


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.**

**1764/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	2	3
1-	07/10/2024	<p>The appeal of Mr. Ismail Khan, presented today by Mr. Inayat Ullah Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 10.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. 1764 /2024

**Ismail Khan** ..... Appellant

**Versus**

Secretary to Govt. of K.P. Environmental Department  
and others..... Respondents

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Dated: 03.10.2024

Appellant

**Ismail Khan** son of Akbar Khan  
Forester, BPS-10,  
Forest Department,  
Office located at Miran Shah Road,  
Village Tapi, Tehsil and District Bannu

Through

**Inayat Ullah Khan**  
Advocate Supreme Court  
LL. M (U.K)



BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. 1764 /2024

**Ismail Khan** son of Akbar Khan  
Forester, BPS-10, Forest Department,  
Office located at Miran Shah Road,  
Village Tapi, Tehsil and District Bannu  
R/O Kotka Gul Hassan, Garhi Mamash Khel  
Tehsil and District Bannu..... Appellant

**Versus**

- 1) Secretary to Govt. of Khyber Pakhtunkhwa, Environmental Department, Civil Secretariat, Peshawar.
- 2) Govt. of Khyber Pakhtunkhwa through Secretary Finance Department, Civil Secretariat, Peshawar
- 3) Chief Conservator Southern Region-I, Peshawar.
- 4) Divisional Forest Officer, Bannu..... Respondents

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***Appeal u/s 4 of the Khyber  
Pakhtunkhwa Service Tribunal Act,  
1974.***

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Prayer:

It is, therefore, humbly prayed to allow this service appeal with directions to the official respondents to grant pensionary benefits to the appellant without any further loss of time.

It is further prayed that monthly pension/ salary be awarded to the appellant till finalization of his pension case to minimize his financial hardships.

Any other relief to whom the appellant found entitled during course of hearing may also be granted.

---

***Respectfully Sheweth;***

Brief facts giving rise to the instant appeal are as under:-

- 1) That the appellant was appointed on 25.04.1983 as Forest Guard (BPS-03) and reached to the age superannuation on 11.02.2024 and retired as Forester (BPS-10).

(Copies of relevant pension papers are attached as Annexure "A").

- 2) That the appellant's family consisting upon ten (10) members and to this effect family registration certificate is attached as Annexure "B").
- 3) That the appellant filed all the relevant documents to process his pension well within time i.e. declaration certificate, undertaking certificate, option certificate, specimen signature/ thumb impression and list of family members, payroll/ pay slip and inquiry certificate.
- 4) That the appellant earlier filed service appeal No.659/2019 which was allowed vide judgment dated 25.01.2021 and the impugned order dated 16.01.2019 was set aside and reinstated the appellant into service with all back benefits.

(Copy of service appeal No.659/2019 and judgment dated 25.01.2021 are attached as Annexure "C and D").

- 5) That the official respondents so far did not process the pension of the appellant merely on the ground that CPLA has been filed against the judgment of this Hon'ble Tribunal, which is still pending before the Apex Court as per version of the official respondents.
- 6) That the appellant filed departmental appeal dated 01.07.2024 for payment of his pension but even after lapse of eight (08) months no pension has been released so far, even no monthly salary is being paid to him to maintain his family.

(Copy of departmental appeal attached as Annexure "E").

Feeling aggrieved and dissatisfied with the inaction of the department, hence the appellant constrained to file instant service appeal before this Hon'ble Tribunal for release of his pension and other perks and privileges admissible to him on the following amongst other grounds:

GROUND FOR APPEAL:

- a) That the appellant is an employee of Forest Department and retired as Forester (BPS-10) on 11.02.2024, therefore, is entitled to pensionary benefits on attaining the age of superannuation.
- b) That the appellant filed all his necessary documents but so far his pension case has not been processed or released, therefore, such inaction on the part of official respondents cannot be justified within the four corners of law.
- c) That the Hon'ble Service Tribunal vide judgment dated 25.01.2021 allowed the Service Appeal of the appellant by setting aside the impugned order dated 16.01.2019 and reinstated the appellant with all back benefits, therefore, the official respondents cannot delay the release of

appellant's pension on the plea of pendency of CPLA before the august Supreme Court.

- d) That according to the pay roll deductions were made from the pay of the appellant, therefore, the official respondents are bound to process his pension case without any delay, hence, in the given facts and circumstances the monthly pay/ pension shall be awarded to the appellant w.e.f. 11.02.2024 till finalization of his pension case.
- e) That the appellant since his retirement is not getting his monthly pension and no gratuity has been paid to him, therefore, unable to bear expenses of his family.
- f) That good administration requires prompt action in the matter as the monthly pension is the only source of income of the appellant. It is further important to state that since his retirement the appellant and his family constantly being adversely affected.
- g) That **additional grounds** will be raised at the bar with kind permission of this Hon'ble Tribunal.

Keeping in view, what has been stated above, It is, therefore, humbly prayed to allow this service appeal with directions to the official respondents to grant pensionary benefits to the appellant without any further loss of time.

It is further prayed that monthly pension/ salary be awarded to the appellant till finalization of his pension case to minimize his financial hardships.

Any other relief, which has not been specifically asked for and to whom the appellant found entitled may also be granted.

Dated: 03.10.2024

اسما عییل خان

Appellant

**Ismail Khan** son of Akbar Khan  
Forester, BPS-10, Forest Department,  
Office located at Miran Shah Road,  
Village Tapi, Tehsil and District Bannu

Through



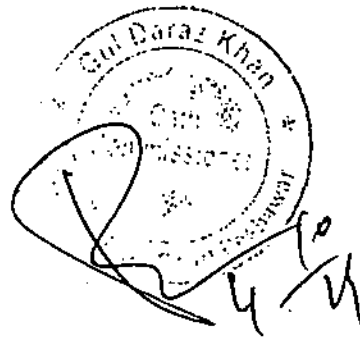
**Inayat Ullah Khan**  
Advocate Supreme Court  
LL. M (U.K)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. \_\_\_\_\_/2024

**Ismail Khan** ..... Appellant**Versus**Secretary to Govt. of K.P. Environmental Department  
and others..... Respondents**AFFIDAVIT**

I, **Ismail Khan** son of Akbar Khan Forest Guard, BPS-8, Forest Department, Office located at Miran Shah Road, Village Tapi, Tehsil and District Bannu R/O Kotka Gul Hassan, Garhim Mamash Khel Tehsil and District Bannu do hereby affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



اسماعیل خان  
Deponent



BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. \_\_\_\_\_/2024


**Ismail Khan** ..... Appellant**Versus**Secretary to Govt. of K.P. Environmental Department  
and others..... RespondentsADDRESSES OF THE PARTIESAPPELLANT:**Ismail Khan** son of Akbar Khan  
Forester, BPS-10, Forest Department,  
Office located at Miran Shah Road,  
Village Tapi, Tehsil and District Bannu  
R/O Kotka Gul Hassan, Garhim Mamash Khel  
Tehsil and District Bannu :RESPONDENTS:

- 1) Secretary to Govt. of Khyber Pakhtunkhwa, Environmental Department, Civil Secretariat, Peshawar.
- 2) Govt. of Khyber Pakhtunkhwa through Secretary Finance Department, Civil Secretariat, Peshawar
- 3) Chief Conservator Southern Region-I, Peshawar.
- 4) Divisional Forest Officer, Bannu

اسماعیل خان  
Appellant  
**Ismail Khan** son of Akbar Khan  
Forest Guard, BPS-8, Forest Department,  
Office located at Miran Shah Road,  
Village Tapi, Tehsil and District Bannu

Through

**Inayat Ullah Khan**  
Advocate Supreme Court  
LL. M (U.K)

<p>Shah Fahad DIVISIONAL FOREST OFFICER BANNU</p>	<p>KHYBER PAKHTUNKHWA</p> 	<p>BANNU FOREST DIVISION MIRANSHAH ROAD TAPI KILLA BANNU</p>
<p>No. <u>799</u> IG,</p>	<p>DATED BANNU THE</p>	<p><u>01/04/2024</u></p>

To

The Chief Conservator of Forest  
Central Southern Forest Region -1  
KPK Peshawar

⑧ ANNEXURE A

Subject:  
Memo:-

Pension Case in Respect of Ismail Khan EX- Forester

Enclosed Please find herewith the following documents in connection with the grant of pension and commutation in favour of the above Ismail Khan EX- Forester official for further course of action.

- |     |  |                               |
|-----|--|-------------------------------|
| 1-  | Pension Application from   | 1 No's                        |
| 2-  | Appointment order 1 and 2  | 1 No's                        |
| 3-  | CNIC Copy  | 1 No's                        |
| 4-  | Passport Size Photo Copy   | 3 No's                        |
| 5-  | Retirement Order   | 1 No's                        |
| 6-  | Declaration Certificate  | 1 No's                        |
| 7-  | Under Taking Certificate   | 1 No's                        |
| 8-  | NO Demand Certificate  | 1 No's                        |
| 9-  | Option Certificate   | 1 No's                        |
| 10- | Specimen Signature   | 1 No's                        |
| 11- | Finger Certificate   | 1 No's                        |
| 12- | List of Family Member (Stamp Paper)  | 1 No's and one No's CNIC Copy |
| 13- | FRC Certificate  | 1 No's                        |
| 14- | Last Pay Certificate for the<br>Month of 01/2024 to 10/02/2024<br>And 31/01/2024 | 1 No's                        |
| 15- | No Disciplinary Certificate  | 1 No's                        |
| 16- | Option Form in Original on (Stamp Paper)   | in original                   |
| 17- | Indemnity Bond in Original on (Stamp Paper)                                      | in original                   |
| 18- | Affidavit on (Stamp Paper)   | in original                   |
| 19- | Service Book (Vol-I & II)  | in original                   |

Encl: As Above

  
Divisional Forest Officer  
Bannu Forest Division

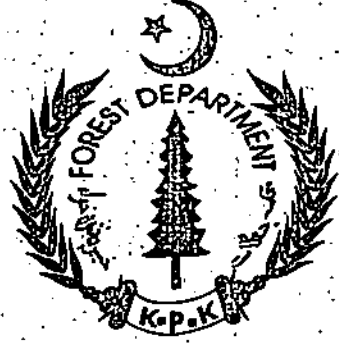
NO \_\_\_\_\_ /BU

Copy forwarded to Conservator of Forest Southern Circle Bannu for information and necessary action please.

