

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In Service appeal No. 269/2024

Habib Ur Rehman Versus Govt. of KPK and others

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS# 1 to 2

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March 14, 2024

*order sheet not
uploaded
Next date - 20-05-2024*


DEPONENT

①

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In Service appeal No. 269/2024

Habib Ur Rehman Versus Govt. of KPK and others

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS# 1 to 2

Respectfully Shewith:

Respondent's #1 to 2 humbly submits as under,


Khyber Pakhtunkhwa
Service Tribunal

Diary No. _____

PRELIMINARY OBJECTION:-

Dated _____

1. That the appellant has no cause of action and locus standi against the replying respondents.
2. That appellant has not come to this Honourable Tribunal with clean hands.
3. That the service appeal of the appellant is not maintainable in its present form, hence, the same is liable to be dismissed.
4. That the instant service appeal of the appellant is based on malafide having no legal footings, hence, is liable to be dismissed without further proceeding.
5. That the appellant is not entitled for the relief which he is claiming in the instant service appeal.
6. That the appellant is estopped due to his own conduct to file this appeal.
7. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
8. That the appellant has concealed the facts from this Honourable Tribunal.
9. That the Honourable Tribunal has no jurisdiction to entertain the instant appeal.
10. That the appeal of the appellant is barred by law and limitation.



OBJECTION ON FACTS:-

1. That para No. 1 of the appeal relates to the Service of appellant.
2. That para No. 2 of the appeal relates to the Service efficiency of individual's.
3. That para No. 3 is correct. The appellant was suspended on the report of SDFO Tank stating that he is involved in Blackmailing of Officers/Official of the department through baseless complaints and corrupt Practices **(Annexed- I)**.
4. That para No. 4 is correct. The appellant was suspended and attached with Conservator of Forests Office, Bannu vide office Order No. 155 dated 10-03-2023 **(Annexed- II)**. His whereabouts were unknown as he has not submitted his arrival report in concern office and remained absent willfully.
5. That para No. 5 needs evidence. He has not applied for leave nor any application for leave is received in this office and nor intimated this office regarding any of his engagements. He was suspended on serious allegations for which proper enquiry was ordered. Instead of complying to the orders and submission of arrival report in concern office he has filed a Civil Suit. The temporary injunction was passed by Honourable Court Civil Judge-II Tank vide order dated 27-03-2023 **(Annexed- III)** for a period of 05 days i.e. from 27-03-2023 to 31-03-2023 and no proceeding were carried out during the said period of temporary Injunctions. It is also obvious that the appellant has enough time to file appeal and appear in court on various dates but no time to comply to the orders and attend office of undersigned or Conservator of Forests, Southern Forest Circle Office Bannu.
6. That para No. 6 is incorrect & misconceived. Hence need evidence. No such appeal has been received in this office nor in the office of Conservator of Forests, Southern Forest Circle Bannu.
7. That para No. 6 is incorrect. The appellant was suspended vide office order No.155 dated 10-03-2023 which was accordingly communicated to him through SDFO Tank. The appellant was not on duty 04-06-2023 as he was suspended and was attached with Conservator of Forests, Southern Forest Circle Bannu. The notices were duly dispatched on his home address through registered post vide No.105397332 dated 06-04-2023, post vide No. 105408823 dated 22-05-2023 & post vide No.



105409196 dated 30-05-2023. The appellant also refused to receive the explanation letter as reported by SDFO Tank. The appellant also filed a Civil Suit as mentioned in para No. 5 against office order No. 155 dated 10-03-2023 which shows he was aware of the suspension order.

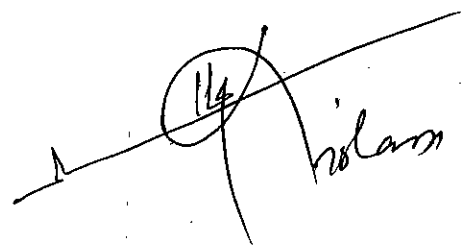
8. That para No. 8 is incorrect & misconceived. The Appeal as shown by appellant was received in this office on 07-07-2023 till then the office Order No. 04 dated 07-07-2023 was issued (**Annexed- IV**). Also that yet the appellant has not obeyed the orders. The appellant has only requested to comply with the directives of court issued vide order sheet dated 27-03-2023 and no further prayers were asked. The Civil Suit was returned vide order dated 06-07-2023 under Order 7 Rule 10 C.P.C to the plaintiff to present it before the proper forum. Then final order was issued after the dismissal of Civil Suit. (**Annexed- V**).
9. That para No. 8 is correct.
10. That para No. 10 is correct. The appellant personally received the office Order from the office.
11. That para No. 11 is correct. The Conservator of Forest, Southern Forest Circle Office Bannu, vide letter No. 319/Estt dated 08-08-2023 (**Annexed- VI**) has requested to offer comments on the Appeal preferred by the appellant. Which was accordingly responded vide this office letter No. 1466/G dated 30-08-2023 (**Annexed- VII**) and accordingly the Appeal was decided and necessary orders were issued vide office order No 21 dated 28-12-2023 (**Annexed- VIII**).
12. That para No. 12 is correct. The Appellant has requested the Departmental appeal was partially accepted by the competent authority.
13. That para No. 13 is correct.
14. The para No. 14 is relates to appellant.

