

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL, PESHAWAR.**

**CM No. /2024**

**IN**

**Service Appeal No. 321-A/2024**

Sohail Ayub

**...APPELLANT**

**V E R S U S**

Conservator of Forests, Malakand Forest Circle West at Tamergara, Lower  
Dir and another

**...RESPONDENTS**

**SERVICE APPEAL**

**=====**  
**APPLICATION FOR FIXATION OF CASE FROM**  
**SWAT TO PESHAWAR PRINCIPLE SEAT.**  
**=====**

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**Through:**

**...APPELLANT**

Dated: \_\_\_\_\_/2024

**(SARDAR MUHAMMAD MUNIR)**  
Advocate Supreme Court of Pakistan  
&

**(MUHAMMAD SHOAIB KHAN)**  
Advocate High Court, Abbottabad

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL, PESHAWAR.**

CM No.                      /2024

**IN**

**Service Appeal No. 321-A/2024**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12486

Dated 30/4/24 ...APPELLANT

Sohail Ayub

**V E R S U S**

Conservator of Forests, Malakand Forest Circle West at Tamergara, Lower  
Dir and another

...RESPONDENTS

**SERVICE APPEAL**

=====

**APPLICATION FOR FIXATION OF CASE FROM  
SWAT TO PESHAWAR PRINCIPLE SEAT.**

=====

***Respectfully Sheweth,***

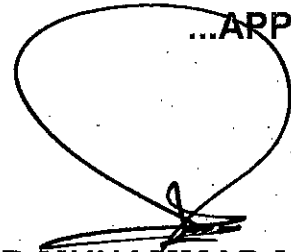
1. That the titled appeal is pending adjudication before this Honourable Tribunal which is fixed for hearing on 07.05.2024 at Swat Camp.
2. That counsel for the appellant ~~present~~ <sup>present</sup> Abbottabad moreover the earlier Judgment in the matter was recorded at Peshawar.

3. It is earnestly requested to fin the hearing of the matter at Peshawar instead of Swat camp. That circumstances and proprietary demands the same.

It is, therefore, most humbly prayed that on acceptance of the instant application hearing of titled appeal may graciously be order to be fixed at Peshawar instead of Swat Camp to meet the ends of justice.

*Through:*

...APPELLANT



**(SARDAR MUHAMMAD MUNIR)**  
Advocate Supreme Court of Pakistan  
&



**(MUHAMMAD SHOAIB KHAN)**  
Advocate High Court, Abbottabad

Dated: \_\_\_\_\_/2024

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL, PESHAWAR.**

CM No. 12024

IN

Service Appeal No. 321-A/2024

Sohail Ayub

...APPELLANT

**V E R S U S**

Conservator of Forests, Malakand Forest Circle West at Tamergara, Lower Dir and another

...RESPONDENTS

**SERVICE APPEAL**

-----  
APPLICATION FOR FIXATION OF CASE FROM  
SWAT TO PESHAWAR PRINCIPLE SEAT.  
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**AFFIDAVIT**

I, *Sohail Ayub S/o Nazar Ayub R/o Purana Bazar, Adjacent Army Public School, Darosh District Chitral, Appellant* do hereby solemnly affirm, and declare that the contents of forgoing *Service Appeal* are true and correct to the best of my knowledge and nothing has been suppressed from this Honourable Court.

Dated:-                      /2024

  
...APPELLANT



22/04/2024

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**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL, PESHAWAR.**

**Service Appeal No. /2024**

Sohail Ayub S/o Nazar Ayub R/o Purana Bazar, Adjacent Army Public School, Darosh District Chitral.

**...APPELLANT**

**V E R S U S**

1. Conservator of Forests, Malakand Forest Circle West at Tamergara, Lower Dir.
2. Divisional Forest Officer, Chitral Forest Division Chitral.

