

OFFICE ORDER NO. 4 DATED D.I.KHAN THE 7 JULY/2023 ISSUED BY
MR. AMIN-UL-ISLAM, DIVISIONAL FOREST OFFICER D.I.KHAN FOREST
DIVISION, D.I.KHAN

-32-

Consequent upon the report by SDFO Tank vide his Letter No. 143/SDFO/TANK dated 07-03-2023, Mr. Habib-Ur-Rehman, Forest Guard of Tank Forest Sub Division was placed under suspension and attached with Conservator of Forests, Southern Circle Bannu vide DFO D.I.Khan Office Order No. 155 dated 10-03-2023 in exercise of the power vested in me vide Section-4 of Khyber Pakhtunkhwa F&D Rules, 2011. Subsequently, the Conservator of Forests reported that Mr. Habib-ur-Rehman didn't submit his arrival to the Conservator Office. Furthermore, the staff of Tank Forest Sub Division reported that he is involved in instigating locals against staff and creating threats to the life of the staff vide their report dated 04-04-2023 duly endorsed by SDFO Tank. Later on Mr. Ali Raza Shah, Junior Clerk of D.I.Khan Forest Division, contacted him vide his Cell No. 0346-9499097 dated 16-03-2023 for submission of his arrival and to know his whereabouts. Instead of complying the Orders, the official Mr. Habib-ur-Rehman, threatened the Junior Clerk and misbehaved. Consequently, explanation Letter No. 7205/Estt dated 17-03-2023 was issued to explain his reasons for absence, misbehavior and threatening attitude and was dispatched through Registered Post No. RGL 105397332 dated 06-04-2023 and also through SDFO Tank. The official, Mr. Habib-ur-Rehman, was reluctant to receive the letter as per the report of SDFO Tank.

As ample opportunity was provided to Mr. Habib-ur-Rehman but he failed to comply, therefore a notice bearing No. 7631/Estt dated 04-04-2023 in accordance to the Rule-9 of F&D Rules on the account of willful absence and was posted through Registered Post No. RGL 105408823 dated 22-05-2023 on his home address. Once again a notice bearing No. 8602/Estt dated 22-05-2023 was served upon him and was communicated through Registered Post, dated 22-05-2023 but no response was received from him. In light of Rules-9, Absent Notice was published in National Daily newspaper on 02-06-2023, directing him to resume his duty within 15 days. But he remained absent till date.

After having considered the evidences and record, the competent authority (Divisional Forest Officer) in exercising the power under Rule-14 (5) (ii) and the penalties as envisaged in Rule-9, impose the major penalty i.e. Removal from Service upon Mr. Habib-ur-Rehman Forest Guard

(AMIN-UL-ISLAM)
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

120-23

No /I/

Copy forwarded to the:

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4. H/C/Accountant/Establishment Clerk of Divisional Forest Office D.I.Khan for information

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DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

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5/8/2023

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حکمانہ اپیل برائے منسوخ فرمائے جانے آفس آرڈر نمبر 4 مورخہ 07/07/2023 جس کی رو سے
من ایپلانٹ کے خلاف Major Penalty عائد کرتے ہوئے من ایپلانٹ کو ملازمت سے
موقوف Removal کی گئی ہے یعنی Imposed the major penalty of
removal from service و بحال فرمائے جانے من ایپلانٹ کو معہ مکمل بقایا جات اساتقہ
بقایا جات All back benefits از تخوہ ماہ جون 2023 تا حال و آئندہ

