

24.11.2016

Learned counsel for the appellant argued that the appellant was appointed as Watcher in the Wildlife Department on the basis of deceased son quota on 25.01.2016. That after medical examination including height of the appellant recorded as 5.4" he resumed his duty but vide impugned order dated 05.04.2016 the appointment order of the appellant was withdrawn on the plea that his height was below the prescribed standard by 2" where-against he preferred departmental appeal on 18.04.2016 which was not responded and hence the instant service appeal on 10.08.2016.

That the appellant was condemned unheard as no notice etc. or opportunity of hearing was extended to him before passing the impugned order.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 16.02.2017 before S.B at camp court, Abbottabad.

Appellant Deposited
Security & Process Fee



Chairman
Camp Court, A/Abad

M. Arshad Khan
16/2/17

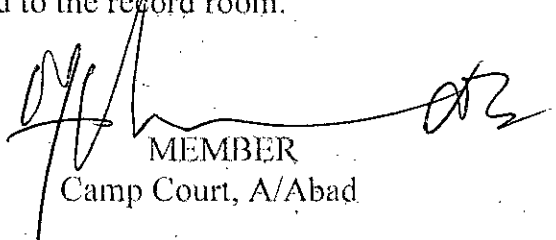
16.02.2017

Counsel for the appellant and Mr. Muhammad Siddique Sr.GP for the respondents present. Counsel for the appellant stated that grievances of the appellant have been redressed and requested for withdrawal of the appeal. His signature also obtained in the margin of order sheet.

In view of the above, the appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
16.02.2017

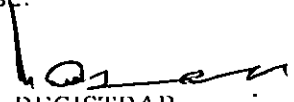


MEMBER
Camp Court, A/Abad



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 814/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10/08/2016	<p>The appeal of Mr. Noman Javed received today by post through Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p> REGISTRAR</p>
2	12-08-2016	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on. <u>22-09-2016</u>.</p> <p> MEMBER</p>
	22.09.2016	<p>Agent of counsel for the appellant present. Seeks adjournment as counsel for the appellant is not in attendance due to death of his uncle. Adjourned for preliminary hearing to 24.11.2016 before S.B at camp court, Abbottabad.</p> <p> Chairman Camp court, A/Abad</p>

BEFORE THE CHAIRMAN SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 814 /2016

Noman Javed son of Javed Iqbal, resident of Mamiah, Khalabat Township,
House No. 456, Sector-III, Tehsil & District, Haripur.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Forest, Wildlife, Khyber
Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

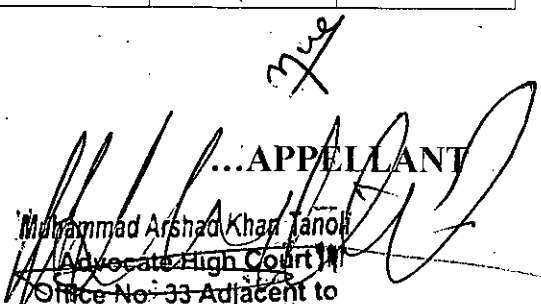
SERVICE APPEAL

INDEX

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 11	
2.	Copy of death certificate of the father of the appellant	12	"A"
3.	Copy of appointment order dated 25/01/2016	13	"B"
4.	Copy of medical certificate dated 26/01/2016	14	"C"
5.	Copies of salary slips	15	"D"
6.	Copy of letter of respondent No. 4 dated 28/03/2016	16	"E"
7.	Copy of medical certificate dated 11/04/2016	17	"F"
8.	Copy of impugned withdrawal order dated 05/04/2016	18	"G"
9.	Copies of departmental appeal and registered receipt dated 18/04/2016	19-21	"H" & "I"
10.	Wakalatnama	22	.

Dated: 09/09 /2016

Through

...APPELLANT

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

BEFORE THE CHAIRMAN SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 814 /2016

Noman Javed son of Javed Iqbal, resident of Mamiah, Khalabat Township,
House No. 456, Sector-III, Tehsil & District, Haripur.

...APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 841

Dated 10-8-2016

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Forest, Wildlife,
Khyber Pakhtunkhwa, Peshawar.
2. Chief Conservator, Wildlife, Khyber Pakhtunkhwa, Peshawar.
3. Conservator, Wildlife, Southern Circle, Peshawar.
4. Divisional Forest Officer, Wildlife Division, Abbottabad.