  
Divisional Forest Officer  
Bannu Forest Division

Attested

 DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION



9

## PENSION PAPERS

Name

Ismail Khan

Father Name

Akbar Khan

CNIC NO.

11101-7815037-9

Designation

Forester in BPS-10

Department


Forest Department Bannu

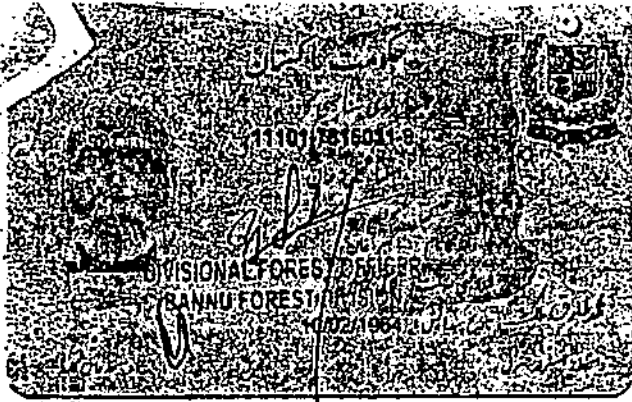
Date of Appointment

14/01/1985

Date of Retirement

11/02/2024

  
ATTESTED



Attested 1/1

*[Handwritten signature]*

DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION

A

(To

To

The Director Budget & Account  
Officer Forestry Environment & Wild Life  
Department Govt. of KPK Peshawar

10

Sir/Madam,

It is submitted that I Ismail Khan Ex- Forester Son of Akbar Khan  
Designation/post held Forester BPS 10 (please indicate kind of Appointment i.e.  
Regular/Officiating or Acting Charge/Current Charge w.f. e 14/01/1985 CNIC No 11101-7815031-9  
(copy enclosed) Nationality Pakistani Personal No \_\_\_\_\_ Cell No 03329581515 Email No NIL  
Postal address Kotka Gull Hassan Village and P/O Noghari Mamash Khel Teh: and District  
Bannu That I have retired/have been permitted to retire from Government service I am due to  
retire/has been retired compulsorily on 11/02/2024 My pension/commutation /gratuity may be  
transferred /credited by the Accounts office in the National Bank of Pakistan Chwok Bazar  
Branch Bannu Code- 1401 Bannu Account No- 4115493688 DCS From (where applicable) and  
list of my family members, is enclosed).

Attested

*[Handwritten signature]*  
DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION


ATTESTED

**UNDER TAKING**

(11)

1. I hereby declare that I am not in receipt of any other pension, military or otherwise except PPO No. \_\_\_\_\_ dated \_\_\_\_\_ amount \_\_\_\_\_ department \_\_\_\_\_ Retired on \_\_\_\_\_
2. I do hereby undertake that the pension sanctioning authority may, within one year from the issue of Pension Payment Order, recover any of its dues from the pension granted to me.
3. I hereby declare that I shall not take part in any elections or engage myself in political activities of any kind within two years from the date of retirement.
4. I do hereby declare that I have neither applied for nor received any pension/commutation /gratuity in respect of any portion of the service include in this application and in respect of which pension /gratuity/commutation is claimed herein, nor shall I submit any application hereafter without quoting a reference to this application and to the order which may be passed thereon.
5. I hereby undertake to refund if the amount of pension granted to me afterwards found to be in excess of that to which I am entitled under regulations.
6. I do hereby declare that I have not received any pension or commutation/gratuity in respect of any portion of the service included in this application.
7. I hereby declare opt for commutation @ 12294 (subject to a maximum of 35%) of my gross pension.

DATED \_\_\_\_\_

  
Ismail Khan Ex- Forester  
SIGNATURE OF \_\_\_\_\_  
RETIRING CIVIL SERVANT  
(PENSIONER)

Certificate by the head of department under sub rule (7) of rule 23 of these rules.

*Ahmed*  
*Yusuf*  
DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION  
HEAD OF OFFICE/DEPARTMENT

Note:- Pension to be verified by pension sanctioning authority/DDO  
Important: Every Pensioner/family pensioner is bound to provide life certificate /Non-marriage Certificate to his/her bank on or before 10<sup>th</sup> March and 10<sup>th</sup> September of each year.

*J. J.*  
ATTESTED

**PENSION SANCTION ORDER TO BE USED IN CASE OF  
SUPERANNUATION/RETIRING/INVALID/COMPENSATION/COMPULSORY  
RETIREMENT**

(To be issued by the Pension Sanctioning Authority)

Subject: **SANCTION OF PENSION OF  
SUPERANNUATION/RETIRING/INVALID/COMPENSATION AND  
COMPULSORY RETIREMENT**

12

On attaining the age of superannuation/having applied for retiring/invalid/compensatory pension  
Vide application dated 06/02/2024 or has been retired compulsorily vide Notification No. 36  
Dated 15/02/2024 issued by Divisional Forest Officer Bannu Forest Division Mr/Miss/Ms  
Ismail Khan Ex-Forester S/O W/O D/O Akbar Khan Designation Forester Drawing  
pay/emoluments Rs. 50180.00 PM (reckonable towards Pension), in BPS- 10 on 11/02/2024  
(please indicate nature of appointment i.e. Regular/officiating/Acting Charge/current charge basis,  
w. f. e. 14/01/1985 Personal No.      presently Posted as Forester has retired/ has been  
permitted to retire/is due to be retired/has been retired compulsorily from the Government service  
(tick where applicable) on 15/02/2024 date, after availing LPR for 365 days/Leave encashment in  
lieu of LPR Rs. 50180 x 12 =602,160

**PENSION CALCULATION**

Gross Pension Rs 35126  
Commutation Rs 12294  
Net Pension Rs 22832

**OTHER BENEFITS**

i) \_\_\_\_\_ Rs. \_\_\_\_\_  
ii) \_\_\_\_\_ Rs. \_\_\_\_\_  
iii) \_\_\_\_\_ Rs. \_\_\_\_\_

- 1) His/her date of birth is 10/02/1964 Date of 1th entry into government service is Regular  
Employ 14/01/1985 and Extra Ordinary Leave availed \_\_\_\_\_ days. Total length of  
Qualifying service for Pension is years 39 Y 0 M and 27 Days
- 2) Certified that no inquiry is pending against him/her.
- 3) Certified that no recovery is outstanding against him.
- 4) Certified that:
  - (i) Advance drawn (if any) stands fully repaid, along with interest.
  - (ii) An Amount of Rs NIL on account \_\_\_\_\_ (HBA/MC/etc principal amount  
Along with interest is outstanding which may be recovered from the pension.
- 5) Anticipatory pension up to (NIL %) of full pension is sanctioned case pending as  
Admissible to him/her

Attested  
  
DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION

**ATTESTED**

6) Certified that deficiency/disciplinary/criminal case pending against the aforementioned Retired government servant has been finalized. Therefore, final pension payment @ ( NIL %) (After adjustment of already paid amount of anticipatory pension) and Commutation amounting \_\_\_\_% (subject to a Maximum of 35% of gross pension) as Determined by concerned Accounts office may be paid.

13

7) Undersigned is satisfied that service of retiring employee has been satisfactory. Administrative and financial sanction for grant of pension/commutation @ 12294 % up to Maximum of 35% of gross pension, if here by accorded in favour of Mr/Mrs/Ms Ismail Khan Ex- Forester and any be paid through National Bank of Pakistan Chwok Bazar Branch Code -1401 Account No-4115493688 (mentioned in DCS Form enclosed ) as admissible under the rules.

8) Undersigned is satisfied that service Mr/Mrs/Ms Ismail Khan Ex-Forester has not been satisfactory and it has been decided that the full pension/gratuity/commutation found to the Account officer to be admissible under the rules should n=be reduced by the specific amount or percentage given below:

- i) Amount or percentage of reduction in pension NIL
- ii) Amount or percentage of reduction in gratuity/commutation NIL

Sanction is here by accorded to the grant of pension/gratuity/commutation as so reduced.

9) The Payment of pension and/or gratuity/commutation may commence w. f. e 15/02/2024

**Following Documents attached**

1. Pension application
2. Notification/order of retirement
3. Last Pay Certificate (LPC)/Last Pay Slip
4. Pension contribution certificate in case of Foreign Service
5. Original Service Book with its attested copy or service statement in case of officer.
6. NOC from Estate office in case the civil servant was provided government accommodation Otherwise a certificate by the civil servant that he has not been provided the government Accommodation
7. Three attested photographs of the pensioner
8. List of dependant family member
9. Specimen signature/Left and Right hands thumb and finger impressions
10. Option for commutation.
11. Bank account details

Attested ATTESTED

  
DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION

14

OFFICE ORDER NO: 133 DATED BANNU THE 25/4/1983,  
BY MR. MOHAMMAD ILYAS KHAN KHATTAK, DIVISIONAL FOREST OFFICER,  
BANNU FOREST DIVISION, BANNU.

Mr. Ismail Khan s/o Akbar Khan of village  
Nogarhi Mamsah Khel Tehsil and District Bannu is hereby  
appointed as Forest Guard on adhoc basis in NPS-I @Rs. 250/- p.m.  
with usual allowances as admissible under the rules with effect  
from the date he report arrival for duty to Range Officer, FATA.

vide  
P.O. 1

His appointment is purely on temporary basis  
and under the scheme "Rehabilitation of damage done to the Forests  
by Afghan Refugees and their cattle in FATA". His appointment is  
further subject to the production of :

- 1) Medical fitness certificate from the Medical  
Superintendent Distt; Headquarter Hospital  
Bannu.
- 2) Character certificate.

(Mohammad Ilyas Khan Khattak)  
Divisional Forest Officer,  
Bannu Forest Division.

*[Handwritten signature]*  
17/4

No: 1615-16 /R.

Copy forwarded to :-

13  
22  
3

The Range Forest Officer, FATA Range Miranshah  
for information and necessary action.

The Accountant Divl; Office.

Mr. Ismail

Divisional Forest Officer,  
Bannu Forest Division,  
Bannu.

