



Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 546/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17/04/2018	<p>The appeal of Mr. Khaled Khan resubmitted today by Qazi Muhammad Farid Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 17/4/18</p>
2-	24-4-2018	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>03-06-2018</u></p> <p style="text-align: right;"> MEMBER</p>


08.06.2018

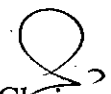
Appellant Khalid Khan in person alongwith Qazi Farid Ahmad Advocate present and heard.

Contends that the appellant has been punished for absence whereas in fact he never absented himself from duty and imposition of two penalties of withholding of promotion for two years alongwith two annual increments for two years with cumulative effect are against law.

Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections if raised by the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 4.07.2018 before S.B at camp court, Swat.


Appellant Deposited
Security & Process Fee




Chairman
Camp Court, Swat

04.07.2018

Appellant Khalid Khan in person present. Mr. Usman Ghani learned District Attorney for respondents present. Written reply not submitted. Adjourned. To come up for written reply/comments on 06.08.2018 before S.B at camp court Swat.


Chairman
Camp Court, Swat

06.08.2018

Clerk to counsel for the appellant and Mr. Abdul Hakim Senior Clerk for the respondents present. Due to summer vacation the case is adjourned to 04.09.2018 for the same at camp court Swat.


Reader

04.09.2018

Appellant Khalid Khan in person present. Mr. Abdul Hakeem, Supdt alongwith Mr. Usman Ghani, District Attorney for respondents present. Written reply not submitted. Representative of the respondents sought some time to submit written reply/comments. Granted. Case to come up for written reply/comments on 02.10.2018 before S.B at camp court Swat.


Chairman
Camp Court Swat

02.10.2018

Appellant Khalid Khan in person alongwith his counsel Qazi Farid Ahmad, Advocate present. Mr. Abdul Hakim, Senior Clerk alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply filed. To come up for rejoinder, if any, and arguments on 08.11.2018 before the D.B at camp court, Swat.


Member
Camp Court Swat

08.11.2018


Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 09.01.2019 at camp court Swat.


Reader

09.01.2019


Appellant alongwith his counsel present. Mr. Abdul Hakeem, Senior Clerk alongwith Mr. Mian Amir Qadir, District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 07.02.2019 before D.B at Camp Court Swat.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member
Camp Court Swat

07.02.2019

Learned counsel for the appellant and Mr. Mian Amir Qadir District Attorney for the respondents present. Vide separate/common judgment of today of this tribunal placed on file of service appeal No. 529/2018 filed by Mr. Muhammad Rehman, this tribunal is constrained to set aside the impugned order and remand the case to competent authority to issue fresh order according to the relevant laws. The present service appeal is disposed off in the above terms. Parties are left to bear their own costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member


ANNOUNCED
07.02.2019

The appeal of Mr. Khaled Khan Forest Guard shamerdin Forest Check Post Temergra received today by i.e. on 13.04.2018 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of the appeal be signed by the counsel.
- 2- Annexures of the appeal may be attested.


No. 808 /S.T,

Dt. 17/4 /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Qazi Farid Ahmad Adv. Swat.

Dear Sir! The objections mentioned above
have been removed Accordingly.


Qazi Farid Ahmad
Advocate .

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 546 /2018.

Khalid Khan Forest Guard Shamerdin Forest Check Post of
Forest Sub-Division Timergara. (Appellant).

Versus

Government of Khyber Pakhtunkhwa through Secretary
Forestry, Environment and Wildlife Department Peshawar
and 4 others. (Respondents)

S.No.	Description of the documents	Annexure	Page. No.
1	Memo of Appeal		1 - 4
2	Affidavit & Addresses		5 -- 6
3	Copy of order dated 09.10.2017	"A"	7
4	Copy of Show cause and Reply	"B "	8 - 9
5	Copy of order dated 18.12.2017	"C"	10- 11
6	Copy of departmental appeal	"D"	12- 17
7	Copy of Affidavit	"E"	18
8	Copy of seniority list	"F"	19- 21
9	Wakalatnama		22

Appellant

Through



Qazi Farid Ahmad Advocate Swat
Office: Main Bazar, Mingora Swat.
Cell: 0333-9481685

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 546/2018.

Diary No. 560

Dated 13-4-2018

Khalid Khan Forest Guard Shamerdin Forest Check Post of
Forest Sub-Division Timergara. (Appellant).

Versus

- 1- Government of Khyber Pakhtunkhwa through Secretary Forestry, Environment and Wildlife Department Peshawar.
- 2- Chief Conservator of Forests, Malakand Forest Region-III at Saidu Sharif Swat.
- 3- Conservator of Forests, Malakand West Forest Circle at Timergara Lower Dir.
- 4- Divisional Forest Officer, Lower Dir Forest Division at Timergara Lower Dir.
- 5- Sub Divisional Forest Officer, Jandool Forest Sub-Division at Samerbagh.

.....(Respondents).

SERVICE APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE OFFICE ORDER NO.54 DATED 18.12.2017 ISSUED BY RESPONDENT NO. 4 WHEREBY THE RESPONDENT NO. 4 IMPOSED THE PENALTY OF WITH HOLDING FURTHER PROMOTION FOR THE PERIOD OF TWO YEARS ALONGWITH TWO ANNUAL INCREMENTS FOR TWO YEARS i.e. 2017 AND 2018 WITH ACCUMULATIVE EFFECT IMPOSED UPON APPELLANT WHICH IS AGAINST THE LAW, RULES AND FACTS AND WITHOUT FULFILLING THE CODEL FORMALITIES AND IS LIABLE TO BE SET A SIDE.

Filed to -day
Registrar
13/4/18

Re-submitted to -day
and filed.

Registrar
17/4/18

PRAYER

That on acceptance of this appeal the impugned order may very kindly be set a side.

Respectfully Sheweth:

2

FACTS:

1. That appellant is serving as Forest Guard in Lower Dir Forest Division Timergara and is presently performing duty at Shamardin Forest Check Post of Timergara Forest Sub- Division.
2. That the appellant was put under suspension vide order No.30 dated 09.10.2017 for releasing three trucks loaded with FDC timber consignment from Chitral to Chakdara on an expired challan. Copy of the order dated 09.10.2017 is enclosed as annexure-"A".
3. That the appellant was issued a show cause notice vide No.2776-78/Acctt: dated 29.11.2017 on the above alleged mentioned baseless charges. The appellant submitted a detail reply to the same. Copy of the show cause notice and reply are enclosed as annexure- "B".
4. That the appellant submitted a detailed reply but the same was not found satisfactory and penalty was imposed upon the appellant vide the impugned order No.54 dated 18.12.2017 without adopting the proper course of law. Copy of the order dated 18.12.2017 is enclosed as annexure-"C".
5. That feeling aggrieved the appellant preferred departmental appeal to the respondent No.3, but till now no order has been passed by the respondent No.3, to the departmental appeal of the appellant. Copy of the Departmental Appeal is enclosed as annexure-"D"
6. That still feeling aggrieved and having no other option this honorable Tribunal is approached on the following grounds.

GROUND

- a. That the appellant has been condemned unheard and has not been properly associated with the inquiry proceedings. The appellant has never been afforded an opportunity to defend himself neither is his defence plea nor considered at all.

3

Moreover, the evidence used against the appellant has never shown to him neither given him any opportunity to rebut the same by way of cross examination to trash its veracity, thus the appellant has not been treated in accordance with the law.

- b. That the appellant is made to suffer on the basis of a baseless inquiry, which was only an eye wash with a pre-concluded and pre-decided outcome, thus the same is not sustainable in the eye of law.
- c. That appellant has not committed any act of commission or omission which may constitute any offence under any law.
- d. That the appellant has been condemned as unheard.
- e. That the penalty imposed by the respondent No.4 is very much harsh in relation to the charges leveled against the appellant.
- f. That the allegations have not been proved with certainty by the inquiry officer.
- g. That many factual controversies are involved in the charge but no evidence was produced in support of the charge level against the appellant therefore the impugned order is liable to be set a side.
- h. That on 7-8/10/2017 the appellant was on routine station leave it is an irrefutable fact and open secret of the department, particularly Lower Dir Forest Division that all the staff posted on the Check Posts are avail routine station leave turn by turn being managed by the mutual understanding of the staff of the check posts and no prior approval of SDFO or any other authority has been in practice uptill now. However, the official on routine station leave remains stand by for calling any time by the staff for duty. Therefore the routine station leave could not be termed to obtain prior approval of the competent authority. But the respondent ignored all the above mentioned facts and imposed the penalty upon appellant which is not liable to maintain but liable to be set a side.

4

- i. That the respondent No.4 has imposed both the penalties i.e. with holding of promotion for two years and withholding two annual increments which is contrary to the rules, have the office order of the respondent No.4 is not in accordance with rules and law.
- j. That the appellant has performing his duty perfectly, honesty for last 31 years which is also evident from the service record of the appellant.
- k. That Mr. Tela Muhammad S/O Amir Muhammad Khan the allege smuggler of timber has given affidavit regarding the innocency of the appellant which is self explanatory. Copy of the Affidavit is annexed as annexure- "E".
- l. That presently the name of the appellant stand at serial No.1 of the seniority list of Forest Guard of Lower Dir Forest Division and the respondent No.4 want to depriving the appellant from promotion and promote some junior Forest Guard of the division (being his favorite). Although the appellant is waiting for promotion for last 31 years.

It is, therefore, most humbly prayed that on acceptance of this appeal, orders dated 18.12.2017 of the respondents No. 4 may very kindly be set aside.

Any other relief deems appropriate in the circumstances may very kindly be granted.



Gazi Farid Ahmed
Advocate

Appellant



Khalid Khan
Forest Guard,
Through Counsel,

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2018.

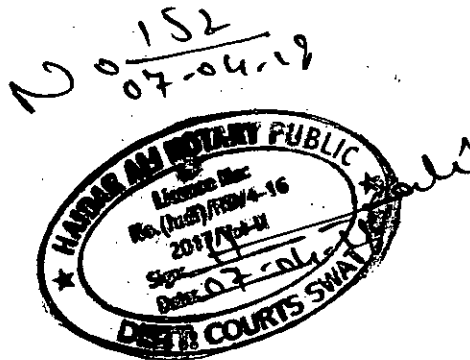
Khalid Khan Forest Guard Shamerdin Forest Check Post of
Forest Sub-Division Timergara. (Appellant).

Versus

Government of Khyber Pakhtunkhwa through Secretary
Forestry, Environment and Wildlife Department Peshawar
and 4 others.(Respondents)

AFFIDAVIT

It is solemnly stated on Oath that all the contents of this service appeal are true and correct to the best of my knowledge and belief and nothing has either been misstated or concealed thereto.



DEPONENT

Khalid Khan
Forest Guard Timergara
Forest Sub Divn: Lower Dir.

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2018.

Khalid Khan Forest Guard Shamerdin Forest Check Post of
Forest Sub-Division Timergara. **(Appellant)**.

Versus

Government of Khyber Pakhtunkhwa through Secretary
Forestry, Environment and Wildlife Department Peshawar
and 4 others. **(Respondents)**

ADDRESSES OF THE PARTIES.

(Appellant).

Khalid Khan Forest Guard Shamerdin Forest Check Post of
Forest Sub-Division Timergara.

Versus

(Respondents).

- 1- Government of Khyber Pakhtunkhwa through Secretary Forestry, Environment and Wildlife Department Peshawar.
- 2- Chief Conservator of Forests, Malakand Forest Region-III at Saidu Sharif Swat.
- 3- Conservator of Forests, Malakand West Forest Circle at Timergara Lower Dir.
- 4- Divisional Forest Officer, Lower Dir Forest Division at Timergara Lower Dir.
- 5- Sub Divisional Forest Officer, Jandool Forest Sub-Division at Samerbagh.
- ~~6- Inspector General of Police Khyber Pakhtunkhwa, Peshawar.~~

Appellant

Through



Qazi Farid Ahmad
Advocate Swat.

ANNEXURE : A

7

OFFICE ORDER NO. 30 DATED TIMERGARA THE 09/10/2017 ISSUED BY MUHAMMAD SALEEM KHAN MARWAT DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA.

M/S Khalid Khan, Muhammad Rahman-II and Afzal Ahmad Forest Guards are hereby placed under suspension on account of willful absence from Govt: duty on 07-08/10/2017 and releasing three trucks loaded with FDC Timber consignment of Chitral to Chakdara on expired challans. The official will be attached with Divisional Office till further order in the interest of public service with immediate effect.

