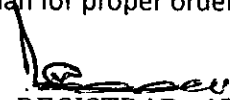

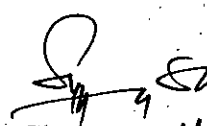


Form- A  
FORM OF ORDER SHEET

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

Case No. 1000/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/08/2018  15-8-2018	<p>The appeal of Mr. Ahmad Rizwan presented today by Mr. Bilal Ahmad Kakaizai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 13/8/18</p>
2-	24.09.2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24-9-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant, Mr. Bilal Ahmad Kakaizai, Advocate present and produced a copy of order passed by the competent authority whereby denovo enquiry has been ordered against him. The learned counsel for the appellant requested to allow him to withdraw the present appeal with permission to file fresh appeal, if he is not satisfied of the order passed after completion of denovo enquiry.</p> <p>Request is accepted. The appeal is dismissed as withdrawn. File be consigned to the record room.</p> <p style="text-align: right;"> Chairman 24/9.2018.</p> <p style="text-align: center;"><u>ANNOUNCED</u></p> <p style="text-align: center;">24.09.2018</p>

DFA

24.09.2018

Counsel for the appellant, Mr. Bilal Ahmad Kakaizai, Advocate present and produced a copy of order passed by the competent authority whereby denovo enquiry has been ordered against him. The learned counsel for the appellant requested to allow him to withdraw the present appeal with permission to file fresh appeal, if he is not satisfied of the order passed after completion of denovo enquiry.

Request is accepted. The appeal is dismissed as withdrawn. File be consigned to the record room.

Chairman

ANNOUNCED

24.09.2018

**BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No: 1000 / 2018

**AHMAD RIZWAN**

**V/s**


**Government of KPK etc.**

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Wakalat Nama		nil

Appellant

Through:

  
**BILAL AHMAD KAKAIZAI**  
(Advocate, Peshawar)

**BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1281

Dated 13-8-2018

Service Appeal No: 1000 / 2018

**AHMAD RIZWAN,**  
Forest Guard, Pashto Range,  
C/o Range Officer, Pashto Range,

..... Appellant

**VERSUS**

1. **GOVERNMENT OF KHYBER PAKHTUNKHWA,**  
Through Secretary,  
Forest, Environment & Wildlife Department,  
Civil Secretariat, Peshawar.
2. **CHIEF CONSERVATOR OF FORESTS,**  
Khyber Pakhtunkhwa, Peshawar.
3. **CONSERVATOR OF FORESTS,**  
Upper Hazara Forest Circle,  
Mansehra.
4. **DIVISIONAL FOREST OFFICER,**  
Hazara Tribal Forest Division, Battagram.

..... Respondents

**APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974  
AGAINST ORDER NO. 82 DATED 12.04.2018 RECEIVED BY  
THE APPELLANT ON 03.05.2018 WHEREBY PENALTY OF  
RECOVERY OF SHARED AMOUNT I.E. 909700/-REDUCTION IN**

Filed to-day  
Registrar  
13/8/18

PAY TO FIVE LOWER STAGES FOR THE PERIOD OF FOUR YEARS HAVE BEEN IMPOSED AND THE DEPARTMENTAL APPEAL / REPRESENTATION DATED 04.05.2018 HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF REQUISITE 90 DAYS PERIOD.

*Prayer: That on acceptance of this Service Appeal, the impugned penalty Order dated 12.04.2018 be set-aside as being illegal, unlawful, void and ineffective moreover Appellant's Pay be restored to its original position and recovery, if any, initiated and deducted may please be recovered with such other relief as may deem fit in the circumstances of the case may also be granted.*

*Respectfully Sheweth,*

Short facts, giving rise to present Service Appeal, are as under:-

1. That, during the course of employment as Forest Guard, Appellant was summoned for joining Enquiry Proceedings pending against Mr. Fateh Muhammad Forester, Incharge Pashto Forest Range.
2. That, Appellant joined the Enquiry Proceedings, in good faith, because as per law his obligation was to answer any question put before him in order to clarify / proof the veracity of charges against the accused against whom the Enquiry was pending. It is clarified that the Enquiry Officer never questioned the Appellant, copy of the Questionnaire along with the Answers of the Appellant are attached as Annexure A.

3. That, surprisingly vide Enquiry Report dated 27.11.2017, the Enquiry Officer, apart from the accused in the said Enquiry Proceedings, recommended punishments against the Appellant as well, copy of the Enquiry Report is attached as Annexure B.
4. that, on the basis of above mentioned Enquiry Report, a Show Cause Notice dated 19.12.2017 was issued to the Appellant by the Respondent No. 4 wherein Appellant was required to response / clarify his position regarding the commission of acts and omissions of In-efficiency, Misconduct and Corruption , copies of the Show Cause Notice & Reminder dated 22.01.2018 is attached as Annexure C.
5. That, since the whole proceedings leading towards the Show Cause Notice was illegal, irregular and incorrect; hence Appellant submitted his reply wherein he factually responded to the Show Cause Notice and clarified his position, copies of the Reply to the Show Cause Notice & Reply to the Reminder are attached as Annexure D.
6. That, on 12.04.2018 Impugned Order of Penalty was issued, received by the Appellant on 03.05.2018, whereby Appellant was awarded penalty of Recovery of Shared Amount of Rs. 909700/- along with reduction in pay to five lower stages for a period of 4 years, copy of the Impugned Order is attached as Annexure E.
7. That, as per Law applicable Appellant submitted his Departmental Appeal / Representation before the Appellate Authority on 04.05.2018 through Courier, copy of the Departmental Appeal is attached as Annexure-F & Postal Receipt is attached as Annexure F/1.
8. That, despite lapse of mandatory 90 days period, the Departmental Appeal / Representation of the Appellant is

still undecided, hence, this Service Appeal on the following amongst other grounds: -