*[Handwritten signature]*  
17/4

Attest

ATTESTED

DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION

*[Handwritten signature]*



19

(15)

Office order No: 141 dated Bannu the 14/1/1995,  
issued by Mr. Mohammad Ilyas Khan Khattak, Divisional Forest Officer,  
Bannu Forest Division, Bannu

Consequent upon the absorption of surplus staff of the abolished scheme "Rehabilitation of damage done to vegetation by Afghan Refugees and their cattles in Settled District of NWFP and PATA" by the Conservator of Forests, Southern Circle, Peshawar vide his office order No: 35, dated 8-1-1985, this office order No: 133, dated 31-12-1984 is hereby withdrawn and the following officials are directed to report arrival to DFO Kohat in the interest of public service :

1. Mr. Mir Afzal, Forest Guard s/o Malik Gulabat Khan.
2. Mr. Mir Afzal, Forest Guard s/o Muntullah Khan.
3. Mr. Mohammad Ismail, Forest Guard s/o Akbar Khan.
4. Mr. Najibullah, Forest Guard s/o Gil Rahim Jan.

(Mohammad Ilyas Khan Khattak)  
Divisional Forest Officer,  
Bannu Forest Division.

No: 788-92/R.

Copy forwarded to :

1. The Conservator of Forests, Southern Circle, Peshawar for favour of information w/r to his order No: 5148-51/E., dated 8-1-1985.
2. The Divisional Forest Officer, Bannu/PATA for information. They should direct the above mentioned Forest Guard for reporting immediate arrival to DFO, Kohat. Their departure reports may be submitted for further necessary action in this office.
4. The Personal files of the above Forest Guards for record.
5. The Accountant Divl: office for information and necessary action.

Attested

Divisional Forest Officer,  
Bannu Forest Division,  
Bannu

DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION

ATTESTED

16

OFFICE ORDER NO. 36 DATED THE BANNU 15, 02 /2024, ISSUED BY SHAH FAHAD DIVISIONAL FOREST OFFICER BANNU FOREST DIVISION BANNU

On attaining the age of sixty (60) years on 10/02/2024 (After-noon), Mr. Ismail Khan Forester (BPS-10) of Divisional Forest Office, Bannu Forest Division is hereby allowed to retire from government service and to proceed on superannuation pension with effect from 11/02/2024.

1.	Name	Mr. Ismail Khan
2.	Father Name	Mr. Akbar Khan
3.	Rank	Forester (BPS-10)
4.	District	Bannu
5.	Date of Birth	10/02/1964
6.	Date of 1 <sup>st</sup> entry into service	01/05/1983
7.	Date of Service Regularization	
8.	Date of Retirement	11/02/2024
9.	Total length of service	39 years and 27 days
10.	Basic Pay on 10/02/2024	50180

In accordance with the instructions contained under Govt. of Khyber Pakhtunkhwa Finance Department (Regulation Wing) Notification No. SO (FR) FD.5-9/2005/Vol-V dated 13-12-2012 received vide Conservator of Forests Southern Circle Peshawar endst. No. 5886-90/E-18 dated 07-03-2013, sanction is hereby accorded in favor of Mr. Ismail Khan Forester (BPS-10) on superannuation pension with effect from 11/02/2024 for grant of leave encashment equal to 365 days pay in lieu of Leave Preparatory to retirement, viz Rs. 602160/- (Six hundred two thousand one hundred & sixty only) in favor of the above named ex-Forester as encashment allowance.

(Shah Fahad)  
Divisional Forest Officer  
Bannu Forest Division

No. 653-87 /IG

Copy is forwarded for favor of information and necessary action to:

1. Conservator of Forests Southern Forest Circle Bannu for information please.
2. Sub Divisional Forest Officer, Bannu Forest Sub Division,
3. Divisional Accountant.
4. Record Keeper.
5. Mr. Ismail Khan through SDFO Bannu for information.

Divisional Forest Officer  
Bannu Forest Division

Attested

DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION

Recd. by order

ATTESTED

CS CamScanner

17

**DECLARATION CERTIFICATE**

I, do hereby declare that I have neither applied for nor received any pension or gratuity etc for any portion of this service included in this application claimed therein nor I shall submit any application hereafter without quoting reference to this application and to the order which may be passed on it.

  
Ismail Khan  
Ex-Forester

CNIC NO- 11101-7815037-9



**Attested**

  
Divisional Forest Officer  
Bannu Forest Division

  
ATTESTED

18

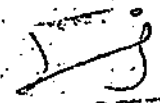
UNDERTAKING CERTIFICATE.

The amount of pension/Gratuity granted to me if after words found to be excess of that to which I am entitled under the rules, I hereby under-take to refund any such excess.



Ismail Khan  
Ex-Forester  
CNIC NO- 11101-7815037-9

  
Divisional Forest Officer  
Bannu Forest Division

  
ATTESTED


19

RETIREMENT FROM GOVERNMENT SERVICE-NO DEMAND/OBJECTION  
CERTIFICATE, NO NAB/ANTI-CORRUPTION CASE & DEPARTMENTAL  
INQUIRY CERTIFICATE THEREOF

It is certified that as per record of this Office nothing is outstanding against Mr. Ismail Khan Forester except recovery amount of Rs. 3761125, which was imposed upon the Forester vide DFO Bannu Office Order No. 56 dated 16/1/2019 in light of the recommendations of inquiry officer, on account of failure in Shagai & Sadda Khel-II Plantation, BTTP. However, the impugned Order No. 56 dated 16/1/2019 of DFO Bannu was set aside by the honorable KP Service Tribunal Peshawar vide Judgment dated 25/01/2021 (Copy enclosed).

However, CPLA against the KP Service Tribunal Peshawar Judgment dated 25/01/2021, has been filed by the Department, in the august Supreme Court of Pakistan, which is not fixed for hearing yet.

  
Divisional Forest Officer  
Bannu Forest Division

  
ATTESTED

20

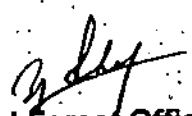
OPTION CERTIFICATE

I, declare that I have to receive 35% commutation/gratuity of the gross pension as per entitlement/Rules on the subject



Ismail Khan  
Ex-Forester  
CNIC NO- 11101-7815037-9


Attested

  
Divisional Forest Officer  
Bannu Forest Division


  
ATTESTED

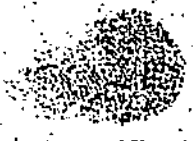
21

**SPECIMEN SIGNATURE / THUMB IMPRESSION OF ISMAIL KHAN EX-FORESTER**

1 

2 

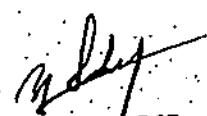
3 



Ismail Khan  
Ex-Forester  
CNIC NO- 11101-7815037-9



Attested

  
Divisional Forest Officer  
Bannu Forest Division

  
ATTESTED

22

RIGHT HAND THUMB AND FINGER IMPRESSION OF *Ismail Khan Ex-Forester*



Thumb



Fore Finger



Middle Finger



Ring Finger



Little Finger

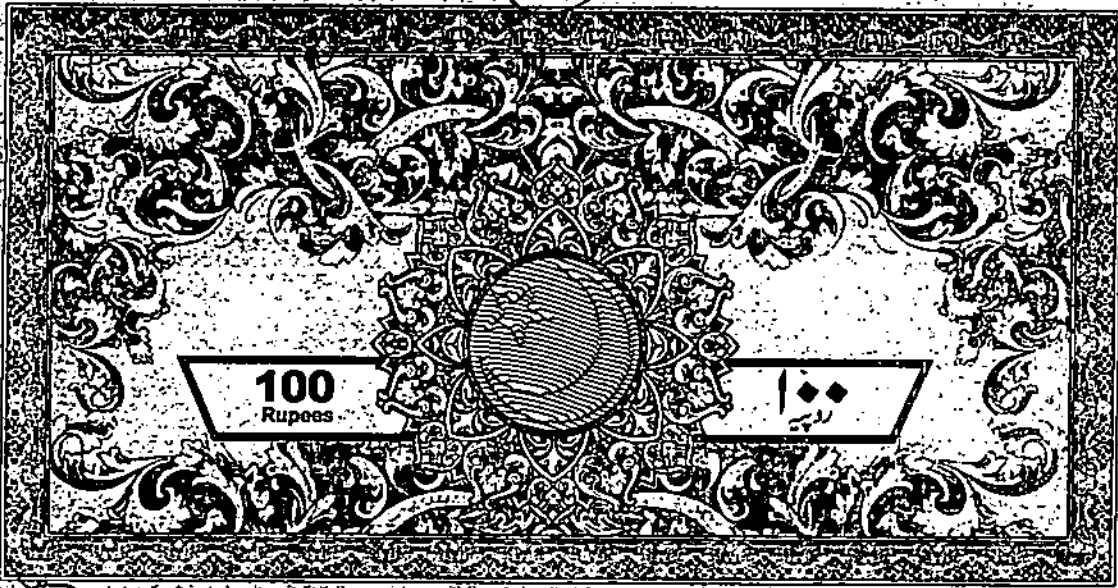
*Ismail Khan*  
Ex-Forester  
CNIC NO- 11101-7815037-9

Attested

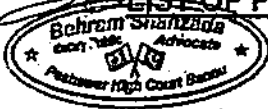
*[Signature]*  
Divisional Forest Officer  
Bannu Forest Division

*[Signature]*  
ATTESTED





**LIST OF FAMILY MEMBERS OF MR. ISMAIL KHAN EX-FORESTER**



S.#	Name	Relationship	Age/D.O.B.	CNIC No	M/Status
1	Shahma	Wife	01/01/1966	11101-1795464-0	Married
2	Nazia	Daughter	01/01/1990	11201-8285405-8	Married
3	Shazia	Daughter	01/01/1995	11101-7274902-0	Un-Married
4	Kasif Ullah Khan	Son	30/10/1997	11101-7200390-9	Married
5	Junaid Ullah Khan	Son	10/12/1998	11101-7229275-9	Un-Married
6	Shaila	Daughter	01/01/2000	11101-4719793-2	Un-Married
7	Najid Ullah	Son	01/04/2004	11101-1528952-3	Un-Married
8	Mujahid Khan	Son	12/04/2007	11101-6841839-1	Un-Married



Ismail Khan  
Ex-Forester  
CNIC.NO- 11101-7815037-9

ATTESTED

Attested

  
Divisional Forest Officer  
Bannu Forest Division

ANNEXURE B  
24



EA29893316

GOVERNMENT OF PAKISTAN  
NATIONAL DATABASE AND REGISTRATION AUTHORITY  
MINISTRY OF INTERIOR


**FAMILY REGISTRATION CERTIFICATE**

Applicant Name: Ismail Khan  
Citizen Number: 1110178150319  
Document Number: EA29893316

Family Members: 9

It is to certify that the family comprising of the following members is registered in NADRA with the particulars mentioned below as per the information provided.


