

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT D.I KHAN

Service Appeal No.774/2018

Date of Institution: 22.05.2018

Date of Decision: 23.09.2020

Muhammad Rafique Forest Guard In-charge Block Officer Environment
Department C/O Divisional Forest Officer D.I Khan Forest Division D.I
Khan.

... (Appellant)

VERSUS

Secretary Government of Khyber Pakhtunkhwa, Environment
Department Peshawar and three others.

... (Respondents)

Mr. Rustam Khan Kundi
Advocate

... For Appellants

Mr. Muhammad Jan,
Deputy District Attorney

... For Respondents

Mrs. ROZINA REHMAN
Mr. ATIQ-UR-REHMAN WAZIR

... **Member (J)**


... **Member (E)**

JUDGEMENT:-

Mr. ATIQ-UR-REHMAN-WAZIR: - Our this judgment shall dispose
of instant service appeal as well as connected Service Appeal No.
706/2018 titled Zain-ul-Abidin Vs Secretary Government of Khyber
Pakhtunkhwa Environment Department (Forest & Wild Life) Peshawar

and others, as common question of law and facts are involved in both the appeals.

2. Appellants were serving as Forest Guards in Environment Department, Government of Khyber Pakhtunkhwa, have assailed the impugned Notification Dated 16.01.2018, whereby penalty of recovery of damages caused to government exchequer amounting to Rs. 60,2700/ each was imposed upon the appellants.

3. Brief facts of the case are that the appellants were serving as Forest Guard in Environment Department Khyber Pakhtunkhwa and posted in Kulachi Forest Range D.I Khan. Divisional Forest Officer (DFO) D.I. Khan during an inspection of an area namely Haji Abdullah Handan and Haji Mir Ahmad Handan (Kulachi Forest Range, Plantation area) on 22-05-2017 found that the planted area  seems to be less than the area actually charged through muster rolls.

Area was measured through GPS and found that the total area was 39.4 hectare, while an area of 60 hectare was claimed/charged. It was further observed that plantation on more than 80% of the available area failed due to lack of interest, improper maintenance and no watering to area by the appellants and due to their laxity, government has sustained huge loss and the plantations gone to waste. Besides the above, Range Forest Officer Paroa also reported that out of 45 hectare area at Haji Amir Ahmad Handan charged by the appellants, an area of 20 hectare is planted, which is 30% failure and the remaining 25 hectare area only earth work is completed over an area

of 6 hectare and in 19 hectare no earth work is carried out. Similarly in Haji Abdullah Handan plantation area, 15 hectare plantation was carried out but on ground 50% plantation is failure. In view of the situation, the DFO immediately suspended the appellants and Syed Latif Hussain DFO Bannu was appointed as inquiry officer, to proceed against the appellants under the provisions of Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules, 2011. Charge sheet and statement of allegations were served upon the appellants, to which they responded. The inquiry officer recorded statement of the appellants, examined reply of the appellants to the charge sheet & statement of allegations, conducted personal hearing, inspected the plantation sites and noticed that as a whole 60% failure still exists in the plantation area and recommended recovery of 60% of the expenditure amounting To Rs. 60,2700/ as well as stoppage of one annual increment due on 01-12-2017 without accumulative effect. The inquiry officer submitted his report to the competent authority and in light thereof, the impugned notification dated 16-01-2018 was issued by the respondent imposing penalty of recovery amounting to Rs 60,2700/. The appellants submitted departmental appeal to respondent but of no avail, hence the instant service appeal with the prayers that impugned orders dated 16-01-2018 be set aside.

4. Written reply/comments were submitted by respondents.
5. Arguments heard and record perused.

6. Learned counsel for the appellants contended that disciplinary proceedings were not conducted as per the mandate of law as neither statement of any witness was recorded in presence of appellants nor was he afforded opportunity of cross-examination being mandatory. The learned counsel for appellants further contended that the appellants were not served with final show cause notice. He argued that the area in question was measured on GPS and nobody visited the spot to notice that the area is uneven and cannot be accurately measured by GPS. The learned counsel for the appellants pointed out that the appellants is the second lower tier executive hand of a forest division and merely to obey and follow orders of the high-ups. Selection of site for plantation is important, which is not the obligation of the appellants and the inquiry officer in its report has admitted to the fact that it is a harsh site and harsh site means that chances of failure would be on the higher side. He further contended that attribution of failure of a mega project to a Forest Guard is unfair as there is a hierarchy of officers above the rank of the appellants, who are responsible for such failure as envisaged in the West Pakistan Forest Manual. The learned counsel pointed out that the allegations leveled against the appellants, which allegedly caused failure are lack of interest, improper maintenance and no watering, but failure is not confined to it, other factors like selection of proper site, proper supervision by the supervising staff, soil status of the terrain, edaphic and climate also needs to be taken into consideration. The learned counsel for the appellants contended that it is very strange that DFO