### GROUNDS

- A. That, the impugned order is illegal, unlawful, void and ineffective, hence, not sustainable in the eyes of Law.
- B. That, the same is against the principles of Natural Justice, also.
- C. That, Appellant was never issued any Explanation Letter, Charge Sheet or Statement of Allegations.
- D. That, Appellant was just summoned before the Enquiry Officer in the Enquiry Proceedings pending against the Mr. Fateh Muhammad, Forester in order to clarify the stance of the Department and prove case against the Accused Officer.
- E. That, instead of punishing the accused, the Department invented a new way to facilitate the original culprit by sharing his guilt with the Appellant in order to reduce the penalty and to adjust the amount from other heads.
- F. That, the whole proceedings against the Appellant initiated with the issuance of Show Cause Notice are illegal and unlawful.
- G. That, in Departmental / Civil Proceedings, no one could be punished in the proceedings carried on against others.

- H. That, as per law of the land, the Department was duty bound to issue separate and fresh Charge Sheet coupled with the Statement of Allegations against the Appellant, if some misconduct on part of the Appellant was surfaced.
- I. That, since the Appellant was not part and parcel of the Charge Sheet and Statement of Allegations issued against Mr. Fateh Muhammad, Forester, therefore, any proceedings, and any adverse action / order against the Appellant has neither got any evidential value neither the same has any effect upon the service career of the Appellant hence the same is nullity in the eyes of law.
- J. That, the actual and factual reason of loss of plants i.e. drought, An Act of God, was willfully not stated by the Enquiry Officer in his Enquiry Report which speaks volumes of malafides against the Appellant.
- K. That, no Show Cause Notice could be issued to a Civil Servant on the basis of Enquiry Proceedings pending or finalized against some other officer / official of the Department.
- L. That, Appellant was not handed over the requested documents before or even after the Enquiry Proceedings which have been used against the Appellant for inflicting the harm / punishment, copy of the request for providing documents is attached as Annexure G.
- M. That, as per information and knowledge of the Appellant bogus signatures and writings, similar to the Appellant, have been effected on the Muster-Roll however it is added that no payment have been made

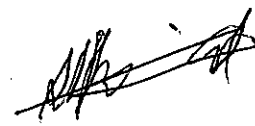


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on the basis Muster-Roll prepared and signed by the Appellant himself.

- N. That, the Enquiry Officer did not adopt proper procedure as required under the law nor Appellant was confronted with any documentary evidence to this effect neither any witnesses were produced before the Appellant, against him.
- O. That, there is nothing on record nor any thing was produced before the Enquiry Officer to the effect that Appellant was directly involved in any alleged allegations or anything done was due to his willful intention or Mensrea.
- P. That, Appellant is innocent and falsely punished without having any solid prove.

It is, therefore, requested that Appeal be accepted as prayed for.



Appellant

Through



BILAL AHMAD KAKAIZAI

(Advocate, Peshawar)

**BEFORE NWFP SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No: \_\_\_\_ / 2018

**AHMAD RIZWAN**

**V/s**

**Government of KPK etc.**

**AFFIDAVIT**

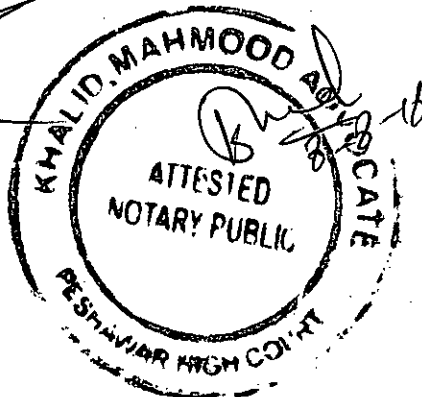
I, AHMAD RIZWAN, Forest Guard, Pashto Range, C/o Range Officer, Pashto Range, Appellant, do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

*[Signature]* Deponent.

Identified by:-

*[Signature]*

**BILAL AHMAD KAKAIZAI**  
(Advocate, Peshawar)



8

**BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No: \_\_\_\_\_ / 2018

**AHMAD RIZWAN**

**V/s**

**Government of KPK etc.**

**ADDRESSES OF PARTIES.**

**PETITIONER:**

**AHMAD RIZWAN, Forest Guard, Pashto Range, C/o Range Officer,  
Pashto Range.**

**RESPONDENT**

1. Government of Khyber Pakhtunkhwa, Through Secretary, Forest, Environment & Wildlife Department, Civil Secretariat, Peshawar.
2. Chief Conservator of Forests, Khyber Pakhtunkhwa, Peshawar.
3. Conservator of Forests, Upper Hazara Forest Circle, Mansehra.
4. Divisional Forest Officer, Hazara Tribal Forest Division, Battagram.

Appellant

Through,

  
**BILAL AHMAD KAKAIZAI**  
(Advocate, Peshawar)



جواب ۱۰ - میں جواب اور کوئی پبلسیشن لاء نہیں دیتی

سوال ۹ - کیا آپ کو کبھی کوئی ایسا کام یاد ہے جس میں آپ نے اس کا سہارا

کوئی دیا کرتی ہوگی؟

جواب ۱۱ - یہ بے سارہ ہے، میں نے کبھی ایسا کام یاد نہیں دیا

سوال ۱۲ - کسی سے کبھی پبلسیشن کو علی گرا کر نہیں

جواب ۱۳ - جواب میں دورانہ کار ہوں تو نہیں

23/11/2017  
23/11/2017

23/11/2017

23/11/2017  
(Committee)

11

B

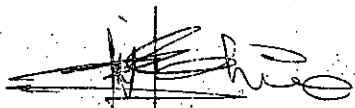
<b>Muhammad Siddique</b> Divisional Forest Officer		Agror Tanawal Forest Division Oghi Phone # 0997-321244
No. 4283 IGE		Dated 27/11/2017

The Divisional Forest Officer  
 Hazara Tribal Forest Division  
 Battagram

Subject: DISCIPLINARY PROCEEDINGS AGAINST M/S FATEH MUHAMMAD FORESTER, MUHAMMAD ANWAR FOREST GUARD, AHMED RIZWAN FOREST GUARD, ZARFAREEN FOREST GUARD AND MUHAMMAD SALEH FOREST GUARD (RTD.)

