

**BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

*C.M. No. 792/2024*

**SERVICE APPEAL NO. 1728/2023**

1. The Govt of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary, Government of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department Peshawar.
3. Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar

**APPELLANTS**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 14498

Dated 27-07-2024

**VERSUS**

Muhammad Ali S/O Anwar Ajaz Ali (SDFO) Khyber Pakhtunkhwa Forest School  
Thai, Abbottabad..... **RESPONDENT**

**Appeal U/S 4 Of Khyber Pakhtunkhwa Service Tribunal Act, 1974**

**Application For Setting Aside Ex-Parte Proceeding Initiated Vide  
Order Dated 27.02.2024.**

Respectfully sheweth that the applicant submit as under:

1. That the title noted case is pending before Camp Court Abbottabad on 29/05/2024.
2. That on 27/02/2024 ex-parte proceeding initiated against respondents.
3. That the absence of the respondent in the title above case is not deliberately but misunderstanding about the date of hearing.
4. That the respondent will attend the Honorable Tribunal on each and every date of hearing regularly in future.

It is therefore, requested that order dated 27.02.2024 may kindly be set aside and the applicant / petitioner may kindly be allowed to defend the case / appeal 1728/2023.



Mr. Kifayat Ullah Khan, Chief Conservator of Forests Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar

Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

Appeal No. 1728 of 2023

*Abale*

Muhammad Ali Appellant/Petitioner

Versus

Through Chief Secy Pesh Respondent

Respondent No. (2)

Notice to: - Chief Conservator, Forests, Central Southern Forest Region-1, Shami Road Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 13.12.23 at 8.00 AM. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorized representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing a copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Pre. Admission

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 31

Day of Oct 20 23

*For Reply*  
*At Camp court 1510*  
*A. Abood 5.12.2023*

*412*  
Registrar  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence

Divisional Forest Officer  
(Direction) Forest Division  
Khyber Pakhtunkhwa Peshawar.

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1728 2023,

Muhammad Ali S/o Anwar Ajaz Ali (SDFO) ..... PETITIONER

**V E R S U S**

1. The Government of Khyber Pakhtunkhwa & etc.... RESPONDENTS

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Certified: That the paper appeal has been prepared in accordance with the rules of the Court and all the documents necessary for due appreciation of the Court have been included in it. Index is complete in all respect.

*MAA*

IN PERSON

  
(MUHAMMAD ALI)

  
Divisional Forest Officer  
(Direction) Forest Division  
Khyber Pakhtunkhwa Peshawar.

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL, PESHAWAR**

Service Appeal No. 1728 2023,

**Muhammad Ali**

**S/o Anwar Ajaz Ali (SDFO) K P Forest School Thal Abbottabad.....Appellant**

**VERSUS**

- 1. GOVERNMENT OF KHYBER PAKHTUNKHWA  
Through CHIEF SECRETARY Civil Secretariat Peshawar.**
- 2. SECRETARY  
Climate Change, Forestry, Environment and wildlife Department, Government of  
Khyber Pakhtunkhwa Civil Secretariat Peshawar.**
- 3. CHIEF CONSERVATOR FORESTS,  
Central Southern Forest Region -I, Shami Road Peshawar**

**APPEAL UNDER THE SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
ACT, 1974; READ WITH KP CIVIL SERVANTS (E&D)  
RULE 14 (3) RULES 2011, ALONG WITH  
FUNDAMENTAL RULES NO. 54 (A), AGAINST THE  
ORDER, SO (ESTT) / FE&WD / 1-43/2021 / PF, DATED  
PESHAWAR THE 19.07.2023, HAD BEEN VIOLATED  
THE RIGHT OF FINANCIAL BACK BENEFITS TO  
WHICH APPELLANT HAD BEEN ENTITLED.**

*[Signature]*  
Divisional Forest Officer  
(Direction) Forest Division  
Khyber Pakhtunkhwa Peshawar.