جناب عالی! سائل حسب ذیل جواب پیش کرتا ہے۔

- ۱۔ یہ کہ من سائل سائل 2007 سے محکمہ جنگلات ضلع ٹانک میں بطور فارسٹ گارڈ اپنے فرائض منصبی سرانجام دیتا رہا اور ہمیشہ پوری جانفشانی اور ایمانداری کے ساتھ اپنے فرائض سرانجام دیئے ہیں۔ اس نسبت سائل کو مردل ریکارڈ واضح ہے۔
- ۲۔ یہ کہ آفس آرڈر نمبر 4 مورخہ 07/07/2023 جاری شدہ ازاں ڈویژنل فارسٹ آفیسر ڈیرہ اسماعیل خان جس کی رو سے من ایپلانٹ ملازمت سے Removed کیا گیا ہے۔ جس میں سائل کے خلاف جوہرے الزامات عائد کئے گئے ہیں الزامات مذکورہ کا حقیقت کیساتھ کوئی تعلق نہیں ہے۔ نقل لانا ہے۔
- ۳۔ یہ کہ من سائل ایک معمولی ملازم ہے ایک درویش صفت انسان ہے اپنے کو لیکزیا افسران بالا کے ساتھ بدتمیزی یا حکم عدولی کے بارے سوچ بھی نہیں سکتا اس کے باوجود بھی افسران نے سائل کو امتیازی سلوک کا نشانہ بنایا ہوا ہے اور مختلف طریقوں سے تنگ و پریشان کر رہے ہیں۔
- ۴۔ یہ کہ یہاں پر یہ امر بھی قابل ذکر ہے کہ من سائل نے ہمیشہ اپنی ذی دینی سرانجام دی ہے کبھی بھی غیر حاضری نہیں کی بلکہ غیر حاضری کی نسبت الزامات بھی جھوٹ پر مبنی ہیں۔
- ۵۔ یہ کہ لیٹر عدوان بالا میں عائد شدہ الزامات جھوٹ پر مبنی ہیں۔ محکمہ کی جانب سے سائل کو تنگ و پریشان کرنے کے سلسلہ کی ایک کڑی ہے۔ اس لئے آپ جناب سے استدعا ہے کہ متعلقہ افسران کو حکم دیا جائے کہ وہ من سائل کے خلاف امتیازی سلوک روکے اور کہنے کا سلسلہ بند کریں اور لیٹر عدوان بالا کو بھی منسوخ کریں۔
- ۶۔ یہ کہ سائل کو ذاتی شنوائی کا موقع بھی دیا جائے تاکہ سائل اپنا موقف بہتر طریقے سے پیش کرے اور اپنا

Attached to be
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پسند
P. S. Khan

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پسند
P. S. Khan

Professor: Dr. Mubeen Khawar

DISCHARGE SUMMARY

Associate Professor: Dr. Amin Jan

Children "A" Unit, Khyber
Teaching Hospital,
Peshawar

Assistant Professor: Dr. Saadia Rahim

Senior Lecturer: Dr. Jan M. Anah

Operating Hours: Monday, Wednesday and Fridays

Admission No	1188	Admission No	02204	Name	Osman
Name	Osman Rehman	Sex	Female	Age in months	
Date of Admission	27/03/06	Date of Discharge	06/05/06	Case No	10
Weight (Kgs)	7.5	Examination	Anemia		
Condition at discharge	Improved				
Oral Treatment Given	syp. acetyl cough syp. ibuprofen Tab. folinic acid	Treatment for Home	syo. vidiatin 1/2 TSPx 20 days Tab Folic Acid 1 OD x 1 month		
Par. Hb	8g/dl	Treatment	Blood Transfusion 250ml		

Discharge to Follow up in 1 month

FBC Hb=10.4 TLC=24500
CXR=N
SPECIAL SMEAR=HB Discolor

Prepared by: Dr. Saadia Rahim

Open Search Form

Close Search Form

Diagnosis

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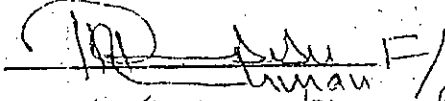
MA *Saadia Rahim*

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true copy

MA *Saadia Rahim*

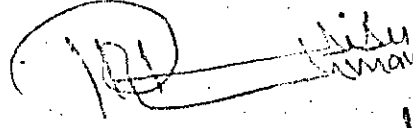
لہذا استدعا ہے کہ حسب عنوان و تشریح اپیل ہذا منظور فرما کر مذکورہ حالات و واقعات کی روشنی میں آفس آرڈر
نمبر 4 مورخہ 07/07/2023 کو منسوخ فرماتے ہوئے من ایپلانٹ کو With all back benefits ملازمت پر بحال فرمایا جائے۔