REPLY ON GROUNDS:-

- A. Incorrect. Hence denied. The office Order No. 21 dated 28-12-2023 is issued in accordance with law and E&D Rules-2011.
- B. Incorrect and misconceived. As replied above.

[Handwritten signature]

- C. Incorrect. It is pertinent to mention that the appellant has committed gross Mis-conduct and In-efficiency as remained willfully absent from performing official duties hence punishments imposed are legal and in accordance to the law.
- D. Incorrect. The appellant was proceeded under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011 & ESTA Code for which independent inquiry is not required. Hence the whole procedure as elaborated under Rule-9 of E&D Rules has been followed and no violation has been committed.
- E. Incorrect and misconceived. The appellant has remained willfully absent from official duties and not complying with official orders. The appellant was proceeded according to Rule-9 of E&D Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011. As the appellant was suspended so he was not on duty by any means. All the proceedings were communicated accordingly personally to the appellant and also through registered posts office dak. All the proceedings were conducted in the best interest of public service and not on the basis of personal grudges.
- F. Incorrect and mis -conceived. All the proceedings were carried out in accordance to the service rules mentioned.
- G. Incorrect. All the acts are carried out in according to the Service acts and rules and in accordance with the Principle Natural Justice.
- H. Incorrect. The appellant is habitual and has been suspended and faced many departmental enquires and has been proved for his Misconduct, In-efficiency and Corruption in despite of his Official obligation. The interest impugned order is well placed and in accordance with law and rules in vogue (**Annexed- IX**).
- I. That the respondents seek permission of this Honourable Tribunal to raise further points of the time of arguments.

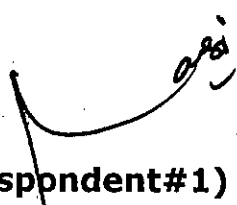
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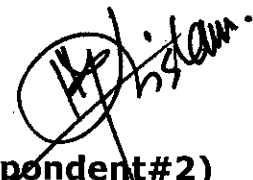
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In wake of the submissions made above, this Honourable Tribunal is humbly requested that on acceptance of the para-wise comments of respondents#1 to 2, service appeal of the appellant may please be dismissed with cost.

May 14, 2024


Humble respondents#1 to 2


(Respondent#1)
Conservator of Forests
Southern Forest Circle
Bannu (MUHAMMAD SALEEM)


(Respondent#2)
Divisional Forest Officer
D.I.Khan Forest Division
D.I.Khan. (AMIN-UL-ISLAM)

6

Annex I

(TURRABAN KHAN) SUB DIVISIONAL FOREST OFFICER		TANK FOREST SUB DIVISION D.I.KHAN FOREST DIVISION No. 143 /SDFO/TANK Dated: 7/3/23
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To

The Divisional Forest Officer
D.I.Khan Forest Division

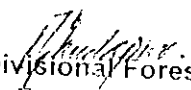
Subject:

PERFORMANCE AND WORK CONDUCT OF HABIB-UR-REHMAN FOREST
GUARD

Memo:

It is submitted that as per report of Muhammad Irfan Block Officer, Habib-ur-Rehman Forest Guard is known for supporting of forest offenders who are involved in illicit cutting of trees. When inquired, the report of Block Officer was based on facts.

Your goodself is requested to initiate stern disciplinary proceedings as per E&D Rules 2011 against Habib-ur-Rehman Forest Guard please.



Sub Divisional Forest Officer
Tank Forest Sub Division
Tank

No. /SDFO/TANK

CC:-

1. Muhammad Irfan Block Officer with reference to his application Dated:07/03/2023.

Sub Divisional Forest Officer
Tank Forest Sub Division
Tank


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

خدمت نما - SDFD - فارسی سب ڈویژن

عنوان: درخواست برصغیر جبیب الرقنی فارسی گارڈ

فہم عالی: گزارش ہے کہ آج مورخہ 03 - 7 کو جبکہ پندرہ بجے کوئی شخص

دی کہ وہ گول روڈ پر گیا تھا جہاں سے سڑک کی درختوں کاٹنے میں مصروف تھا

لہذا بندہ فوراً موقع پر گیا۔ تو واقعی موقع پر درختوں کاٹنے کا عمل

ہو رہا ہے۔ درختوں کو سڑک کی درختوں کاٹنے سے روکا تو درختوں بہانی ہوئے

کہ درختوں کاٹنے کا ایک ہی سبب ہے۔ جبکہ سبب الرقنی فارسی گارڈ

آج کے دن کے دوران کوئی شخص

اسی آٹا میں جبیب الرقنی فارسی گارڈ کے ساتھ گیا تھا

موقع پر پہنچے۔ اور اس پر کئی کئی بار تھاپا دیا گیا تھا

بندہ درخواست کی جاتی ہے کہ جبیب الرقنی فارسی گارڈ

کے خلاف سڑک کی درختوں کاٹنے اور زبردستی کو روکوں کبھی کوئی

نا خوشنواں الفاظ اور دھمکیاں دینے سے روک دیا جائے

میں رہے۔ جبیب الرقنی فارسی گارڈ سے بہت سے سبب ہیں جو کئی اوقات ہوتے

تو درختوں کے خلاف قانونی کارروائی کی جائے۔ اپنے عمل سے لوگوں کے خلاف

اور جھوٹے الزام اور خواہستیں دینے لگتا ہے۔

بندہ رجوعاً پر رے قانونی کارروائی اور سبب خدمت

مشرقیات بندہ

M. Lat 07/03/2023


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

Amere - II

8

OFFICE ORDER NO. 153 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.