Sd/-
(Muhammad Saleem Khan Marwat)
Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

No 1599-95/E,

Copy forwarded to the:

- 1- Conservators of Forests Malakand West Circle Timergara for favour of information please.
- 2- SDFO Timergara for information and further necessary action. He is requested to deploy suitable staff with local arrangement under intimation to this office.
- 3- Official Concerned.
- 4- Divisional Accountant for information and necessary action.

Attested
By

(Fid)

Qayl Farid Ahmad
Advocate

Divisional Forest Officer,
Lower Dir Forest Division
Timergara

SHOW CAUSE NOTICE

ANNEXURE

B 8

I Muhammad Saleem Khan Marwat, as competent authority under the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) rules, 2001, do hereby serve you, Mr. Khalid Khan Forest Guard as follows:

- 1 i- That consequent upon the report of enquiry officer constituted vide Divisional Forest Officer Lower Dir Forest Division Timergara Office Order No. 35 dated 07-10-2017, it has been proved that you were found absent from Govt: duty on 29/09/2017 and on 7-8/10/2017 wilfully without any prior permission from the competent authority.
ii. You have been recommended for minor penalty by the enquiry officer.

Keeping in view above enquiry outcome, I am satisfied that you have committed the following acts/omissions specified in Rule – 3 of the said rules:-

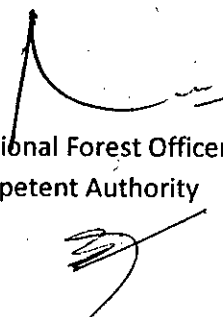
- a. In – efficiency
 - b. Misconduct
2. As a result thereof, I as competent authority have tentatively decided to impose upon you the minor penalty specified under rule – 4 (a) of the said rules.
 3. You, are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and else intimate whether you desire to be heard in person.
 4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it should be presumed that you have no defense to put in that case an ex parte action should be taken against you.
 5. A copy of the report of committee is enclosed herewith.

Attested
By

(Fid)

Qazi Farid Ahmad
Adhikari

Divisional Forest Officer
Competent Authority


C

(9)

بخدمت جناب انکوائری آفیسر صاحب / SDFO صاحب جنرول

عنوان: جواب چارج شیٹ / سٹیٹمنٹ آف ایلکیشنز مشمولہ SDFO TMC چھٹی نمبر 22-1820

جناب عالی!

گزارش ہے کہ چھٹی مذکورہ بالا کے ساتھ مشمولہ چارج شیٹ / سٹیٹمنٹ آف ایلکیشن کے متعلق وضاحتی بیان

ذیل میں پیش خدمت ہے۔

۱۔ یہ کہ میں عرصہ 31 سال سے محکمہ ہذا میں بحیثیت فارسٹ گارڈ خدمات انجام دے رہا ہوں۔ میں نے اپنی پوری ملازمت کے دوران پوری ایمانداری اور دیانت داری کے ساتھ اپنے فرائض انجام دے دیے ہیں۔ اور کبھی افسران بالا کو شکایت کا موقع نہیں دیا ہے۔ جس کے لئے میرا ریکارڈ شاہد ہے۔ سٹیٹمنٹ آف ایلکیشن کے پیرا نمبر ۱ کے متعلق عرض ہے کہ جیسا کہ میں نے اپنے پہلے جواب میں واضح کیا ہے کہ میں نے چیک پوسٹ پر پوری مستعدی کے ساتھ ڈیوٹی انجام دی ہے اور کوئی گاڑی / نمبر لوڈ سپیران واہ گزار نہیں ہوئی ہے جس کا میں ڈٹوٹی کیساتھ حلیفہ یقین دلاتا ہوں۔

پیرا نمبر ۲ کے متعلق عرض ہے کہ وقوعہ کی دن میری بیٹی کی شادی تھی جس میں میری موجودگی ضروری تھی۔ اس لئے میں نے جناب SDFO صاحب سے ٹیلیفون پر رخصت لی تھی۔ نیز FDC کے ٹرک اسی چالانوں پر دو ضلعوں سے ہو کر آئے تھے۔ میں اپنے مندرجہ بالا بیان کے تائید میں زبانی وضاحت بھی کرنا چاہتا ہوں موقع دیا جائے۔

عین نوازش ہوگی۔

مورخہ 23-10-2017

Attested
By
(Signature)
Qazi Farid Ahmad
Advocate

(Signature)
خالد خان فارسٹ گارڈ
شہر دین فارسٹ چیک پوسٹ ٹیم کے سب ڈویژن

العارض

ANNEXURE : C


10

OFFICE ORDER NO. 54 DATED TIMERGARA THE 18/12/2017 ISSUED BY MUHAMMAD SALEEM KHAN MARWAT DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA.

READ WITH

1. DFO Lower Dir letter No.1561/G&L, dated 06.10.2017.
2. DFO Lower Dir letter No.1601/G&L, dated 09.10.2017.
3. DFO Lower Dir office order No.30 dated 09.10.2017.
4. DFO Lower Dir office order No.35 dated 17.10.2017.
5. SDFO Timergara letter No.96-97/T, dated 01.11.2017.
6. SDFO Timergara letter No.79/T, dated 10.10.2017.
7. Charge Sheet served on the accused official.
8. Reply/Personal Hearing of the accused official.
9. Enquiry Report of Enquiry Officer.

Attested
By


Daji Farid Ahmad
Achunda.

BACK GROUND OF THE CASE.

The accused official Mr.Khalid Khan Forest Guard while posted on Shammardin Forest Check Post was placed under suspension vide DFO Lower Dir office order No.30 dated 09.10.2017 on account of willful absence from government duty on 7-8/10/2017, resultantly releasing three (03) trucks loaded with FDC Timber consignment of Chitral to Chakdara on expired challans. Similarly, a truck (Dumper) loaded with 106 illicit scants of Kail species and subsequently apprehended by SDFO Timergara and his staff on 29/09/2017 at Odigram Bridge. Accordingly the accused official was Charge Sheeted and the Enquiry was entrusted to Mr.Nadar Khan SDFO Jandool vide DFO Lower Dir office order No.35 dated 17/10/2017. The accused official was proceeded under E&D Rules, 2011 and charged for the following:

- i. In efficiency.
- ii. Misconduct.
- iii. Corruption.

DISCUSSION.

The Enquiry Officer obtained written reply of the accused official to the Charge Sheet served upon him and recorded personal hearing on 25/10/2017. The Enquiry Officer while conducting enquiry stated that there is contradiction in the written reply to the Charge Sheet and verbal statement by the accused official with regard to smuggling of timber. So far absence from government duty is concerned, it was found that the accused official was on routine leave but failed to produce prior permission from the competent authority nor there is any provision for routine leave.

The Enquiry Officer has recommended the accused official Mr.Khalid Khan Forest Guard for Minor Penalty. Thus the accused was served with Show Cause notice bearing No.2776-78/Acctt, dated 29.11.2017. Accordingly the accused official submitted his reply to the Show Cause notice and also conducted personal hearing on 14.12.2017 in the instant case.

11

From perusal of the record it was found that the said accused official failed to advance any statement in his defense and repeated the verbal and written statements previously furnished before the Enquiry Officer.

CONCLUSION.

The case was examined from various angles and found contradiction in the written statement and personal hearing regarding apprehension of illegal timber on 29.09.2017 and absence from government duty on 7-8/10/2017, besides the accused official admitted his in-efficiency before the undersigned while conducting personal hearing on 14/12/2017.

ORDER.

On the basis of the above facts I Mr. Muhammad Saleem Khan Marwat Divisional Forest Officer-Lower Dir Forest Division Timergara (Competent Authority) found the accused official viz Mr.Khalid Khan Forest Guard guilty of the charges of Mis-conduct and In-efficiency, is hereby awarded minor penalty of with holding further promotion for period of two (02) years along-with holding of two (02) annual increments for two (02) years i.e 2017 and 2018 without accumulative effect. He is further warned to be careful in future.

Sd/-
(Muhammad Saleem Khan Marwat)
Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

No 3082-86/G,

Copy forwarded for favour of information to the:

1. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat.
2. Conservators of Forests Malakand West Circle Timergara.
3. SDFO Jandool/Timergara for information and necessary action.
4. Mr.Khalid Khan Forest Guard C/O SDFO Timergara.
5. Divisional Accountant for information and necessary action.

Attested
By

(JA:ig)

Deputy Forest Officer
Adumbek.

Divisional Forest Officer,
Lower Dir Forest Division
Timergara.

ans


BEFORE THE CONSERVATOR OF FORESTS MALAKAND
WEST FOREST CIRCLE TIMERGARA (LOWER DIR)

THROUGH: PROPER CHANNEL

Attested
By

(Signature)
Javed Ahmad
Adviser

SUBJECT: DEPARTMENT APPEAL AGAINST OFFICE

ORDER No 54 dated 18.12.2017 ISSUED

BY DFO LOWER DIR FOREST DIVISION TIMERGARA

Respected Sir,

It is humbly stated that -

- 1) The appellant is serving as Forest Guard in Lower Dir Forest Division and presently performed his duty at Shamardin Forest Check Post of Timergara Forest Sub-Division. The appellant was proceeded under the Whynes Pakhtun Khara Court Servant (Efficiency and Discipline) Rules 2011 and minor penalty has been imposed upon the appellant vide DFO Lower Dir office order mentioned in the bulifer (Copy enclosed)
- 2) The office order issued by the DFO is irregular, illegal and not in accordance with the provision of Rules and Regulations, hence not tenable. The allegations have not been proved with certainty by the Inquiring Officer, therefore, the penalty order of the DFO is irregular and illegal.
- 3) On 27.9.2017, a min truck loaded with 106 Nos illegal deers (394.97 cft) was apprehended by

Attested
by
[Signature]
[Signature]

13

S/O Turneragara at 03:00 am near Adigram Bridge (Turneragara). The said vehicle was apprehended far away from Shamardin Forest Check Post. However, all the staff posted at Shamardin Forest Check Post including the appellant were suspended and disciplinary proceedings were initiated against all the officials.

(4) It is pointed out that the appellant was on Routine Station Leave on 29.9.2017. The Enquiry officer and the D/O (Authority) has also admitted that the appellant was on routine leave, however, it has been stated that the appellant failed to produce prior written permission of Competent authority. Since, the appellant was not present at the check post on 29.9.2017, therefore, not involved in any timber smuggling.

As regard the routine station leave is concerned it is an irrefutable fact and open secret of the Department, particularly lower Div Forest Division that all the staff posted on the check posts are availing ~~posters~~ routine station leave turn by turn being managed by the mutual understanding of the check post and no prior approval of superior or any other authority is in practice, up till now. However, the official on Routine Station Leave remains stand-by for calling any time by the staff for duty, therefore, the routine station leave could not be termed as casual leave or any other leave to obtain prior approval of the Competent authority.

Attested
By

(A14)
Dajir Farid Ahmed
Adumbe

14

5) On 7.10.2017, the appellant was present in the check post which is also evident from the duty register, however, on 8.10.2017, there was wedding ceremony of his daughter and the appellant got leave from S.O.F. Timergara on phone. The appellant left the check post on 8.10.2017 at 0700 am and was returned to the station at 0800 pm. Accordingly the allegation of absence from duty on 7-8/10/2017 is not based on facts.

6) The penalty imposed upon the appellant is not in accordance with the provision of Cyber Pakhtan Khowa Govt. Servant (Efficiency and Discipline) Rules, 2011. The minor penalty as defined vide Rule-4(ii) of the said rules is reproduced as under:-
"Withholding, for a specific period, promotion or increments, otherwise than for unfitness for promotion or financial advancements, in accordance with the rules or orders pertaining to the Service or Post"

In the instant case of the appellant, both the penalties i.e. withholding of promotion for two years and withholding of two annual increments have been imposed which is in violation and against the above rules, therefore, the office order of the N.W. Lower Div is irregular/illegal and not tenable.

7) It is pointed out that the appellant was appointed as Forest Guard in 1986 and has successfully

Attended
By
(Haid)
Dag, Farid Ahmad
Adwale.

15

Completed the Forest Guard Training ~~set~~ course from Lohed Forest School Abbottabad. The Appellant has served in the department for the last 31 YEARS. He has performed his duties perfectly, honestly with the best satisfaction of his superior officers and has never indulged in any mal-practices which is also evident from his service record. During his entire service a single explanation has not been called for any negligence/irregularity. The instant case has been initiated and finalized within a days after thought and purposefully in order to deprive the appellant from promotion and promote some Junior Forest Guards of the Division (being their favourite).