مورخہ 18/07/2023

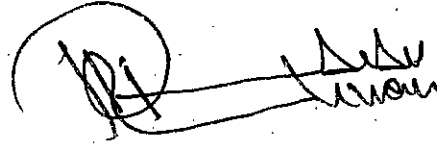

Habib ur Rahman / 6
حبیب الرحمن فارمنٹ گارڈ محکمہ جنگلات ٹانک

رابطہ نمبر 0346-9499097، 0303-8494833

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true copy


Habib ur Rahman

Attested to be
true copy


Habib ur Rahman

Hematology

807-HB Electrophoresis/HPLC

Ref No: ZC-9B-01A
 Patient: Mr. Aziz Ur Rehman
 Age/Gender: 66 Yrs 00 Months 20 Days
 Colored By: Dr. Farhan Ullah Bhatti
 Order On: 22/10/2018 15:17:00
 Specimen No: 10-23HG04630
 Received in Lab: 23/10/2018 -18 13:00
 Verified On: 27/10/2018 -18 16:02

- 37 -

TEST	RESULTS	HISTORY
Hemoglobin A.....	22.0 %	(36 - 60)%
Hemoglobin A2.....	3.1 %	(2.3 - 4.3)%
Hemoglobin F.....	74.9 %	7 Months - 1 Year
		Age Group Normal
		New Born At Birth 70 - 90 %
		One Month 50 - 70 %
		Six Months About 40 %
		Three Months 10 - 35 %
		Two Months 25 - 60 %

Comments:

Blood film:
 Severe anemia with marked anisopoikilocytosis (microcytosis, hypochromia, target cells, teardrop cells, helmeted RBCs).
 Findings are consistent with of Beta-Thalassemia Major.
 Suggest:
 Family screening,
 Genetic counseling,
 Prenatal diagnosis for future pregnancy.
 Test performed on HPLC.

Ayesha Junaid
 Consultant Haematologist
 Professor of Pathology
 Program Director Hematology
 MBBS, M.C.P.S (Clinical Pathology)
 FCPS (Haematology)
 Ext. 3620

Samra Khan Post Graduate Resident Hematology, MBBS
 Post Graduate Resident Hematology, MBBS

PGY - I (HEMATOLOGY): Dr. Samra Khan (19736)

CONSULTANT: Ayesha Junaid (884)

Dr. Faraz Iqbal MD Senior Advisor Pathology F Path Eng, D.C.P. London Fellow, Royal Society of Pathology Clinical Pathology (USA) FACP, FASCP, USA Ext. 4388	Dr. Iqbal Ahmad MD, FRCP Chief Pathologist, Cellular Lab Associate Professor of Pathology Fellow, American Society of Hematology and Hematology (USA) Fellow Hematopathology (USA) Ext. 4277	Dr. Naaira Munir Associate Chief Pathologist Consultant Pathologist Professor of Pathology MBBS, FCPS (Histopathology, Cytopathology), FRC Path (UK) Ext. 3373	Dr. Humaira Nigar Consultant Pathologist Assistant Professor of Pathology MBBS, FRC Path (UK) FCPS (Clinical Pathology) FCPS (Hematopathology, Cytopathology) Ext. 4277	Dr. Ayesha Junaid Consultant Haematologist Professor of Pathology Program Director Hematology MBBS, M.C.P.S (Clinical Pathology) FCPS (Haematology) Ext. 3620	Dr. Muhammad Ali Associate Consultant Microbiologist MBBS, FCPS (Microbiology) Ext. 4263	Dr. Zakir Ali Associate Consultant Histopathologist Assistant Professor of Pathology MBBS, FCPS (Histopathology, Cytopathology) Ext. 4277	Dr. Farhan Ullah Bhatti Associate Consultant Haematologist MBBS, FCPS (Haematology, Cytology) Ext. 4277	Dr. Muhammad Ali Associate Consultant Histopathologist MBBS, FCPS (Histopathology, Cytopathology) Ext. 4277
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Printed On: 19/11/2018 15:18:48
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 [Signature] [Signature]

OFFICE ORDER NO. 21 DATED BANNU THE 28 / 12 / 2023 ISSUED BY MR. MUHAMMAD SALEEM KHAN, CONSERVATOR OF FORESTS, SOUTHERN FOREST CIRCLE BANNU