Reference: Your office letter No. 1283-85/GE dated 21.11.2016, No. 1286-88/GE dated 21.11.2016 and No. 1514/G dated 21.12.2016.

Enclosed please find herewith enquiry report in respect of M/S Fateh Muhammad Forester, Muhammad Anwar Forest Guard, Ahmed Rizwan Forest Guard, Zarfareen Forest Guard and Muhammad Saleh Forest Guard (Rtd) duly completed by the undersigned alongwith enquiry file from page-01 to 118 for information and further course of action in your office.



Divisional Forest Officer  
 Agror Tanawal Forest Division  
 Oghi



Encl: As Above!

① E.C.

ENQUIRY REPORT AGAINST M/S FATEH MUHAMMAD FORESTER, MUHAMMAD ANWAR FOREST GUARD, AHMED RIZWAN FOREST GUARD, ZARFAREEN FOREST GUARD AND MUHAMMAD SALEH FOREST GUARD (Rtd.)

READ WITH:

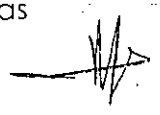
- (i) DFO Hazara Tribal Forest Division Battagram constituted Enquiry Committee vide his office endorsement Nos; 1283-85/GE dated 21.11.2016 and No.1286-88/GE dated 21.11.2016.
- (ii) Charge Sheet plus memo of allegation was served upon the accused vide office endorsement Nos; referred above.
- (iii) DFO Hazara Tribal Forest Division Battagram vide his office letter No.1514/GE dated 21.12.2016 requested the enquiry officer for inclusion of other connected allegations against the main accused & others.
- (iv) DFO Agror Tanawal Forest Division Vide his office letter No.1773-24/GE dated 25.11.2016 directed the accused to submit their defense statements.
- (v) DFO Agror Tanawal Forest Division vide his office letter No. 2276-77/GE dated 30.12.2016 reminded the accused to submit their defense statements.
- (vi) The accused submitted their defense replies dated nil.
- (vii) DFO Agror Tanawal Forest division vide his office order No.338 dated 25.4.2017 constituted a sub-committee to assess, measure and verify the deficient plantation areas as entailed at SNO.13 to 17 of the office letter No.1514/GE dated 21.12.2016 of the Divisional Forest Officer Hazara tribal Forest Division Battagram.
- (viii) Divisional forest officer Agror Tanawal Forest Division vide office letter No.5129-31/GE dated 04.5.2017 directed other accused of the connected case to submit their defense replies.
- (ix) Latest statement of expenditure incurred on these plantation areas was provided by DFO Hazara Tribal Forest Division Battagram.
- (x) Latest monitoring & evaluation report was sought from DFO Hazara Tribal Forest Division Battagram vide DFO Agror Tanawal Forest division office letter No.5500/GE dated 2.6.2017 which was provided and appended in enquiry file.
- (xi) The sub-committee submitted its report on 11.11.2017.
- (xii) DFO Agror Tanawal Forest Division vide his office letter No.3084-87/GE dated 16.11.2017 directed all the accused to appear for recording their personal hearing/cross-examination on 23.11.2017.
- (xiii) The personal hearing/cross-examination of all the accused was conducted in presence of prosecutor on 23.11.2017.

**BRIEF HISTORY OF THE CASE**

Mr. Fateh Muhammad Forester (here in after called as accused) while posted as incharge Pashto Forest Range committed many irregularities as entailed at length in the "Charge Sheet" and "Monitoring & Evaluation report" communicated/endorsed to him vide DFO Hazara Tribal Forest Division Battagram office endorsement No.1283-85/GE dated 21.11.2016 and No.1515/GE dated 21.12.2016 respectively.

Likewise, M/S Muhammad Anwar Forest Guard, Ahmed Rizwan Forest Guard, Zarfreen Forest Guard and Muhammad Saleh Forest Guard (Rtd;) were/are the individuals who were the immediate spot incharges of these argumentative plantation areas as noted against them in the "Statement of Expenditure" appended on page - 55 of the enquiry file.

The heart of all these allegations is configurated, designed and reproduced as under.



- (i) The charged plantation areas in question were reported deficit by the monitoring & Evaluation team.
- (ii) The Survival Percentage of these plantation areas was/is poor rather dismal.
- (iii) The choice of site (s) was not appropriate and exposed to **anthropogenous** influences manifold.
- (iv). The choice of species was/is not according to the prescribed requirements of Ecological zone of the plantation areas.
- (v). The spacings were/are abnormal
- (vi). The aggregate effect of these preceding shortfalls critically resulted into worst and substandard **"Quality & Quantity of work"** by any stretch of imagination.

Due to aforestated shortcomings, lacunas and omissions, the Government kitty sustained a colossal loss.

By reasons of above, the leading accused and his accomplices are found guilty of Mis-Conduct, In-efficiency and Corruption as encapsulates in Rule-3 of the E&D Rules, 2011 and thus they have rendered themselves



liable to all or any of the penalty as specified in Rule-4 of the said Rules amended vide Establishment and Administration Department Notification No.SO(REG-VI)E&AD/2-6/2010 dated 18 July,2012.