8) Respected Sir, presently the name of the appellant stand at Serial No. 3 of the Seniority list of Forest Guards of Lower Dir Forest Division where 1st and 2nd positions are holding by J/s Noor Muhammad and Khurshid Forest Guards. Two posts of Foresters have become vacant due to retirement of M/s Abdul Satif and Ibrahim Khan Foresters which are to be filled-in through promotion and definitely both the above two Forest Guards will be promoted against the said vacancies. Accordingly the appellant will become on the top of the Seniority list of Fgd. Moreover Departmental Promotion Committee (DPC) has already been constituted for the purpose and its meeting will be held shortly.

Attended
By

(Signature)
Dy. Forest Officer
Adulde.

16

9) It is pointed out that one Mr. Rabim Gul Forester is going to retire on 9.4.2018 on Superannuation and a vacancy of forester will be arised accordingly. Since, the appellants is deserving for promotion as forester, keeping in view his long service and excellent service record, therefore, his career has been caused damage at the peak of his ^{service} ~~career~~ and the promotion of the appellant has been withheld purposefully and after thought so as to provide opportunity to the junior forest guards for their promotion out of turn in the Division. From the above facts and figures it is quite clear that some officers/officials of the Division has planned and managed a conspiracy against the appellant to deprive him from his due right of promotion. The action of the DFO is against the name of justice. All the conspirators will definitely come into surface shortly which will confirm the plea of the appellant.

In view of the explanation furnished above, it is quite clear that the allegations against the appellant are baseless with out any solid evidence and proofs the appeal may be accepted and office order no. 54 dated 18.12.2017 being illegal and irregular be set aside. The promotion as well as

(17)

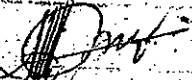
incumbrances of the appelland be restored for
this act of kindness, the appellant will be
highly obliged and thankful to your kind
honour.

your obedient servant

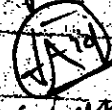
Khalid Khan Fgd
Timgar Forest Sub-Division

Advance copy is forwarded to the Conservator
of Forests, Malabar West Forest Circle Timgar
for favour of information and necessary action.

¹²
Date 27/01/17


KHALID KHAN
FOREST GUARD
TIMGAR FOREST
SUBDIVISION.


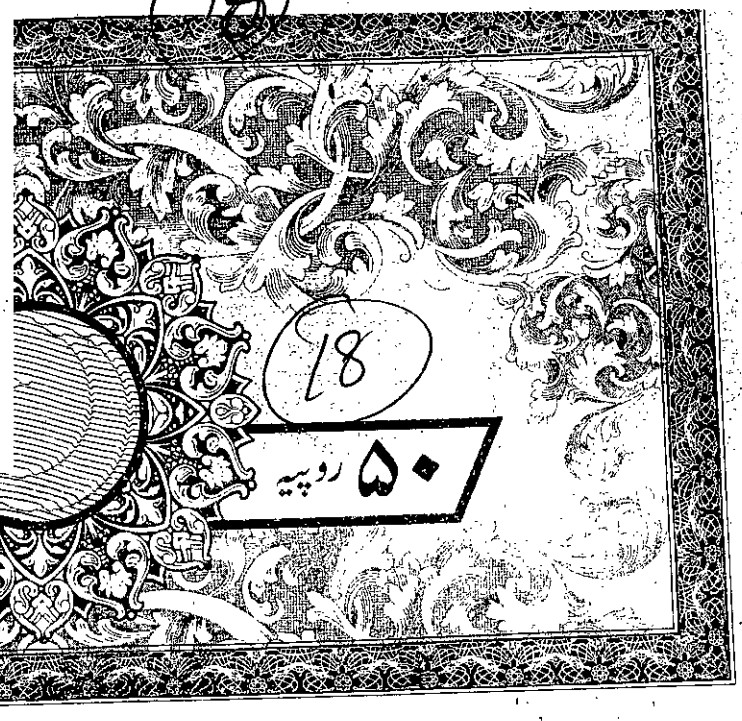
Attested
by


Qazi Farid Ali
Attendant


(18)

حکومت پاکستان
قومی شناختی کارڈ
16102-1880531-1

نام: طلحہ محمد
جنس: مرد
پیدائشی مقام: لاہور
پیدائشی تاریخ: 15/01/1988

Rupees 50

Attested
by

Qazi Farid Ahmed
Aduade
بیان حلفی

مایا تہذیبیہ علامہ ولد امیر محمد خان ساکن حج کوہ ہے سید عرب کلے ڈاکخانہ تورڈھیر، بھادر خان ولد محمد عارف ساکن گوتم تحصیل منڈہ ضلع دریا پائین برحلف اقرار کرتے لکھ دیتے ہیں کہ مورخہ 29/09/2017 بمقام اوڈیگرام پبل دیر روڈ لوڈ گاڑی از قسم لکڑی کاٹیل (سلیفون) تعدادی 106 عدد جو کہ 357.94 ٹکسز جو کہ SDFO بھر گرنے پکڑا تھا ہم نے درج بالا لکڑی مقام رباط سے بھر کر بغرض سمگلنگ بھر گرنے برائے لوکل استعمال لار ہے تھے۔ چونکہ ٹرک نمبر 1125 راستے میں پکڑا گیا تھا اس میں شمردین فارسٹ چیک پوسٹ واسلے ملوث نہ تھے اور ہم نے اس فارسٹ والوں کو کسی قسم کا کوئی رشوت دیا ہے۔ ہم سمجھتے ہیں علامہ اور بھادر خان برحلف اقرار کرتے ہیں اور ہم کسی بھی جگہ شہادت دینے کیلئے تیار ہیں۔

المرقوم: 05/12/2017

CNIC No: 16102-1880531-1

بھادر خان

علامہ


Tula-m

Handwritten signature

926
5/12/17

**TENTATIVE SENIORITY LIST OF FOREST GUARDS IN RESPECT OF LOWER DIR
FOREST DIVISION AS STOOD ON 31-03-2018**

Total No. of sanctioned strength: 64

Attested by  *Abul
Fazl
Rahman*

S.No	Name of Forest Guard	Domicile	Date of Birth	Educational Qualification	Basic Training	Up-Gradation	Initial Recruitment	Present Post/Adjust:	Present Grade	Remarks
1	Khalid Khan	U/Dir	09-06-1968	B.A	-do-	Un-Trained	28-08-1986	-do-	08	-
2	Muhammad Fayaz	L/Dir	05-08-1968	B.A	-do-	-do-	09-07-1987	-do-	08	-
3	Itbar Khan	L/Dir	16-01-1965	Metric	-do-	-do-	20-07-1987	-do-	08	-
4	Shafi Ullah	L/Dir	20-10-1967	B.A	-do-	-do-	20-07-1987	-do-	08	-
5	Muhammad Amin	L/Dir	28-12-1958	F.A	-do-	-do-	23-07-1987	-do-	08	-
6	Bakht Nawab Jan	L/Dir	05-01-1963	Metric	-do-	-do-	23-11-1987	-do-	08	-
7	M. Rahman-I	L/Dir	21-04-1968	Metric	-do-	-do-	27-12-1987	-do-	08	-
8	Jamshid-I	U/Dir	20-01-1961	Metric	-do-	-do-	27-11-1988	-do-	08	-
9	Nowsherawan	L/Dir	25-05-1963	Metric	-do-	-do-	21-11-1989	-do-	08	-
10	Muhammad Israr	L/Dir	01-01-1967	Metric	-do-	-do-	21-11-1989	-do-	08	-
11	Raees Khan	L/Dir	20-02-1967	D.Com	-do-	-do-	21-11-1989	-do-	08	-
12	Ali Muhammad-I	L/Dir	03-05-1970	F.A	-do-	-do-	21-11-1989	-do-	08	-
13	Ghulam Hussain-I	L/Dir	01-12-1967	F.A	-do-	-do-	12-11-1989	-do-	08	-
14	Kifayat Ullah	L/Dir	01-04-1971	B.A	-do-	-do-	23-11-1989	-do-	08	-
15	Muzafar Khan	U/Dir	09-04-1971	F.A	-do-	Trained	23-11-1989	-do-	08	-
16	Ali Haider	L/Dir	06-03-1968	F.A	-do-	Un-trained	26-11-1989	-do-	08	-
17	Aziz Ur Rahman	L/Dir	06-03-1968	Metric	-do-	-do-	13-01-1990	-do-	08	-
18	Nisar Ahmd	L/Dir	01-12-1962	Metric	-do-	-do-	29-01-1990	-do-	08	-
19	Khalif Ahmad	L/Dir	01-01-1967	F.A	-do-	-do-	08-11-1990	-do-	08	-
20	Zakir Ullah	L/Dir	12-04-1967	F.A	-do-	-do-	10-11-1990	-do-	08	-
21	Muhammad Islam	L/Dir	15-06-1971	F.A	-do-	-do-	10-11-1990	-do-	08	-
22	Niaz Muhammad	L/Dir	01-04-1972	B.A	-do-	-do-	10-11-1990	-do-	08	-
23	Zubair Shah	U/Dir	16-01-1963	Metric	Un-Trained	-do-	11-11-1990	-do-	08	-
24	Munawar Shah	L/Dir	03-10-1971	Metric	Trained	-do-	11-11-1990	-do-	08	-

19

ANNEXURE: F

20

25	Shah Hussain	L/Dir	15-01-1971	M.A	-do-	Trained	17-12-1991	-do-	08	-
26	Lal Bacha	L/Dir	15-04-1969	Metric	-do-	Un-trained	17-12-1991	-do-	08	-
27	Ali Muhammad-II	L/Dir	20-01-1971	Metric	-do-	Trained	17-11-1990	-do-	08	-
28	Khaista Nabi	L/Dir	12-02-1969	B.A	-do-	Un-trained	18-12-1989	-do-	08	-
29	Fazli Rabi	U/Dir	16-04-1970	Metric	-do-	-do-	21-02-1989	-do-	08	-
30	Fakhr Ul Islam	L/Dir	17-02-1961	F.A	-do-	Trained	12-15-1981	-do-	08	-
31	Muhd: Rahman-II	L/Dir	30-12-1958	F.A	-do-	Un-trained	12-12-1989	-do-	08	-
32	Abdul Jamil	L/Dir	15-06-1965	F.A	-do-	-do-	15-03-1982	-do-	08	-
33	Parvez	L/Dir	16-03-1964	M.A	-do-	-do-	15-06-1983	-do-	08	-
34	Hazrat Muhammad	L/Dir	03-07-1965	Metric	-do-	-do-	05-05-1984	-do-	08	-
35	Ahmad Wahid Jan	L/Dir	01-01-1964	Middle	Un-Trained	-do-	16-06-1983	-do-	08	-
36	M. Zahir Shah	U/Dir	11-05-1961	Metric	-do-	-do-	18-02-1988	-do-	08	-
37	Ahmad Hussian	L/Dir	04-08-1965	B.A	Trained	-do-	21-02-1988	-do-	08	-
38	Muhd: Naeem	L/Dir	01-01-1963	Metric	Un-trained	-do-	01-03-1988	-do-	08	-
39	Mueen- Ud-Din	L/Dir	24-03-1967	M.A	Trained	-do-	05-03-1988	-do-	08	-
40	Jamshid -II	L/Dir	01-01-1970	Metric	Un-Trained	-do-	05-04-1988	-do-	08	-
41	Wahid Zaman	L/Dir	23-03-1968	Metric	Trained	-do-	27-11-1989	-do-	08	-
42	Hukam Pass	U/Dir	01-06-1960	Metric	-do-	-do-	15-02-1982	-do-	08	-
43	Muhamad Yaseen	L/Dir	1960	Metric	Un-Trained	-do-	04-04-1988	-do-	08	-
44	Muhammad Farid	L/Dir	15-04-1962	Metric	-do-	-do-	16-04-1988	-do-	08	-
45	Shah Nawaz	L/Dir	01-05-1965	Metric	Trained	-do-	15-12-1988	-do-	08	-
46	Dost Muhammad	L/Dir	20-03-1971	Metric	Un-trained	-do-	05-11-1989	-do-	08	-
47	Muhammad Jan	L/Dir	04-12-1960	B.A	-do-	-do-	26-04-1988	-do-	08	-
48	Ibrahim Khan	L/Dir	02-01-1965	Metric	Trained	-do-	01-08-1988	-do-	08	-
49	Farman Ullha	U/Dir	02-02-1987	Metric	Un-trained	-do-	05-07-2007	-do-	08	-
50	Ihsan Ullah	L/Dir	02-02-1963	Metric	-do-	-do-	04-04-1988	-do-	08	-
51	Ghulam Mustafa	L/Dir	03-08-1969	Metric	-do-	-do-	19-06-1990	-do-	08	-
52	Rahmat Jan	L/Dir	13-01-1090	Metric	-do-	-do-	06-11-2009	-do-	08	-
53	Shahzada	L/Dir	14-04-1965	Metric	Trained	-do-	27-12-1987	-do-	08	-
54	Raza Khan	L/Dir	09-04-1968	F.A	-do-	-do-	21-02-1988	-do-	08	-
55	G. Hussain-II	U/Dir	21-03-1975	Metric	Un-trained	-do-	04-01-2007	-do-	08	-
56	Irfan Uddin	L/Dir	01-06-1982	Metric	-do-	-do-	10-01-2007	-do-	08	-
57	Afzal Ahmad	L/Dir	08-08-1992	F.Sc	Trained	-do-	06-10-2011	-do-	08	-

Attended
By
(Signature)
Dargah Ahmad
Admitt.