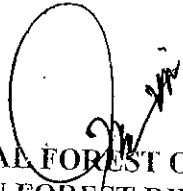

(AMIN-UL-ISLAM)
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

No 7016-20 /E

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


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

9

Aurangzeb - III

9

IN THE COURT OF HAFIZ AURANGZEB KHAN,

Senior Civil Judge(A)/JM-1, Tank

Case No

Habit ul Rehman ...vs... Divisional Forest Officer

Order	Date	Order sheet
<p>01</p> <p>100/1</p> <p>27/3/23</p> <p>14/6/23</p> <p>C.I.II</p> <p>کلیں آرڈر نمبر 100/1</p> <p>تاریخ 27/3/23</p> <p>14/6/23</p>	<p>25-03-2023</p>	<p>The Presiding Officer is on leave therefore, instant case file presented through counsel during MOD. It is sent to the Court of learned CJ-II, Tank. The learned counsel for petitioner is directed to appear before the Court concerned on <u>27/3/23</u>. Record be also requisitioned for date fixed.</p> <p><i>(Signature)</i></p> <p>(Hafiz Aurangzeb Khan) Senior Civil Judge(A)/JM-1, Tank</p> <p>دستور العمل کے مطابق وکیل کے ذریعے پیش کیا گیا ہے۔</p> <p>دفعہ 27/3/23 کو عدالت میں پیش ہونے کی تاریخ مقرر ہے۔</p> <p>دستاویزات کی کاپیوں کی فراہمی کی جائے گی۔</p> <p>دستاویزات کی کاپیوں کی فراہمی کی جائے گی۔</p> <p>دستاویزات کی کاپیوں کی فراہمی کی جائے گی۔</p> <p>دستاویزات کی کاپیوں کی فراہمی کی جائے گی۔</p>

(Signature)

Divisional Forest Officer
D.I.khan Forst Division
D.I.Khan

EXAMINE
District & Sessions
104

On 10.03.2023

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

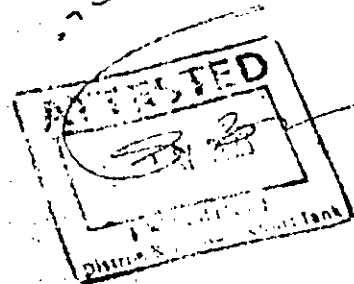
Alongwith the suit an application for grant of temporary injunction has also been annexed Preliminary arguments heard and record perused. Application is oath on affidavit and necessary documents are attached, therefore, status quo is granted to the extent of suspension of operation of order bearing No. 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 Ullah Marwat)
Civil Judge-II, Tank

Handwritten notes in Urdu: "سٹیٹمنٹ لکھ کر رکھو اور اسے جج صاحب کے سامنے پیش کرنے کے لیے تیار رکھیں" (Keep the statement and be ready to present it to the judge).
Date: 04/4/23
Signature: Rizwan Ullah Marwat

Civil Judge - Judicial Magistrate
Tank

Divisional Forest Officer
Dikhan Forest Division
GILGIT



(11) *Amudure - IV*

**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. 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/Est 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/Est dated 04-04-2023 in accordance to the Rule-9 of F&D Rules on the account of willful absence and was printed through Registered Post No. RGL 105408823 dated 22-05-2023 on his home address. Once again a notice bearing No. 8602/Est 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

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

No. **120-23**

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

(Signature)
Divisional Forest Officer
D.I.khan Forest Division
D.I.Khan

(Signature)
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

(Signature)
Divisional Forest Officer
D.I.khan Forest Division
D.I.Khan

Amxure - V

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

ATTESTED
10 JUL 2023
EXAMINER
District & Session Tank

EXAMINER
District & Session Tank

Handwritten signature and text: "D. Khan" and "D. Khan".

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13

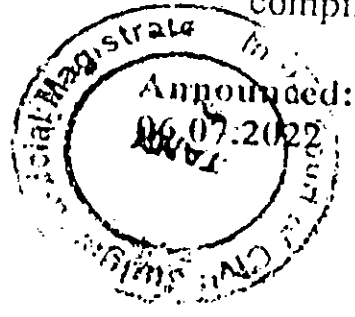
Answer-V/A

2

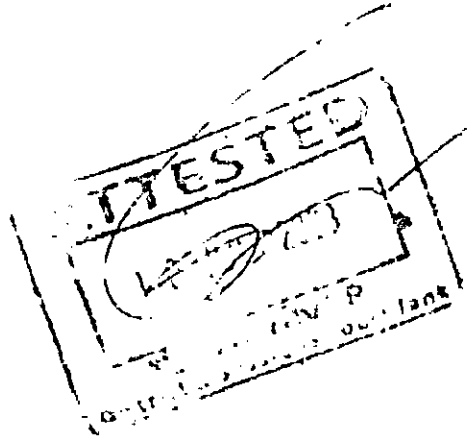
Fabib ur Rehman...Vs.. Forest Division etc