In order to scrutinize the conduct of all the accused within the meaning of above allegations, DFO Hazara Tribal Forest Division as competent authority and power conferred on him vide Rule-10 (1) (a) of the Rules ibid constituted an enquiry committee comprising of:-

Mr. Muhammad Siddique, Divisional Forest Officer Agror Tanawal Forest Division Oghi (Enquiry Committee)

PROCEEDING/DISCUSSION.

While investigating these sensitive allegations in question, the enquiry committee judiciously valued / thumbed up all the natural principles of justice and equality and provided full opportunity of participation to the accused in consonance with the permissible yardsticks as conclusively envisaged in the E&D Rules-2011.

- Facts on ground were critically analyzed and available record on file was read out.
- Their replies were thoroughly perused.
- The Sites had been visited along with sub-committee.
- All the monitoring reports were deeply examined, compared and contrasted.
- Sub-Committee was constituted to intensively watch and assess the shortcomings on ground and to help the Enquiry Committee to draw righteous inferences/ Recommendations.
- Lastly personal hearing/ cross- examination of all the accused was conducted during the presence of prosecutor on 23-11-2017 and all doubts and ambiguities were waived off in the light of Record embodying the "depth & ditch" of the whole episode right from its emanation (21.11.2016) to conclusion (23.11.2017).

- It would not be out of landish to state that a reasonable length of time (one year) and several ample opportunities had been brotherly provided to the leading accused but sorry to argue that he badly failed to repair the damages and remove the "ails and evils" to the desired extent for the hidden reasons best known to him.

Hence keeping in view above exposition, facts and figures; these serious nature allegations are captioned , assessed and scrutinized as under:-

**1. ISSUE OF DEFICIENT PLANTATIONS AREAS.**

The leading accused has provided some GIS Maps which were verified and authenticated by the prosecutor. These maps reveal that the accused has voluntarily planted 134.80 hectare area at Tandol 1 to 5 and these not only neutralize the deficiency of plantation areas in question but also diffuses the overall deficit of Pashto Forest Range, leaving behind + 5 hectare as excess.

Now question arises for maintenance of this voluntarily planted sites (134.80 hectare) for which the accused/ RFO Pashto should be watchful to continue its maintenance for the period as provisioned in PC-I of Phase-II of BTAP.

Thus this issue stands pulled out of equation for all the accused.

**2. ISSUE PERTAINING TO CHOICE OF SITE, CHOICE OF SPECIES, SPACING AND QUALITY OF WORK ETC ETC.**

All these issues were repairable and corrigible but the accused/ RFO Pashto could not get these corrected/ rectified through his subordinates/ co-accused in the instant case and thus being the supervisor of the Range, he cannot wash his hands of this responsibility also.

All these issues are also visibly seen in the report of the Sub-Committee.

Thus the main accused & other connected accused are equally responsible for all these lapses & gaps.

**3. ISSUE OF POOR SURVIVAL PERCENTAGE.**

This issue is undoubtedly interlinked, interconnected and interweaven with the above issue No.2 because its cumulative effect leads to poor survival % age effective from its month of commencement of afforestation work to date as candidly transpired from the report dated 11.11.2017 of the Sub-Committee.

Neither the co-accused/Sub-ordinate staff improved the survival percentage nor the charismatic accused took even the pain to get driven the survival percentage to the optimum level through them.

Thus the major quantum of the expenditure incurred on this investment spoiled for which all these accused are equally responsible, in the eyes of law.

**STATEMENT SHOWING THE LOSS INFLICTED TO THE NATIONAL EXCHEQUER BY THE PRIME & CO-ACCUSED**

#	Name of plantation site	Survival percentage	Total amount incurred/claimed (Rs.)	Judicious amount incurred (Rs.)	Total Gobbled amount (Total-judicious) (Rs.)	Shared gobbled amount (Rs.)	Remarks
1	Para Pashto	35%	2174000/-	2174000x35/100=760900/-	2174000-760900=1413100/-	1413100/2=706550/- each	M/S Fateh Muhammad Forester & Muhammad Anwar Fg. are responsible.
2	Koshgram	40%	2175000/-	2175000x40/100=870000/-	2175000-870000=1305000/-	1305000/2=652500/- each	M/s Fateh Muhammad Forester and Ahmed Rizwan Fg are responsible
3	Para Rechari	60%	1286000/-	1286000x60/100=771600/-	1286000-771600=514400/-	514400/2=257200/- each	M/s Fateh Muhammad Forester and Ahmed Rizwan Fg are responsible
4	Musa Tangay	40%	1088000/-	1088000x40/100=435200/-	1088000-435200=652800/-	652800/3=217600/- each	M/S Fateh Muhammad Forester, Muhammad Anwar Fg and Saleh Fg (Rtd.) are responsible.
5	Kund	25%	2478500/-	2478500x25/100=619625/-	2478500-619625=1858875/-	1858875/2=929437/-	M/S Fateh Muhammad Forester & Zarfareen FG are responsible.
<b>Total:</b>				<b>Rs.5744175/-</b>			

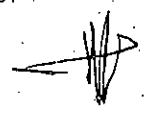
The above statement clearly shows that:-

Mr. Fateh Muhammad Forester Incharge Pashto Forest Range is responsible for the loss sustained to the Governments treasury to the tune of Rs. **2763288/-** while M/S Muhammad Anwar Forest Guard, Ahmad Rizawn Forest Guard, Zarfareen Forest Guard and Saleh Forest Guard

(Rtd;) are responsible to the tune of Rs.924150/-, Rs. 909700/-, 929437/- & Rs. 217600/- respectively.