**...RESPONDENTS**

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**SERVICE APPEAL UNDER SECTION-4 OF THE**  
**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR ACT, 1974 FOR DECLARATION TO**  
**THE EFFECT THAT THE APPELLANT WAS**  
**DISMISSED FROM SERVICE BY THE**  
**RESPONDENT NO.4 VIDE ORDER NO.162**  
**CHITRAL DATED 14.06.2019 AGAINST WHOM**

THE APPELLANT FILED AN APPEAL BEFORE THE COMPETENT FORUM WHICH WAS ALSO TURNED DOWN, THEN APPELLANT FIELD AN APPEAL BEFORE THIS HONOURABLE TRIBUNAL WHICH WAS ACCEPTED AND ORDER DATED 14.06.2019 WAS SET-ASIDE AND THE CASE WAS REMANDED BACK ON 22.01.2021 FOR DENOVO INQUIRY. AFTER FULFILLING THE LEGAL REQUIREMENT (UNDER SECTION 3 OF THE PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORK PLACE ACT 2010) AND AFTER REMAND COMMITTEE WAS CONSTITUTED AND THE INQUIRY COMMITTEE RECOMMENDED THE FOLLOWING PENALTIES IN ACCORDANCE WITH HARASSMENT ACT, 2010.

- i. STOPPAGE OF TWO ANNUAL INCREMENTS WITH CUMULATIVE EFFECT FOR TWO CONSECUTIVE YEARS.
- ii. THE OFFICIAL MAY BE POSTED OUTSIDE CHITRAL FOREST DIVISION TO ANY OTHER STATION.

BUT AFTER MOVING AN DEPARTMENTAL APPEAL / APPLICATION FOR RELEASE OF

OUTSTANDING SALARIES WITH EFFECT FROM 05.06.2019 TO 31.07.2021 (I.E. 1 YEAR 7 MONTH AND 16 DAYS) BUT HIS APPEAL WAS DECIDED AND THE PERIOD 05.06.2019 TO 31.07.2021 WAS TREATED THE PERIOD AS LEAVE WITHOUT PAY ON 18.01.2024 WHICH IS AGAINST LAW, FACT AND WITHOUT JURISDICTION.

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PRAYER:

ON ACCEPTANCE OF INSTANT APPEAL, THE IMPUGNED ORDER DATED 18.01.2024 OF RESPONDENT NO.3 MAY KINDLY BE SET-ASIDE AND THE APPELLANT MAY GRACIOUSLY BE RELEASE THE SALARIES WITH EFFECT FROM 15.06.2019 TO 31.01.2021 (I.E. 1 YEAR 7 MONTH AND 16 DAYS) OR ANY OTHER RELIEF WHICH THIS HON'BLE TRIBUNAL DEEM FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

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**Respectfully Sheweth:**

***Following are the facts, giving rise to the instant services appeal.***

1. That appellant was appointed as a Junior Clerk BPS-11 in the office of District Forest Officer Chitral and the appellant resumed and assigned his job on 13.03.2019. **(Copy of appointment order is annexed as Annexure "A")**
2. That an inquiry proceeding was conducted and major penalty was awarded as termination / removal from the service vide office letter order No.162 dated 14.06.2019. **(Copy of order No.162 dated 14.06.2019 is annexed as Annexure "B")**
3. That aggrieved from the decision of respondent No.4 the appellant preferred appeal before respondent No.3 Malakand Forest Circle West which was rejected by the Conservator of Forest vide office order No.13 dated 01.11.2019. **(Copy of order No.13 dated 01.11.2019 is annexed as Annexure "C")**
4. That, the appellant preferred an appeal before this Honourable Tribunal, the service tribunal



decided the appeal on 22.01.2021. (Copy order dated 22.01.2021 is annexed as Annexure "D") and by the order dated 22.01.2021 allowed the appeal and set-aside the order of District Forest Officer Chitral respondent No.4 dated 14.06.2019 and Conservator of Forest respondent No.3.