...RESPONDENTS

Filed to-day

As per
Registrar

10/8/16

SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL ACT, 1974 FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT WAS APPOINTED AS WILDLIFE
WATCHER (BPS-07) WILDLIFE SUB-
DIVISION, HARIPUR AGAINST IN SERVICE

DECEASED EMPLOYEE'S SON QUOTA VIDE APPOINTMENT ORDER NO. 1473-78/WL-ATD DATED 25/01/2016. THE APPELLANT TOOK OVER THE CHARGE OF THE POST AFTER GETTING MEDICAL CERTIFICATE AND RECEIVED SALARY FOR THE MONTH OF FEBRUARY AND MARCH BUT RESPONDENT NO. 4 WITHOUT ISSUING EXPLANATION, SHOW CAUSE NOTICE AND OPPORTUNITY OF PERSONAL HEARING DISMISSED THE APPELLANT FROM SERVICE ON THE PLEA THAT THE HEIGHT OF THE APPELLANT IS 5'4" WHICH IS 02 INCH LESS THAN THE REQUIRED CRITERIA VIDE IMPUGNED WITHDRAWAL ORDER NO. 1953-58/WL-ATD DATED 05/04/2016, WHICH IS PERVERSE, DISCRIMINATORY, AGAINST THE LAW AND THE IMPUGNED WITHDRAWAL ORDER IS LIABLE TO BE SET ASIDE.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL, IMPUGNED WITHDRAWAL ORDER MAY GRACIOUSLY

BE DECLARED ILLEGAL, VOID AND RESPONDENTS' DEPARTMENT MAY BE DIRECTED TO REINSTATE THE APPELLANT FROM THE DATE OF WITHDRAWAL ORDER I.E 05/04/2016 ONWARDS WITH ALL SERVICE BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED.

Respectfully Sheweth;-

1. That father of the appellant was serving as Wildlife Watcher, in Sub-Division, Haripur and died during service on 06/09/2015. Copy of death certificate of the father of the appellant is attached as Annexure "A".
2. That the appellant is F.Sc qualified and applied to the respondents' department for appointment against the deceased in service employee's son quota. therefore,

respondents' department issued appointment order of the appellant as Wildlife Watcher, in Wildlife Sub-Division, Haripur vide appointment order No. 1473-78/WL-Atd Dated 25/01/2016. Copy of appointment order dated 25/01/2016 is attached as Annexure "B".

3. That as per condition No. 5 of the appointment order, the appellant appeared before Medical Board for obtaining medical fitness certificate at District Headquarter Hospital, Haripur on 26/01/2016 and obtained medical fitness certificate wherein the height of the appellant was shown as 5'4" having 18 years of age and declared fit for the said job. Copy of medical certificate dated 26/01/2016 is attached as Annexure "C".

4. That, thereafter, the appellant took over the charge of the post and served as Wildlife Watcher with complete devotion and dedication to the entire satisfaction of his

superiors. In the meanwhile, the respondents' department paid salary to the appellant for the month of February and March, 2016. Copies of salary slips are attached as Annexure "D".

5. That after a period of near about 2½ months, respondent No.4 directed the appellant to appear for medical re-examination before Medical Officer Police Line, Abbottabad vide letter NO.1856/WL-Atd dated 28/03/2016. Copy of letter of respondent No. 4 dated 28/03/2016 is attached as Annexure "E".

6. That as per direction, the appellant appeared before the Medical Officer Police Line Abbottabad wherein the height of the appellant was again shown in the fitness certificate as 5'4" vide medical certificate dated 11/04/2016. Copy of medical certificate dated 11/04/2016 is attached as Annexure "F".

7. That on the basis of the said certificate, respondent No.4 without following the codal formalities i.e explanation, show cause notice, opportunity of personal hearing, appointment order of the appellant dated 25/01/2016 was withdrawn vide order No 1953-58/WL-Atd dated 05/04/2016. Copy of impugned withdrawal order dated 05/04/2016 is attached as Annexure "G".