**1**



Name: Ismail Khan  
Identity No: 11101-7815031-9  
Date of Birth: 10/02/1964  
Father Name: Akbar Khan  
Mother Name: Bilawara  
Relation With Applicant: Self

پورا نام: اسماعیل خان  
والد کا نام: اکبر خان  
والدہ کا نام: بلارو


**2**



Name: Shama  
Identity No: 11101-1795464-0  
Date of Birth: 01/01/1966  
Father Name: Laiq Nawaz  
Mother Name: Jana  
Relation With Applicant: Wife

پورا نام: شامہ  
والد کا نام: لائق نواز  
والدہ کا نام: جانہ


**3**



Name: Nazia  
Identity No: 11201-8285405-8  
Date of Birth: 01/01/1990  
Father Name: Ismail Khan  
Mother Name: Shama  
Relation With Applicant: Daughter

پورا نام: نازیہ  
والد کا نام: اسماعیل خان  
والدہ کا نام: شامہ


**4**



Name: Shazia  
Identity No: 11101-7374902-0  
Date of Birth: 01/01/1993  
Father Name: Ismail Khan  
Mother Name: Shama  
Relation With Applicant: Daughter

پورا نام: شازیہ  
والد کا نام: اسماعیل خان  
والدہ کا نام: شامہ


**5**



Name: Kashif Ullah Khan  
Identity No: 11101-7200390-9  
Date of Birth: 30/10/1997  
Father Name: Ismail Khan  
Mother Name: Shama  
Relation With Applicant: Son

پورا نام: کاشف اللہ خان  
والد کا نام: اسماعیل خان  
والدہ کا نام: شامہ

**6**



Name: Junaid Ullah Khan  
Identity No: 11101-7229255-9  
Date of Birth: 10/12/1998  
Father Name: Ismail Khan  
Mother Name: Shama  
Relation With Applicant: Son

پورا نام: جنید اللہ خان  
والد کا نام: اسماعیل خان  
والدہ کا نام: شامہ

ATTESTED

Note: 1. The above mentioned family members are linked in NADRA database  
2. There could be other family members that may be registered but not linked to this family in NADRA database



ANSTED  
DIVISIONAL FOREST OFFICER  
BANRU FOREST DIVISION

REGISTRAR GENERAL OF PAKISTAN  
Date of Issue: 23/02/2024  
1110178150319



GOVERNMENT OF PAKISTAN  
NATIONAL DATABASE AND REGISTRATION AUTHORITY  
MINISTRY OF INTERIOR

25



\*EA29893316\*



Name: Shaila  
Identity No: 11101-4719793-2  
Date of Birth: 01/01/2000  
Father Name: Ismail Khan  
Mother Name: Shama  
Relation With Applicant: Daughter

پروگرام :  
دالہ کا نام : اسماعیل خان  
والدہ کا نام : شامہ



Name: Najid Ullah  
Identity No: 11101-1528952-3  
Date of Birth: 01/04/2004  
Father Name: Ismail Khan  
Mother Name: Shama  
Relation With Applicant: Son

پروگرام :  
دالہ کا نام : اسماعیل خان  
والدہ کا نام : شامہ



Name: Mujahid Khan  
Identity No: 11101-6641839-1  
Date of Birth: 12/04/2007  
Father Name: Ismail Khan  
Mother Name: Shama  
Relation With Applicant: Son

پروگرام :  
دالہ کا نام : اسماعیل خان  
والدہ کا نام : شامہ

ATTESTED

Note:

- The above mentioned family members are linked in NADRA database
- There could be other family members that may be registered but not linked to this family in NADRA database



This card can be verified at <https://id.nadra.gov.pk/id>

*Attested*  
DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION

REGISTRAR GENERAL OF PAKISTAN

Date of Issue: 23/02/2024



\*1110178150319\*

RC No: 38979058

حکومت پاکستان  
نیشنل ڈیٹا بیس اینڈ رجسٹریشن اتھارٹی (وزارت داخلہ)  
آٹھارہ سال سے کم عمر بچوں کا سرٹیفکیٹ \*

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11101-7815031-9

درخواست دہندہ کا شناختی کارڈ نمبر

اسماعیل خان

درخواست دہندہ کا نام

مختارہ	پیدائش کا خطی اسکاں تاریخ پیدائش	جنس / رشتہ	والد کا نام اور شناختی کارڈ نمبر	والد کا نام اور شناختی کارڈ نمبر	بچے کا نام اور رجسٹریشن نمبر	نمبر شدہ
موسیٰ	بنوں - بنوں 2007-04-12	بچہ	11101-1785484-0	اسماعیل خان 11101-7815031-9	محمد خان 11101-6841839-1	1



- 1- اس جلی کے مندرجہ بالا آٹھارہ سال سے کم عمر 3 بچے 1 بچوں کا درجہ اول سے دیکھا گیا ہے۔
- 2- درج شدہ بچے کی عمر آٹھارہ سال ہو کر ی شناختی کارڈ کے حصول کے لیے درخواست جمع کرنا ہے۔
- 3- اس سرٹیفکیٹ کو استعمال کر رکھیں کیونکہ بچوں کے آٹھارہ سال کی عمر کو پختہ ہونے سے پہلے اس سے شناختی کارڈ جاری کرنے سے روکا جائے گا۔
- 4- نوڈ ایڈ بچے کا فوری طور پر درج کر دیا جائے اور بنیاد رجسٹریشن سرٹیفکیٹ حاصل کرے۔
- 5- کوآف کی تبدیلی کی صورت میں بنیاد رجسٹریشن سرٹیفکیٹ حاصل کرے۔

دستخط

دستخط رجسٹرار جنرل  
2024-02-22

ATTESTED



Attested

کوآف کی حسن، فاک غازی، مش خیل، مش خیل، مش خیل، تحصیل و ضلع بنوں



1110178150319

DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION

سرٹیفکیٹ درجہ اول بچے 1 بچوں کی شناخت اور مندرجہ بالا کوآف اسٹونٹ ہوتے کے لیے 10 تا 12 سالہ (6) تا 9 سالہ ای بیس مجر سنہ 2000ء بطور ثبوت قابل قبول ہے۔

**PAY Roll/ Pay Slip**

27

Mr. Ismail Khan Ex-Forester of Bannu Forest Division  
For the Month of 01/2/2024 to 10/2/2024

**Particulars**

Basic Pay	19034
House Rent Allowance	1013
Intg: Allowance	0
Qual: Allowance	0
Dress Allowance 2021	0
Wash ing Allowance 2021	0
UAA Allowance	0
Risk Allowance	1500
Medical Allowance	569
Conveyance Allowance	733
ARA 2013 5%	345
ARA 2015 2.50%	172
ARA 2022 15%	1753
DRA 2022 15%	1753
Special Allowance 2021	1328
ARA 2023 35%	6504
<b>Total Gross Pay</b>	<b>34704</b>

**Deductions**

GPF	643
GF W/Draw	0
Benevolent Fund	428
Group Insurance	161
Income Tax	357
<b>Total Deduction</b>	<b>1589</b>
<b>Total Net Amount</b>	<b>33115</b>

Net Amount Payable Rs 33115/-  
Thirty Three Thousand one Hundred and Fifteen only

ATTESTED

Attest

Ismail Khan  
Ex-Forester  
CNIC NO- 11101-7815037-9

Divisional Forest Officer.  
Bannu Forest Division

**PAY Roll/ Pay Slip**

27

Mr. Ismail Khan Ex-Forester of Bannu Forest Division.  
For the Month of 01/2/2024 to 10/2/2024

**Particulars**

Basic Pay	19034
House Rent Allowance	1013
Intg: Allowance	0
Qual: Allowance	0
Dress Allowance 2021	0
Washing Allowance 2021	0
UAA Allowance	0
Risk Allowance	1500
Medical Allowance	569
Conveyance Allowance	733
ARA 2013 5%	345
ARA 2015 2.50%	172
ARA 2022 15%	1753
DRA 2022 15%	1753
Special Allowance 2021	1328
ARA 2023 35%	6504
<b>Total Gross Pay</b>	<b>34704</b>

**Deductions**

GPF	643
GF W/Draw	0
Benevolent Fund	428
Group Insurance	161
Income Tax	357
<b>Total Deduction</b>	<b>1589</b>
<b>Total Net Amount</b>	<b>33115</b>

Net Amount Payable Rs 33115/-  
Thirty Three Thousand one Hundred and Fifteen only

ATTESTED

Attest

Ismail Khan  
Ex-Forester  
CNIC NO- 11101-7815037-9

Divisional Forest Officer.  
Bannu Forest Division

**PAY Roll/ Pay Slip**

28

Mr. Ismail Khan Ex-Forester of Bannu Forest Division  
For the Month of 31/01/2024

**Particulars**

Basic Pay	50180
House-Rent Allowance	2670
Intg. Allowance	0
Qual. Allowance	0
Dress Allowance 2021	0
Washing Allowance 2021	0
UAA Allowance	3955
Risk Allowance	1500
Medical Allowance	1932
Conveyance Allowance	911
ARA 2013 5%	455
ARA 2015 2.50%	4621
ARA 2022 15%	4621
DRA 2022 15%	3500
Special Allowance 2021	17147
ARA 2023 35%	
<b>Total Gross Pay</b>	<b>91492</b>

**Deductions**

GPF	1800
GF W/Draw	0
Benevolent Fund	1200
Group Insurance	450
Income Tax	1000
<b>Total Deduction</b>	<b>4450</b>
<b>Total Net Amount</b>	<b>87042</b>

Net Amount Payable Rs 87042=-/-  
Eighty seven Thousand and Fourty two only

ATTESTED



Ismail Khan  
Ex-Forester  
CNIC NO- 11101-7815037-9

Attested

Divisional Forest Officer  
Bannu Forest Division

RETIREMENT FROM GOVERNMENT SERVICE-NO DEMAND/OBJECTION  
CERTIFICATE, NO NAB/ANTI-CORRUPTION CASE & DEPARTMENTAL  
INQUIRY CERTIFICATE THEREOF