This state of affair clearly transpires that the key accused as RFO Pashto has been badly failed to effectively execute the plantation campaign of the highly focused and flagship project of BTAP especially in the prevailing circumstances when the political opponents of PTI are leaving no stone unturned to trace out some loop holes in the project interventions and thus maculate the image of the Govt. of Khyber Pakhtunkhwa being leaded by the wordly famed celebrity - Mr. Imran Khan - a stubborn individual.

In such like circumstances, the retention of all these accused especially the pivotal accused as RFO Pashto becomes a big question mark (?) for top boss of the Department.



To sum up above commentary, it is easily inferred that "Neither Team Leader of the Pashto Forest Range has played his mandatory/ statutory role nor subordinate staff have been efficaciously supervised, goaded and guided to deliver their mandatory goods & services.

FINDINGS/CONCLUSION.

The above discussion leads to the findings that:-

- i. The issue pertains to deficient plantation areas in question stands disposed off as the deficit in question was neutralized with 134 hectare leaving behind + 5 hectare as excess.
- ii. The shortfalls pertaining to site selection, choice of species, sub-standard quality & quantity of work etc etc render the leading accused more responsible than the co-accused/accomplices.
- iii. Likewise, knitting together Para-ii, the poor survival percentage of these contentitious plantation sites as assessed and reported by sub-committee in its **monumental report dated 11.11.2017** also make the key accused more accountable & impeachable than the co-accused in the eyes of law.



iv. The further retention of leading accused as RFO Pashto poses serious "threat & risk" for our bread earning Department.

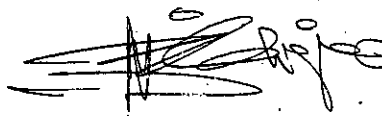
The above findings lead to the conclusion that:-

All the acts, omissions as elaborated at length in the "Discussion" constitute Mis-conduct, In-efficiency and Corruption beyond any shadow of doubt on part of all the accused:-

**RECOMMENDATIONS.**

The enquiry committee with sky high confidence recommend that;

(a)	(i)-	The shared amount i.e <b>Rs. 2763288/-</b> may be recovered from the key accused ( Fateh Muhammad Forester)
	(ii)-	His pay may be reduced to four lower stages for a period of three years.
(b)	(i)-	The shared amount i.e <b>Rs. 924150/-</b> may be recovered from Muhammad Anwar Forest Guard.
	(ii)	His pay may be reduced to five lower stages for a period of Four Years.
(c)	(i)	The shared amount i.e <b>Rs. 909700/-</b> may be recovered from Ahmad Rizawan Forest Guard.
	(ii)	His pay may be reduced to five lower stages for a period of Four Years.
(d)	(i)	The shared amount i.e <b>Rs. 929437/-</b> may be recovered from Zarfareen Forest Guard.
	(ii)	His pay may be reduced to five lower stages for a period of Four Years
(e)	(i)	The Shared amount i.e <b>Rs. 217600/-</b> may be recovered from Saleh Mohammad Forest Guard (Rtd) within due course of law.

  
**(Mohammad Siddique)**  
 Divisional Forest Officer  
 Agror Tanawal Forest Division  
 Oghi (Enquiry Officer)

(19) C

<p>Divisional Forest Officer Hazara Tribal Forest Division Battagram</p>		<p>Phone No. 0997-310017 Fax No. 0997-311710 E-mail: <a href="mailto:dfohazaratribal@gmail.com">dfohazaratribal@gmail.com</a> No. 1615 /GE, dated: 19 /12/2017</p>
--	---	--

To

Mr. Ahmad Rizwan Forest Guard  
C/O Range Forest Officer Pashto

Subject

**SHOW CAUSE NOTICE**

I Sardar Farhad Ali Divisional Forest Officer Hazara Tribal Forest Division as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing and.
- (ii) on going through the findings and recommendations of the inquiry officer/inquiry committee, the material on record and other connected papers including your defense before the inquiry officer / inquiry committee, -

I am satisfied that you have committed the following acts/ omissions specified in rule 3 of the said rules:

- (a) In-efficiency
- (b) Ms- conduct
- (c) Corruption


2. As a result thereof, I as competent authority, have tentatively decided to impose upon you any penalty under rule 4 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 also 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 shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the findings of the inquiry officer / inquiry committee is enclosed.

DIVISIONAL FOREST OFFICER  
 HAZARA TRIBAL FOREST DIVISION  
 BATTAGRAM

*[Signature]*

*Handwritten notes:*  
 1615/GE  
 19/12/17


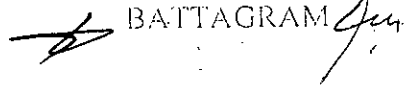
20

Divisional Forest Officer Hazara Tribal Forest Division Battagram		Phone No. 0997-310017 Fax No. 0997-311710 E-mail: <a href="mailto:dfohazaratribal@gmail.com">dfohazaratribal@gmail.com</a> No. <u>1906</u> /GE, dated: <u>28</u> /01/2018
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To: Mr. Ahmad Rizwan Forest Guard  
C/O Range Forest Officer Pashto

Subject: SHOW CAUSE NOTICE.  
Memo:

You are directed to furnish your reply to the Show Cause notice bearing No. 1615/GE, dated 19/12/2017 immediately, otherwise ex parte action will be taken against you under E&D Rules 2011.

  
DIVISIONAL FOREST OFFICER  
HAZARA TRIBAL FOREST DIVISION  
BATTAGRAM 

خدمت جناب DFO صاحب ہزارہ ٹرائل فارسٹ ڈویژن ملگرام

پوساٹ جناب سرچ آفیسر صاحب پاشورنگ

81

مضمون: جواب بابت شوکار نوٹس نمبر 1615/GE مجریہ 19/12/2017

جناب عالی!