8. That feeling aggrieved, the appellant filed departmental appeal to respondent No. 3 for setting aside of impugned withdrawal order dated 05/04/2016 on 18/04/2016 through registered post. Copies of departmental appeal and registered receipt dated 18/04/2016 are attached as Annexure "H" & "I". But respondent No. 3 did not bother to reply to the appellant so far.

Therefore, the instant service appeal is filed, inter-alia, on the following grounds;-

GROUND:-

- a. That impugned withdrawal order dated 05/04/2016 is illegal, void, against the law, service rules and malafide, hence the impugned withdrawal order dated 05/04/2016 is liable to be set aside.

- b. That respondent No. 4 did not issue explanation, show cause notice and without inquiry as well as affording personal hearing to the appellant, withdrew appointment order of the appellant on 05/04/2016, which is against the norms of justice and fair play.

- c. That the appellant once appeared before the medical authorities as mentioned in para-5 of the appointment order and the medical authorities declared the appellant fit

for service having 5'4" height and on the basis of that medical fitness certificate, the appellant was allowed to take over the charge and also paid salary for 02 months. Thereafter, the withdrawal of appointment order of the appellant is absolutely against the law because the valuable rights of remaining in Govt. service had been accrued to the appellant which could not be rescinded after its acceptance by the department.

d. That the appellant is 18 years old and it is likelihood that he may gain 2 inch deficient in height till the age of 25 years, therefore, impugned withdrawal order dated 05/04/2016 is liable to be set aside.

e. That when law prescribe something which is to be done in a particular manner that must be done in that manner and not otherwise. Hence, the

respondents' department was supposed to proceed after follow all the codal formalities which are sine qua non for withdrawal or removal from service. But, no such formality, as required by law, has been completed prior to the withdrawal order dated 05/04/2016 which is nullity in the eyes of law.

f. That besides, it is also submitted that the appellant though having 02 inch less in his height but he is quite stout, energetic and fit to run and shuttle in the forest as Wildlife Watcher to run the show.

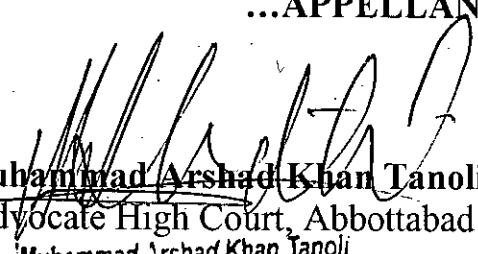
g. That the appeal of the appellant is well within time and the Honourable Service Tribunal has jurisdiction to entertain the instant appeal.

It is, therefore, humbly prayed on acceptance of the instant appeal, impugned withdrawal order may graciously be declared illegal, void and respondents department may be directed to reinstate the appellant from the date of withdrawal order i.e 05/04/2016 onwards with all service back benefits. Any other relief which this Honourable Tribunal deems appropriate in the circumstances of the case may also be granted.

Dated: 09/08 /2016

Through

...APPELLANT


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Dist. Bar Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal


...APPELLANT

BEFORE THE CHAIRMAN SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2016

Noman Javed son of Javed Iqbal, resident of Mamiah, Khalabat Township,
House No. 456, Sector-III, Tehsil & District, Haripur.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Forest, Wildlife, Khyber
Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

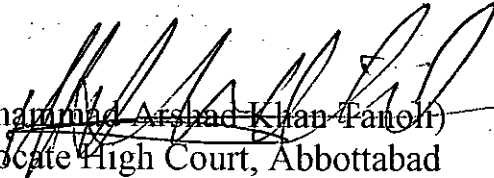
AFFIDAVIT

I, Noman Javed son of Javed Iqbal, resident of Mamiah, Khalabat Township,
House No. 456, Sector-III, Tehsil & District, Haripur, do hereby solemnly
affirm and declare that the contents of forgoing appeal are true and correct to
the best of my knowledge and belief and nothing has been concealed therein
from this Honourable Court.