D.I. Khan and DFO Bannu appoint each other as inquiry officer in order to do favors to each other on reciprocal basis. He contended that the appellants are neither drawing & disbursing officer nor a supervising authority, rather the Drawing & Disbursing officer and supervisory staff is equally responsible for the failure, but in order to save their own skin, the Burdon is shifted to the appellants, who is no authority and the penalty, though not admitted is inconsistent with the rule of Proportionality and prayed that the impugned notification be set aside.

7. Conversely, the learned Deputy District Attorney appeared on behalf of official respondents argued that as is evident from the record; the appellants were provided full opportunity of defense as per law and rules. They were provided opportunity of personal hearing during the course of disciplinary proceedings. The learned Deputy District Attorney referred to the inquiry reports in hand, where all the formalities necessary for conducting inquiries under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 were fulfilled. There was enough material on record as well as on ground for him to be proceeded against under the rules. He contended that as per Forest Manual, it was responsibility of the appellants to maintain the plantation area including proper watering to the plants, but they badly failed to perform the duty assigned to them, which caused huge loss to the government exchequer. The learned Deputy District Attorney admitted that the DFO D.I. Khan appointed DFO Bannu as inquiry officer during 2016-17

and vice versa. He also admitted that Show Cause Notice was not served upon the appellants being not necessary. He further added that the appeal is badly time barred and prayed that the instant service appeal is devoid of merit, hence may be dismissed.

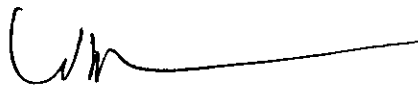
8. For what has been discussed above, we are of the considered opinion that the inquiry conducted was not comprehensive enough to encompass the secondary causes of failure of the project. The inquiry officer did not identify as to what was the role and responsibility of the supervising staff including Range Officer and the DFO, in whose presence huge amount was disbursed, which culminated into failure in their presence. As per provisions in the West Pakistan Forest Manual, a conservator in control of an irrigated plantation must satisfy by personal inspection during irrigation season that adequate arrangements have been made by the DFO to irrigate each plantation. Similarly, the DFO interalia is responsible for the correctness of all technical operations and to ensure by personal inspection and adequate organization and control that each & every compartment in the plantation is properly watered. Range Officer is responsible for all cash disbursement and expenditure within his range. All payments of pay and labour must, as far as possible, be made personally by him and he is personally responsible that labour is not employed for longer than necessary, to check and control all work within his range and to ensure that government funds are used in the most economical and efficient way. In view of the provisions contained

in Forest Manual, the upper hierarchy including DFO and range officer cannot be absolved of the responsibility of loss caused to the public exchequer, in whose presence the site was selected, project implemented and funds disbursed. Fixing responsibility only on Forest Guard for failure of a mega project is not a fair deal. Consequently, the instant appeal is partially accepted with the directions to the respondent department to conduct De-novo inquiry in accordance with law/rules within three months. The inquiry officer/ committee shall be appointed from another range other than Bannu and D.I Khan. The inquiry officer must keep in mind the conception of the said project, site selection, proper measurement, disbursement of funds and determination of the level of responsibilities. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

23.09.2020


(ROZINA REHMAN)
MEMBER(J)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

23.09.2020

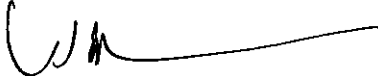
Learned counsel for appellant present. Mr. Muhammad Jan,
learned Deputy District Attorney for respondents present.