- 1: گزارش ہے کہ اس ضمن میں قعدوی کو تا حال کوئی جواب طلبی یا پارج شیٹ وغیرہ نہیں ملی ہے۔ انکو انوی وینسہر صاحب قعدوی سے کسی قسم کی پوچھ گچھ نہیں کی اور سامانہ کاغذ پر قعدوی سے دستخط لئے ہیں۔
  - 2: یہ کہ قعدوی سے اس ضمن میں جناب کے دفتر میں گانتدات جو میرے نام سے منسوب کئے گئے ہیں، اس کے لیاقت ایک تحریری درخواست برائے صدر قعدوی کی ترقی قانون گزار کی تھی۔ جو کہ دفتر سے فراہم نہیں کئے گئے۔
  - 3: یہ کہ قعدوی پر لگائے گئے جملہ الزامات میں گھڑت اور بے بنیاد ہیں۔
  - 4: یہ کہ قعدوی نے کوئی مسٹرول وصول کیا ہے اور نہ کوئی مسٹرول مرتب کیا ہے اور نہ ہی کسی بھی مسٹرول کی رقم میرے موجودگی اور نشاندہی پر تقسیم کی گئی ہے۔
  - 5: یہ کہ جناب سے گزارش ہے کہ قعدوی کے نام سے منسوب جملہ گانتدات کی تقولات فراہم کی جائے تاکہ اصل حقائق سامنے آسکے۔
  - 6: یہ کہ قعدوی کو ذاتی شتوائی کیلئے موقع فراہم کیا جائے۔
- جناب سے گزارش ہے کہ قعدوی پر جملہ الزامات انکو انوی اور شوکار نوٹس میں لگائے گئے ہیں۔ یہ بنیاد اور حقائق کے خلاف ہیں۔ اور قعدوی کو ان الزامات سے بری الزمہ قرار دے کے مشکور فرمائیں۔
- (سائل تاحیات مدعا گدے گا)

11/03/2018

العارض  
احمد خوان فارسٹ گارڈ پاشورنگ



(22)

بخدمت جناب ڈی ایف او صاحب ہزارہ ٹرانسپائل فارسٹ ڈویژن بنگرام

بواسطت:- ریج آفیسر صاحب پاشتورج

مضمون:- یادہانی شوکاز نوٹس چھٹی نمبر 1906 مجریہ 22/01/2018

جناب عالی:-

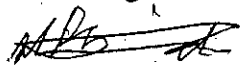
گزارش ہے کہ فدوی کو چھٹی نمبری متذکرہ بالا مورخہ 26/01/2018 کو بذریعہ ریج آفیسر پاشتو وصول ہوئی۔ اس بارے میں فدوی ذیل معروضات پیش کرتا ہے۔

1- یہ کہ چھٹی ہذا میں فدوی کو حکم دیا گیا ہے کہ وہ شوکاز نوٹس نمبر GE/1615 مورخہ 19/12/2017 کا جو بجلد دفتر جناب ڈی ایف او صاحب کو ارسال کریں بصورت دیگر فدوی کے خلاف یکطرفہ کارروائی E&D رولز 2011 کے تحت عمل میں لائی جائیگی اس ضمن میں فدوی عرض کرتا ہے کہ فدوی کو یہ پتہ نہیں کہ جناب ڈی ایف او صاحب کس بارے میں وضاحتی جواب (شوکاز نوٹس) طلب کرتا ہے فدوی کو ایسا کوئی شوکاز نوٹس جس کا ذکر یادہانی چھٹی نمبری 1906 مجریہ 22/01/2018 میں کیا گیا ہے نہ دیا گیا ہے اور نہ فدوی کو موصول ہوا ہے جس کی روشنی میں فدوی وضاحتی جواب جناب کو پیش کرتے۔

2- جناب والا قانون کے مطابق انکو آری کے دوران چارج شیٹ شوکاز نوٹس جب دیا جاتا ہے تو متعلقہ ریج آفیسر رسید وصولی لکھ کر دستخط کر کر دینی چاہیے جبکہ ایسا نہیں کیا گیا ہے اور نہ ہی فدوی کو شوکاز نوٹس چارج شیٹ اور انکو آری رپورٹ وصول ہوئی ہے اگر چارج شیٹ ہے بھی تو وہ اپنا افادیت کھوچکا ہے کیونکہ چارج شیٹ دینے کے بعد وصول کرنے کا قانون کے مطابق میعاد مقرر ہے جو کہ ذائد المیعاد ہو چکا ہے جس کے ذریعے شوکاز نوٹس ارسال کی گئی ہے اس سے باز پرس کی جائے۔

جناب والا مندرجہ بالا حقائق کو مد نظر رکھ کر فدوی کو صفائی کا موقع فراہم کر کے زبانی صفائی کا بھی موقع دیا جائے۔

العارض



احمد رضوان فارسیگار ڈاناشٹورج

رہنہ سٹورج سائبر سٹیٹ

(23) E

OFFICE ORDER NO. 82 DATED 12/04/2018 ISSUED BY SARDAR FARHAD ALI  
DIVISIONAL FOREST OFFICER HAZARA TRIBAL FOREST DIVISION BATTAGRAM

Whereas Mr. Fathe Muhammad Forester while posted as incharge Pashto Forest Range was issued charge sheet for In-efficiency, Mis-conduct and Corruption on account that he has planted 86,000 plants with species Poplar, Ailanthus, Kail and Robinia in 80 Ha area in Para Pashto plantation of Pashto Forest Range in Spring 2016 and charged Rs.18,41,000/- on account of block plantation alongwith watch and ward. The same was found totally failed during the course of checking by the then DFO Hazara Tribal Forest Division Battagram.