Mue

DEPONENT

Identified by;


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Dist. Bar Abbottabad



P04725994

حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

وفات سرٹیفکیٹ

Annex-A

P-12

DEATH CERTIFICATE

CRMS No: D133044-15-0098

FORM No: P04725994

NATURE OF DEATH : NORMAL

درخواست دہندہ کا نام: گلناز شہزادی

مستوفی کا رشتہ: خاوند

1330203781472

درخواست دہندہ کا شناختی کارڈ نمبر:

پتہ: مکان نمبر 456، سیکٹر نمبر 3، محلہ ممایا، شہر کھلاہٹ ٹاؤن شپ، تحصیل ہری پور، ضلع ہری پور

مدت علامت	وجہ موت	تاریخ وفات	جائے وفات	تاریخ پیدائش	جنس	مذہب	والد کا نام	مستوفی کا نام
	غیر طبعی	6-9-2015	ہاسپٹل	12-2-1965	مرد	اسلام	فرید خان	پاویدا اقبال
								1330203681705

APPLICANT NAME: GUL NAZ SHEHZADI

APPLICANT CNIC: 1330203781472 RELATION WITH DECEASED: Husband

ADDRESS: HOUSE #: 456, SECTOR #: 3, MUMAYA,

CITY: KHALABAT TOWN SHIP, TEHSIL: HARIPUR, DISTRICT: HARIPUR

DECEASED NAME/ CNIC	FATHER NAME/ CNIC	DATE OF BIRTH	SEX	RELIGION	PLACE/DATE OF DEATH	DATE OF BURIAL	REASON OF DEATH	SICKNESS PERIOD
JAVED IQBAL 1330203681705	FAREED KHAN	12-2-1965	MALE	ISLAM	HOSPITAL 6-9-2015	6-9-2015	UN- NATURAL	

 BLOOD RELATION PERSON CAUSING DISPOSAL OF BODY تہذیبی رشتہ دار تہذیبی رشتہ دار

NAME: SAJJAD AHMED

نام: سجاد احمد

CNIC: 1330265039861

1330265039861

شناختی کارڈ نمبر:

GRAVEYARD NAME: GOVT GRAVEYARD

قبرستان کا نام: سرکاری قبرستان

ENTRY DATE: 11-9-2015

11-9-2015

تاریخ انڈوسٹری

ISSUE DATE: 14-9-2015

14-9-2015

تاریخ اجراء:

ADDITIONAL INFORMATION:

اضافی معلومات:

Signature: Malik Asim Shah
سیکرٹری یونین کونسل

Attested

کھلاہٹ (44) ضلع: ہری پور

Secretary
Union Council Khalabat
Haripur

Signature: Advocate High Court
Office No: 33 Adjacent

OFFICE ORDER NO 29 DATED ABBOTTABAD THE 25/01/2016
ISSUED BY MR. IFTIKHAR-UZ ZAMAN, DIVISIONAL FOREST OFFICER,
ABBOTTABAD WILDLIFE DIVISION, ABBOTTABAD

P-13

Annex-B

In exercise of the power vested in me vide part-III Rule-10 and sub-rule (4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer Rules – 1989), **Mr. Nouman Javed S/O Javed Iqbal (Late) H/No. 456, Sector – 3, Khalabat Township, Tehsil and District Haripur**, being son of a deceased government servant, is hereby appointed as Wildlife Watcher under son quota in BPS-07 viz Rs. 7490-415-19940 including usual allowance as admissible to him under the Rules, against the existing vacancy in Abbottabad Wildlife Division, with immediate effect.

Terms and Conditions:-

1. He will be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973, all the laws applicable to the Civil Servants and the Rules made there under.
2. He will remain on probation for a period of one year extendable for further one year.
3. His service will be liable to termination at any time without assigning any reasons thereof before the expiry of the period of probation/extended period of probation if his performance during this period is found unsatisfactory, In case he wishes to resign at any time, a month prior notice shall be necessary or in lieu thereof, one month's pay shall be forfeited.
4. He will be governed by such rules or orders relating to service leave, travelling allowance, medical allowance and pay etc: as may be issued by the government from time to time.
5. The appointment is subject to the satisfactory report on the verification of his character antecedent from concerned police station and production of his medical certificate of fitness from District Headquarter Hospital, Haripur.
6. He shall not be entitled to any TA/DA on his first appointment as Wildlife Watcher in BPS-07.