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PROCEEDINGS OF APPEAL AGAINST HABIB-UR-REHMAN FOREST GUARD

READ WITH

- 1) SDFO Tank Letter No. 143/SDFO/Tank dated 07/03/2023
- 2) Suspension Order of Habib-ur-Rehman Forest Guard vide DFO D.I.Khan Office Order No. 155 dated 10-03-2023
- 3) Conservator of Forests Southern Forest Circle Bannu letter No. 1618/E dated 03/05/2023.
- 4) Report of staff of Tank Forest Sub Division dated 04-04-2023 duly endorsed by SDFO Tank
- 5) DFO D.I.Khan Letter No. 7205/Estt dated 17-03-2023 via Registered Post No. RGL 105397332 dated 06-04-2023 and also through SDFO Tank.
- 6) Report of SDFO Tank and staff dated 18/03/2023.
- 7) DFO D.I.Khan Notice bearing No.7631/Estt dated 04-04-2023 via Registered Post No. RGL 105408823 dated 06-04-2023
- 8) DFO D.I.Khan Notice bearing No. 8602/Estt dated 22-05-2023 through Registered Post, dated 22-05-2023
- 9) Absent Notice of Habib-ur-Rehman Forester published by DFO D.I.Khan in National Daily Newspaper on 02-06-2023
- 10) Removal from Service Order of Habib-ur-Rehman Forest Guard by DFO D.I.Khan vide office order 04 dated 07-07-2023
- 11) Departmental Appeal/Service Representation of Mr. Habib-ur-Rehman ex-Forest Guard dated 19/04/2023 and 18/07/2023.
- 12) Conservator of Forests Southern Forest Circle Bannu letter No.319/Estt dated 08/08/2023 for tendering Parawise reply/comments.
- 13) DFO D.I.Khan Reply/Parawise comments vide letter No.1466/G dated 30/08/2023.
- 14) Conservator of Forests Southern Forest Circle Bannu letter No.500/Estt dated 13/09/2023 for Personal hearing.
- 15) Personal hearing of Mr. Habib-ur-Rehman on 14/09/2023
- 16) Reply of Mr. Habib-ur-Rehman ex-Forest Guard to the Questionnaire dated 14/09/2023.

BRIEF HISTORY OF THE CASE

1. SDFO Tank vide his Letter No. 143/SDFO/TANK dated 07/03/2023, reported that Mr. Habib-Ur-Rehman, Forest Guard of Tank Forest Sub Division is involved in mis-conduct and blackmailing of officer/officials of the department through baseless complaints and corrupt practices.
2. After that the Forest Guard was placed under suspension and attached with the office of the Conservator of Forests, Southern Circle Bannu vide DFO D.I.Khan Office Order No. 155 dated 10-03-2023 under Section-4 of Khyber Pakhtunkhwa E&D Rules, 2011. However, Mr. Habib-ur-Rehman failed to report his arrival in the Conservator Office Bannu.

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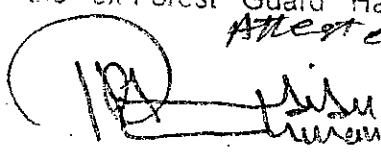
3. Furthermore, the staff of Tank Forest Sub Division vide their report dated 04-04-2023 duly endorsed by SDFO Tank reported to DFO D.I.Khan that the Forest Guard is instigating the locals against the department staff and creating threats to the life of the staff.
4. Consequently, the Forest Guard was directed by DFO D.I.Khan vide Letter No. 7205/Estt dated 17-03-2023 to explain his position regarding absence, misbehavior and threatening attitude. The letter was dispatched through Registered Post No. RGL 105397332 dated 06-04-2023 and also through SDFO Tank. The official, Mr. Habib-ur-Rehman, was reluctant to receive the letter as per the report of Staff and SDFO Tank dated 18/03/2023.
5. As ample opportunity was provided to Mr. Habib-ur-Rehman but he failed to comply, therefore a notice bearing No.7631/Estt dated 04-04-2023 was issued by DFO D.I.Khan to Mr. Habib-ur-Rehman in accordance to the Rule-9 of E&D Rules on the account of willful absence. The letter was posted through Registered Post No. RGL 105408823 dated 06-04-2023 on his home address. Once again a notice bearing No. 8602/Estt dated 22-05-2023 was served upon the Forest Guard and was communicated through Registered Post, dated 22-05-2023 but no response was received from him. In light of Rules-9, Absence Notice was published in National Daily newspaper on 02-05-2023, directing him to resume his duty within 15 days. But he did not join the duty
6. After that having considered the evidences and record, the competent authority (Divisional Forest Officer) in exercising the power under Rule-14 (5) (ii) and the penalties as envisaged in Rule-9, imposed the major penalty i.e. Removal from Service upon Mr Habib-ur-Rehman Forest Guard vide office order No. 04 dated 07-07-2023.