A. No. 1728/2023  
M. Asif is Court

14P

23<sup>rd</sup> May, 2024

1. Appellant in person present. Mr. Umair Azam, Additional Advocate General present.

2. Earlier Appeal No.30/2017 of the appellant was decided by this Tribunal on 19.03.2018, wherein, the issue of back benefits was held to be subject to the rules on the subject. The appellant was reinstated on 06.06.2018 for the purpose of de-novo inquiry. The period from 25.08.2014 to 05.06.2018 during which the appellant had served the department, was treated as leave without pay, while decision on the period after 05.06.2018 was deferred in the report of inquiry. There is an order on the file dated 27.06.2022, which shows that the appellant was exonerated from the charges leveled against him but no order was passed regarding the issue of back benefits. The appeal is, therefore, not admitted to regular hearing subject to all just and legal objections. Appellant is directed to deposit security fee within 10 days. Respondents have already been placed ex-parte. To come up for ex-parte arguments on 25.07.2024 before D.B at Camp Court, Abbottabad. P.P given to the appellant.



\*Mutazem Shah\*

**ATTESTED**  
*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
11-6-24

*[Signature]*  
(Kalim Arshad Khan)  
Chairman

Date of Presentation of Appeal \_\_\_\_\_  
Number of Words \_\_\_\_\_  
Copying Fee \_\_\_\_\_  
Urgent \_\_\_\_\_  
Total \_\_\_\_\_  
Name \_\_\_\_\_  
Date of Case \_\_\_\_\_  
Date of Delivery of Case \_\_\_\_\_  
11-6-24

**BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

**SERVICE APPEAL NO. 1728/2023**

1. The Govt of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary, Government of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department Peshawar.
3. Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar

..... **APPELLANTS**

**VERSUS**

Muhammad Ali S/O Anwar Ajaz Ali (SDFO) Khyber Pakhtunkhwa Forest School  
Thai, Abbottabad..... **RESPONDENT**

**AFFIDAVIT**

I, Mr. **Kifayat Ullah Khan**, Chief Conservator of Forests, Forest Department, attached department, Peshawar (on behalf of the Appellants No. 3) do hereby solemnly affirm and declare that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Identified by:

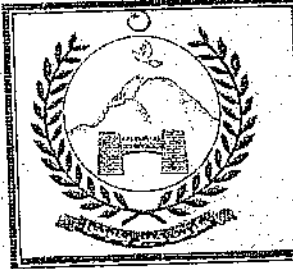


DEPONENT

CNIC. No. 12101-0941391-9

CELL No. 0333-7262673

MOST IMMEDIATE  
HIGH COURT MATTER



GOVERNMENT OF KHYBER PAKHTUNKHWA  
CLIMATE CHANGE, FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT  
(LITIGATION SECTION)  
Phone No 091-9212103

No. SO(Lit)/CCFE&WD/3-412/2023/Muhammad Ali / 7431 us  
Dated Peshawar: 12<sup>th</sup> July, 2024

*A. B. Ali*

To  
The Chief Conservator of Forests,  
Southern Circle, Region-I,  
Peshawar.

Subject: SERVICE APPEAL NO. 1728/2023 TITLED. MUHAMMAD ALI V/S GOVT. OF KHYBER PAKHTUNKHWA & OTHERS.

I am directed to refer to your letters No. 6657/E dated 25<sup>th</sup> June, 2024 on the subject note above and to return application (in original) for setting aside the ex-parte proceeding duly signed by Secretary Climate Change, Forestry, Environment & Wildlife Department being respondent No. 1 & 2 for onward submission to the Court concerned within stipulated time period. A copy of "receipt" may be furnished to this Department for record and perusal of high ups.

*9/10/24*  
Divisional Forest Officer  
(Direction) Forest Division  
Khyber Pakhtunkhwa Peshawar

As above (in original)  
Endst: of even No. & Date  
Copy of the above is forwarded to the:

*12/7/24*  
Section Officer (Litigation)

No. 341 /E, Dated Peshawar the 24 /07/2024

Copy alongwith (original) application for setting aside the ex-parte proceedings duly signed by worthy Secretary CCFE&WD Peshawar forwarded to Mr. Zahid Iqbal, Deputy Director I&HRD&M Peshawar for information and immediate necessary action.

Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar