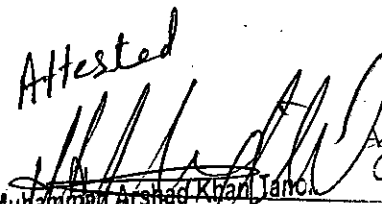
The above terms and conditions if acceptable to him, he should report for duty in office of the undersigned within 14 days from the date of issuance of this order.

(IFTIKHAR-UZ ZAMAN)
Divisional Forest Officer
Abbottabad Wildlife Division
Abbottabad

No. 1473-78 /WL-Atd

Copy forwarded for favour of information to the:

1. Chief Conservator Wildlife, Khyber Pakhtunkhwa Peshawar, with reference to his endorsement No. 3394/WL (E) dated 29-12-2015, please.
2. Conservator Wildlife Southern Circle, Peshawar, with reference to his endorsement No. 3311/WL (SC) dated 29-12-2015, please.
3. Head clerk of Divisional Office Wildlife Abbottabad.
4. Mr. Nouman Javed S/O Javed Iqbal (Late) H/No. 456, Sector-3, Khalabat Township, Tehsil and District Haripur.
5. SDWO, Haripur,.
6. Personal file of concerned official.

Attested

Muhammad Arshad Khan Jango
Advocate High Court
Office No. 33 Adjacent to
Divisional Forest Officer
Abbottabad Wildlife Division
Abbottabad

Annex-C, P-14

DISTRICT HEADQUARTER HOSPITAL, HARIPUR

No _____

Dated: 26.01.2016

MEDICAL/PHYSICAL FITNESS CERTIFICATE

It is certified that Mr. Noman Jawed S/o
Javed Iqbal Resident of KTS

_____ has been examined by me and find Physically /
Mentally Fit / Un-Fit, being created problem in his body as
_____ According his further body

Nomenclature are hereby:-

1. Weight: 62 Kg
2. Height: 5' 4"
3. Age: 18 years
4. General Appearance: Normal
5. Body defect: Nil
6. Identification Marks: Nil

Signature of Candidate: [Signature]

Attested

[Signature]
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt. Hospital Haripur

[Signature]
MEDICAL OFFICER
DISTRICT HEADQUARTER HARIPUR

Dr. Noman Rehana
MBBS, FCPS (S) (Gen)
CCO & Surgeon
DGH Hospital Haripur

Annex - D

National Bank of Pakistan

Account Statement

P-15

Account Title(s) NOMAN JAVED S/O JAVED IQBAL

Address: H NO 456 MOH. MUMAYA SECTOR NO 3 K.T.S

Town:

District:

City: HARIPUR

Province/State: KH.PAKHTOON

Country: PAKISTAN

Postal Code:

Product Name:

CIF No: 7146313

Account No: 4114479919

IBAN: PK39NBPA0826004114479919

Branch Code/Name: 826 New Tarbela Township Branch

Region Name: Abbotabad

Statement of Account

Statement Printing Date: 13-Apr-2016

B/F Balance: 0.00

From: 01-Feb-2016

To: 13-Apr-2016

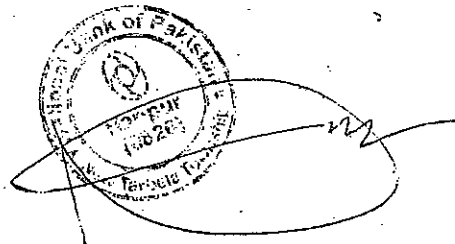
S. No.	Date	Particulars	Instno	Memo	Debit	Credit	Balance
1	23-Feb-2016	CASH DEPOSIT			0.00	1,000.00	1,000.00
2	29-Feb-2016	SALARY			0.00	15,005.00	16,005.00
3	07-Mar-2016	SERVICE CHARGES			43.10	0.00	15,961.90
4	07-Mar-2016	FED			6.90	0.00	15,955.00
5	08-Mar-2016	FEE		08	350.00	0.00	15,605.00
6	08-Mar-2016	CASH WITHDRAWAL	70401501		12,000.00	0.00	3,605.00
7	09-Apr-2016	WITHDRL		09	100.00	0.00	3,505.00
8	09-Apr-2016	WITHDRL		09	16.00	0.00	3,489.00

Total 2 Credit transactions of amount: 16,005.00

Total 6 Debit transactions of amount: 12,516.00

Attested

Muhammad Irfan Khan Faridi
Advocate High Court
Office No 33 Adjacent to
Dell Computer