Discussion:

Mr. Habib-ur-Rehman (Ex Forest Guard of D.I.Khan Forest Division) S/O Allahdad R/O Kot Khadak P/O Kot Azam District & Tehsil Tank preferred a Departmental Appeal/Service Representation before the Conservator of Forests Southern Forest Circle Bannu vide Appeal dated 19/04/2023 and 18/07/2023 against the impugned Proceedings dated 10/03/2023 culminated in major penalty of Removal from Service vide Order No.04 dated 07/07/2023.

Accordingly the appeal was forwarded to DFO D.I.Khan vide this office letter No.319/Estt dated 08/08/2023 for tendering his Parawise reply/comments. The DFO D.I.Khan submitted his Reply/Parawise comments vide letter No.1466/G dated 30/08/2023.

The ex-Forest Guard Habib-ur-Rehman was called upon vide this office letter No.500/Estt dated 13/09/2023 for Personal hearing on 14/09/2023 and also DFO D.I.Khan for defending the case on behalf of Forest Department as Prosecutor. Representative of DFO D.I.Khan alongwith the ex-Forest Guard Habib-ur-Rehman attended this office on 14/09/2023. The case was discussed in detail, both with the Representative of DFO D.I.Khan and with the ex-Forest Guard Habib-ur-Rehman.

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-40-

A Questionnaire was handed over to Mr. Habib-ur-Rehman to which he submitted his reply in written. Complete record of DFO D.I.Khan office pertinent to the subject case was studied in detail.

The DFO D.I.Khan also attended this office personally and discussed the subject case in detail.

Findings and Recommendations:

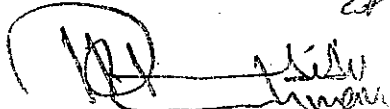
After going through the record on File, Parawise reply/comments, written statements and personal hearing of the accused, the following facts are lime lighted:

The evidence on the record and from the whole discussion it is evident that ex-Forest Guard Habib-ur-Rehman was irregular toward performing Govt. duties, which is a serious anomaly and showing his inefficiency. However, the ex-Forest Guard produced medical documents of his late daughter named Bushra which was a Thalassemia patient and a son named Aziz-ur-Rehman which has also Thalassemia. The ex-Forest Guard stated during personal hearing as well in his written statement that as he was busy most of his time in treatment of his Thalassemia children therefore, could not pay due attention towards his Govt. duties nor received any letter from DFO office and unilaterally removed from service. The ex-Forest Guard further requested that he may be exonerated from the charges on humanitarian/sympathetic basis as from now onwards he will perform his duties regularly without giving any chance to his officers of complaint against him.

Hence, the charges of inefficiency, mis-conduct, misbehavior, threatening attitude and baseless complaints against the ex-Forest Guard are upheld. However, the ex-Forest Guard is exonerated from the charges of irregularity toward performing Govt. duties on humanitarian/sympathetic basis due to long term ailing children on the condition that he will perform his duties regularly without giving any chance to his colleagues and officers of complaint against him.

Keeping in view the above discussion and findings, the undersigned in the capacity of Appellate authority and exercising the Powers under Rule 17 (2) (c) of Khyber Pakhtunkhwa Efficiency and Disciplinary Rules 2011, reducing the Major Penalty of Mr. Habib-ur-Rehman, ex-Forest Guard of Removal from Service with reinstatement into Govt. Service with immediate effect accompanied by the following Minor penalties and modified major penalties in terms of Rule 4(a) (ii) and Rule 4(b) (i) of Khyber Pakhtunkhwa Efficiency and Disciplinary Rules 2011 with immediate effect.