Vide detailed judgment of today of this Tribunal placed on file, the instant appeal is partially accepted with the directions to the respondent department to conduct De-novo inquiry in accordance with law/rules within three months. The inquiry officer/ committee shall be appointed from another range other than Bannu and D.I Khan. The inquiry officer must keep in mind the conception of the said project, site selection, proper measurement, disbursement of funds and determination of the level of responsibilities. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

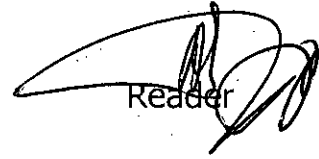
23.09.2020


(ROZINA REHMAN)
MEMBER (J)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

26/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 22/4/2020 at Camp Court, D.I Khan


Reader

22/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 22/9/2020 at Camp Court, D.I Khan

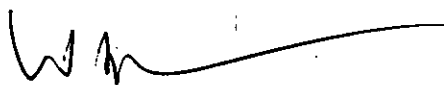

Reader


22.09.2020

Appellant with counsel present.

Mr. Muhammad Jan learned Deputy District Attorney alongwith Amin ul Islam SDFO for respondents present.

Arguments heard. To come up for order on 23.09.2020 before D.B at Camp Court D.I Khan.



(Atiq-ur-Rehman Wazir)
Member (E)
Camp Court, D.I Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

Service Appeal No. 774/2018

29.01.2020

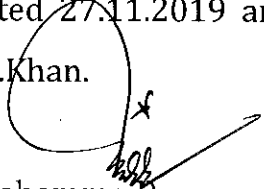
Appellant in person and Mr. Usman Ghani, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 26.02.2020 for record mentioned in order sheet dated 27.11.2019 and arguments before D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

26.02.2020

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 26.03.2020 for record mentioned in order sheet dated 27.11.2019 and arguments before D.B at Camp Court D.I.Khan.


(Mian Mohammad)
Member
Camp Court D.I.Khan


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

24/09/2019

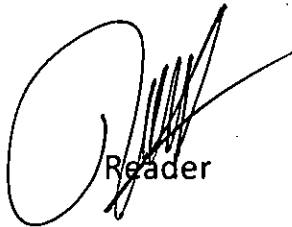
Appellant in person present. Mr. Farhaj Sikandar, learned Deputy District Attorney alongwith Mr. Tanveer Iqbal, Head Clerk for respondents present. Appellant submitted ~~an~~ rejoinder which is placed on file. Adjourn. To come up arguments on 21.10.2019 before D.B at Camp Court, D.I.Khan.


Member


Member
Camp Court, D.I.Khan


21/10/2019


Since tour to D.I.Khan has been cancelled .To come for the same on 27/11/2019.


Reader

27/11/2019

Appellant alongwith counsel and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant stated at the bar that the inquiry record of the appellant is not available on the record. Respondents are directed to direct the representative to attend the court and furnish all the inquiry proceeding record on the next date positively. Case to come up for record and arguments on 29.01.2020 before D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan

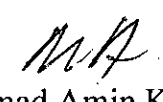

(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

Service Appeal No: 774/2018

24.06.2019

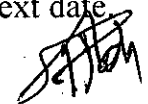
Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Amin-ul-Islam, SDFO for the respondents present. Learned counsel for the appellant requested for adjournment to furnish rejoinder. Adjourned to 26.08.2019 for rejoinder and arguments before D.B at Camp Court D.I.Khan. The interim relief already granted to the appellant on 13.09.2018 shall remain operative till the next date.



(Hussain Shah)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

26.08.2019

Appellant in person and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Amin-ul-Islam, SDFO for the respondents present. Due to general strike on the call of Pakistan Bar Council, learned counsel for the appellant is not in attendance today. Adjourned to 24.09.2019 for rejoinder and arguments before D.B at Camp Court D.I.Khan. The interim relief already granted to the appellant on 13.09.2018 shall remain operative till the next date.


(Hussain Shah)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

25.03.2019

None for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Sher Zaman, Forest Guard for respondents present. Written reply not submitted, despite last opportunity. Requested for further adjournment. Further adjournment granted subject to payment of Rs.1000/- which shall be borne by the representatives of the respondents from their own pockets. Case to come up for written reply/comments and payment of Rs.1000/- on 24.04.2019 before S.B at camp court, D.I.Khan. The interim relief granted to the appellant on 13.09.2018 shall remain operative till next date.



Member
Camp Court, D.I.Khan

24.04.2019

Appellant in person and Mr. Farhaj Sikandar learned District Attorney alongwith Ameen ul Islam DFO present. Written reply submitted. To come up for rejoinder, if any, and arguments on 24.06.2019 before D.B at Camp Court, D.I.Khan.