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




Handwritten signature: Rizwan Ullah Marwat

X
District Session

(14)

Amirul - VI

Conservator of Forests Southern Forest Circle Bannu		Miranshah Road, Tappi Killa, Bannu Phone # 0928-620145
No. <u>319</u> /Estt		Dated Bannu the <u>8</u> / 08 / 2023

To
 Divisional Forest Officer
 D.I.Khan Forest Division

Subject: - DEPARTMENTAL APPEAL OF MR. HABIB UR REHMAN F.G. FOR CANCELLATION OF OFFICE ORDER NO. 04 DATED 07/07/2023

DEPARTMENTAL APPEAL OF MR. MUHAMMAD IMRAN EX-FORESTER FOR CANCELLATION OF OFFICE ORDER NO. 05 DATED 11/07/2023

Memo: - Reference the Appeals for representation preferred by Mr. Habib Ur Rehman Forest Guard dated 18/07/2023 and Mr. Muhammad Imran Ex-Forester of D.I.Khan Forest Division dated 31/07/2023.

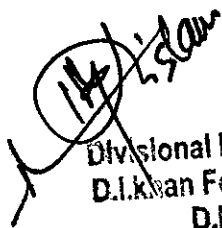
Enclosed find herewith the Appeals for representation preferred by Mr. Habib Ur Rehman Forest Guard dated 18/07/2023 and Mr. Muhammad Imran Ex-Forester of D.I.Khan Forest Division dated 31/07/2023 for information and further course of action in your office please.

To proceed further into the matter you are requested to go through the above mentioned Appeals and tender your detail comments so that the matter could be decided on merit please.


Encl: As above


 Conservator of Forests
 Southern Forest Circle
 Bannu

No. 320 /IG


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



Copy forwarded to the Chief Conservator of Forests Central Southern Forest Region-1 Khyber Pakhtunkhwa Peshawar with reference to his letter No.12/RA/RK/CC dated 05/07/2023 please.


 Conservator of Forests
 Southern Forest Circle
 Bannu

(15)

Annexure - VII

Peshawar invites
of the following
requirement

	Amin-ul-Islam Divisional Forest Officer D.I. Khan Forest Division	Bungalow # 20 - Allama Iqbal road D.I. Khan Cantt. Phone # 0966-9280181	
No. 1466 /G		Dated D.I. Khan the 30/8 2023	

To

The Conservator of Forests ,
Southern Forest Circle
Bannu

Subject: PARAWISE COMMENTS AGAINST THE APPEAL OF HABIB UR REHMAN EX-FOREST GUARD FOR CANCELLATION OF OFFICE ORDER NO. 05 DATED 11/07/2023

Memo: Reference your office letter No. 319/Estt dated 08/08/2023.

While going through the contents appeal of Mr. Habib-ur-Rehman (Ex-Forest Guard) this office has to offer the following comments.

- I. It is true that he is working as forest guard in D.I.Khan Forest Division. His whole service record is full of red ink. He has been suspended throughout his service and was removed from service during vide office order No.102 dated 19/05/2015. He was reinstated into service vide office order No. 66 dated 10/12/2015 by Conservator of Forests Southern Forest Circle Peshawar on terms that he submitted an affidavit stating that he will obey the orders of his superiors and will not exert any political pressure for getting posting at his own will.
- II. He was removed from service vide office order No.04 dated 07-07-2023 an account of will full absence from the duty. He was given full opportunity to mend his ways but instead of complying the orders he started litigation and also lodged complaints in Anti-Corruption establishment which itself falls in mis-conduct and tends towards major Penalty.
- III. He is habitual complainant and is always by-passing the hierarchal order established for disposal off official business. Direct communication with higher offices is Mis-conduct. Besides this he is indulged in instigating the locals against the local protective staff (copy of report of staff is enclosed), illogical complaints without any evidence against staff and SDFOs. He is also lodging complaints in Anti- Corruption and other investigative agencies against Department to settle his personal enmity with protective staff on duty. Despite of all these facts he was never treated discriminately rather provided full opportunity to prove his complaints but he failed to do so. On account of the facts and complaints not proven he was suspended on the recommendation of SDFO Tank and was attached to your kind office vide this office order No. 155 dated 10/03/2023.

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

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IV. He remained absent from duty from 10-03-2023 to 07-07-2023. He was informed telephonically to make himself present instead of complying the orders he Mis-behaved with the Ministerial staff. Explanation was also called vide letter No. 7205/Estt dated 17-03-2023 but he didn't respond. He was issued notice on his home address vide letter No. 7205/Estt dated 17-03-2023, letter No. 7631/Estt dated 04-04-2023 & letter No.8602/Estt dated 22-05-2023. Also your good self has asked regarding his whereabouts vide letter No. 16/E, dated 03/05/2023 which indicates that he was absent from his duty and non-compliance of official orders. Later on absence notice was also advertisement in 02 National daily a dated 02/06/2023 but he didn't show compliance. In view of the Rules 4 (b) (iii) of E&D Rules, 2011, office order above mentioned was issued which is fully in compliance with the Rules and Regulations and also the spirit of justice.