- Withholding, promotion for three years.

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- Reduction to a lower stage in a time scale for two (02) stages with accumulative effect.
- The intervening period from 10/03/2023 to 18/12/2023 may be treated as Leave without Pay.
- Furnishing an Affidavit on attested judicial Stamp Paper for performing regular duty with good behavior and discipline.
- Reflecting the same in ACR, Personal file and Service Book.
- Issuance of Character Role warning.

(Muhammad Saleem Khan)
 Conservator of Forests
 Southern Forest Circle
 Bannu

No. 964-65 /E

Copy is forwarded to: -

1. Chief Conservator of Forests, Central Southern Forest Region-I, Khyber Pakhtunkhwa Peshawar for information please.
2. Divisional Forest Officer D.I.Khan Forest Division for information and further necessary action as referred to above.

[Signature]
 Conservator of Forests
 Southern Forest Circle
 Bannu

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[Signature]

[Signature]

W. J. P., 11/1/2024

- 42 -

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT DERA ISMAIL KHAN

Service Appeal No. _____ / 2023

Habib ur Rehman son of Allah Dad r/o Kot Khadak Tehsil & District Tank. Presently serving as Forest Guard in the incumbency of Sub Division Tank. Cell# 0346-9499097

(PETITIONER)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Forest, Peshawar.
2. Conservative Forest Department, Khyber Pakhtunkhwa Shami Road, Peshawar.
3. Conservative Forest Department, Southern Forest Circle Bannu.
4. **Divisional Forest Officer**, D.I.Khan Forest Division Dera Ismail Khan.
5. **Sub Divisional Forest Officer**, Forest Department Tank.

(RESPONDENTS)

**SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974.**

Prayer:

On acceptance of instant service appeal the impugned order No. 4 dated 07/07/2023, vide which the major penalty of removal from service was imposed against the appellant, may graciously be set aside and the appellate authority's order (if any) as not conveyed to the appellant up till now and if issued on the back of the appellant on the departmental representation of the appellant may also be set aside and the appellant be reinstated into service with all back benefits i.e. salaries of June 2023 till the reinstatement and onward.

Respectfully Sheweth;

Appellant humbly submits and requests as under:-

1. That the appellant is a permanent resident village District Tank and was appointed in the Forest Department Tank as Forest Guard on 11/09/2007. In this regard service record of appellant is annexed as **Annexure-A**.
2. That the appellant served the department honestly, with zeal and zest and to the entire satisfaction of his superiors.
3. That firstly vide office order No. 155 dated 10/03/2023 the appellant was suspended/attached from services with the Conservator of Forest Circle Bannu. Copy of the suspension order dated 10/03/2023 is annexed as **Annexure-B**.
4. That the respondents issued an Explanation letter dated 17/04/2023 vide which it was alleged that appellant should be report to the concern Bannu office on 16/03/2023. Copy of the letter dated 16/03/2023 is annexed as **Annexure-C**.
5. That as the daughter of appellant namely Mst. Bushra Bibi and his son namely Aziz ur Rehman are the patient of Blood Thalassemia (Cancer) and there is no other male member in the family to look after the patients, thus the appellant requested to the department that in the attending circumstances the appellant is not in a position and furthermore, there is no complaints, stigma on the services of the appellant the grievances of the appellant be redressed but the respondents authority were not accepted the requests of appellant, thus the appellant have no other remedy at that time filed a civil suit before the court of Senior Civil Judge Tank which was entrusted to the court of learned Civil Judge-II Tank for disposal, on 27/03/2023, wherein the learned Civil Judge-II Tank was pleased to pass a temporary injunction order in favour of appellant and thus the appellant performed the duties with full satisfaction of superiors and never remained absented but due to the personal grudges and biased behavior of the respondents the appellant was teased

^{one} on pretext and other. Copies of the civil suit along with order sheets are annexed as **Annexure-D**.