5. That, after the order of the Service Tribunal the respondents constituted a committee for inquiry under the protection against the harassment of women and the inquiry committee recommended the following penalties in accordance with Harassment Act, 2010.

i. Stoppage of two annual increments with cumulative effect for two consecutive years.

ii. The official may be posted outside Chitral Forest Division to any other station. (Copy of order is annexed as Annexure "E")

6. That, the appellant after joining moved an application for the outstanding salaries with effect from 15.06.2019 to 31.01.2021 (i.e. 1 Year 7 Months and 16 Days) which was rejected and the respondent No.4 vide office No.71 dated 19.01.2024 gave the findings "In

*pursuance of the direction of the Conservator of Forests, Malakand Forest Circle West vide No.3120/B\*A, dated 05.01.2024, asked vide this office letter No.2720/G, dated 19.12.2023, the intervening period with effect from 15.06.2019 to 31.01.2021 (i.e. 1 Year 7 Months and 16 Days) during which the appellant Junior did not perform official duties is hereby treated as leave without pay". (Copy of application and order are annexed as Annexures "F" & "G" respectively)*

7. That, feeling aggrieved from the above mention order the appellant left with no other option but to assail the acts of the respondent No.4 before this Honourable Tribunal who got ultimate jurisdiction, inter-alia, on the following grounds:-

**GROUND:**

- a) That impugned order dated 19.01.2024 passed by the respondent No.4 is wrong, illegal against law and fact, arbitrary fanciful, perverse, without lawful authority against natural justice & also against the rules and regulations & nullity in the eye of law.

- b) That the impugned order dated 19.01.2024 is against procedures on laid down in term No.17 of Government Service (Efficiency & Disciplinary Rules 2011) therefore it is not tenable in the eye of law.
- c) That, the act of respondents is against the fundamental right of the appellant, which is guaranteed under constitution of Islamic republic of Pakistan 1973.
- d) That, the act of respondents is illegal, unlawful, against law, against facts and circumstances of the case and against the principle of natural justice.
- e) That on direction rendered by this Tribunal the department conducted denovo inquiry after constituting the required committee.
- f) That nominated committee after inquiry gave the following recommendations:
- i. Stoppage of two annual increments with cumulative effect for two consecutive years.

- ii. The official may be posted outside Chitral Forest Division to any other station.
  
- g) That fun bare reading of above penalties there is no mention of salaries of termination period more over earlier decision of termination of appellant had already been set-aside by this Honourable Tribunal thus reason given by respondent which rejecting appellant's application is ill-founded and misconceived. thus not sustainable.
  
- h) That the respondents did all the proceedings without touching the legal requirements of the law and procedure hence the impugned order is liable to be set aside.
  
- i) That any other order which adversely affect the appellant may kindly be set-aside.
  
- j) That appellant duly filed an application / appeal for release of out-standing amount / salaries to Respondent No.4 which was later on sent with positive recommendation to the

Respondent No.3 for approval which was rejected by Respondent No.3.

- k) That if application was rejected by the respondent No.4 then the appeal may have to be before Respondent No.3 but as stated above the application is finally decided by Respondent No.3 which is appellate Authority thus the appellant have no other remedy or appellate authority hence this Appeal is to be filed before this Honourable Tribunal.
- l) 12That, addresses of the parties have correctly and detailed mentioned in the heading of the appeal.
- m) That, the instant appeal is well within time.
- n) That, the other points would be urged at the time of arguments.

**PRAYER:**

On acceptance of instant Appeal, the impugned order dated 18.01.2024 of Respondent No.3 may kindly be set-aside and the appellant may graciously be release the salaries with effect

from 15.06.2019 to 31.01.2021 (i.e. 1 Year 7 Months and 16 Days) or any other relief which this Hon'ble Tribunal deem fit and proper in the circumstances of the case may also be granted to the appellant.

  
...APPELLANT

Through:

Dated: 15/02 /2024

(SARDAR MUHAMMAD MUNIR)  
Advocate Supreme Court of Pakistan  
&

(MUHAMMAD SHOAIB KHAN)  
Advocate High Court, Abbottabad

VERIFICATION:-

*Verified on oath that the contents of foregoing Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.*

Dated: 15/02 /2024

  
...APPELLANT