Annex-E, P-16



OFFICE OF THE
DIVISIONAL FOREST OFFICER ABBOTTABAD
WILDLIFE DIVISION ABBOTTABAD
Phone & Fax #: 0992 - 9310323
Email = atdwildlife@yahoo.com



To
The District Police Officer
Abbottabad

No. 1856 /WL-Aid

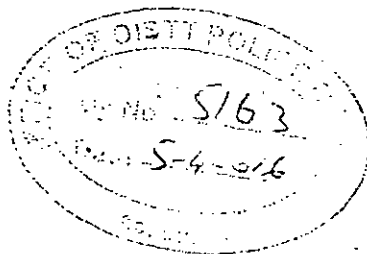
Dated Abbottabad the 28/03/2016

Subject MEDICAL FITNESS CERTIFICATE

It is submitted that Mr. Nouman Javed S/O Javed Iqbal has been appointed as Wildlife Watcher in BPS - 07 under the 'employee son's quota' vide office order No. 29 dated 25-01-2016 (photo copy of the said order is attached).

You are requested to please direct concerned doctor and staff to examine him on following approved recruitment policy and provide medical fitness certificate or otherwise for his formal appointment.

Nomenclature of Post	Physical / Medical fitness	Age limit for initial recruitment
Wildlife Watcher (B-07)	<u>Physical fitness</u> i. Height 5'-6" ft (at least) ii. Chest Size: 34" - 36" inches (at least) iii. Eye Sight: V-6J (With glasses) each, Eye 6x6. iv. No. bumble foot / flat foot	18 - 30 years



[Signature]
Divisional Forest Officer
Abbottabad Wildlife Division
Abbottabad

No. _____ /WL-Atd

Copy forwarded to the SDWO, Haripur for favour of information and necessary action. He is directed to produce concerned Wildlife Watcher for medical fitness on 28-03-2016 at 11.00am in the above office.

Attested
M.O. Police line Abbottabad

Divisional Forest Officer
Abbottabad Wildlife Division
Abbottabad

For necessary action
[Signature]
Muhammad Arshad Khan Tareen
Advocate High Court
Office No 33 Adjacent to
Distt. Court Abbottabad

[Signature]
4/4/2016

A

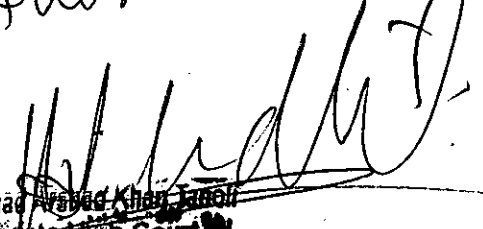
6/6
 1245
 1245
 1245
 1245
 1245
 1245

Height = 5-6 feet inches
 Chest = 35 x 36

* Chest & height measurements are as above otherwise by

ful
 11-09-76
 INCHARGE
 Medical Officer
 Police Hospital D

INCHARGE
 Medical Officer
 Police Hospital D

Attested


Muhammad Asad Khan Jatoi
 Advocate High Court
 Office No 33 Adjacent to
 Dist Bar Anhtabad

Annex F
P-17

6/6
not
not
not
not
not
not
not

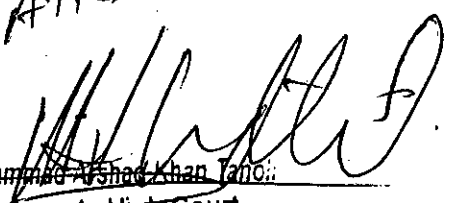
Height = 5' 4"
Chest = 35" x 36"

* Chest & height measurements
are as above otherwise by

ft
11/16
INCH
Medical Officer
Police Hospital

INCH
Medical Officer
Police Hospital

Attested


Muhammad Ashraf Khan
Advocate High Court
Office No 33 Adjacent to
Jail, Rawalpindi

Annex-G- A 18

OFFICE ORDER NO 36 DATED ABBOTTABAD THE 05/04/2016
ISSUED BY MR. IFTIKHAR-UZ ZAMAN, DIVISIONAL FOREST OFFICER,
ABBOTTABAD WILDLIFE DIVISION, ABBOTTABAD

Office Order No. 29 dated 25 - 01 - 2016 is hereby withdrawn with effect from 01-04-2016 due to the following reason.