58.	Abdullah Hassan	L/Dir	12-01-1995	F.Sc	Un-trained	-do-	12-05-2016	-do-	08	-
59	Rahim Shah	L/Dir	14-04-1974	Metric	-do-	-do-	21-09-2016	-do-	08	-
60	Nisar Wahid	L/Dir	05-01-1972	Metric	-do-	-do-	23-11-1989	-do-	08	-


Divisional Forest Officer
Lower Dir Forest Division
Timergara

No. 4802-4804/E, dated Timergara the 02/04/2018.

Copy forwarded to all Sub Divisional Forest Officer in Lower Dir Forest Division for information and necessary action.

They are requested to circulate the seniority list amongst the Forest Guards and report the observations/omissions if any within a period of 30 days most positively.

Divisional Forest Officer
Lower Dir Forest Division
Timergara

Attested
By 
Qasim Farid Ahmad
Admnstr.

21

منجانب ایڈوانٹ

2018

مورخہ 09 ماہ اپریل

بنام "پورٹنٹ آئی خیر الختونی فواد سروس ٹریڈینگز لیٹاڈ"

مقدمہ خالد خان

دعوئی سروس اپریل

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنے طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام پشاور / کمپین کورٹ سوانج کے لئے قاضی خیر احمد ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے جواب دہیا اور اقبال دعوئی اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف اپیل کی برآمدگی اور منسوخ مذکور کے مکمل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہوتو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

Accepted By

2018

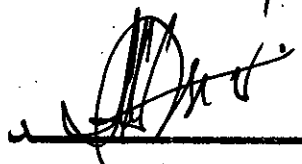
ماہ اپریل

المرقوم 09



العبد

گواہ شد



العبد

خالد خان ولد محمد خان

Darzi Farid Ahmad Advocate

العبد

گواہ شد

العبد

بنام پشاور / کمپین کورٹ سوانج کیلئے منظور ہے۔

(1)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

SERVICE APPEAL NO.546/2018

KHALID KHAN FOREST GUARD

SHAMARDIN FOREST CHECK POST

OF FOREST SUB DIVISION TIMERGARA.....APPELLANT.

VERSUS.

1. GOVERNMENT OF KHYBER
PAKHTUNKHWA THROUGH
SECRETARY FORESTRY, ENVIRONMENT
& WILDLIFE DEPARTMENT PESHAWAR.
2. CHIEF CONSERVATOR OF FORESTS,
MALAKAND FORES REGION-III SAIDU
SHARIF SWAT.
3. CONSERVATOR OF FORESTS,
MALAKAND WEST FOREST CIRCLE
AT TIMERGARA LOWER DIR.
4. DIVISIONAL FOREST OFFICER
LOWER DIR FOREST DIVISION
AT TIMERGARA LOWER DIR.
5. SUB DIVISIONAL FOREST OFFICER
JANDOOOL FOREST SUB DIVISION
AT SAMARBAGH..RESPONDENTS.

(2)

SERVICE APPEAL UNDER SECTION 4
OF THE SERVICE TRIBUNAL ACT 1974.

PARA WISE COMMENTS/WRITTEN REPLY
ON BEHALF OF RESPONDENT NO.1 TO 5.

RESPECTFULLY SHEWEETH.

The Respondents No.1 to 5 respectfully submit as under :-

PRELIMINARY LEGAL OBJECTION.

- a) That the appellant has no cause of action or locus standi to file the instant appeal, as such the same is liable to be dismissed.
- b) That the appellant filed departmental representation/appeal against the office order No.54 dated 18/12/2017 issued by respondent No.4 on the recommendation of Enquiry Committee after going through the record of the all incumbent as such appeal is not maintainable and liable to be dismissed.(Copy is attached)
- c) That without prejudice to the above the order dated 18/12/2017 has been challenged with out lawful justification no ground has been mentioned on the basis of which the order has been challenged, as such it is evident that the appeal is based on mala fide and liable to be dismissed.
- d) That the appellant filed departmental appeal which was hopelessly time barred as such in the circumstances the present appeal is also not maintainable and liable to be dismissed on this ground alone.

FACTS.

- 1) That the contents of Para No. 1 pertain to record.
- 2) That the contents of Para No.2 are denied. The appellant concealed the facts from this Hon'ble tribunal, the fact is clearly mentioned in the office order whereby the appellant was suspended on account of willful absence from Government duty on 07-08/10/2017 due to which three trucks loaded with FDC timber from Chitral to Chakdara on expire challans whereas due to absence one truck (Dumper) loaded with 106 illicit scants of kail species which was apprehended by the SDFO Timergara on 29/09/2017 as such the averment contrary to the above are denied.
- 3) That the contents of Para No.3 are not denied to the extent of show cause on the basis of above mentioned charges but rest of the contents are vehemently denied. The reply to the show cause was not satisfactory even the contradiction is clear on personal hearing as such the order was passed according to the law.
- 4) That the contents of Para No.4 are not denied to the imposition of penalty and passing of the office order No.54 dated 18/12/2017, rest of the contents are denied, all the legal course was adopted before passing of the order.
- 5) That the contents of Para No.5 are denied, the departmental appeal of the appellant before competent authority was some thing else even the allegations which were proved during the course of enquiry were not challenged and an other concocted story was narrated as such the appellant used the present appeal as tool of pressure on the department and nothing else.
- 6) That the contents of Para No.6 are denied, no ground is available to the appellant to challenge the lawful order before this Hon'ble tribunal. Moreover the respondents No.1 to 5 reserve their right to argue any other point at the time of hearing of this appeal with the permission of this Hon'ble tribunal.

REPLY TO THE GROUNDS OF APPEAL

- A) That the contents of ground (a) is incorrectly mentioned, the appellant was given opportunity of written reply to the show cause notice and further detail opportunity of personal hearing was provided and was also associated with enquiry procedure as such the question of condemned unheard does not arise.
- B) That the contents of ground (b) is also denied, the appellant being Government servant was duty bound to remain on check post and due to his negligence there was heavy loss to public exchequer as such he was rightly punished in a due course of law.
- C) That the contents of ground © is vehemently denied, detail has been given in the grounds supra.
- D) That the contents of ground (d) is denied, detail has been given in reply above, however the appellant was given full-fledged opportunity but he failed to reply satisfactorily as such due course was adopted against the appellant.
- E) That the contents of ground (e) is denied, the penalty was imposed according to the law.
- F) That the contents of ground (f) is denied, the allegations were crystal clear proved on record.
- G) That the contents of ground (g) is denied, no question of fact was involved as such leading of evidence was highly uncalled for. The charge was not only proved but the same was supported by concrete sort of evidence i.e interception of the truck, dumper and unlawful absence from the duty which goes against the appellant.
- H) That the contents of ground (h) is denied, the story is not known to the law and jurisprudence rather the story of ground H is against the appellant and sufficient for dismissal of the appeal.

(5)


- I) That the contents of ground (i) is denied, every thing has been done according to the law and rules.
- J) That the contents of ground (J) is denied. As replied above.
- K) That the contents of ground (K) is denied. It is very astonishing that the appellant relied on the affidavit of smuggler which mean that the appellant is in league with the timber smuggler i.e. the appellant relied on his affidavit and show himself innocent this ground is sufficient for further enhancement of penalty to that of capital one.
- L) That the contents of ground (L) is denied, this would be imagination of appellant, he is involved in trafficking of timber with the collusion of timber mafia as such the appellant willfully and unlawfully absent from the duties and there is no provision of routine station leave nor station leave turn by turn being managed by mutual understanding of the staff is available in the law as such he is liable to be dealt for capital penalty on the face of the record by this Hon'ble tribunal.

It is accordingly respectfully prayed that the appeal being misconceived, may kindly be ordered to be dismissed with cost in the interest of justice.

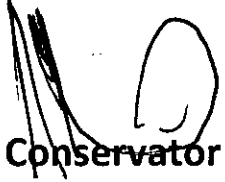
Respondent No. 1 to 5.

(6)

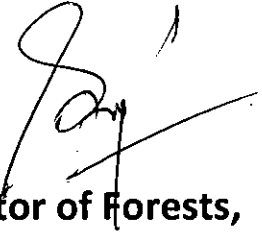
Respondent No.1


Government of Khyber
Pakhtunkhwa through Secretary
Forestry, Environment & Wildlife,
Department Peshawar.


Respondent No.2


Chief Conservator of Forests,
Malakand Forest Region-III
At Saidu Sharif Swat.


Respondent No.3


Conservator of Forests,
Malakand West Forest Circle,
At Timergara Lower Dir.

Respondent No.4


Divisional Forest Officer
Lower Dir Forest Division
At Timergara Lower Dir.

Respondent No.5


Sub Divisional Forest officer
Jandool Forest Sub Division
At Samarbagh.

**OFFICE ORDER NO. 54 DATED TIMERGARA THE 18 /12/2017 ISSUED BY
MUHAMMAD SALEEM KHAN MARWAT DIVISIONAL FOREST OFFICER LOWER DIR
FOREST DIVISION TIMERGARA.**

READ WITH

1. DFO Lower Dir letter No.1561/G&L, dated 06.10.2017.
2. DFO Lower Dir letter No.1601/G&L, dated 09.10.2017.
3. DFO Lower Dir office order No.30 dated 09.10.2017.
4. DFO Lower Dir office order No.35 dated 17.10.2017.
5. SDFO Timergara letter No.96-97/T, dated 01.11.2017.
6. SDFO Timergara letter No.79/T, dated 10.10.2017.
7. Charge Sheet served on the accused official.
8. Reply/Personal Hearing of the accused official.
9. Enquiry Report of Enquiry Officer.

BACK GROUND OF THE CASE.

The accused official Mr.Khalid Khan Forest Guard while posted on Shammardin Forest Check Post was placed under suspension vide DFO Lower Dir office order No.30 dated 09.10.2017 on account of willful absence from government duty on 7-8/10/2017, resultantly releasing three (03) trucks loaded with FDC Timber consignment of Chitral to Chakdara on expired challans. Similarly, a truck (Dumper) loaded with 106 illicit scants of Kail species and subsequently apprehended by SDFO Timergara and his staff on 29/09/2017 at Odigram Bridge. Accordingly the accused official was Charge Sheeted and the Enquiry was entrusted to Mr.Nadar Khan SDFO Jandool vide DFO Lower Dir office order No.35 dated 17/10/2017. The accused official was proceeded under E&D Rules, 2011 and charged for the following:

- i. In efficiency.
- ii. Misconduct.
- iii. Corruption.

DISCUSSION.

The Enquiry Officer obtained written reply of the accused official to the Charge Sheet served upon him and recorded personal hearing on 25/10/2017. The Enquiry Officer while conducting enquiry stated that there is contradiction in the written reply to the Charge Sheet and verbal statement by the accused official with regard to smuggling of timber. So far absence from government duty is concerned, it was found that the accused official was on routine leave but failed to produce prior permission from the competent authority nor there is any provision for routine leave.

The Enquiry Officer has recommended the accused official Mr.Khalid Khan Forest Guard for Minor Penalty. Thus the accused was served with Show Cause notice bearing No.2776-78/Acctt, dated 29.11.2017. Accordingly the accused official submitted his reply to the Show Cause notice and also conducted personal hearing on 14.12.2017 in the instant case.

From perusal of the record it was found that the said accused official failed to advance any statement in his defense and repeated the verbal and written statements previously furnished before the Enquiry Officer.

CONCLUSION.

The case was examined from various angles and found contradiction in the written statement and personal hearing regarding apprehension of illegal timber on 29.09.2017 and absence from government duty on 7-8/10/2017, besides the accused official admitted his in-efficiency before the undersigned while conducting personal hearing on 14/12/2017.