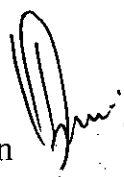


Member
Camp Court, D.I.Khan.

23.01.2019

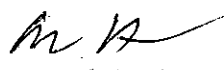
Appellant in person and Mr. Farhaj Sikandar, District Attorney alongwith Bilal Ahmad SDFO for respondents present.

Representative of respondents has produced written reply/comments which are yet to be signed by respondents No. 1, 2 & 3. He, therefore, requests for adjournment. Adjourned to 25.02.2019 before S.B at camp court, D.I.Khan on which date the requisite reply shall positively be submitted.


Chairman
Camp Court, D.I.Khan

25.02.2019

Appellant alongwith his counsel present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Farooq, SDFO for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for adjournment for filing of written reply. Last opportunity is granted. Adjourned. To come up for written reply/comments on 25.03.2019 before S.B at Camp Court D.I.Khan. The interim relief granted to the appellant on 13.09.2018 shall remain operative till next date.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

24-10-18

Case is hereby cancelled, therefore the case is adjourned for the same on 26-11-2018 at Camp Court D.I. Khan.

26.11.2018

Appellant in person present. Mr. Usman Ghani, District Attorney for the respondents present. Representative of the department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 17.12.2018 before S.B at Camp Court D.I.Khan. In the meanwhile recovery shall not be made from the appellant till the date fixed.

MA
(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

17.12.2018

As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 17.12.2018 has been rescheduled and the case is re-fixed for 26.12.2018.

MA
Referred

26.12.2018

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents present. Representative of the department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 23.01.2019 before S.B at Camp Court D.I.Khan. In the meanwhile recovery shall not be made from the appellant till the date fixed.


MA
(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

13.09.2018

Counsel for the appellant Muhammad Rafique present. Preliminary arguments heard. Learned counsel for the appellant contended that the appellant was serving in Forest Department as Forest Guar. It was further contended that the appellant was imposed penalty of recovery of Rs. 602700 by the competent authority vide impugned order dated 16.01.2018 on the allegation of his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly more than 80% failure was observed . Learned counsel for the appellant further contended that the appellant filed departmental appeal on 30.01.2018 but the same was not responded hence, the present service appeal. Learned counsel for the appellant further contended that neither proper inquiry was conducted, nor opportunity of persona hearing and defence was provided to the appellant, nor opportunity of cross examination was provided nor any show cause notice was issued to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 24.10.2018 before S.B at Camp Court D.I.Khan. Learned counsel for the appellant also submitted application for suspension of order of recovery of amount. Notice of the said application be also issued to the respondents for the date fixed. In the meanwhile recovery shall not be made from the appellant till the date fixed.



Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 774 /2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/06/2018	<p>The appeal of Mr. Muhammad Rafique received today by post through Miss. Ansa Iqbal Gandapur 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 4/6/18</p> <p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>13/9/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Muhammad Rafiq Forest Guard forest Department received to-day by post i.e. on 22.05.2018 is returned to the counsel for the appellatant with the direction to submit two more copies/sets of the appeal along with annexures i.e. complete in all respect within 15 days.

No. 1072 /S.T,

Dt. 23/05 /2018.

Mr. Rustam Khan Kundi
Advocate High Court D.I. Khan

for Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Received on 26/5/18
Rustam Khan Kundi
26/5/18

Received on 26-5-2018
Ansa Iqbal Gandapur
26-5-2018

SIR,

The requisite has been done. Two sets of the appeal along-with Annexure and photocopies, are enclosed here-with for further necessary action at your end- please.

The Registrar
KPK
Service Tribunal.

Yours Truly
MISS. ANSA IQBAL GANDAPUR
Ansa ADVOCATE
Counsel For Appellant.
30-5-2018 D.I. Khan