Whereas Mr. Muhammad Siddique Divisional forest Officer Agror Tanawal Forest Division Oghi was appointed as enquiry officer/committee vide Divisional Forest Officer Hazara Tribal Forest Division Battagram office letter No.1283-85/GE, dated 21/11/2016 under Rule-10(1)(a) (Efficiency & Disciplinary) Rules-2011.

Whereas on receipt of Regional Monitoring Officer Northern Forest Region-II monitoring report, Mr. Muhammad Siddique DFO Enquiry Officer was requested vide DFO Hazara Tribal Forest Division Letter No.1514/G, dated 21/12/2016 to include the allegations raised by the Team at S.No.13 to 17 in the said report with the allegations already levelled against Mr. Fathe Muhammad Forester in the charge sheet.

During the course of scrutinizing of the relevant record as well as shown in the statement of expenditure provided by Divisional Forest Officer Hazara Tribal Forest Division to the Enquiry Officer Mr. Ahmad Rizwan Forest Guard incharge of Koshgram and Rechari Plantation areas and he was included with above mentioned accused Mr. Fathe Muhammad in Enquiry proceedings by the Enquiry Committee.

Whereas the Enquiry Officer vide his No. 5129-31/GE dated 04/05/2017 directed the co-accused ( Mr. Ahmad Rizwan Forest Guard) to submit his defense reply and also was heard in person on 23/11/2017.

Whereas the enquiry officer/committee after having examined the charges, evidence on record explanation of the accused Forest Guard and providing chance of personal hearing has submitted the recommendations vide his No.4283/GE, dated 27/11/2017 and concluded that: -

*"The enquiry committee with sky high confidence recommend that: -*

- (c)-(i)- The shared amount i.e. Rs.9,09,700/- may be recovered from the co accused (Ahmad Rizwan Forest Guard).*
- (ii)- His pay may be reduced to Five lower stages for period of Four years".*

In light of recommendation of the Enquiry Committee the Forest Guard was served with Show-Cause Notice vide this office No.1615/GE, dated 19/12/2017 and reminder No.1906/GE, dated 22/01/2018.

The accused Forest Guard submitted his reply dated 11/03/2018 and also requested to be heard in person received in the office of DFO Hazara Tribal Forest Division on 21/03/2018.

On 03/04/2018, the Forest Guard was heard in person alongwith other co accused.

After going through the recommendation of enquiry report, reply to show-cause notice and personal hearing the undersigned is satisfied that the allegations levelled against Mr. Ahmad Rizwan Forest Guard stands proved.

Therefore, the undersigned in the capacity of Authority under Rule 14(5)(ii) Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 hereby impose the following penalties specified in rule 4 of the said rules to Mr. Ahmad Rizwan Forest Guard: -

- I- *Recovery of shared amount i.e. Rs.9,09,700/-*
- II- *His pay is hereby reduced to Five lower stages for period of Four years.*

Sd/- (Farhad Ali )  
Divisional Forest officer  
Hazara Tribal Forest Division  
Battagram

Memo:-

Copy forwarded to;

- 1- The Conservator of Forests Upper Hazara Forest Circle Mansehra for information please.
- 2- Mr. Ahmad Rizwan Forest Guard c/o Range Officer Pashto for information and necessary action.
- 3- Divisional Accountant for information and necessary action.

Divisional Forest Officer  
Hazara Tribal Forest Division  
Battagram

3-5-2018

بخدمت جناب کنزرویٹر صاحب محکمہ جنگلات پرنسپل ہزارہ فارسٹ سرکل نانسہرہ

عنوان: اپیل برخلاف DFO ہزارہ ٹرائیکل فارسٹ ڈویژن بگلرام آفس آرڈر نمبر 86 مورخہ 12-04-2018

موصولہ 03-05-2018

جناب عالی!

اپیل درج ذیل عرض خدمت ہے

یہ کہ بحوالہ آفس آرڈر نمبر 82 فدوی پر 909700 روپے کی ریکوری اور پانچ درجہ تنزیلی کا حکم جاری کیا ہے جو درج ذیل حقائق خلاف قانون خلاف ضابطہ اور بعید از قیاس و انصاف ہے۔

یہ کہ ایک انکوآری بابت شجرکاری (falour) برخلاف فتح محمد خان فارسٹرنچارج پاشتورنچ محمد صدیق DFO اگورتاؤل کے پاس چل رہی تھی۔ یہ کہ فدوی کو فتح محمد فارسٹرنچارج پاشتورنچ بطور گواہ مورخہ 23-11-2017 کو انکوآری آفیسر کے پاس ساتھ لے گیا۔

یہ کہ انکوآری آفیسر نے ان سے بابت شجرکاری جو فتح محمد فارسٹرنچ پاشتورنچ میں کرائی تھی، پوچھ گچھ کی۔ انکوآری آفیسر نے دوران گواہی نہ تو ہمیں مسٹرول بل اور کاغذ دکھایا بلکہ زبانی طور پر پوچھا گیا

یہ کہ آڈاں بعد فدوی کو DFO ہزارہ ٹرائیکل نے شوکانولس نمبر 1906 مورخہ 22-01-2018 کو جاری کرتے ہوئے وضاحت طلب کی کہ آپ نے کوشگرام اور پاڑہ ریسیڈنٹری رقبہ میں شجرکاری کی ہے، مانیٹرنگ رپورٹ کے مطابق موقع ہر تسلی بخش نہیں ہے۔

یہ کہ شوکانولس پر فدوی کو معلوم ہوا کہ فدوی کو ایک ناکردہ گناہ میں فتح محمد فارسٹرنچارج پاشتورنچ کے ساتھ ملوث کیا گیا۔