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It is certified that as per record of this Office nothing is outstanding against Mr. Ismail Khan Forester except recovery amount of Rs. 3761125, which was imposed upon the Forester vide DFO Bannu Office Order No. 56 dated 16/1/2019 on account of failure in Shagai & Sadda Khel-II Plantation, BTTP. In this connection a Court Case is running in the honorable KP Service Tribunal Peshawar and a CPLA in the august Supreme Court of Pakistan please

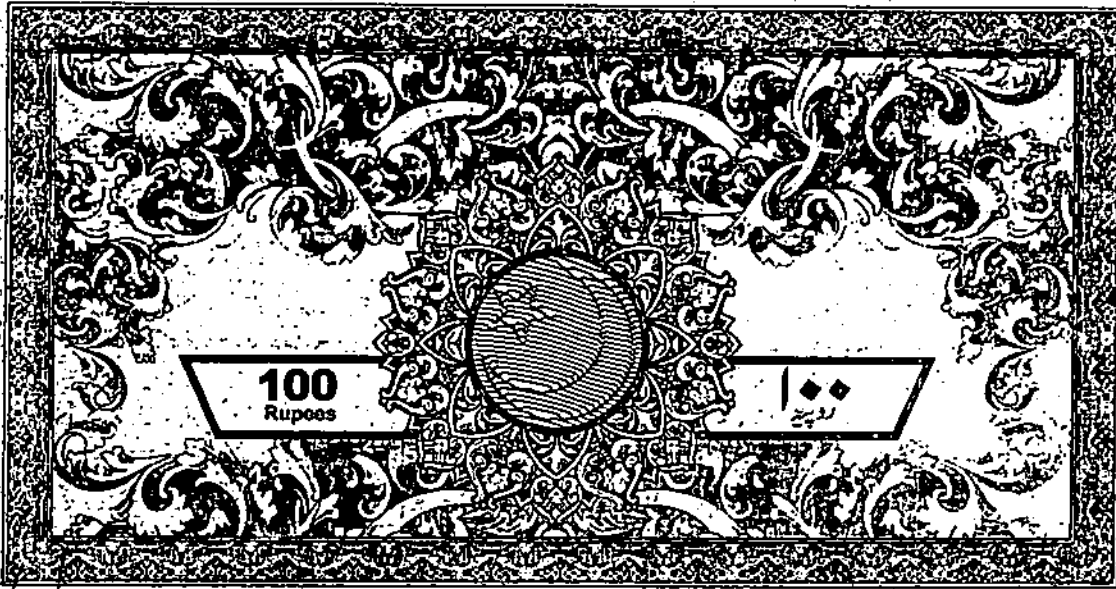
*N. J. Khan*  
Sub: Divisional Forest Officer  
Bannu Forest Sub:Division

*Attested*

*[Signature]*  
DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION

*[Signature]*  
ATTESTED





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**FORM FOR DIRECT CREDIT OF PENSION THROUGH BANK ACCOUNT**

Pensioner Information (To be filled in by the Pensioner)

PP NO.	
SAP Personal No	
Account Office (From Where PPO originally issued)	Bannu
Name of Pensioner	Ismail Khan
Father/ Husband Name	Akbar Khan
Family Pension Name	Shahma
Husband /Father/Mother Name	Ismail Khan
Pensioner Old CNIC #	Nil
Pensioner CNIC #	11101-7815037-9
Family Pension CNIC #	11101-1795464-0
Residential Address( Permanent)	Kotka Gul Hassan P/O and Village Noghari Mamash Khel Teh: District Bannu
Designation & Grade /at the time of Retirement	Forester
Ministry/Division/Deptt./office	Forest Department KPK. Forest Division Bannu
Present HBL Address & Code NO.	NBP Chowk Bazar Branch Bannu Bank Code-1401
<p>I hereby opt to draw pension through direct credit system and have also submitted Indemnity Bound to the bank.</p> <p>The pensioner shall produce an Indemnity Bound to keep the bank indemnified about liabilities with all sums of money whatsoever including mark-up of his/her pension Account. The pensioner would further undertake that his/her legal heirs, successors, execution shall be liable to refund excess amount, if an, credited to his/her Pension Account either full or in installments (as agreed mutually) equal to such excess amount.</p>	
<p>Pensioner's Signature/Thumb Impression</p> <p>Dated 11/0/2024</p>	

Account Verification (To be verified by the Bank)

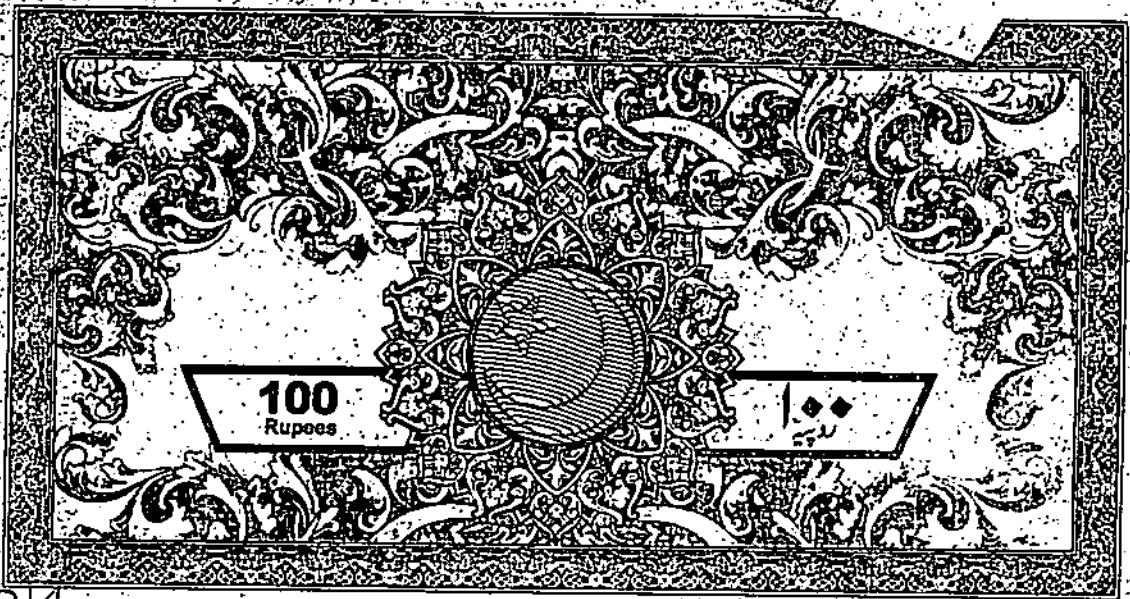
Account Title (Name)	Ismail Khan
Account No	4115493688
Branch Name/Address	NBP Chowk Bazar Branch Bannu
Branch Code	Bank Code-1401 1451
Indemnity Bond/Lien submitted by the Pensioner	

Signature Stamp of Bank Manger

To be issued by Accounts office

Acknowledgement Receipt No. \_\_\_\_\_  
Dated \_\_\_\_\_

Signature of Officer  
DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION



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### INDEMNITY BOND

The Manger  
NBP Chowk Bazar  
Branch Bannu

In Compliance with SBP instructions for payment for pension through your bank branch, I/we to indemnify you and keep you indemnified about liabilities with all such some money whatsoever including mark up of my pension Account I/we further undertake that my/our legal heirs, executors she be liable to refund excess amount, If any credited to my/ our Account either in Full or in installments equal to such excess amount.

Next of Kin

CNIC NO- 11101-1795464-0

Address

Kotke Gul Hassan P/O and Village  
Noghari Mamash Khel  
Teh: & District Bannu

Name of Pensioner Ismail Khan  
Ex-Forester

Date of Retirement 11/02/2024  
PP Number:

CNIC NO: 111017815037-9

Bank Account NO- 4115493688

Ismail Khan  
Ex-Forester  
CNIC NO- 11101-7815037-9

Witness No. 1  
Signature

11101-7255680-2

Witness No 2  
Signature

Name and Address Yousuf Khan

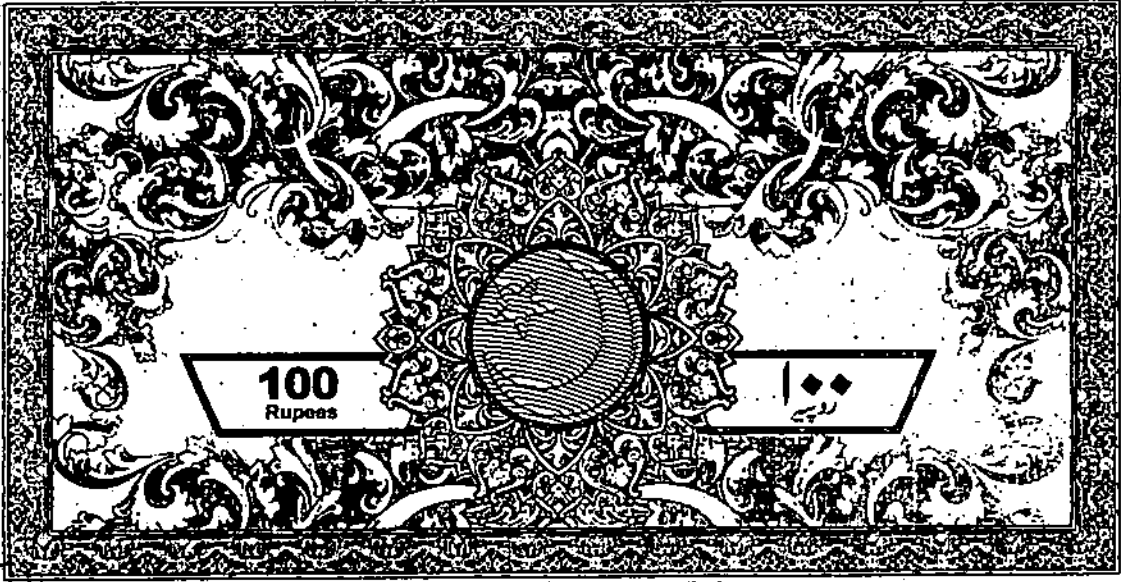
Naib Sheraza Khan  
Buwani

Name and Address Sabir Nawab

Mothia Rahmat Abad Kalga  
Ichel Masti Khan Bannu

ATTESTED

*Attested*  
DIVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION



## AFFIDAVIT

I MR ISMAIL KHAN EX- FORESTER S/O AKBAR KHAN DISTRICT BANNU DO HERE BY AFFIRM AND DECLARATION OATH AS UNDER:-

That I am serving as Forester Khyber Pakhtunkhwa Forest Department in the office of Bannu Sub Division and Bannu Forest Division and going to be retired from Government Service with effect 11/02/2024 afternoon on Superannuation.