6. That on 19/04/2023 the appellant filed a departmental appeal against the suspension order. Copy of the departmental appeal along with postal receipt is annexed as **Annexure-E**.
7. That, when the appellant was on duty, during this the appellant was asked that you will receive documents, although the appellant was on duty but in spite of this on 04/06/2023, the appellant received a subject Advertisement dated 30/05/2023 along with suspension order dated 10/03/2023, notice dated 04/04/2023, final notice dated 22/05/2023 and absentee notice dated NIL along with final notice dated NIL & without signed. Copies of Advertisement dated 30/05/2023 along with suspension order dated 10/03/2023, notice dated 04/04/2023, final notice dated 22/05/2023 and absentee notice dated NIL along with final notice dated NIL & without signed are annexed as **Annexure-F & F/5**.
8. That thereafter, the appellant submitted reply on 06/06/2023. Copy of the reply along with postal receipt is annexed as **Annexure-G**.
9. That meanwhile the learned Civil Judge-II Tank, on 06/07/2023, return the plaint under order VII Rule 10 CPC to the appellant. Copy of order sheet dated 06/07/2023 is annexed as **Annexure-H**.
10. That on 07/07/2023, the appellant was removed from services vide impugned order No. 4, and just to tease the appellant the copy of the impugned order was sent through postal services on 14/07/2023, 24/07/2023 & 05/08/2023. Copies of the impugned order dated 07/07/2023 with relevant documents are annexed as **Annexure-I**.
11. That thereafter the appellant submitted departmental appeal against the impugned order on 18/07/2023, which was dispatched on 19/07/2023 but the same was not accepted.

Copies of departmental appeal along with receipt are annexed as Annexure-J.

12. That after submitting the departmental appeal well within time, hence, the instant service is being filed within time after stipulated period, inter alia, on the following grounds.

GROUNDS: -

- A. That, the impugned order No. 4 dated 07/07/2023 is against law, facts and circumstances of the case and are liable to be set aside.
- B. That the impugned order is also against the principle of service rules and policy.
- C. That the alleged inquiry report is not incumbency of ESTA Code because the appellant had been punished within aforesaid inquiry, hence, gross violation of law have been done.
- D. That no inquiry whatsoever has ever been conducted against the appellant and this sole ground is sufficient for acceptance of instant appeal.
- E. That no charge sheet, show cause notice, final show cause notice were given to the appellant when he was on duty but the whole proceedings (although not admitted) were conducted in the back of appellant, when the appellant complained in respect of cutting of wood trees. (proof is available).
- F. That the respondents/authority are deviating from the service rules and policy and over writing the service book of the appellant due to personal grudges.
- G. That the acts and omissions of the respondents/authority are against the principle of law, service acts & rules, and also against the natural justice.

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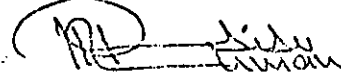
H. That counsel for the appellant may please be allowed to raise additional grounds at the time of arguments.

It is therefore humbly prayed that the instant service appeal may kindly be accepted as prayed for in the headnote and contents of appeal.

Any other appropriate relief, which this Honourable Court deems fit in the circumstances of case, may also be granted to the petitioner.

Dated: 15/11/2023

Humble Appellant



Habib ur Rehman
Through Counsel



Sheikh Iftikhar ul Haq
Advocate Supreme Court

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT DERA ISMAIL KHAN

Service Appeal No. _____ / 2023

Habib ur Rehman Versus Govt. of KPK etc

SERVICE APPEAL

CERTIFICATE

Certified that no service appeal on the subject has earlier been filed before this Hon'ble Tribunal.

Appellant
Through Counsel

AFFIDAVIT:

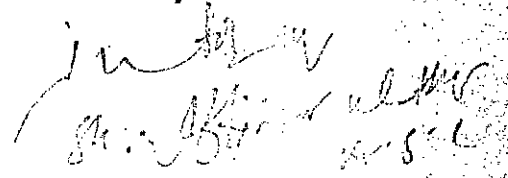
I, **Habib ur Rehman** son of Allah Dad r/o Kot Khadak Tehsil & District Tank, the appellant, do hereby solemnly affirm and declare on Oath that contents of the service appeal are true and correct to the best of our knowledge and belief; and nothing has been deliberately concealed from this Hon'ble Tribunal.

Dated: ____/11/2023


DEPONENT

CNIC# 122018415131-1

Identified by Counsel





-48-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

CM No. 2431/2023

In Service Appeal No.