باجلاس

واجب الاحترام خیبر پختون خواہ۔ سرویس ٹری بونل۔ پشاور

STA No: 2018

سروس ٹری بونل مرافعہ

Appeal No. 774/2018

محمد رفیق فارست گارڈ۔ محکمہ جنگلات، معرفت، ڈویژنل فارسٹ آفیسر۔

ڈیرہ اسماعیل خان، فارسٹ ڈویژن ڈیرہ اسماعیل خان۔

مرافعہ گزار

برخلاف

حکومت خیبر پختون خواہ۔ بذریعہ سیکرٹری محکمہ ماحولیات (فارسٹ۔ وائلڈ لائف) پشاور

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Rafiq

باجلاس

واجب الاحترام خیبر پختون خواہ۔ سروس ٹری بونل۔ پشاور

Appeal No. 774/28/8

STA No: 2018

سروس ٹری بونل مرافعہ

محمد رفیق فارسٹ گارڈ۔ انچارج بلاک آفیسر۔ محکمہ جنگلات، معرفت، ڈویژنل فارسٹ آفیسر۔
ڈیرہ اسماعیل خان، فارسٹ ڈویژن ڈیرہ اسماعیل خان۔۔

مرافعہ گزار

برخلاف

حکومت خیبر پختون خواہ۔ بذریعہ سیکرٹری محکمہ ماحولیات (فارسٹ۔ وائلڈ لائف) پشاور

مسئول الیہان وغیرہ

متفرق درخواست بمراد اجراء عارضی حکم امتناعی برخلاف مسئول الیہ نمبر 4 کہ وہ تا تصفیہ مرافعہ
ہذا STAI۔ مبینہ رقم مبلغ۔/602700 ^{یکمشت} ~~میں~~ بصورت اقساط Installment، من مرافعہ
گزار اسائل سے وصول کرنے سے باز ہیں اور حالات آج کے دن کے۔ جوں کے توں رہنے
کا حکم صادر فرمایا جاوے

جناب مکرم ممبران صاحب:- سائل حسب ذیل عرض گزار ہے۔

- 1- یہ کہ درخواست کو یادداشت مرافعہ کے ساتھ یکجا پڑھا جاوے۔
 - 2- یہ کہ جب سائل نے خود مزدوروں کو اجرت ادا نہ کی ہے اور تمام اخراجات کی منظوری مسئول الیہ
نمبر 4 نے دی اور رقم اجرت کو اگزار کی ~~کے~~ مسئول الیہ نمبر 4 نے کی اور مزدوروں کی اجرت
SDFO نے اداء کی تو سائل کے خلاف محض تدبیر بازی (Manipulation) سے الزام۔
سائل کی معصومیت کے لئے محاسن ظاہری Prima Facie ہے۔
 - 3- یہ کہ سائل سے وصولیابی، سائل کے لئے ناقابل تلافی نقصان کے مترادف ہے۔
 - 4- یہ کہ محکمانہ مرافعہ پر بروقت حکم صادر نہ کرنے سے سائل کے حق میں توازن سہولت موجود ہے۔
- لہذا استدعا ہے کہ درخواست ہذا منظور فرمائی جاوے۔

مورخہ: مئی 2018

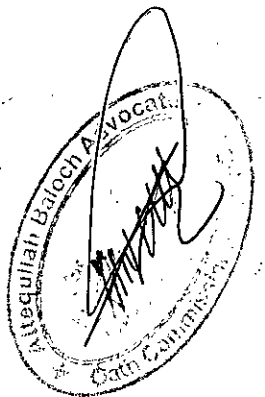
بجلاس
Advent

Rafiq

بیان حلفی

منکہ محمد رفیق، ولد محمد رسول، سکنہ پونہ، ڈیرہ اسماعیل خان
حلفاً یہاں ہے کہ جملہ مراتب درخواست ہذا میرے علم
و یقین کے مطابق صحیح اور درست ہے۔

Rafiq



گرامی القدر۔ خیبر پختون خواہ سروس ٹری بونل۔ پشاور

سروس ٹری بونل مرافعہ STA نمبر 774 سال 2018

محمد رفیق فارسٹ گارڈ، انچارج بلاک آفسر/فارسٹر۔ معرفت، ڈوویٹنل فارسٹ آفیسر۔ ڈیرہ

Khyber Pakhtunkhwa
Service Tribunal

اسماعیل خان۔

Diary No. 754

Appellant گزار مرافعہ

Dated 22/5/2018

برخلاف

- 1- حکومت خیبر پختون خواہ صوبہ۔ بذریعہ سیکرٹری محکمہ ماحولیات (فارسٹ اور وائلڈ لائف) پشاور۔
- 2- ناظم اعلیٰ جنگلات چیف کنزرویٹور۔ سنٹرل سدرن ریجن۔ 1، پشاور
- 3- کنزرویٹور (ناظمیٰ جنگلات۔ سدرن سرکل۔ پشاور۔ اور
- 4- ڈوویٹنل فارسٹ آفیسر۔ ڈیرہ اسماعیل خان۔ فارسٹ ڈوویٹن ڈیرہ اسماعیل خان کینٹ۔