That I hereby undertake to refund if the amount of pension grant towards \_\_\_\_\_ founds to be in excess of that to which I am entitled under the Rules.

Whatever stated above is quite true and correct to the best of my knowledge belief.



*[Signature]*  
ATTESTED

*[Signature]*  
Ismail Khan  
Ex-Forester  
CNIC NO- 11101-7815037-9

*Attested*

*[Signature]*  
PROVISIONAL FOREST OFFICER  
BANNU FOREST DIVISION

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.Service Appeal No. 659 /2019

**Ismail Khan** son of Akbar Khan  
Forest Guard, BPS-8, Forest Department,  
Office located at Miran Shah Road,  
Village Tapi, Tehsil and District Bannu  
R/O Kotka Gul Hassan, Garhi Mamash Khel  
Tehsil and District Bannu..... Appellant

Versus

- 1) Secretary to Govt. of Khyber Pakhtunkhwa, Environmental Department, Civil Secretariat, Peshawar.
- 2) Chief Conservator Southern Region-I, Peshawar.
- 3) Conservator of Forest Southern Circle, Peshawar.
- 4) Divisional Forest Officer, Bannu
- 5) Sub Divisional Forest Officer, Bannu..... Respondents

Appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order No:55 dated 16.01.2019 passed by Syed Latif Hussain, Divisional Forest Officer, Bannu, whereby the appellant was compulsory retired from service with immediate effect and also imposed recovery of Rs.37,61,125/- (thirty seven lacs, sixty one thousand and one hundred twenty five rupees) against which departmental appeal dated 05.02.2019 was filed before the

ATTESTED

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respondent No.3 i.e. Conservator of Forest Southern Circle, Peshawar, but the same has not been responded despite lapse of statutory period of 90 days, hence presents this service appeal before this Hon'ble Tribunal within stipulated period of 30 days, which is well within time.

Prayer:

On acceptance of this service appeal, it is humbly requested that the impugned office order No.55 dated 16.01.2019 may kindly be set aside and the entire disciplinary proceedings so far taken may be declared as coram-non-judice/ void ab-initio with further direction to the respondents to forthwith reinstate the appellant with all consequential back benefits.

Any other relief to whom the appellant is found entitled during course of hearing may also be granted:

***Respectfully Sheweth;***

Brief facts giving rise to the instant appeal are as under:-

- 1) That the appellant was appointed on 25.04.1983 as Forest Guard (BPS-03), and later on his pay scale was revised and currently working and posted as Forest Guard (BPS-8) at the time of passing the impugned order by respondent No.4.

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(35)

- 2) That the appellant has almost 34 years service at his credit when he was compulsory retired from service vide order dated 16.01.2019.
- 3) That the appellant throughout his career worked to the entire satisfaction of his immediate superiors and no complaint whatsoever has been lodged against him in such like issues, which itself speaks that the appellant consumed his energies in the upbringing of the Bannu Forest regarding plantation in the area.
- 4) That the appellant was served with a charge sheet dated Nil and statement of allegation dated Nil by Divisional Forest Officer, Bannu Forest Division, being the competent authority for the allegations:

*"(a) the DFO Bannu as well as newly posted SDFO Bannu during field visit noticed more than 50% failure in Shagai Block plantation raised under Billion Tree Afforestation Project Phase-II.*

*(b) An amount of Rs.7861600/- claimed on raising & maintenance of 185 Ha Block plant at Shagai area from 11/2016 to 6/2017 vide M/Roll Nos.238, 239, 240, 241, 242, 243, 290, 291, 292, 293, 360, 423, 489, 532, 584, 603 and 635/BU but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 50%".*

(Copy of charge sheet along with statement of allegations are Annexure "A and B").

- 5) That the appellant duly submitted his reply to the D.F.O. D.I.Khan wherein all the allegations alleged against the appellant in the charge sheet were duly denied with sound reasoning by stating that the assigned duties were duly

  
ATTESTED

(36)

performed and all the planted trees were properly watered, periodically inspected and made surveillance. It was further that due to prolong drought during the month of April to June 2017 which was already reported in various daily newspapers and secondly delayed payment to the labour from January to May, 2017 was also the cause of failure because the labour was not taking interest in the cultural works. It was further stated that the failure in the plantation area has been recouped and the condition of plantation was very well at present and the survival percentage of the plantation is more than 85%, hence he requested to drop the baseless charges leveled against him and be exonerated.

(Copy of reply is Annex: "C" and drought report is Annex: "C/1").

- 6) That it is pertinent to mention that the Secretary Forest awarded Rs.1000/- cash reward. The Worthy Secretary to Government Khyber Pakhtunkhwa Environment Department as well as Chief Conservator of Forests Central Southern Region-I Peshawar while inspecting the Waligai-I plantation area raised under Billion Trees Tsunami Afforestation Project Phase-II on 27 & 28.4.2016 are highly appreciated and awarded you with cash prize of Rs.1000/-. Your commendable efforts were also appreciated by the higher ups.
- 7) That in consequence of the charge sheet and statement of allegation served upon the appellant, Abid Mumtaz, Divisional Forest Officer, Forest Division, D.I.Khan was deputed as inquiry officer, who conducted inquiry regarding Sada Khel-II Block plantation as appeared in the inquiry report at S.No.3. It was recommended by the inquiry officer that the charge of inefficiency, misconduct

JJ  
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and corruption have been proved against the accused officials, therefore, the present appellant was held responsible for damage/ failure of the plantations and penalty of recovery of expenditure incurred and at the same time major penalty as defined in the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary Rules), 2011 may be imposed upon the accused officials and forest guards.

(Copies of Inquiry reports are Annexure "D & D/1")

- 8) That respondent No.4 vide letter dated 14.06.2018 called the appellant to submit reply to the show cause notice dated Nil to which the appellant filed his detailed reply by refuting all the baseless allegations with vehemence.

(Copy of letter dated 14.06.2018, copy of show cause notice and copy of reply are attached as Annex "E, F and G" respectively..

- 9) That the appellant filed an appeal/ application against the inquiry conducted by Abid Mumtaz Khan, DFO, D.I.Khan for the reason that the inquiry officer did not personally inspect the site of Shagai and Sada Khel plantation area consisting of 180 and 200 hector respectively and only relied upon monitoring report which was submitted by Ali Haider, Monitoring Officer. Likewise the monitoring officer, Ali Haider, also did not personally inspect the site of Shagai and Sada Khel area but he sent Mr.Hamid Ali who was an Assistant to him to the area of Shagai and Sada Khel and therefore, on the basis of exparte monitoring report of Mr.Hamid Ali, the inquiry officer endorsed the same in its totality, which was against all the canons of justice and fair play, hence the Forest Minister, K.P. wrote a hand written note to the Conservator to please look into the matter in the light of allegations contained in the

  
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application and if necessary then denovo inquiry may be initiated.

(Copy of application dated 28.06.2018 is Annex: "H" and monitoring report is Annex: "H/1").


- 10) That in consequence of the application filed to the Forest Minister, the Conservator of Forest Southern Circle, Peshawar wrote a letter to Syed Latif Hussain, DFO, Bannu, Forest Division, Bannu and also conveyed the concerns of the Minister regarding the haphazard manner of inquiry by then inquiry officer with direction to conduct a denovo inquiry. Muhammad Shakeel, DFO Kohat, was appointed as inquiry officer who was directed to complete the denovo inquiry within 15 days with clear cut recommendation under E&D Rules, 2011 under intimation to the office of Conservator of Forest Southern Circle, Peshawar.

(Copy of letter dated 04.07.2018 is Annex: "I").

- 11) That Muhammad Shakeel, Divisional Forest Officer, Kohat instead of conducting a full fledged denovo inquiry endorsed the earlier inquiry report conducted by Abid Mumtaz, DFO D.I.Khan may be implemented.

(Copy of inquiry report dated 05.12.2018 in respect of staff of Bannu Forest Division, Bannu is Annex: "J").

- 12) That respondent No.4 i.e. DFO Bannu issued a letter dated 13.12.2018 in which reply was sought from appellant along with others within 7 days and accordingly he submitted his reply with the contention that no fresh denovo inquiry was conducted by the inquiry officer, Muhammad Shakeel, as he failed to visit the site of Shagai area nor he produced any record nor the appellant was confronted with any documentary evidence nor any witnesses were called in

  
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the inquiry or opportunity of cross examination was afforded to the appellant, therefore, the earlier flawed inquiry report conducted by Abid Mumtaz was once again endorsed in its totality, which factum is against all the canons of justice, fair play and equity.

(Copy of reply dated 26.12.2018 is Annex: "K")

- 13) That the respondent No.4 without complying the directions given by the Conservator of Forest Southern Circle, Peshawar to conduct a full fledged denovo inquiry instead in the light of earlier inquiry conducted by Abid Mumtaz, which was endorsed by Muhammad Shakeel Inquiry Officer was acted upon and the appellant was compulsory retired from his service with immediate effect beside the above penalty another penalty of imposition of recovery of Rs.37,61,125/- (thirty seven lacs, sixty one thousand and one hundred twenty five rupees) was also ordered to be recovered.

(Copy of impugned order is Annex: "L").

- 14) That the appellant preferred his departmental appeal dated 05.02.2019 against the impugned order dated 16.01.2019 before the appellate authority i.e. the Conservator Forest, Southern Circle, Peshawar, but the same was not responded despite lapse of statutory period of 90 days. Hence, presents the instant service appeal before this Hon'ble Tribunal within a stipulated period of 30 days, which is well within time on the following amongst other grounds: (Copy of departmental appeal is Annex: "M")

GROUNDS FOR APPEAL:

- a) That the impugned order dated 16.01.2019 is against the law, facts and material available on record, hence not

  
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tenable in the eyes of law, which is violative of Article 4 of the Constitution of Islamic Republic of Pakistan.