ORDER:

On the basis of the above facts I Mr. Muhammad Saleem Khan Marwat Divisional Forest Officer Lower Dir Forest Division Timergara (Competent Authority) found the accused official viz Mr. Khalid Khan Forest Guard guilty of the charges of Mis-conduct and In-efficiency, is hereby awarded minor penalty of with holding further promotion for period of two (02) years along-with holding of two (02) annual increments for two (02) years i.e 2017 and 2018 without accumulative effect. He is further warned to be careful in future.

Sd/-
(Muhammad Saleem Khan Marwat)
Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

No 3082-86/G,

Copy forwarded for favour of information to the:

1. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat.
2. Conservators of Forests Malakand West Circle Timergara.
3. SDFO Jandool/Timergara for information and necessary action.
4. Mr. Khalid Khan Forest Guard C/O SDFO Timergara.
5. Divisional Accountant for information and necessary action.


Divisional Forest Officer,
Lower Dir Forest Division
Timergara

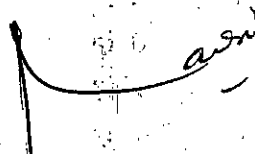
546/118

خالد خان

(3)

CHARGE SHEET

- 1) That Mr. Khalid Khan Forest Guard (BPS-08) while posted on Shamardin Forest Check Post, committed the following irregularities:-
 - i) Where as you were called upon to explain your position regarding smuggling of timber through Truck having/loaded with illicit scants of Kail species apprehended by SDFO Timergara and his staff on 29.09.2017 at Odegram bridge and subsequently the timber seized in favour of Government vide DFO Lower Dir office letter No.1561/G&L, dated 06.10.2017 and No.1601/G&L, dated 09.10.2017 and SDFO Timergara letter No.78-79/T, dated 10/10/2017 but with no response from you which clearly shows your active involvement and connivance with timber smugglers.
 - ii) Similarly you were found absent on 07-08/10/2017 from Government duty without any prior approval from the competent authority and three truck loaded with FDC timber consignment of Chitral to Chakdara were released on expired challans. Which tantamount to In-efficiency, Mis-conduct and corruption.
- 2) By reason of the above, you appear to be guilty of in-efficiency, mis-conduct and corruption under Rules-3 of Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid.
- 3) You are therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the enquiry officer/committee, as the case may be.
- 4) Your written defence, if any, should reach to the enquiry officer/committee within the specified period, failing which it will be presumed that you have no defence to put in and that cases exparte action shall be taken against you.
- 5) Intimate whether you desired to be heard in person.
- 6) Statement of allegation is enclosed.


Competent Authority

DISCIPLINARY ACTION

1- Whereas I Mr. Muhammad Saleem Khan Marwat Divisional Forest Officer, Lower Dir Forest Division Timergara as competent authority, am of the opinion that Mr.Khalid Khan Forest Guard has rendered himself liable to be proceeded against as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i) Where as you were called upon to explain your position regarding smuggling of timber through Truck having/loaded with illicit scants of Kail species apprehended by SDFO Timergara and his staff on 29.09.2017 at Odigram bridge and subsequently the timber seized in favour of Government vide DFO Lower Dir office letter No.1561/G&L, dated 06.10.2017 and No.1601/G&L, dated 09.10.2017 and SDFO Timergara letter No.78-79/T, dated 10/10/2017 but with no response which clearly shows your active involvement and connivance with timber smugglers.
- ii) Similarly you were found absent on 07-08/10/2017 from Government duty without any prior approval from the competent authority and three truck loaded with FDC timber consignment of Chitral to Chakdara were released on expired challans. Which tantamount to In-efficiency, Mis-conduct and corruption.

2- For the purpose of inquiry against the accused with reference to the above allegations an inquiry Officer is appointed under Rule-10(a) of the ibid Rules.

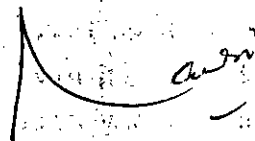
Mr. Nadar Khan SDFO Jandool.

- 3- The inquiry Officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty (30) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
- 4- The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry Officer.


 Divisional Forest Officer,
 Lower Dir Forest Division,
 Timergara

CHARGE SHEET

- 1) That Mr. Muhammad Rahman-II Forest Guard (BPS-08) while posted on Shamardin Forest Check Post , committed the following irregularities:-
 - iii) Where as you were called upon to explain your position regarding smuggling of timber through Truck having/loaded with illicit scants of Kail species apprehended by SDFO Timergara and his staff on 29.09.2017 at Odigram bridge and subsequently the timber seized in favour of Government vide DFO Lower Dir office letter No.1561/G&L, dated 06.10.2017 and No.1601/G&L, dated 09.10.2017 and SDFO Timergara letter No.78-79/T, dated 10/10/2017 but with no response from you which clearly shows your active involvement and connivance with timber smugglers.
 - iv) Similarly you were found absent on 07-08/10/2017 from Government duty without any prior approval from the competent authority and three truck loaded with FDC timber consignment of Chitral to Chakdara were released on expired challans. Which tantamount to In-efficiency, Mis-conduct and corruption.
- 2) By reason of the above, you appear to be guilty of in-efficiency, mis-conduct and corruption under Rules-3 of Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid.
- 3) You are therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the enquiry officer/committee, as the case may be.
- 4) Your written defence, if any, should reach to the enquiry officer/committee within the specified period, failing which it will be presumed that you have no defence to put in and that cases exparte action shall be taken against you.
- 5) Intimate whether you desired to be heard in person.
- 6) Statement of allegation is enclosed.


Competent Authority

DISCIPLINARY ACTION

- 1- Whereas I Mr. Muhammad Saleem Khan Marwat Divisional Forest Officer, Lower Dir Forest Division Timergara as competent authority, am of the opinion that Mr. Muhammad Rahman-II Forest Guard has rendered himself liable to be proceeded against as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011.

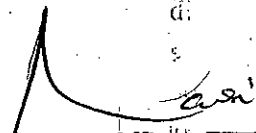
STATEMENT OF ALLEGATIONS

- I- Where as you were called upon to explain your position regarding smuggling of timber through Truck having/loaded with illicit scants of Kail species apprehended by SDFO Timergara and his staff on 29.09.2017 at Odigram bridge and subsequently the timber seized in favour of Government vide DFO Lower Dir office letter No.1561/G&L, dated 06.10.2017 and No.1601/G&L, dated 09.10.2017 and SDFO Timergara letter No.78-79/T, dated 10/10/2017 but with no response which clearly shows your active involvement and connivance with timber smugglers.
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- 2- For the purpose of inquiry against the accused with reference to the above allegations an inquiry Officer is appointed under Rule-10(a) of the ibid Rules.

Mr. Nadar Khan SDFO Jandool.

- 3- The inquiry Officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty (30) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
- 4- The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry Officer.


 Divisional Forest Officer,
 Lower Dir Forest Division,
 Timergara

(49)

بخدمت جناب انکوآری آفیسر صاحب / SDFO صاحب جندول

عنوان: جواب چارج شیٹ / شیمنٹ آف الیکشنز مشمولہ SDFO TM چھٹی نمبر 22-1820

جناب عالی!

گزارش ہے کہ چھٹی مذکورہ بالا کے ساتھ مشمولہ چارج شیٹ / شیمنٹ آف الیکشن کے متعلق وضاحتی بیان

ذیل میں پیش خدمت ہے۔

۱۔ یہ کہ میں عرصہ 31 سال سے محکمہ ہذا میں بحیثیت فارسٹ گارڈ خدمات انجام دے رہا ہوں۔ میں نے اپنی پوری ملازمت کے دوران پوری ایمانداری اور دیانت داری کے ساتھ اپنے فرائض انجام دے ہیں۔ اور کبھی افسران بالا کو شکایت کا موقع نہیں دیا ہے۔ جس کے لئے میرا ریکارڈ شاہد ہے۔ شیمنٹ آف الیکشن کے پیرا نمبر ۱ کے متعلق عرض ہے کہ جیسا کہ میں نے اپنے پہلے جواب میں واضح کیا ہے کہ میں نے چیک پوسٹ پر پوری مستعدی کے ساتھ ڈیوٹی انجام دی ہے اور کوئی گاڑی / نمبر لوڈ سپیران واہ گزار نہیں ہوئی ہے جس کا میں دتوق کیساتھ حلفیہ یقین دلاتا ہوں۔

پیرا نمبر ۲ کے متعلق عرض ہے کہ وقوعہ کی دن میری بیٹی کی شادی تھی جس میں میری موجودگی ضروری تھی۔ اس لئے میں نے جناب SDFO صاحب سے ٹیلیفون پر رخصت لی تھی۔ نیز FDC کے ٹرک اسی چالانوں پر دو ضلعوں سے ہو کر آئے تھے۔ میں اپنے مندرجہ بالا بیان کے تائید میں زبانی وضاحت بھی کرنا چاہتا ہوں موقع دیا جائے۔

عین نوازش ہوگی۔

مورخہ 23-10-2017

العارض

خالد خان فارسٹ گارڈ
شہر دین فارسٹ چیک پوسٹ میر کولمب ڈویژن

جنا۔ انکوائری افسر صاحب SDFO سندھ

مضمون۔ وفاقہ میں بیان یافتہ چارج شیٹ

توالہ چھٹی نمبر 04-01 مورخ 17/10/17

جنا۔ عالی۔ گذارشات۔ ذیل ہے۔

(i) سائل عمریہ ڈوسٹال سے سمجھ میں چیک پوسٹ پر ایسی ڈوسٹال اخام دے رہا تھا جس دوران وفاقہ میں کسی قسم کی کوئی کارکن نہیں تھا۔ اور یہی اس کے علاوہ کسی قسم کی شکایت کا باعث بنا ہے۔ وقوعہ کے وقت بھی سائل چیک پوسٹ پر ایسی ڈوسٹال لوری آیا نہ رہی کہ ساتھ ساتھ جلیہ جاری نہ کرے۔ چیک پوسٹ سے بھی طویل مابعد پر مقام اور ڈوسٹال میں پکڑی گئی ہے۔ چیک سے بھی رٹا طرہ کے شکایت موجود ہے۔ دیگر کارروائی سے نہ رہے جس میں مابعد ڈوسٹال کے دوران رہا رہا اور اس کے علاوہ کوئی کارکن نہ تھا۔ اس کے علم میں ہے اور عمریہ کے اس لیے اس طرح کے کسی مابعد عمریت میں بار نہ ہو۔ میں سن کر اس سے کچھ نہیں ہے کہ مابعد ڈوسٹال لکری چیک پوسٹ سے نہیں لوری بلکہ رٹا طرہ کے کسی مقام سے لورڈ شہر ہے۔

درج بالا وجوہات کے روشنی میں سائل عمریہ پر لوری کے اچھے اچھے اسرار سے ہر ایک لورڈ شہر پر لورڈ شہر کے مابعد سائل اور وفاقہ میں ایسی کوئی کارکن نہیں تھا اور وفاقہ میں کسی قسم کی کارکن نہیں تھا۔ مورخ 07/10/17 کو سائل چیک پوسٹ ڈوسٹال کا لورڈ شہر اور نقل ڈوسٹال پر لورڈ شہر اور مقام کو روٹیں کی چھٹی نمبر آج اور 08/10/17 کو سائل میں لکری کے باعث مابعد اس میں چیک سے چھٹی نمبر ڈوسٹال کا مقام ہے۔

بہر سائل کو زمانہ طوری کے سب سے کاموں میں مدد دینا چاہئے اور سائل اسی درجہ میں رہے
مزا بعد پیش کردہ ممالک محفوظ رکھتے رہے

مستند
مستند
مستند

الغرض

سوال نمبر 1 - تھپارا ڈیوٹی کیا ہے؟

جواب :- تھپارا ڈیوٹی لکھنؤ میں ٹارگٹ چھڈ پوسٹ ہے۔

سوال نمبر 2 :- 17-9-99 پر ٹرک اور ڈراما ڈیل پر ملتا آیا ہے۔ کیا تم اسی دن ڈراما ڈیل کرتے تھے؟

جواب :- جی ہاں میں اسی دن چھڈ پوسٹ پر ڈیوٹی سر انجام دے رہا تھا۔

سوال نمبر 3 :- کیا راجہ درائے فریڈلٹ میں کنٹرول درج تھا؟ جو کہ ہے جس کو ٹارگٹ کرتے ہوئے سٹیشن ڈھلائی کرتے ہیں۔