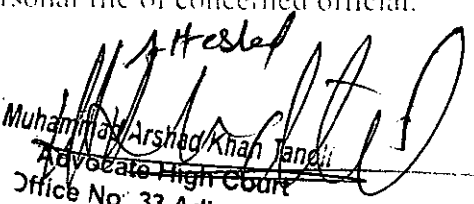
"The height of Mr. Nouman Javed S/O Javed Iqbal is 5'-4" (according to the Medical Fitness Certificate issued by Dr. Zia-ur Rehman, MBBS RMP (ATH Atd) CMO Emergency DHQ Hospital Haripur, vide his No. NIL dated 26-01-2016), *whereas the minimum height required as per rules vide notification No. SO (ESTT)/ENV/II-465/2012/909-1060 dated 31-12-2014 is 5' - 6"*.

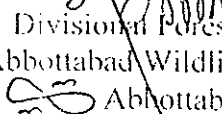
(IFTIKHAR-UZ ZAMAN)
Divisional Forest Officer
Abbottabad Wildlife Division
Abbottabad

No. 1953-58 /WL-Atd

Copy forwarded for favour of information to the:

1. Chief Conservator Wildlife, Khyber Pakhtunkhwa Peshawar.
2. Conservator Wildlife Southern Circle, Peshawar.
3. Head clerk of Divisional Office Wildlife Abbottabad.
4. Mr. Nouman Javed S/O Javed Iqbal (Late) H/No. 456, Sector-3, Khalabat Township, Tehsil and District Haripur.
5. SDWO, Haripur, for information and necessary action. He is directed to collect the all stock and official record etc
6. Personal file of concerned official.


Muhammad Arshad/Khan Jand
Advocate High Court
Office No. 33 Adjacent to


Divisional Forest Officer
Abbottabad Wildlife Division
Abbottabad

To,

Annex-H

The Conservator WildLife
Southern Circle Peshawar,

SUBJECT:- DEPARTMENTAL APPEAL AGAINST APPOINTMENT OF IMPUGNED
WITHDRAWAL OFFICE ORDER NO.36 DATED 05.04.2016 OF THE
APPELLANT.

Respected Sir:

1. References is made to appointment order of the appellant as wild life watcher office order No.29 dated 25.01.2016 and withdrawal of appointment order No.36 dated 05.04.2016. (Copies are attached)
2. That, father of the appellant died during service on 6 September 2015.
3. That, as per law the appellant was appointed against in the service diseased employ son Quata as wildlife watcher vide order No.29 dated 25.01.2016.
4. That, the appellant appear before medical authorities for obtaining his medical fitness certificate on 26.01.2016. the appellant was declared medically fit having height (5' foot 4" inch) in the same medical certificate. (Copy of medical certificate is attached)
5. That, the appellant provided the said medical certificate to the concerned office of wildlife department. therefore on the basis of appointment and submission of medical certificate salary of appellant was released for the month of February and march. (Copy of salary slip are attached)
6. That, the appellant's age is 18 years and his height as per medical report is 5' feet and 4" inches. As per medical legal jurisprudence, height of the individual is increased up to 22 years.

7

That, the competent authority instead of withdrawal of appointment order could either wait for 22 year of age of the appellant or condoned 2 inches height as per law. Hence withdrawal of

Attested

Mulham Arshad Khan Jabeel
Advocate High Court
Office No 33 Adjacent to
Dist Bar Association

appointment order while impugned order No.36 dated 05.04.2016 is liable to be set aside.

8. That, Divisional Forest Officer WildLife Abbottabad Division was supposed to refer the case to the higher medical authorities on the post as to whether height of person increase upto the age of 22 years or otherwise. Besides this, the case of the appellant was to be forwarded to the Government of Condonation of Deficiency of two inches in height of appellant but this procedure was also not adopted by the DFO Abbottabad wildlife division Abbottabad. hence, withdrawal order of the appellant dated 05.04.2016 is not maintainable at law.
9. That, the competent authority without issuing show cause notice, explanation without conducting inquiry arbitrarily withdrawal appointment order of the appellant which is against the law.
10. It is further submitted that the appellant is F.Sc and served the department with complete devotion and dedication.

