

- ii. The deficiencies in plantation areas, if any was required to be detected by the Divisional Forest Officer Daur Watershed before processing bills/muster rolls for sanction and release of funds demanded by the Ex-Forest Ranger for further disbursement amongst the laborers deployed on the activity;
- iii. The areas in question were required to be got monitored by the Divisional Forest Officer, Daur Watershed for his due satisfaction before entertaining the claim of appellant which has not been done;
- iv. The activity is carried out during Monsoon 2016, but Divisional Forest Officer Daur Watershed checked the concerned areas during July 2018 after almost two years of handing over the charge of Sherwan Range by the appellant to his successor i.e. 27.09.2016.

8. When charge of the post was handed over to new Forest Ranger by the appellant it was his duty to properly measure all the areas and then takes the charge. No such charge assumption report was produced by the respondent that some work was not done in-accordance with master roll which means that there was no short fall in plantations, which were properly planted.

9. Moreover, when area was inspected after two years than due to seasonal climate change some trees must have been damaged. Short coming in the inquiry is evident from appellate order then it will be in the fitness of things and in the interest of justice to look into the matter with broad view and decide it on merit strictly in accordance with law. Therefore, we are unison to accept the appeal and refer back the matter to respondent department to decide it afresh after evaluating all the aspects of the case in hand. Costs shall follow the event. Consign.

10. *Pronounced in Open Court at Peshawar and given under our hands and seal of the Tribunal on this 16th day May, 2024.*


(KALIM ARSHAD KHAN)
CHAIRMAN


(RASHIDA BANO)
MEMBER (J)

identification is not possible.

- iii. Pit to pit spacing found irregular and resultantly charge amount against the plantations seem fake and bogus.
- iv. No sign board was installed on site which is necessary according to PC-I and directives regarding this issue has also been issued time to time.
- v. Plantation journals was not updated and maintained according to the requirements.
- vi. Site selection was made on gossips and nothing has been done as per requirements.
- vii. No additional sowing was carried out and in this regards directions of higher ups was neglected badly.
- viii. No BTAP writing was seen on site which shows your utter negligence and disinterest in Government Works.
- ix. Watch Ward charged apparently bogus as none of progress has been traced out on site.
- x. No fencing was arranged in the area and grazing and browsing has also been noted.

6. Appellant submitted reply to the charge sheet and vindicated his plea and position. The enquiry committee submitted the findings to respondent No.3 vide letter dated 21.08.2019 and recommended that the short fall may either be recovered or rectified. The appellant was served with a show cause notice, which he replied and submitted to a graphic account of each and every fact. Respondent No.3 passed the impugned order dated 19.03.2020 and imposed upon the appellant penalty of recovery of Rs.1,315,519/- (Thirteen Lac Fifteen Thousand Five Hundred and Nineteen Only). The appellant feeling aggrieved from the order of respondent No.3 filed departmental appeal dated 19.06.2020. Appellate authority respondent No.2 modified order of respondent No.3 and reducing the penalty of the recovery to Rs.6,57,760/- ordered the said recovery be deducted either from final payment of G.P fund or from pension commutation in lump sum.

7. The order of appellate authority dated 06.10.2022 reads as under;



appropriate may also be granted in favour of appellant against the respondents.”


2. Brief facts leading to the instant appeal are that, during service appellant while holding the post of Forest Ranger BPS-16, was served with a charge sheet alongwith statement of allegation to which he replied. Inquiry committee was constituted to probe into the allegations alleged in the charge sheet who recommended that the short fall may either be recovered or rectified. Thereafter, a show cause notice was issued which was replied by him. Respondent No. 3 imposed recovery of Rs.1315419/- vide impugned order dated 19.03.2020 which was communicated to the appellant on 11.06.2020. Feeling aggrieved, he filed departmental appeal, whereby the appellate authority (respondent No.2) modified the impugned order of respondent No. 3 and reduced the recovery to Rs. 657760/- and ordered that said amount either be recovered from his GP Fund or Pension commutation, hence the present service appeal.

3. Respondents were put on notice who submitted their comments on the appeal. We heard the learned counsel for the appellant as well as learned District Attorney for the respondents and perused the case file with connected documents in detail.

4. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

5. Perusal of record reveals that appellant was serving as Forest Ranger BPS-16 when respondent No.3 vide order dated 29.03.2021 constituted inquiry committee and was issued a charge sheet with allegation that;

i. No replacement works were carried out despite the instructions and directions of the DFO during visits, various meeting held with the field staff as well as through official letters communicated to you.

 ii. No boundary pillars were erected on the site due to which the site

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.15692/2020

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
MRS. RASHIDA BANO ... MEMBER (J)

Mr. Shabir Ahmad, Forest Ranger (retired) BPS-16, Battagram Watershed Sub-Division, R/o Village Maira Babrai, P/o Shaukat Abad (Pouchar), Tehsil & District Mansehra.

.... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Forestry, Environmental & Wildlife Department, Peshawar.
2. Chief Conservator of Forest, Central Southern Forest Refion-1, KPK, Peshawar.
3. Conservator of forests, Water Shed, Management Circle, Abbottabad.
4. Divisional Forest Officer, Unhar Watershed Division, Mansehra.
5. Divisional Forest Officer, Daur Watershed Division, Abbottabad.

.... (Respondents)

Shahzada Irfan Zia
Advocate

... For appellant

Mr. Muhammad Jan
District Attorney

... For respondents

Date of Institution.....16.11.2020
Date of Hearing.....16.05.2024
Date of Decision.....16.05.2024

JUDGMENT

RASHIDA BANO, MEMBER (J): The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“In view of the aforesaid facts and circumstances of the case, it is humbly prayed that the impugned final order passed by respondent No.2, dated 06.10.2020, communicated to the appellant on 28.10.2020 and impugned order passed by respondent No.3, dated 19.03.2020, communicated to the appellant on 11.06.2020, both may graciously be set aside, being illegal and void and the respondents be restrained from effecting any recovery from the pension/G.P fund of the appellant. Any other relief which not specially asked for and this court deem