***"All citizens shall be treated in accordance with law".***

- b) That no regular proper inquiry was conducted and the appellant was condemned on the basis of monitoring report prepared by Ali Halder and the same report was endorsed by Inquiry Officer Abid Mumtaz in his inquiry report without personally visiting the site of Shagai and Dada Khel area consisting of 180 and 200 hector area, hence the direction of respondent No.3 vide letter dated 04.07.2018 with regard to conduct a denovo inquiry along with the relevant record were blatantly violated. Hence the impugned order is not tenable in the eyes of law alone on this ground and liable to be set at naught.
- c) That the impugned order is also violative of section 24-A of General Clauses Act as the competent authority and appellate authority failed to pass a speaking order with reasons viz-a-viz the allegations without holding a regular inquiry.
- d) That even no responsibility viz-a-viz the role of appellant has been categorically fixed in the exparte inquiry report for the reason that the entire Shagai and Sada Khel area consisting upon 180 and 200 hector respectively was duly inspected and verified as correct by Jamsher Khan Ex-SDFO Bannu, by Farhat Ullah Khan Ex-SDFO Bannu, by Musa Khan Baloch retired DFO Bannu and by Amjad Samad then DFO, Bannu and currently posted at Peshawar and the present incumbent/ incharge of Bannu Forest Division is Latif Hussain.

  
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It is pertinent to mention that all muster roll of work people employed on daily wages basis from November, 2016 to June, 2017 (Shagai area) and from April, 2016 to June, 2017 (Sadda Khel-II area) were duly signed, verified and endorsed by the DFOs as referred to in the above paragraph and all the expenditure incurred upon plantation in the Shagai area was being drawn by DFO through cheques and distributed by SDFO in cash to all the daily wagers, hence the responsibility of drawing and disbursing entirely rest upon the shoulders of DFOs and the SDFOs therefore, no recovery of financial liability can be imposed upon the appellant as evident from the impugned order dated 16.01.2019, hence the appellant has been made as scapegoat to save the DFOs, SDFOs and Conservators.

It is pertinent to refer to revised PC-I Rules prepared for Billion Trees Tsunami Afforestation Project Khyber Pakhtunkhwa and according to rule 6.3.14 Monitoring and Evaluation, 6.3.14 (i) Departmental Monitoring .....

- The DFO will supervise work and shall be responsible for 100% correctness, after proper monitoring and verification.
- The DFO concerned will also ensure that compartment history files is maintained having map of plantation, pre, during and post work photograph of the area, quality and quantity of work done, GPS coordinates record of the area and updation of history files.
- The conservator of Forests of the concerned forest circles will physically monitor and verify the 30% work to satisfy correctness of work in his area of jurisdiction. Further he has to ensure that duties of

  
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DFO regarding development works are fulfilled, gaps identification and course correction accordingly".

As evident from the above rules the entire liability rest upon the shoulders of the DFO, Conservator and SDFO beside this the inquiry report does not speak about the map of plantation, pre, during and post work photographs of the area, quality and quantity of work done and no reference that whether GPS coordinates record of the area in updation of history files were taken into consideration while preparing the exparte inquiry report, hence the same could be termed as a malafide report prepared with the biased mind to safeguard the highups who are in fact responsible as per the rules.

(Copy of Muster Role of work and rules regarding revised PC-I for Billion Trees Tsunami Afforestation Project are attached as Annex: "N and O")

- e) That the duty of Forest Guard is to make surveillance of the area which has been done accordingly, therefore, no laxity or negligence of the appellant is found, hence being innocent and made an scapegoat to safe the highups would vitiate the entire discipline proceedings undertaken against him at his back without associating him in the inquiry proceedings.
- f) That due to the negligence of DFO, SDFO and Conservators the funds allocated for Shagai and Sadda Khel area for watering and watch and ward were illegally stopped, therefore, due to their illegal act no water could be arranged to irrigate the area as the daily wagers refused to work in the given circumstances, therefore the responsibility squarely lies on the shoulders of DFO, SDFO

  
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and conservator of the concerned area for the non-issuing/ providing of funds for the period of July 2017 to October 2018. Resultantly the area adversely got affected.

- g) That even no final show cause notice was served upto the appellant nor any opportunity of personal hearing was afforded to him before imposition of the penalty of compulsory retirement from service and in addition to that another penalty of recovery of Rs.37,61,125/- (thirty seven lacs, sixty one thousand and one hundred twenty five rupees), which factum is not only violative of the mandatory provisions of Article 13 of the Constitution of Pakistan, but also violative of E&D Rules, 2011 which act could also be classed as against all the canons of justice, fair play and equity. Equity demands that sufficient opportunity of providing defence should have been provided by conducting a regular inquiry, which mandatory exercise has not been carried out, therefore, the impugned order is bereft of any legal sanctity, which can be termed as void ab-initio.
- h) That the allegations as contained in the impugned order are vehemently denied by the appellant by categorically stating that no negligence or any laxity/ carelessness/ slackness/ sloppiness was committed by him in maintenance, watering and look after the planted areas of trees.
- i) That additional grounds will be raised at the bar with kind permission of this Hon'ble Tribunal.

Keeping in view, what has been stated above, it is, therefore, humbly requested that the impugned office order No.55 dated 16.01.2019 may kindly be set aside and the entire disciplinary proceedings so far taken may be declared as coram-non-judice/ void ab-initio with further

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direction to the respondents to forthwith reinstate the appellant with all consequential back benefits.

Any other relief, which has not been specifically asked for and to whom the appellant is found entitled may also be granted.

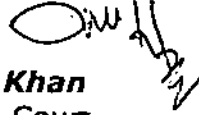
Dated: 14.05.2019



Appellant

**Ismail Khan** son of Akbar Khan  
Forest Guard, BPS-8, Forest Department,  
Office located at Miran Shah Road,  
Village Tapi, Tehsil and District Bannu

Through



**Inayat Ullah Khan**  
Advocate High Court  
LL. M (U.K)

  
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.659/2019

Date of Institution: 20-05-2019  
Date of Decision: 25.01.2021



Ismail Khan son of Akbar Khan Forest Guard BPS-8 Forest Department, office located at Miran Shah Road, Village Tapl, Tehsil and District Bannu R/O Kotka Gul Hassan, Garhi Mamash Khel Tehsil and District Bannu. (Appellant)

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, Environment Department and four others. (Respondents)

Mr. Inayat Ullah Khan  
Advocate

For Appellant

Mr. Riaz Khan Palindakhel  
Assistant Advocate General

For Respondents

Mr. HAMID FAROOQ DURRANI  
Mr. ATIQ UR REHMAN WAZIR

CHAIRMAN:  
MEMBER (E)

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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

JUDGEMENT:-

Mr. ATIQ UR REHMAN WAZIR: - This judgment shall dispose of the instant service appeal as well as connected service appeal No 653/2019 titled Sher Alam Khan, Versus Secretary to Government of Khyber Pakhtunkhwa, Environmental Department, Civil Secretariat, Peshawar and four others, as similar question of law and facts are involved therein.

02. Brief facts of the case are that the appellant was initially appointed as Forest Guard (BPS-3), later on elevated his grade to BPS-8. That departmental proceeding were initiated against the appellant and others on the charges of partial failure of a project under his supervision. That the appellant was served with a charge sheet/statement of allegations on the charges of partial failure of a project costing Rs.

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79,61,600/. Formal inquiry to this effect was conducted and as a result thereof, major penalty was recommended to be imposed upon the appellant, thereafter Show Cause notice to this effect was served upon the appellant, to which he responded. Simultaneously the appellant also submitted an application to the competent authority against the inquiry conducted with the objections that the inquiry officer did not personally inspect the site and only relied upon monitoring report, hence another inquiry was conducted upon his request and as a result thereof, major penalty of compulsory retirement from service as well as recovery of the Rs. 37,61,125/ was imposed upon the appellant. The appellant preferred departmental appeal, but the same was not responded to within the stipulated period, hence the instant service appeal with prayers that the Impugned order dated 16-01-2019 may be set aside and the appellant may be re-instated into service with all back benefits.

03. Written reply/comments were submitted by respondents.

04. Arguments heard and record perused.

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05. Learned counsel for the appellant contended that Provincial Government under the Billion Trees Afforestation Project, which is an umbrella Project, has launched province wise plantation drive and the appellant was serving as Forest Guard in Bannu Forest Division. That a component of the project was also undertaken in his area of jurisdiction, where the appellant performed his duty as Forest Guard. That as per report of the monitoring team in respect of the said project, interalia, partial failure was also noticed in the area of the appellant, upon which proceedings were initiated against appellant and others on the orders of DFO Bannu, Mr. Lateef Hussain, who appointed Mr. Abid Mumtaz DFO Dera Ismail Khan as an inquiry officer, testifying to the fact that the DFO or SDFO never bothered to inspect these sites and totally relied upon the monitoring report on the one hand and providing justifications to high ups that action is initiated against the delinquent officials responsible for failure mainly with the intentions

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CHIEF JUSTICE  
Kyber Pakhtunkhwa  
Service Tribunal

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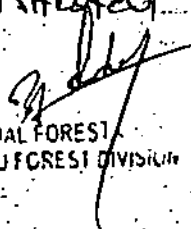
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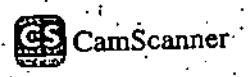
to conceal their own inefficiencies before respondent No 1. He added that the mentioned monitoring report was not only targeted against the appellant, but was a bird eye view of the whole province, where sporadic failure pointed out by the team was for the eyes and ears of respondents No 1 and 2 to take cognizance of such failure. Action was required to be taken by respondents No 1 and 2 against respondents No 3, 4 and 5, who as per PC-1 were responsible for such failure. He further added that as per Clause 6.3.14(i) of revised PC-1 of the Billion Trees Afforestation Project, the DFO concerned is 100% responsible for supervision and correctness after proper monitoring and verification, Conservator concerned is bound to physically monitor and verify 30% work to satisfy correctness of work of his area of jurisdiction, whereas the Chief Conservator of Forests is 10% responsible. The learned counsel argued that astonishingly instead of taking action against the concerned Conservator, DFO and SDFO by respondents No1 and 2, the DFO concerned in order to save his own skin, initiated action against the poor field staff and held the appellant responsible for the whole failure. That not only major penalty of compulsory retirement was imposed upon the appellant, but the amount calculated was also ordered to be recovered from the appellant, inspite of the fact that the appellant was neither drawing & Disbursing officer nor made any expenditure to this effect. That duty of the appellant was only confined to look after the already cultivated plant and its watering. That selection of site, provision of water tanks, fencing of plants, and payments to labor was responsibility of the DFO and SDFO.