جواب :- جی جھٹے پتہ نہیں ہے۔

سوال نمبر 4 :- آپ نے اپنے پراجیکٹ آف میں کہا کہ اس سے نذر فیہ چھپتا ہے۔
سیلیبران کی ڈھلائی کا ذکر کیا آیا ہے۔ آیا یہ سٹیشن ہے۔

جواب :- جی جھٹے پتہ نہیں ہے لیکن ایسا ہی سٹیشن میں آیا ہے۔

سوال نمبر 5 :- ناظم ٹکڑی جو کہ مقام اور ڈراما ڈیل کے تھے اسی ہی بارے میں آپ سے وضاحت طلب کی تھی کیا آپ نے اس کا وضاحت دیا ہے؟

جواب :- جی ہاں میں نے جواب طلبی کی وضاحت ہر وقت دیا۔ SDFO 7/9/2017

سوال نمبر 6 :- حورم 7/8/10/2017 پر آپ اپنے ڈیوٹی سے غیر حاضر پائس کیے۔ اس کی نوٹسوں ضابطہ کنٹریولنگ نے بھی کیا ہے اور ساتھ ہی اور ناظم میں اپنے تاثرات درج کیے تھے؟

جواب :- جی ہاں میں 10/07/2017 پر میں اسی ڈیوٹی پر موجود تھا اس کی جو کوئی تاثرات

میں نے اس دن میں بیان کر لیا جس کے ثبوت میں نے اپنے جواب کے ساتھ لکھ دیا ہے۔

18- کیا آپ یہ بتا سکتے ہیں کہ روٹیں کی چھٹی ٹوٹی قانونی صفت رکھتی ہے۔
یہ استدلال ہے کہ یہ سلسلہ چلا آ رہا ہے جو کہ احقران ہمارے نوٹس میں
ہے۔

سوال نمبر 18- کیا 29/17 پر آپ آئیے ڈیوٹی کرتے، یا ٹوٹی اور سالی موجود ہے۔
3- میں آئیڈل ڈیوٹی پر تھا۔ اور سائنڈ ہی اس کا اطلاع میں ہے SDFO صحت
کو بھی دیا تھا۔

تصدیق کی جاتی ہے کہ درج بالا سوالات اور جوابات میرے نوٹس
کی آئی جی جی کے مطابق درست اور صحیح ہے۔

Muhammad
Mr. Muhammad Rahman-II
Forest Guard.

W035 Question in Connection with Engineering

Proceedings against Khalid Khan B. Muhammad
Lekman B. Ahmad B. and Nassir Bar
Registration on 25-10-2017.

Q-1 Muhammad Lekman B. do you have any
cross Question
Ans. I have no cross Question.

~~Q-2~~ 5/10/2017

Q-2 When did Khan do your law any
cross Question
Ans. I have no Question.

~~Q-3~~ 3/10/2017

Q-3 Do you have any cross Question.
Ans. I have no any cross Question.

3/10/2017

3/10/2017

Q. 6 Do you have any more questions

Ans. I have no more questions

H. P. Das

10/11/19

DUTY

67

ENQUIRY REPORT AGAINST M/S KHALID KHAN, MUHAMMAD RAHMAN-II, AFZAL AHMAD FOREST GUARDS AND NASIB DAR BARRIER MAN.

READ WITH:-

1. Divisional Forest Officer Lower Dir letter No.1561/G&L, dated 06.10.2017
2. Divisional Forest Officer Lower Dir Office Order No.30 dated 09.10.2017.
3. Divisional Forest Officer Lower Dir letter No.1601/G&L, dated 09.10.2017.
4. SDFO Timergara letter No.78-79/T, dated 10.10.2017.
5. Divisional Forest Officer Lower Dir Office Order No.35 dated 17.10.2017.

BRIEF HISTORY OF THE CASE:-

M/S Khalid Khan, Muhammad Rahman-II, Afzal Ahmad Forest Guards and Nasib Dar Barrier Man were placed under Enquiry proceeding on account of illegal transportation of timber through Truck No.1125-E dated 29.09.2017 and subsequently apprehended at Odegram bridge by SDFO Timergara and his staff and recovered 106 Nos of Kail scants =357.94 cft. Similarly they were also found absent from Government duty on dated 7-8/10/2017. Resultantly, the under signed appointed Enquiry Officer to probe into the matter vide Divisional Forest Officer Lower Dir Forest Division Office Order No.35 dated 17/10/2017.

PROCEEDING:-

The accused officials were directed to submit their written replies to the Charge Sheet/statement of allegations and appear before the Enquiry Committee on 25.10.2017 vide letter No.1-4/Camp, dated 17.10.2017. The said accused officials submitted their written replies and also appeared before the Enquiry Officer. The replies furnished by the accused officials as well as personal hearing conducted are discussed one by one.

DISCUSSION:-

1. Mr.Khalid Khan Forest Guard.

The reply as well as examination of the accused official were scrutinized in length where as he stated in his reply to the charge sheet that no illegal timber has crossed Shamerdir Forest Check Post while during personal hearing he stated that he was on routine leave. Hence contradiction was found in written and verbal statement. So far, absence from duty is concerned both his written and verbal statement reveals that he was on routine leave which was also brought in the notice of SDFO concerned. Although there is no provision of routine duty under the rules, as well as he failed to produce prior written permission from the competent authority.

2. Muhammad Rahman-II Forest Guard.

The written reply to the charge sheet of the accused official was perused and it was stated the timber in question apprehended at far distance from Shamardin Forest Check Post moreover he stated that below Check Post there is Rabat Forest exists and further added that the illegal timber trade from Karo Valley to down area through Mules are common practice as well as that the said illegal timber was loaded from Rabat. Whereas, during personal hearing he totally denied the smuggling from Karo Dara and Rabat. Hence there is clear contradiction in his written and personal hearing statement. So far absence from duty on 7-8/10/2017 is concerned, the accused official stated both in writing and verbal statement that he was on routine leave. There is no provision of routine leave besides he could not produce written permission from the competent authority.

3. Afzal Ahmad Forest Guard.

In written reply the accused official stated that he has performed his duty well and no illegal timber crossed the Check-Post during his duty timing and similarly, he stated in personal hearing that he was performing his duty midnight up to 12.00 PM and during his duty period he has not released any illegal timber. He further added that after 12.00 PM he has entrusted the Check Post duty to Mr. Muhammad Rahman-II Forest Guard. So far absence from duty on 7-8/10/2017 is concerned, the accused official stated both in writing and verbal statement that he was on routine leave. There is no provision of routine leave besides he could not produce written permission from the competent authority.

4. Nasib Dar Barrier Man.

The accused official stated in his written and verbal statements that he was on leave on the night of apprehension of illegal timber due to illness of his child. So far released C FDC timber consignment on expired challan is concerned he stated that there was no official present at Check Post. However, the period was in hand in transport pass and the challan was not minded. There is no provision of routine duty he could not produce written permission from the competent authority. Furthermore, release of FDC timber on expired challan is against his job description.

5. Rafiqullah SDFO Timergara.

For further clarification with regard to apprehension of timber, the SDFO Timergara was requested through letter dated 31.10.2017 to clarify the following points/questions:-

- i. Timing of apprehension of illegal timber.
- ii. Place from where they were chasing the illegal timber.
- iii. Collection/obtained of illegal timber, place or otherwise.

In response to the above, the SDFO Timergara replied vide his letter No.96-977 dated 01.11.2017 with the following answer:-

Answer:-

- i. The illegal timber/Dumper was apprehended at 3.00 Am at Night.
- ii. We were chasing from location Rani.
- iii. Reportedly the Dumper was loaded at Gopalam and the timber were collected from Tomang and Karo valleys.

Finding:-

From perusal of relevant record i.e Charge Sheet, Statement of Allegation, Written replies of the accused official as well as personal hearing conducted in the instant case it was ascertained that:-

1. There is contradiction in the written statement and personal hearing statement regarding apprehension of illegal timber, while on 7-8/10/2017 he was found absent.
2. The written statement to the charge sheet/statement of allegation and verbal statement (personal hearing) furnished by Muhammad Rahman-II Forest Guard having variations pertaining to apprehension of illegal timber. Furthermore, as stated by Afzal Ahmad Forest Guard that the duty was entrusted to Muhammad Rahman-II Forest Guard after 12.00 P besides it has also clarified by SDFO Timergara that the illegal timber was obtained from Gopalam chasing by them from Rani and subsequently apprehended at Odegram bridge at 3.00 Am. Moreover, the said accused was found absent from his duty on 7-8/10/2017. It is necessary to mention here that there is no illegal timber stock/trade between Shamara Forest Check post and Rani village.

- 83
3. Mr. Afzal Ahmad Forest Guard was present on duty on the date of apprehension of timber i.e. 29.09.2017 at 12.00 PM as verbally stated by him during personal hearing. Therefore, it is understood that the illegal timber was apprehended after his duty turn, whereas the said accused was found absent from Government duty on 7-8/10/2017.
 4. Mr. Nasib Dar Barrier Man was absent from Government duty without any prior approval from the competent authority on 29/09/2017. While he has been released the FDC timber consignment on expired challan as there was no official on duty beside him.

Recommendation:-

From perusal of relevant record i.e. Charge Sheet/Memo of Allegations, written replies of the accused officials, personal hearing statements and questioner responded by SDFC Timergara as well as examination of record from various angles, the undersigned/enquiry officer reached to the conclusion and categories for award of the following penalties:-

Group-I

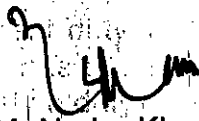
M/S Khalid Khan and Afzal Ahmad Forest Guards for minor penalty.

Group-II

Mr. Nasib Dar Barrier Man may be exonerated from charge of involvement in smuggling of timber and treated without pay on account of his absence from Government duty on 29.09.2017, besides issuing of warning for release of FDC timber consignment on expired challan.

Group-III

Muhammad Rahman-II Forest Guard for major penalty.


Mr. Nadar Khan
Enquiry Officer

SHOW CAUSE NOTICE

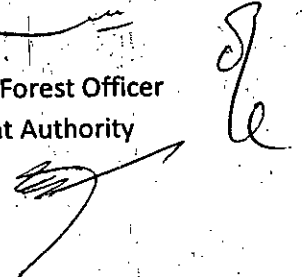
I Muhammad Saleem Khan Marwat, as competent authority under the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) rules, 2001, do hereby serve you, Mr. Muhammad Rahman-II Forest Guard as follows:

- 1- i- That consequent upon the report of enquiry officer constituted vide Divisional Forest Officer Lower Dir Forest Division Timergara Office Order No. 35 dated 07-10-2017, it has been proved that you were found involved in illegal transportation of timber and have active connivance with the timber smuggler which was crossed Shammardin Forest Check Post. Subsequently, the timber apprehended by SDFO Timergara and his party at Odigram Bridge on 29-09-2017.
- ii- Similarly, the charge of absent from Govt. duty on 7-8/10/2017 was also proved against you.
- iii- You have been recommended for major penalty by the enquiry officer.

Keeping in view above enquiry outcome, I am satisfied that you have committed the following acts/omissions specified in Rule – 3 of the said rules:-

- a. In – efficiency
 - b. Misconduct
 - c. Corruption
2. As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty of **Compulsory Retirement** under rule – 4 (b) of the said rules.
 3. You, are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and else intimate whether you desire to be heard in person.
 4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it should be presumed that you have no defense to put in that case an ex parte action should be taken against you.
 5. A copy of the report of committee is enclosed herewith.

Divisional Forest Officer
Competent Authority



SHOW CAUSE NOTICE

I Muhammad Saleem Khan Marwat, as competent authority under the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) rules, 2001, do hereby serve you, Mr. Khalid Khan Forest Guard as follows:-

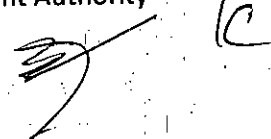
1. i- That consequent upon the report of enquiry officer constituted vide Divisional Forest Officer Lower Dir Forest Division Timergara Office Order No. 35 dated 07-10-2017, it has been proved that you were found absent from Govt: duty on 29/09/2017 and on 7-8/10/2017 wilfully without any prior permission from the competent authority.
ii. You have been recommended for minor penalty by the enquiry officer.

Keeping in view above enquiry outcome, I am satisfied that you have committed the following acts/omissions specified in Rule - 3 of the said rules:-

- a. In - efficiency
- b. Misconduct

2. As a result thereof, I as competent authority have tentatively decided to impose upon you the minor penalty specified under rule - 4 (a) of the said rules.
3. You, are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and else intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it should be presumed that you have no defense to put in that case an ex parte action should be taken against you.
5. A copy of the report of committee is enclosed herewith.