V. The office order No.04-dated 07-07-2023 is fully in commensuration with Law, rules and regulations. All the legal formalities were completed before issuing the office order No:04-dated 07-07-2023 no-discrimination has been done to Mr. Habib-ur-Rehman Ex-Forest Guard rather ample opportunity was provided to the Mr. Habib-ur-Rehman Ex-Forest Guard but he failed to get the benefits of the said relaxation. There was no option left with this office except issuance of the above mentioned office order for Removal of him from Service.

VI. All legal formalities are completed it is, therefore requested to uphold the penalty imposed upon Mr. Habib-ur-Rehman Ex-Forest Guard.

In wake, of the above it is requested to uphold the impugned penalty as all the legal parameters and the spirit justice are kept and completed, please.


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


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



(17)

Annexure - VIII

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

PROCEEDINGS OF APPEAL AGAINST HABIB-UR-REHMAN FOREST GUARD

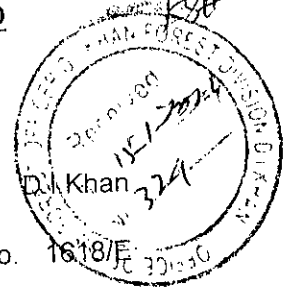
READ WITH

- 1) SDFO Tank Letter No.143/SDFO/Tank dated 07/03/2023
- 2) Suspension Order of Habib-ur-Rehman Forest Guard vide DFO Office Order No. 155 dated 10-03-2023
- 3) Conservator of Forests Southern Forest Circle Bannu latter 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.

(Signature)
 Divisional Forest Officer
 D.I.Khan Forest Division
 D.I.Khan



- 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 02-06-2023, 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.


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

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.


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

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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.

Conservator of Forests
Southern Forest Circle
Bannu

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OFFICE ORDER NO. 102 DATED D.I.KHAN THE 17th MAY 2015 ISHER
HAZRAT MIR DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION D.I.KHAN

The SDFO, Tank vide endorsement letter dated 08/04/2015 forwarded the report of Mr Muhammad Amjad Forester I/C Block Officer Tank Block wherein it has been reported that he conducted detailed inspection of Dabara Resumed land and found encroachment at several places in different shapes. The I/C Block officer further reported that Mr. Habib-ur-Rohman Forest Guard I/C Dabara beat was directed to chalk damage reports against the offender; but he straightaway refused / denied to issue damage reports against the encroacher with the plea that he is a local inhabitant and cannot afford conflict with the encroachers.

The Forester incharge reported that he chalked damage reports against the offenders but Habib-ur-Rehman could not cooperate in the serious matter even he denied to sign the damage reports. The SDFO Tank also endorsed the statement of Forester & confirmed the report of Mr. Amjad Ahmad Forester is based on facts and recommended that Habiba Forest Guard is not fit for the post of Forest Guard, he also recommended that strict action under the Rules may be initiated against him.

The service record of Habib-ur-Rehman Forest Guard reveals that on several times he was nominated for Forest Guard Course at Khyber Pakhtunkhwa Forest School, Abbottabad (Thai) but all the time he escaped himself due to the reason that his daughter is suffering from blood cancer. Since appointment his performance is not satisfactory, therefore the undersigned being an authority is convinced to terminate the service of Mr. Habib Ur-Rehman Forest Guard due to the reason that he is not performing his duties and is reluctant to issue damage report against the offender who encroached on the precious Government land.

Therefore, the services of Mr. Habib ur-Rehman Forest Guard are hereby terminated with immediate effect in the interest of public service. The SDFO, Tank is directed to hand over all the official documents i.e. damage report book, Revenue papers of Dabara Resumed Land etc. from Habib-ur-Rehman Forest Guard and keep in safe custody. Also a suitable Forest Guard may be posted in his place at Dabara Resumed Land and report compliance.

SM
(*Hazrat Mir*)
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

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Copy for favour of information and further necessary action as forwarded to:

1. The Conservator of Forests, Southern Circle Peshawar for favour of information & necessary action.
2. Mr. Moin-ud-Din Forest Ranger Incharge SDFO, Tank for information & necessary action. He is directed to immediately relieve Mr. Habib-ur-Rehman Forest Guard from the charge of duty and all official documents, i.e. Damage Report Book, Form No. 11, Complete set of History files, list of Boundary pillars etc. may be collected from the official and assigned the duties of his beats to another suitable Forest Guard and report compliance.
3. Head Clerk & Accountant D.I.Khan Forest Division for information & further necessary action. They are directed to record entry in the service book of Habib-ur-Rehman Forest Guard & put up for signature of the undersigned.
4. Habib-ur-Rehman Ex- Forest Guard S/O Allah Dad resident of village Kot Chadda post office Kot Nawaz Tehsil & District Tank for information and immediate necessary action.

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

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

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OFFICE ORDER NO. 66 DATED 10 / 12 /2015 ISSUED BY
CONSERVATOR OF FORESTS SOUTHERN CIRCLE PESHAWAR.

Read with

1. DFO D.I.Khan office order No. 102 Dated 19/05/2015.
2. Appeal of Mr.Habib-ur-Rehman Ex F/Guard dated 19/8/2015.
3. Comments of DFO D.I.Khan vide letter No. 2219/G dated 21.10.2015

History.