The learned counsel added that the appellant vide his reply to show cause notice has already pointed out that hard area was selected by the DFO and SDFO for such plantation, where saline and water logged areas could augur in advance for the unavoidable failure and such selection of sites was purely due to lack of interest of DFO and SDFO. Not only this, as per clause 6.3.14 of the revised PC-1, the concerned DFO was responsible to ensure that compartment history files is maintained having map of

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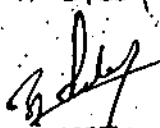
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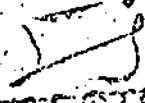
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plantation, pre, during and post work photograph of the area, quality and quantity of work done, GPS coordinates record of the area and updation of history files, which speaks volumes of the level of responsibilities of DFO, but no such record was available to calculate the failure in mathematical terms along with apportionment of responsibilities. Coupled with it was the dry spell during the period, where below normal rainfall has been recorded over most parts of the country, as is evident from Pakistan Meteorological Department, Draught Alert Issued on 6<sup>th</sup> June, 2018. The learned counsel further added that the most important factor for partial failure was delayed payments to the wage earners, stoppage of payments to water carriers, even stoppage of salary of Chowkidar, on certain issues between the previous SDFO and the new incumbent. That due to illegal stoppage of funds no water could be arranged to irrigate the area as the daily wagers refused to work in the given circumstances, therefore the responsibility squarely falls on the shoulders of SDFO, DFO and Conservator of the concerned area for not realizing funds for the period of July, 2017 to October, 2018. That such important factors were ignored by the Inquiry officer. That it was not responsibility of the appellant to report such eventuality to the high ups, but of SDFO, who himself was involved in stoppage of funds. The learned counsel contended that the partial success was purely due to hard work of the poor forest guards, who paid for such expenses out of their own pockets and survival percentage of the plantation was more than 85% for which the appellant was awarded and appreciated by respondent No 1. That forest guard is the lower tier of the hierarchy whose responsibility is only restricted to the extent of surveillance/watering and failure of plantation are always unavoidable and various factors including edaphic, climate and socio-economic inhibitions and individuals are seldom actionable due to such extra-human impediments. He added that unfriendly environment with subsequent lack of silvi-cultural inputs is not a personal act of causing loss to the government exchequer, hence such allegations of over estimated loss is an act not warranted, where the appellant had not grabbed any sum of public

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 Khyber Pakhtunkhwa  
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funds expended through Muster Rolls as the bills are paid either by SDFO or DFO through accountant and the Muster Rolls after approval are being dealt with by the Range Forest Officer/SDFO concerned under Forest Manual. The learned counsel further added that the loss so calculated include payment of millions of rupees made directly to nursery stockiest and that component is the direct responsibility of DFO, which also is calculated against the appellant only to dispose of the inquiry in favor of DFO and Conservator and to make the poor fellow the scapegoats.

Coming back to the question of disciplinary proceedings, the learned counsel contended that no regular inquiry was conducted by the inquiry officer to encompass all the mentioned factors as well as no field visit was conducted to ascertain the ground realities, rather reliance was placed on the monitoring report, which is not tenable in the eyes of law. That feeling aggrieved the appellant submitted an application to respondent No 3 and lodged a complaint against the subject inquiry, which was acceded to and respondent No 3 ordered for a de-novo inquiry to be conducted by DFO Kohat Mr. Shakil, but the new inquiry officer totally relied on the previous inquiry and replicated recommendations already formulated by the previous inquiry officer, which was highly objectionable. Upon such recommendations major penalty of compulsory retirement as well as recovery of loss was imposed upon the appellant without observing the codal formalities. That no employee could be punished twice as Article 13 of the constitution is very clear on that point according to which no person could be vexed twice on same charge. Reliance was placed on 2004 PLC (CS) 959. That no opportunity of personal hearing and cross-examination of witnesses were afforded to the appellants, which made all the proceeding unlawful. Reliance was placed on 2008 SCMR 609. That the impugned order is also violative of section 2A-A of General Clauses Act as the competent authority failed to pass a speaking order with reasons vis-a-vis the allegations without holding a regular inquiry. The learned counsel further argued that no incriminating evidence whatsoever were produced to show that the appellant is

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wholly responsible for the failure or the amount to be recovered is justified. That the penalty imposed so does not commensurate with the guilt. The learned counsel added that the whole proceedings against the appellant is based on malafide having no legal backing, thus the impugned order dated 16-01-2019 may be set aside and the appellant may be re-instated into service with all back benefits.

06. Learned Assistant Advocate General appeared on behalf of official respondents contended that the appellant was proceeded against as per law and rule. That as per findings of the inquiry conducted to this effect, the allegations stand proved against him, where after he was issued charge sheet/statement of allegations, to which he responded. Proper show cause notice was also served upon the appellant, to which he also responded. He was afforded opportunity of personal hearing and after fulfilling all the code formalities, major penalty of compulsory retirement and recovery of the loss was imposed upon him. He further added that the loss occurred due to improper maintenance, less watering and lack of interest and the appellant was responsible for all this. That it was upon the request of the appellant that another inquiry was conducted against him, which also has held him responsible for the failure. The learned Assistant Advocate General prayed that the instant appeal being devoid of merit may be dismissed.

07. We have heard learned counsel for the parties and perused the record. Record reveals that a three tier monitoring mechanism was established specifically for the purpose to monitor activities of the Billion Trees Afforestation Project to update the Provincial setup on monthly basis, so as to correct the course during implementation stage. PC-1 of the project clearly manifests the assigned responsibilities. Such proceedings were required to be conducted by Respondent No 1 and 2 against Bannu Forest Division on the spot for their failure, which however was conducted by one, who himself along with respondent No. 3 were liable to be proceeded against in the instant case, which clearly displays slackness on part of respondent No 1 and 2 by not taking

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timely action against respondents No. 3 and 4. Such an approach kills the basic purpose of establishment of monitoring mechanism. In a situation, respondent No 4 exonerated himself as well as respondent No 3 from all the charges by conducting inquiry at a belated stage against the field staff and apportioned all the responsibilities of failure on the shoulders of Forest Guards including recovery, whose main responsibility however is surveillance. Such proceedings were based on mala fide motives only to safeguard the upper echelon, which was discriminatory, so the disciplinary proceedings in the first place were initiated from the wrong place, which too is replete with discrepancies, shortcomings, lacunae and illegalities. The inquiry officer totally relied upon the report of monitoring team without field visit and physical verification. Reasons for failure of the project, as recorded were improper maintenance, less watering and less interest of Forest Guards, whereas other important factors to be considered were ignored i.e. Site selection, edaphic, climate and socio-economic inhibitions as well as stoppage of funding by the office of DFO and SDFO to this particular component of the project. Since forestry is a long-term endeavor with team spirit and comprehensive planning right from nursery stage until regular hand watering through all time available water tankers and proper wire fencing, record reveals that such arrangements were lacking in the present situation and the inquiry officer ignored all such aspect, rather only focused its findings on the field staff. Inquiry report so prepared was disregarded by the incumbent Minister Forests and ordered for de-novo inquiry by another inquiry officer, who however showed complacency and presented a cut and paste report of two paragraph by totally relying on earlier report without any farther ado. He however was specifically asked to look into the shortcomings and who was expected to broaden the scope of the inquiry, but he failed to do so. The inquiry officer failed to establish as to how in the absence of any incriminating evidence charges can be established against the accused. We could not find basis of apportionment of loss to be recovered from the appellants, as no criteria, rationale and yardstick was applied by the inquiry officer in

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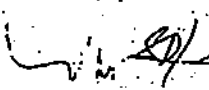
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reaching to the conclusion that such amount shall be recovered from the appellants. The proceedings obviously were also deficient to the effect that it was only conducted against field staff with no linkages of failure established with the high ups. Needless to mention that appellant were not afforded proper opportunity of defense as was required.

08. In view of the situation, the impugned order dated 16-01-2019 is set aside and the appellants re-instated into service with all back benefits. In order to meet the requirement of PC-1, Respondent No. 1 and 2 are at liberty to conduct inquiry against respondent No. 3 and 4 for recovery of the loss sustained by the project. Parties are left to bear their own costs. File by consigned to record room.

ANNOUNCED  
25.01.2021


  
(HAMID FAROOQ DURRANI)  
CHAIRMAN

  
(ATIQU UR REHMAN WAZIR)  
MEMBER (E)

Certified to be true copy  
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Service Tribunal  
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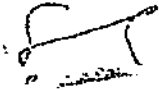
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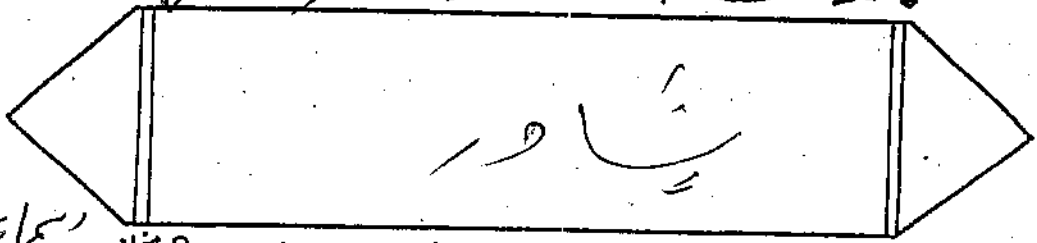
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# بعدالت جناب سرور کی شہسوئی



رسماعیل خان  
رسماعیل خان بنام

حکومت

مورخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ Inayat Ullah Khan کے لیے Peshawar Service Tribunal آن مقام مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک درو پیسہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نمائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جات التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ مندر ہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20 \_\_\_\_\_  
واہ العیہ \_\_\_\_\_

بمقام

Accepted by  
Inayat Ullah Khan  
ABC ULM UK  
(UK)

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