Divisional Forest Officer
Competent Authority



FORM OF ORDER SHEET.

Enquiry proceedings against Mr. Khaliq Khan

Forest Guard (BPS-08).

Personal hearing on 14-12-2017

Sl. No	Date of proceeding	Proceeding
1	14-12-17	<p>سوال: کیا 29 آگست 2017ء میں ریٹائرمنٹ کے لئے درخواستیں جمع کرائی گئیں اور موجود ہیں۔</p> <p>جواب: ہاں۔ اس کے بارے میں ریٹائرمنٹ کے افسر سے پتہ چلے گا۔</p> <p>سوال: کیا آپ نے نوٹس لکھی اور اس کے بارے میں کیا اقدام کیا ہے؟</p> <p>جواب: میں نے اس کے بارے میں نوٹس لکھے ہیں اور اس کے بارے میں سیکشن کے افسر سے پتہ چلے گا۔</p> <p>19۔۔۔ میں نے اس کے بارے میں نوٹس لکھے ہیں اور اس کے بارے میں سیکشن کے افسر سے پتہ چلے گا۔</p> <p>سوال: کیا آپ نے نوٹس لکھے ہیں اور اس کے بارے میں کیا اقدام کیا ہے؟</p> <p>جواب: ہاں۔ اس کے بارے میں نوٹس لکھے ہیں اور اس کے بارے میں سیکشن کے افسر سے پتہ چلے گا۔</p> <p>2۔۔۔</p> <p>فقدان کے بارے میں نوٹس لکھے گئے ہیں اور اس کے بارے میں سیکشن کے افسر سے پتہ چلے گا۔</p> <p>میں نے اس کے بارے میں نوٹس لکھے ہیں اور اس کے بارے میں سیکشن کے افسر سے پتہ چلے گا۔</p> <p>خالد کاظم خان</p>

Ahmed
DPO L/O

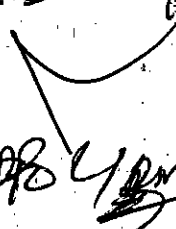
FORM OF ORDER SHEET.

Inquiry proceedings against Mr. Muhammad Rehman Forest Guard (BPS-08).

Personal hearing on 14-12-2017

S.No	Date of proceeding	Proceeding
1)	14-12-2017	<p>1۔ کیا بددعاں سمجھنے والی چیزیں ڈھکے اب کا تعلق اور ساتھ میں موجود تھا یا تم اللہ کا بددعاں سمجھنے والی چیزیں میں درج میں ایسا ڈیوٹی پر تھا۔</p> <p>2۔ ایسا کیا ہے درجہ میں اس کے افعال اگر خالص گا کہ اسے آپ کو درجہ بارہ کے ڈیوٹی پر تھا جو کہ ایسی ایسی باتوں سے جو جو نہیں تھا۔ اس سے کیا اس کے افعال اگر خالص طور پر کو ڈیوٹی پر تھا۔</p> <p>3۔ میں نے درجہ میں کیا ہے اس کے ڈیوٹی کیا تھا کہ میں جب فون پر ایسا ہوں اس کے ڈیوٹی میں نہ تھی اس کے ڈیوٹی کو ڈیوٹی پر تھا۔ اس میں اس کے ڈیوٹی اور اس کے ڈیوٹی میں تھی جس کے ڈیوٹی اس کے ڈیوٹی میں تھی اور اس کے ڈیوٹی اس کے ڈیوٹی میں تھی اور اس کے ڈیوٹی اس کے ڈیوٹی میں تھی اور اس کے ڈیوٹی اس کے ڈیوٹی میں تھی اور اس کے ڈیوٹی اس کے ڈیوٹی میں تھی اور اس کے ڈیوٹی</p>

اس کے ساتھ ساتھ اس کے سوال و جواب کے ساتھ ساتھ
 اس کے ساتھ ساتھ اس کے سوال و جواب کے ساتھ ساتھ

Attested


17/12/17
 محمد رفیق مارشل کمانڈر

OFFICE ORDER NO. 52 DATED TIMERGARA THE 18 /12/2017 ISSUED BY
MUHAMMAD SALEEM KHAN MARWAT DIVISIONAL FOREST OFFICER LOWER DIR
FOREST DIVISION TIMERGARA.

READ WITH

1. DFO Lower Dir letter No.1561/G&L, dated 06.10.2017.
2. DFO Lower Dir letter No.1601/G&L, dated 09.10.2017.
3. DFO Lower Dir office order No.30 dated 09.10.2017.
4. DFO Lower Dir office order No.35 dated 17.10.2017.
5. SDFO Timergara letter No.96-97/T, dated 01.11.2017.
6. SDFO Timergara letter No.79/T, dated 10.10.2017.
7. Charge Sheet served on the accused official.
8. Reply/Personal Hearing of the accused official.
9. Enquiry Report of Enquiry Officer.

BACK GROUND OF THE CASE.

The accused official Mr. Muhammad Rahman-II Forest Guard while posted on Shammardin Forest Check Post was placed under suspension vide DFO Lower Dir office order No.30 dated 09.10.2017 on account of willful absence from government duty on 7-8/10/2017, resultantly releasing three (03) trucks loaded with FDC Timber consignment of Chitral to Chakdara on expired challans. Similarly, a truck (Dumper) loaded with 106 illicit scants of Kail species and subsequently apprehended by SDFO Timergara and his staff on 29/09/2017 at Odigram Bridge. Accordingly the accused official was Charge Sheeted and the Enquiry was entrusted to Mr. Nadar Khan SDFO Jandool vide DFO Lower Dir office order No.35 dated 17/10/2017. The accused official was proceeded under E&D Rules, 2011 and charged for the following:

- i. In efficiency.
- ii. Misconduct.
- iii. Corruption.

DISCUSSION.

The Enquiry Officer obtained written reply of the accused official to the Charge Sheet served upon him and recorded personal hearing on 25/10/2017. The Enquiry Officer while conducting enquiry stated that there is contradiction in the written reply to the Charge Sheet and verbal statement by the accused official with regard to smuggling of timber. So far absence from government duty is concerned, it was found that the accused official was on routine leave but failed to produce prior permission from the competent authority nor there is any provision for routine leave.

The Enquiry Officer has recommended the accused official Mr. Muhammad Rahman-II Forest Guard for Major Penalty. Thus the accused was served with Show Cause notice bearing No.2776-78/Acctt, dated 29.11.2017. Accordingly the accused official submitted his reply to the Show Cause notice and also conducted personal hearing on 14.12.2017 in the instant case.

From perusal of the record it was found that the said accused official failed to advance any statement in his defense and repeated the verbal and written statements previously furnished before the Enquiry Officer.

CONCLUSION.

The case was examined from various angles and found contradiction in the written statement and personal hearing regarding apprehension of illegal timber on 29.09.2017 and absence from government duty on 7-8/10/2017, besides, the charge of smuggling of timber has been proved against the accused official as the illegal timber was obtained from Toormang and subsequently apprehended by SDFO Timergara and his staff at Odigrame Bridge. Furthermore, there is no Forests/illegal stock exists in Rabat.

ORDER.

On the basis of the above facts I Mr. Muhammad Saleem Khan Marwat Divisional Forest Officer Lower Dir Forest Division Timergara (Competent Authority) found the accused official viz Mr. Muhammad Rahman-II Forest Guard guilty of the charges of Misconduct, In-efficiency and Corruption and liable himself to Major Penalty, but keeping in view his long services and poor financial conditions, lenient penalty of with holding his further promotion for the period of two (02) year along-with holding of two (02) annual increments for two years i.e 2017 and 2018 with accumulative effect are imposed upon him. He is further warned to be careful in future.

Sd/-
(Muhammad Saleem Khan Marwat)
Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

No 3072-76 IG.

Copy forwarded for favour of information to the:

1. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat.
2. Conservators of Forests Malakand West Circle Timergara.
3. SDFO Jandool/Timergara for information and necessary action.
4. Mr. Muhammad Rahman-II Forest Guard C/O SDFO Timergara.
5. Divisional Accountant for information and necessary action.


Divisional Forest Officer
Lower Dir Forest Division
Timergara


**OFFICE ORDER NO. 54 DATED TIMERGARA THE 18 /12/2017 ISSUED BY
MUHAMMAD SALEEM KHAN MARWAT DIVISIONAL FOREST OFFICER LOWER DIR
FOREST DIVISION TIMERGARA.**

READ WITH

1. DFO Lower Dir letter No.1561/G&L, dated 06.10.2017.
2. DFO Lower Dir letter No.1601/G&L, dated 09.10.2017.
3. DFO Lower Dir office order No.30 dated 09.10.2017.
4. DFO Lower Dir office order No.35 dated 17.10.2017.
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8. Reply/Personal Hearing of the accused official.
9. Enquiry Report of Enquiry Officer.

BACK GROUND OF THE CASE.

The accused official Mr.Khalid Khan Forest Guard while posted on Shammardin Forest Check Post was placed under suspension vide DFO Lower Dir office order No.30 dated 09.10.2017 on account of willful absence from government duty on 7-8/10/2017, resultantly releasing three (03) trucks loaded with FDC Timber consignment of Chitral to Chakdara on expired challans. Similarly, a truck (Dumper) loaded with 106 illicit scants of Kail species and subsequently apprehended by SDFO Timergara and his staff on 29/09/2017 at Odigram Bridge. Accordingly the accused official was Charge Sheeted and the Enquiry was entrusted to Mr.Nadar Khan SDFO Jandool vide DFO Lower Dir office order No.35 dated 17/10/2017. The accused official was proceeded under E&D Rules, 2011 and charged for the following:

- i. In efficiency.
- ii. Misconduct.
- iii. Corruption.

DISCUSSION.

The Enquiry Officer obtained written reply of the accused official to the Charge Sheet served upon him and recorded personal hearing on 25/10/2017. The Enquiry Officer while conducting enquiry stated that there is contradiction in the written reply to the Charge Sheet and verbal statement by the accused official with regard to smuggling of timber. So far absence from government duty is concerned, it was found that the accused official was on routine leave but failed to produce prior permission from the competent authority nor there is any provision for routine leave.

The Enquiry Officer has recommended the accused official Mr.Khalid Khan Forest Guard for Minor Penalty. Thus the accused was served with Show Cause notice bearing No.2776-78/Acctt, dated 29.11.2017. Accordingly the accused official submitted his reply to the Show Cause notice and also conducted personal hearing on 14.12.2017 in the instant case.

From perusal of the record it was found that the said accused official failed to advance any statement in his defense and repeated the verbal and written statements previously furnished before the Enquiry Officer.

CONCLUSION.

The case was examined from various angles and found contradiction in the written statement and personal hearing regarding apprehension of illegal timber on 29.09.2017 and absence from government duty on 7-8/10/2017, besides the accused official admitted his in-efficiency before the undersigned while conducting personal hearing on 14/12/2017.

ORDER.

On the basis of the above facts I Mr. Muhamamad Saleem Khan Marwat Divisional Forest Officer Lower Dir Forest Division Timergara (Competent Authority) found the accused official viz Mr.Khalid Khan Forest Guard guilty of the charges of Mis-conduct and In-efficiency, is hereby awarded minor penalty of with holding further promotion for period of two (02) years along-with holding of two (02) annual increments for two (02) years i.e 2017 and 2018 without accumulative effect. He is further warned to be careful in future.

Sd/-
(Muhammad Saleem Khan Marwat)
Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

No 3082-86/G,

Copy forwarded for favour of information to the:

1. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat.
2. Conservators of Forests Malakand West Circle Timergara.
3. SDFO Jandool/Timergara for information and necessary action.
4. Mr.Khalid Khan Forest Guard C/O SDFO Timergara.
5. Divisional Accountant for information and necessary action.