Mr. Mohammad Amjad Forester I/C Block Officer Tank Block, had been reported that he conducted detailed inspection of Dabara Resumed land and found encroachment at several places in different shapes. The I/C Block officer further reported that Mr. Habib-ur-Rehman Forest Guard I/C Babara beat was directed to chalk damage reports against the offenders but he straightaway refused / denied to issue damage reports against the encroacher with the plea that he is a local inhabitant and cannot afford conflict with the encroachers. The Forester in charge reported that he chalked damage reports against the offenders but Habib-ur-Rehman could not cooperate in the serious matter even he denied to sign the damage reports. The SDFO Tank also endorsed the statement of Forester & confirmed that the report of Mr. Amjad Ahmad Forester is based on facts and reported that Habib-ur-Rehman Forest Guard is not fit for the post of Forest Guard. He also recommended that strict action under the rules may be initiated against him.

The DFO D.I.Khan noted from the service record of the accused that since appointment his performance was not satisfactory. Therefore he vide office order No. 102 dated 21/10/2015, terminated his services for the reason that he was not performing his duties and reluctant to issue damage report against the offenders who encroached on the precious Government Land. The accused felt aggrieved and challenged the order by filing appeal before the undersigned.

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15-12-2015
E. Khan

Discussion.

The appellant was afforded personal hearing in which he stated that he was ready to take action against the encroachers. Comments of DFO D.I.Khan were also sought. The DFO D.I.Khan in his letter No. 2219/G dated 21.10.2015 commented that the appellant had promised to comply with all orders/directions issued by his superior and also will undergo the Forest Guard Training course, He furnished the statement on Judicial stamp paper as under.

1. He will chalk damage reports against the encroachers of Dabar Resumed land whether fresh or old without any differentiation of relatives or tribe.

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(Signature)
Divisional Forest Officer
D.I.Khan Forest Division
D.I.Khan

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2. He will undergo the forthcoming Forest Guards training Course without any hesitation/political pressure or excuses.
3. The clinic is owned by his relatives at his home village and he has no concern with it, however he will perform his duties whole heartedly, 24 hours and will not busy in any other business.
4. He will obey the orders/directives issued by the DFO, SDFO & in-charge Forester in connection with conservancy of forest wealth/property etc, As well as initiate action at his own will according to the spirit of law.
5. In case of violation of any of above he may be straight away dismissed from service and in that situation he shall have no right to appeal for reinstatement to any appellate authority.

The DFO D.I.Khan further recommended that the appellant may be reinstated in service and period of absence from the date of termination be treated as extra ordinary leave.

Decision.

Keeping in view the above exposition and taking lenient view Mr.Habib-ur-Rehman Ex Forest Guard is hereby re-instated in service with retrospective effect. The intervening period from the date of his termination i.e 15/9/2015 to the date of arrival is hereby treated as extra ordinary leave i.e leave without pay.


Sd/-

**Conservator of Forests
Southern Circle, Peshawar**

No. 6543-45 /E

Copy forwarded to:-

1. Mr. Habib-ur-Rehman for information with reference to his appeal dated 19/8/2015.
2. The DFO D.I.Khan for information and necessary action.
3. Office Order file.


**Conservator of Forests
Southern Circle, Peshawar**

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OFFICE ORDER NO. 24 DATED D.I.KHAN THE 17 SEPTEMBER 2019 ISSUED BY MR. SULEMAN KHAN DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION

The SDFO Tank vide endorsement letter No. nil dated 23/06/2019 has submitted report of Mr. Miram Shah Forest Guard I/C Block Officer Tank Block wherein he has reported that Mr. Habib-ur-Rehman forest guard is running private clinic at village kot Khadak tehsil & district Tank and is continuously / willfully absent from official duties, casually coming to Sub Divisional Forest Office at Tank and misbehave with the other forest officials and go back. He also reported that Mr. Habib-ur-Rehman Forest Guard is involved in grabbing of precious government land of Dabara Resumed land and actively involved in the mal practices and friendly dealing with land grabbers & guiding them for agitation against the Forest & Revenue staff who are demarcating the said Government land & creating problems for department.

SDFO Tank further reported that he apprehended double pages of damage report No. 27/15 dated 17/03/2019 and when he was asked to produce damage report book for checking, Mr. Habib-ur-Rehman forest guard denied to produce damage report book and concocted drama and have reported that the damage report book has been misplaced and also threatened the block officer.

The SDFO Tank also reported that Mr. Hbib-ur-Rehman Forest Guard is actively involved in the politics and is unfit for government duty due to the reason that in his presence it is feared that government might sustained irreparable lesses.

Mr. Habib-ur-Rehman Forest Guard was directed vide this office letter No. 9432/G dated 25/06/2019 to explain position on account of negligence in official duties, he submitted reply to the enquiry dated 19/08/2019 but the same was not satisfactory.

Therefore in order to properly probe in to the matter and in exercise of powers vested in me under the rule 10 (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule 2011, Mr. Amin-ul-Islam SDFO, D.I.Khan Forest Sub Division is hereby appointed as inquiry officer to proceed against the above named Forest Guard by observing the procedure under the provisions of rule - 11-of-the-aforesaid-rules-and-submit-findings-within-the-stipulated-period.