In view, of the above it is prayed that impugned / withdrawal order of appellant No.36 dated 05.04.2016 may be set aside and appointment order No.29 dated 05.01.2016 of the appellant may be restored with all back benefit.

Thank you so much.

MJ

Dated:- 18/4 /2016

NOUMAN JAVED
S/o JAVED IQBAL
Wildlife Watcher Sub-Division,
Haripur.
Contact Number:+92-331-
5482919,(03214868140)

Attested

[Signature]
Muhammad Arshad Khan Jado
Advocate High Court
Office No 33 Adjacent to
District

کورٹ فیس قیستی

وکالت نامہ

بعدالت Before the Service Tribunal

عنوان: Noman Farid نام Court of law

منجانب: Appellant

نوعیت مقدمہ: Service Appeal

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی کو جوائنٹ وکیل Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt. Bar Abbottabad

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختم مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 9 اکتوبر 2016

بمقام: M. Arshad Khan

Accepted
M. Arshad Khan

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt. Bar Abbottabad

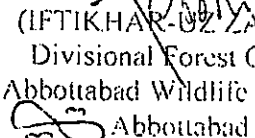
M. Arshad Khan
Trustee Ady

OFFICE ORDER NO. 32 DATED ABBOTTABAD THE 07/12/2016
ISSUED BY MR. IFTIKHAR-UZ ZAMAN, DIVISIONAL FOREST OFFICER,
ABBOTTABAD WILDLIFE DIVISION, ABBOTTABAD

In exercise of the power vested in me vide part-III Rule-10 and sub-rule (4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer Rules – 1989), read with Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) Notification No. SO (R-VI)E&AD/1-3/2015 dated 19-04-2016, Mr. Nouman Javed S/O Javed Iqbal (Late) H/No. 456, Sector – 3, Khalabat Township, Tehsil and District Haripur, being son of a deceased government servant, is hereby appointed as Junior Clerk under son quota in BPS-11 viz Rs. 10510-740-32710 including usual allowance as admissible to him under the Rules, against the existing vacancy in Abbottabad Wildlife Division, with immediate effect.

TERMS AND CONDITIONS

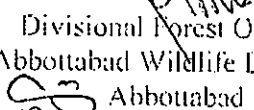
1. His services will be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973, all the laws applicable to the Civil Servants and the Rules made here under.
2. He shall be on probation initially for a period of one year extendable for further one year.
3. His services will be liable to termination at 15 days notice, at any time without assigning any reason irrespective of the fact that he holds a post other than the one to which he was originally recruited.
4. In case he wishes to resign at any time, an advance notice of one month shall be necessary or in lieu thereof his one month's pay shall be forfeited to government.
5. The appointment is subject to the production of Clearance Certificate from District Police Officer Haripur and necessary medical fitness certificate from the Medical Superintendent of District Head Quarter Hospital Haripur before joining of the position.
6. He will have to verify his all academic certificates, degrees and transcripts/DMCs from respective Boards and Universities before joining of the position.
7. His service will start from the date of his arrival for duties.
8. If he failed to report arrival for duty within thirty days of the receipt of this order, the appointment will stand cancelled automatically.
9. The incumbent will be posted anywhere in Khyber Pakhtunkhwa Wildlife Department.
10. He will join duty at his own expenses, as no TA/DA shall be admissible there-for.


(IFTIKHAR-UZ ZAMAN)
Divisional Forest Officer
Abbottabad Wildlife Division
Abbottabad

No. 1546-51 /WL-Atd

Copy forwarded for favour of information to the:

1. Chief Conservator Wildlife, Khyber Pakhtunkhwa Peshawar, with reference to his endorsement No. 2881/WL (E) dated 18-11-2016.
2. Conservator Wildlife Southern Circle, Peshawar,
3. Head clerk & Divisional Accountant of Wildlife Divisional Office Abbottabad.
4. Mr. Nouman Javed S/O Javed Iqbal (Late) H/No. 456, Sector-3, Khalabat Township, Tehsil and District Haripur.
5. Personal file of concerned official.


Divisional Forest Officer
Abbottabad Wildlife Division
Abbottabad