یہ کہ فدوی نے جناب DFO صاحب ہزارہ ٹرائیکل فارسٹ ڈویژن بگلرام کو تحریری اور زبانی طور پر اپنے جواب میں عرض کی تھی کہ فدوی نے نہ کسی جگہ پلانٹیشن کی تھی اور نہ کوئی مسٹرول بل وصول کیا نہ مزدوروں کی حاضری لگائی ہے نہ کوئی مانیٹرنگ میری موجودگی میں آئی ہے اور نہ فدوی کی موجودگی میں کسی مزدور وغیرہ کو ادا لگئی ہوئی ہے، فدوی اس پورے مراحل میں بے خبر رکھ کر جناب فتح محمد صاحب فارسٹرنچارج پاشتورنچ نے مسٹرول میرے نام جاری کی ہے مزدوروں کے نام ڈالے ہیں DFO صاحب نے بلوں کی منظوری دی ہے چیک جاری کیا ہے اور تم خزانہ سے نکالی ہے اور یہ ظلم بھی کیا گیا ہے کہ فدوی نے تحریری درخواست برائے نقولات حصول ریکارڈ گزاری تھی فدوی کو کسی قسم کا کوئی ریکارڈ بابت انکوآری کوئی مسٹرول کوئی بل کوئی مانیٹرنگ رپورٹ نہیں دیا گیا ہے حتیٰ کہ فدوی آج تک اس معاملہ سے بے خبر رکھا ہوا ہے۔

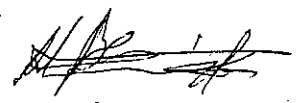
یہ کہ فدوی جناب کو حلفاً اپیل کرتا ہے کہ فدوی نے نہ کوئی مسٹرول وصول کی ہے اور نہ بنائی ہے اور نہ کسی مزدور نہ کسی ٹیکیدار کو کسی قسم کا بل بنا کر دیا ہے نہ کوئی شجرکاری کی نہ کوئی چوکیدار لگایا ہے۔

التماس ہے کہ فدوی کے نام اور دستخط کسی قسم کے انگھوٹے کی تصدیق آپ خود فریقین فتح محمد فارسٹرنچارج پاشتورنچ کسی بھی مزدور کو طلب کر کے فدوی کی موجودگی میں کریں یا جملہ شجرکاری سے متعلقہ فدوی کے دستخط شدہ ریکارڈ کو لیبارٹری بھیج کر تصدیق کریں اگر فدوی کا دستخط درست ثابت ہو تو فدوی ہر سزا بھگتنے کو تیار ہے اگر غلط ثابت ہو تو نہ صرف مواخذہ کیا جائے بلکہ F.I.R درج کر کے کسی بھی تحقیقی ادارے انی کرپشن N.A.B ، F.I.A کو پورا کیس بھیج کر، تاکہ دودھ کا دودھ اور پانی کا پانی ہو جائے۔

جناب سے اپیل ہے کہ فدوی پر ڈالی گئی 909700 رقم ریکوری کو معاف کی جائے اور پانچ درجہ تنزیلی کے آرڈر کو منسوخ فرمایا جائے اور فدوی کا ذاتی طور پر پیش ہو کر وضاحت کرنے کی اجازت دی جائے

مورخہ 4-5 2018

العارض



قاری احمد رضوان فارسٹ گارڈ پاشتورنچ ہزارہ ٹرائیکل فارسٹ ڈویژن بگلرام

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12

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بخدمت جناب ڈی ایف او صاحب ہزارہ ٹرانسپیل فارسٹ ڈویژن بنگرام

بوساطت:- جناب ریج آفیسر صاحب پاشتورنج

مضمون:- شوکانوٹس

جناب عالی-

مودبانہ گزارش ہیکہ فدوی کو شوکانوٹس بذریعہ ریج آفیسر صاحب پاشتو موصول ہوا اس بارے میں فدوی عرض کرتا ہے کہ فدوی کو ذیل کاغذات کی مصدقہ نقولات فراہم کرنے کا حکم صادر فرمایا جائے تاکہ فدوی اس کے روشنی میں مفصل جواب لکھ کر اپنے دفاع میں پیش کر سکے۔

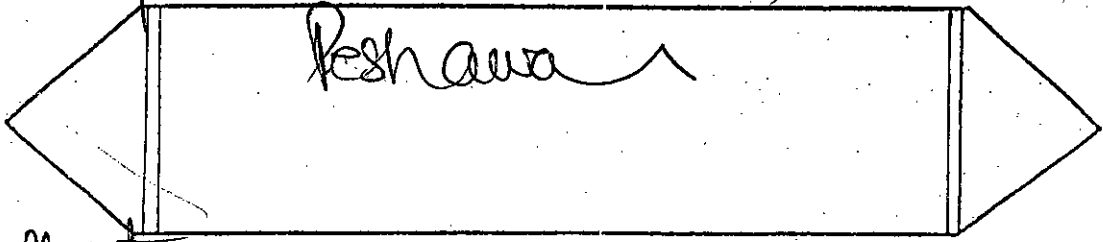
1. پلانٹیشن رقبہ کو شکر ام، مسٹرول اور بل وغیرہ

2. پلانٹیشن رقبہ پاڑہ ریچاڑی، مسٹرول اور بل وغیرہ

العارض

~~قاری احمد رضوان~~  
قاری احمد رضوان (فارسٹ گارڈ) پاشتورنج

Before Service Tribunal بعد التی



Appellants  
Govt. of KPK بنام Ahmad Riazan  
etc

موزخه  
مقدمہ  
دعوی  
جرم

### باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام Bilal A. Valaizer Adv. Peshawa

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

08-08-18

20 \_\_\_\_\_ ماہ \_\_\_\_\_ المرقوم

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