Sd
(Suleman Khan)

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION

D.I.KHAN
No. 473-3 IG

Copy for information and further necessary action is forwarded to:-

1. Mr. Amin-ul-Islam SDFO D.I.Khan Forest Sub Division. He is requested to initiate inquiry against the above named Forest Guard and submit finding within stipulated period. The Charge Sheet & Statement of Allegation are enclosed herewith.
2. SDFO Tank for information and necessary action with reference to his letter noted above. He is nominated as departmental representative for prosecuting the instant case.
3. Head Clerk / Accountant D.I.Khan Forest Division.
4. Mr. Habib-ur-Rehman Forest Guard C/O SDFO Tank. He is directed to submit his written defence along with documentary evidences in his support if any direct to the Enquiry Officer and attend the enquiry proceedings as & when called by the inquiry officer.

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

Amin-ul-Islam
Divisional Forest Officer
D.I.Khan Forest Division
D.I.KHAN

CHARGE SHEET

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I, Suleman Khan, Divisional Forest Officer D.I.Khan Forest Division as competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, Mr. Habib-ur-Rehman Forest Guard (BPS-8) in charge Dabara Resumed land & Kaur Mrtaza road side beat Charges as follows:

That you while posted as in charge Dabara Resumed land and Kaur Murtaza raod beats Tank Forest Sub Division (D.I.Khan Forest Division) committed following irregularities;

1. That SDFO Tank vide endorsement letter dated 23/06/2019 submitted report of Mr. Miram Shah Forest Guard I/C Block Officer Tank Block wherein he reported that you are running private clinic at village kot Khadak tehsil & district Tank and are continuously / willfully absent from official duties, casually coming to Sub Divisional Forest Office at Tank and misbehave with the other forest officials and go back. He also reported that are involved in grabbing of precious government land of Dabara Resumed land and actively involved in the mal-practices and friendly dealing with land grabbers & guiding them for agitation against the Forest & Revenue staff during demarcating the said Government land & creating problems for department.
2. That SDFO Tank further reported that he apprehended double pages of damage report No. 27/15 dated 17/03/2019 and when you were asked to produce damage report book for checking, you denied to produce damage report book and concocted drama and have reported that the damage report book has been misplaced and also threatened the block officer.
3. That SDFO Tank also reported that you are actively involved in the politics and are unfit for government duty due to the reason that in your presence it is feared that government might sustained irreparable losses.

By reason of the above you appear to be guilty of (i) IN-EFFICIENCY (ii) MISCONDUCT and (iii) CORRUPTION under Rule 3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rule 2011 and have rendered your-self liable to all / any of the penalties specified in Rules 4 of the rules ibid.

A statement of allegations is enclosed

Divisional Forest Officer
D.I.Khan Forest Division
(Competent Authority)

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

DISCIPLINARY ACTION

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Amendment - 18/A-4

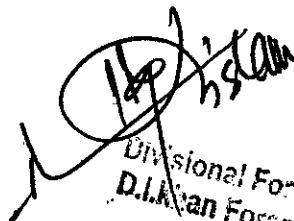
I, Suleman Khan, Divisional Forest Officer D.I.Khan Forest Division as Competent Authority am of the opinion that Mr. Habib-ur-Rehman Forest Guard (BPS-8) in-charge Dabara Resumed land and Kaur - Murtaza road side beats (Tank Forest Sub Division) rendered himself liable to be proceeded against, as he committed the following acts / omissions, within the meaning of section 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve him as follows.

STATEMENT OF ALLEGATIONS

That he while posted as in-charge Dabara Resumed land and Kaur - Murtaza road side beats (Tank Forest Sub Division) committed following irregularities;

1. That SDFO Tank vide endorsement letter dated 23/06/2019 submitted report of Mr. Miram Shah Forest Guard I/C Block Officer Tank Block wherein he reported that Mr. Habib-ur-Rehman Forest Guard is running private clinic at village kot Khadak tehsil & district Tank and is continuously / willfully absent from official duties, he is casually coming to Sub Divisional Forest Office at Tank and misbehave with the other forest officials and go back. I/C Block Officer also reported that Mr. Habib-ur-Rehman is involved in grabbing of precious government land of Dabara Resumed land and is actively involved in the mal practices and friendly dealing with land grabbers & guiding them for agitation against the Forest & Revenue staff during demarcating the said Government land & creating problems for department.
2. That SDFO Tank apprehended double pages of damage report No. 27/15 dated 17/03/2019 and when Habib-ur-Rehman Forest Guard was asked to produce damage report book for checking, he denied to produce damage report book and concocted drama and have reported that the damage report book has been misplaced and also threatened the block officer.
3. That SDFO Tank also reported that Mr. Habib-ur-Rehman Forest Guard is actively involved in the politics and is unfit for government duty due to the reason that in his presence it is feared that government might sustained irreparable losses.
4. For the purpose of inquiry against the side accused with reference to above allegation, Mr. Amin-ul-Islam SDFO D.I.Khan Forest Sub Division has been appointed as Enquiry Officer under rule 10(1) (a) of the ibid rules vide DFO, D.I.Khan office order 24 dated 17/10/2019.
5. The enquiry Officer shall, accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its finding and make, within thirty (30) days of the receipt of this order, recommendations against the accused.
6. The accused and SDFO, Tank (departmental representative / prosecutor) shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