Divisional Forest Officer,
Lower Dir Forest Division
Timergara

BEFORE THE CONSERVATOR OF FORESTS MALAKAND
WEST FOREST CIRCLE TIMERGARA (LOWER DIR)

THROUGH PROPER CHANNEL

SUBJECT: DEPARTMENT APPEAL AGAINST OFFICE
ORDER No 54 dated 18.12.2017 ISSUED
BY DFO LOWER DIR FOREST DIVISION TIMERGARA

Respected Sir,

It is humbly stated that -

- 1) The appellant is serving as Forest Guard in Lower Dir Forest Division and presently performed his duty at Shamsudin Forest Check Post of Timergara Forest Sub-Division. The appellant was proceeded under the (Hyber Pakhtunkhwa Govt. Servant (Efficiency and Discipline) Rules, 2011 and minor penalty has been imposed upon the appellant vide Dfo Lower Dir office order mentioned in the subject (Copy enclosed).
- 2) The office order issued by the Dfo is irregular, illegal and not in accordance with the provision of rules and regulations, hence not tenable. The allegations have not be proved with certainty by the Enquiry officer, therefore, the penalty order of the Dfo is irregular and illegal.
- 3) On 29.9.2017, a mini truck loaded with 106 Nos illegal lead shots (394.97 gms) was apprehended by

SDP Tumagara at 03.00 am near Adigran Bridge (Tumagara). The said vehicle was apprehended far away from Skamardin Forest Check Post. However, all the staff posted at Skamardin Forest Check Post including the appellant were suspended and disciplinary proceedings were initiated against all the officials.

(4) It is pointed out that the appellant was on routine station leave on 29.9.2017. The Enquiry officer and the DFO (Authority) has also admitted that the appellant was on routine leave, however, it has been stated that the appellant failed to produce prior written permission of competent authority. Since the appellant was not present at the check post on 29.9.2017, therefore, not involved in any timber smuggling.

As regard the routine station leave is concerned it is an irrefutable fact and open secret of the Department, particularly lower Div Forest Division that all the staff posted on the check posts are availing ~~posters~~ routine station leave turn by turn being managed by the mutual understanding of the check post and no prior approval of DFO or any other authority is in practice, up till now. However, the official on routine station leave remains stand-by for calling any time by the staff for duty, therefore, the routine station leave could not be termed as casual leave or any other leave to obtain prior approval of the competent authority.

5) on 7.10.2017, the appellant was present in the check post which is also evident from the duty register, however, on 8.10.2017, there was wedding ceremony of his daughter and the appellant got leave from SOF, Timergara on phone. The appellant left the check post on 8.10.2017 at 07:00 am and was returned to the station at 08:00 pm. Accordingly the allegation of absence from duty on 7.10.2017 is not based on facts.

6) The penalty imposed upon the appellant is not in accordance with the provision of Khyber Pakhtunkhwa Govt. Servant (Efficiency and Discipline) Rules 2017. The minor penalty as defined vide Rule-4(c) of the said rules is reproduced as under:-
"withholding, for a specific period, promotion or increments, otherwise than for unfitness for promotion or financial advancements, in accordance with the rules or orders pertaining to the Service or P.O."

In the instant case of the appellant, both the penalties i.e. withholding of promotion for two years and withholding of two annual increments have been imposed which is in justice and against the above rules, therefore, the office order of the SPO Lower Dir is irregular, illegal and not tenable.

7) It is pointed out that the appellant was appointed as Forest Guard in 1986 and has successfully

Completed the Forest Guard Training ~~at~~ course from Sukhad Forest School Abbottabad. The appellant has served in the Department for the last 31 YEARS. He has performed his duties perfectly, honestly with the best satisfaction of his Superior Officers and has never indulged in any mal-practices which is also evident from his service record. During his entire service a single explanation has not been called for any negligence / irregularity. The instant case has been initiated and finalized within a days after thought and purposefully in order to deprive the appellant from promotion and promote some Junior Forest Guards of the Division (being their favourite).

8) Respected Sir, presently the name of the appellant stand at serial no. 3 of the Seniority list of Forest Guards of Lower Division while 1st and 2nd positions are holding by Mr. Noor Muhammad and Khurshid Forest Guards. Two posts of Foresters have become vacant due to retirement of Mr. Abdul Kadir and Ibrahim Khan Foresters which are to be filled in through promotion and definitely both the above two Forest Guards will be promoted against the said vacancies. Accordingly the appellant will become on the top of the Seniority list of Forest Guards. Departmental Promotion Committee (DPC) has already been constituted for the purpose and its meeting will be held shortly.

9) It is pointed out that one Mr. Rahim Gul Forester is going to retire on 9.4.2018 on Superannuation and a vacancy of Forester will be arisen accordingly. Since the appellant is deserving for promotion as Forester, keeping in view his long service and excellent service record, therefore, his career has been caused damage at the peak of his ^{Service} ~~career~~ and the promotion of the appellant has been withheld purposefully and after thought so as to provide opportunity to the junior Forest Guards for their promotion out of turn in the Division. From the above facts and figures it is quite clear that some officers/officials of the Division has planned and managed a conspiracy against the appellant to deprive him from his due right of promotion. The action of the DFO is against the name of justice. All the conspirators will definitely come into surface, shortly it will confirm the plea of the appellant.

In view of the explanation furnished above, it is quite clear that the allegations against the appellant are baseless without any solid evidence and hence the appeal may be accepted and office order No. 54 dated 18.12.2017 being illegal and irregular be set aside. The promotion as well as

SUBDIVISION
TIMBERMAN FOREST
FOREST GUARD
KHALID KHAN

DATE 27/019

Advance copy is forwarded to the Comr of Forests, Madhya Pradesh for favour of information and necessary action.

Ward, Madhya Pradesh Forest Sub-Division

Your's obedient servant

arrangements of the appeal and be restored for this act of kindness, the appellant will be highly obliged and thankful to you kind
Yours
Khalid Khan

OFFICE OF THE DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA.

To

The Conservator of Forests,
Malakand Forest Circle West,
Timergara.

No. 4676 /E. Dated Timergara the 26/03/2018.

Subject: DEPARTMENTAL APPEAL BY KHALID KHAN FOREST GUARD AGAINST OFFICE ORDER NO. 54 DATED 18/ 12/2017 ISSUED BY DFO LOWER DIR.

Memo:-

Reference your letter No. 3297/E, dated 11/01/2018.

Para-wise comments on the appeal of the appellant are as under :-

1. It is correct, as per record of this Forest Division.
2. It is correct. As it is evident from his personal hearing and written statement/reply, himself confessed that the truck was apprehended by SDFO Timergara on 29/09/2017 at Wadigram bridge at 3.00 AM, which was loaded with illicit Kail Scants = 106 Nos and cross the Shamardin Forest Check Post with active convince.
3. It is in-dorrect, that the official is replied that I was routine leave on 29/9/2017. With this regard at 0300 AM the illicit load truck of Kail Scants was apprehended and the timer was confiscated and the vehicle was compounded.
4. It is incorrect, that the accused official did not produce Notification/Circular/Rules regarding routine leave, hence the appeal is liable to be dismissed.

It is respectfully prayed that the allegations against the accused official Khalid Khan Forest Guard proved vide Divisional Forest Officer Lower Dir Forest Division office order No. 54 dated 18/12/2017 is rightly been issued and imposed the penalty. Therefore, the appeal of the appellant may kindly be dismissed in the interest of justice.

Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

BEFORE THE CONSERVATOR OF FOREST MALANG WEST FOREST CIRCLE

THROUGH PROPER CHANNEL

SUBJECT: DEPARTMENT APPEAL AGAINST OFFICE ORDER

NO. 53 DATED 18.12.2017 ISSUED BY DFO

LOWER DIR FOREST DIVISION TIMERGARA

Respected Sir

It is humbly stated that :-

1) The appellant is serving as Forest Guard in Lower Dir Forest Division Timergara and presently performed duty at Chamandu Forest Check Post of Timergara Forest Sub-Div.

The appellant was proceeded under Whypber Pabntum Khura Govt. Servant (Officer of Discipline) Rules, 2011 and minor penalty has been imposed upon the appellant vide DFO Lower Dir office order no. 53 dated 18.12.2017 (Copy enclosed).

2) The office order passed by the DFO is irregular, illegal and not in accordance with the provisions of rules & regulations, hence not tenable. The allegations have not been proved with certainty by the Enquiry Officer, therefore, the penalty order of the DFO is irregular and illegal due to the reasons given below.

3) On 29.9.2017 a minitruck loaded with illegal timber (106 x 48 x 100 = 394.97 cft) was apprehended by the SDF Timergara and his staff near Odigram bridge (Timergara). The vehicle was apprehended far away from Shamardin Forest Check Post, however all the staff posted on Shamardin Forest Check Post were suspended and disciplinary action was initiated under FRO Rules against all the officials including the appellant.

(4) It is pointed out that I vigilantly performed duty on the night of 29.9.2017 and no illegal timber crossed the barrier during his duty time. Moreover, the appellant performed duty upto midnight (12:00 PM) and then he entrusted the check post to Mr. Muhammad Rehman - II Forest Guard. It is pertinent to mention here that the truck might have been loaded from Rabhat which is a notorious station for dumping

and smuggling of illegal timber. The Enquiry Officer has incorrectly stated in the Enquiry Report that the timber was originated from ~~Timber of Hans Forests (with out any proof & on level)~~

The statement of the Enquiry officer is not based on facts.

- (5) On 7-8/10/2017 the appellant was on routine station leave. It is an irrefutable fact and open secret of the Department, particularly Lower Dir Forest Division that all the staff posted on the check posts are availing routine station leave turn by turn being managed by the mutual understanding of the staff of the check posts and no prior approval of SDO or any other authority is in practice up till now. However, the official on routine station leave remains stand-by for calling any time by the staff for duty, therefore, the routine station leave could not be termed to casual leave or any other leave to obtain prior approval of the competent authority.

6) The penalty imposed on the appellant is not in accordance with the provision of Mysore Police (H.M. Govt. Servant (Efficiency + Discipline) Rules, 2011. The minor penalty as defined under Rule-4(ii) of the said rules is reproduced as under:-

"With holding, for a specific period, promotion or increment, otherwise than for wastiness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post."

In the instant case of the appellant, both the penalties i.e. withholding of promotion for two years and withholding of two annual increments have been imposed which is contrary to the above rules, hence the office order of the DPO is not in accordance with the rules and illegal/irregular and is not tenable.

7) The appellant has performed his duty perfectly, honestly with the best satisfaction of his superior officers and has never indulged in any malpractices which is also evident from his service record. During

(7) The appellant has served in the Department for more than thirty (30 years) and has performed his duties perfectly ~~and~~ ~~with~~ with the best satisfaction of his superior officer and has never indulged in such like mala practices which is also evident from his Service Record. During his entire Service a single explanation has not been called for any negligence/irregularity. The instant case has been initiated and finalized in a days for the purpose to deprive the appellant from promotion and further financial loss at the last edge of his Service.

In view of the explanation furnished above it is quite clear that the allegations against the appellant are baseless without any solid evidence and proofs, therefore, office order No. 52 dated 18.12.2017 is irregular/illegal and may be set aside and the promotion as well as increments of the appellant be restored. For this act of kindness, the appellant will be highly obliged and thankful to your kind honor please.

Yours obediently

Muhammad Rehman
Forest Guard

Advance Copy forwarded to the Conservator Forest Malakand West Forest Circle at Timergah for favour of information & reaction please.

Muhammad Rehman
Forest Guard

OFFICE OF THE DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA.

To

The Conservator of Forests,
Malakand Forest Circle West,
Timergara.

No. 4674

/E, Dated Timergara the 26/03/2018.

Subject:

DEPARTMENTAL APPEAL BY MUHAMMAD RAHMAN-II FOREST GUARD
AGAINST OFFICE ORDER NO. 53 DATED 18/ 12/2017 ISSUED BY DFO
LOWER DIR.

Memo:-

Reference your letter No. 3297/E, dated 11/01/2018.

Para-wise comments on the appeal of the appellant are as under :-

1. It is correct, as per record of this Forest Division.
2. It is correct. As it is evident from his personal hearing and written statement/reply, himself confessed and he was present at that time when the truck was apprehended by SDFO Timergara on 29/09/2017 at Wadigram bridge at 3.00 AM, which was loaded with illicit Kail Scants = 106 Nos and cross the Shamardin Forest Check Post with active convince.
3. It is in-correct, that the official was present at the time of apprehension of truck No. 1125/E dated 29/09/2017 and appointed Enquiry Committee vide DFO Lower Dir Timergara office order No. 35 dated 17/10/2017.
4. It is incorrect, that the accused official did not produce Notification/Circular and Rules regarding routine leave, hence the appeal is liable to be dismissed.

It is respectfully prayed that the allegations against the accused official Muhammad Rahman-II Forest Guard proved vide Divisional Forest Officer Lower Dir Forest Division office order No. 53 dated 18/12/2017 is rightly been issued and imposed the penalty. Therefore, the appeal of the appellant may kindly be dismissed in the interest of justice.

Divisional Forest Officer,
Lower Dir Forest Division,
Timergara