Habib ur Rehman

Versus

Govt. of KPK etc

APPLICATION FOR WITHDRAWAL OF ABOVE MENTIONED
SERVICE APPEAL WITH PERMISSION TO FILE AFRESH
SERVICE APPEAL BEFORE THIS HONOURABLE TRIBUNAL
AGAINST THE THE ORDER#21 DATED 28/12/2023 OF
APPELLATE AUTHORITY.

Respectfully Sheweth:-

That appellant humbly submits as under:-

1. That the service appeal mentioned above is pending adjudication in this Honourable court and is fixed for today for reply of the answering respondent.
2. That during the pendency of instant service appeal, the appellate authority partially accepted the departmental appeal of the appellant, whereby the appellant was reinstated into service with immediate effect with further penalty of withholding promotion for three years, reduction to lower stage in a time scale for two stages with accumulative effect, the intervening period from 10/03/2023 to 18/12/2023 may be treated as leave without pay, furnishing affidavit, reflecting the same aforementioned things in ACR and service book, issuance of Character role warning. Copies of the order dated 28/12/2023 is annexed.
3. That in the attending circumstances the appellant is partially aggrieved from the immediate effect entering into the service, and other aforementioned penalties for which the appellant

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wants to withdraw the instant appeal and file afresh service appeal to challenge the aforementioned penalties.

- 4. That this honourable court has got vast and ample powers to entertain the instant application.

It is therefore, humbly requested that the appellant may kindly be allowed to file afresh appeal against the grievances of the appellate authority's order.

January 17, 2024

Your Humble Appellant


Habib ur Rehman

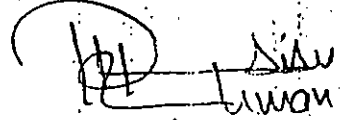
Through Counsel

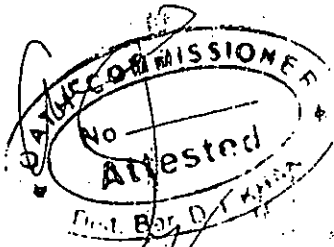

Sheikh Iftikhar ul Haq
Advocate Supreme Court

AFFIDAVIT


I, **Habib ur Rehman**, the appellant, do hereby solemnly affirm and declare on oath that contents of this application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

DEPONENT


17/1/2024


17/1/24

- 1 -



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 2431 / 2023

Habib ur Rehman son of Allah Dad r/o Kot Khadak Tehsil & District Tank. Presently serving as Forest Guard in the incumbency of Sub Division Tank. Cell# 0346-9499097

(PETITIONER)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Forest, Peshawar.
2. Conservative Forest Department, Khyber Pakhtunkhwa, Shami Road, Peshawar.
3. Conservative Forest Department, Southern Forest Circle Bannu.
4. **Divisional Forest Officer**, D.I.Khan Forest Division Dera Ismail Khan.
5. **Sub Divisional Forest Officer**, Forest Department Tank.

(RESPONDENTS)

**SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974.**

Prayer:

On acceptance of instant service appeal the impugned order No. 4 dated 07/07/2023, vide which the major penalty of removal from service was imposed against the appellant, may graciously be set aside and the appellate authority's order (if any) as not conveyed to the appellant up till now and if issued on the back of the appellant on the departmental representation of the appellant may also be set aside and the appellant be reinstated into service with all back benefits i.e. salaries of June 2023 till the reinstatement and onward.

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa

Habib-ur-Rehman vs Govt

17th Jan. 2024

01. Counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Zahid Mahsood, DFO D.I.Khan for the respondents present.

02. Learned counsel for the appellant submitted an application for withdrawal of the appeal with permission to file fresh appeal, on the ground that during pendency of the instant service appeal, the appellate authority partially accepted the departmental appeal of the appellant and reinstated him into service but with immediate effect. Application is placed on file. The appeal is dismissed as withdrawn with permission to file fresh appeal subject to all legal objections. Consign.

03. *Pronounced in open Court at D.I.Khan and given under my hand and the seal of the Tribunal on this 17th January, 2024.*

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(FAREHA PAUL)
Member(E)
Camp Court, D.I.Khan

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