Divisional Forest Officer
D.I.Khan Forest Division
(Competent Authority)


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

2022

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Amir - TK / A-5

OFFICE ORDER NO. 142 DATED D.I.KHAN THE 6 JUNE-2022, ISSUED BY MR. SHAHID NOOR DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION, D.I.KHAN


As reported by SDFO Tank vide his letter No.16/TK dated 01/06/2022 Mr. Habib-Ur-Rehman Forest Guard has been found involved in illicit cutting of trees, blackmailing of officers/officials of the department through baselines complaints and corrupt practices, therefore under the exercise of powers vested in me vide Section-VI of Khyber Pakhtunkhwa Government Servant (Efficiency & discipline) Rules-2011, Mr. Habib-Ur-Rehman Forest of Tank Forest Sub Division is hereby placed under suspension and attached with Divisional Forest office with immediate effect in the interest of public servant.

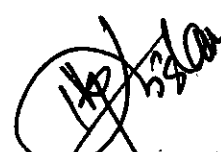
(Shahid Noor)
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

No. 10244-47 /G,

Copy forwarded to:

1. Conservator of Forests, Southern Circle Peshawar for favour of information.
2. SDFO Tank for information and further necessary action, with reference to his recommendations communicated vide letter No.16/TK dated 01/06/2022.
3. Mr. Habib-Ur-Rehman Forest Guard C/O SDFO Tank.
4. Head Clerk/Accountant of Divisional Office for information and necessary action.


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


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

(28)


Annexure - IX/A-6

OFFICE ORDER NO. 146 DATED D.I.KHAN THE 8 JUNE, 2022, ISSUED BY MR. SHAHID NOOR DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION, D.I.KHAN

An enquiry committee comprising of the following Officers/Officials is hereby constituted to probe into the allegation regarding involvement of Mr.Habib-ur-Rehman Forest Guard of Tank Forest Sub Division in illicit cutting of trees, blackmailing of officer/ official of the department through baseline complaint and corrupt practices.

- 1. Mr. Munawar Khan Range Forest Officer. _____ (Chairman)
- 2. Mr. Kaleemullah Forester I/C SDFO Sheikh Buddin _____ (Member)
- 3. Muhammad Iqbal Forester I/C RFO Kulachi. _____ (Member)


The Committee should submit its report and clear cut findings to this office within 07 days positively for further legal action.



 (Shahid Noor)
 DIVISIONAL FOREST OFFICER
 D.I.KHAN FOREST DIVISION
 D.I.KHAN

No. 10371-74 /G.

Copy forwarded to the:

- 1. Conservator of Forests Southern Circle Peshawar for favour of information and further necessary action.
- 2. All Committee Member for immediate necessary action.
- 3. Habib ur-rehman Forest Guard C/O SDFO Tank for information.
- 4. Hc/Accountant/Establishment Clerk of Divisional office D.I.Khan for information.


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


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

(29)

Amxure - I

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In Service appeal No. 269/2024

Habib Ur Rehman

Versus

Govt. of KPK and others

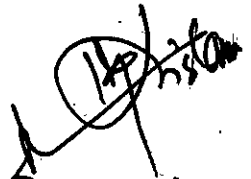
REPLAY ON BEHALF OF RESPONDENTS# 1 to 2

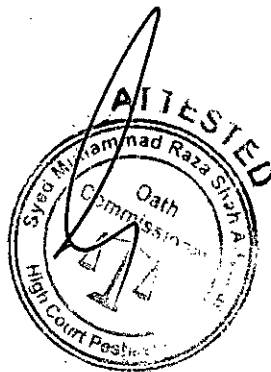
AFFIDAVIT

I, **Divisional Forest Officer, D.I.Khan Forest Division D.I.Khan**, do hereby solemnly affirm and declare on Oath that contents of the written statement are true and correct to the best of my knowledge and nothing has been deliberately concealed from this Honourable Court.

May 14, 2024

It is stated that the answering respondents have neither been placed ex-parte nor their defence has been struck off.


Deponent
(AMINA-UL-ISLAM)



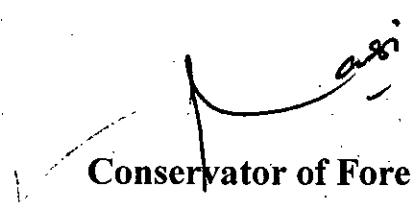
(30)

Annexure - XI

AUTHORITY LETTER

Mr. Amin Ul Islam, Divisional Forest Officer (BPS-18) D.I.Khan Forest Division D.I.Khan bearing C.N.I.C No. 12101-9640262-5 & Cell No. 0335-4222000 is hereby authorized to appear in Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar Service Appeal No. 269/2024 title "**Habib Ur Rehman Vs Government of Khyber Pakhtunkhwa through Secretary Climate Change, Forestry Environment & Wildlife Department & Others**" till final decision of the case.

He is also authorized to file submit written reply, produce record and record evidence on his behalf if any required in the court mentioned above.


**Conservator of Forests
Southern Forest Circle
Bannu
Respondent No. 1
(MUHAMMAD SALEEM)**