مسئول البیان Respondents

مرافعہ Representation تحت دفعہ نمبر 4 سروس ٹری بونل ایکٹ، سال 1974 برخلاف

- (i) عدم صدور۔ واضح فیصلہ ازاں مسئول البیان نمبر 3، جس نے مرافعہ گزار کے حکمانہ مرافعہ Departmental Appeal، مورخہ 30 جنوری 2018 کو داخل دفتر Filed گردان لیا۔۔۔ اور

(ii) مرافعہ برخلاف حکم نمبر 94، مورخہ 16.01.2018 صدرہ ازاں مسئول البیان نمبر 4 جسکی رو

سے مرافعہ گزار کو سزاوار کر کے مرافعہ گزار کو مبلغ 602700/- روپے ماہانہ اقساط میں اداء کرنے کا حکم دیا گیا ہے۔

Filed to-day

Registrar
22/5/18

استدعا:- بہ منظوری مرافعہ ہذا۔ حکم مورخہ 16.01.2108 کو یکسر منسوخ فرمایا جاوے اور مرافعہ

Re-submitted to-day
and filed.

گزار کو ملازمت کے تمام مراعات اور حقوق کا حامل قرار دیا جاوے۔

جناب مکرم ممبران صاحبان:- مرافعہ گزار حسب ذیل عرض گزار ہے۔

Registrar
22/5/18

1- یہ کہ مسئول البیان نمبر 4 نے مقامی عملہ جنگلات کے خلاف بحوالہ حکم نامہ نمبر 120، مورخہ 30 جون

2017۔ تادیبی کارروائی کا آغاز کیا اور من مرافعہ گزار کی خلاف فرد جرم جاری کیا۔

Advocate

The Appellant Was Chargesheeted اور یکطرفہ محکمانہ انکوائری بقلم DFO بنوں۔ بحوالہ مراسلہ نمبر 178/E، مورخہ 26 جولائی 2017 کے نتیجے میں مرافعہ گزار کو سزاوار کر لیا۔ نقل حکم نامہ نمبر 94، مورخہ 16.01.018 لف ہے۔ اور اس کے خلاف محکمانہ مرافعہ بمقام پشاور موصول ہو چکا ہے۔ نقل لف ہے۔

- 2- یہ کہ فرد جرم Memo Of Allegation کا جواب، مورخہ 21.08.2017 لف ہے۔
- 3- یہ کہ انکوائری آفیسر بحیثیت DFO بنوں نے رپورٹ پیش کی۔ حالانکہ وہ خود اپنے ڈویژن میں سونامی پلانٹیشن کی مبینہ ناکامیوں سے جان خلاصی کے لئے ماتحت عملہ کو مورد الزامات ٹھہرا کر ان کے خلاف انکوائری کے لئے DFO، ڈیرہ اسماعیل خان عابد ممتاز خان کو انکوائری آفیسر مقرر کر چکا ہے، جو کہا ایک انوکھی مثال ہے۔ نقل انکوائری رپورٹ نومبر 2017 لف ہے، جسکی تائید میں مرافعہ گزار کو زبانی شنوائی کے لئے بحوالہ مراسلہ نمبر 43/6-3842، مورخہ 29 نومبر 2017 طلب کیا۔ نقل لف ہے۔ اور اس کے بعد زیر حکم نامہ نمبر 94، مورخہ 16.01.2018 جاری کیا۔
- 4- یہ کہ محکمانہ مرافعہ پر تاحال معیاد مقررہ کے اندر کوئی واضح حکم فیصلہ صادر نہ ہے جس سے یہ تاثر باآسانی مل سکتا ہے کہ مرافعہ گزار متضرر Aggrieved ہے اس لئے موجودہ مرافعہ پیش کیا جا رہا ہے جو کہ اندر معیاد ہے اور اندر حدود اختیار سماعت معزز۔ ٹری بونل۔ ہذا ہے اور بصورت موجودہ قابل رفت ہے۔

وجوہات مرافعہ:-

- i- یہ کہ Billion Trees Artificial Plantation، منصوبہ نہایت جلد بازی میں تیار اور مرتب کیا گیا تھا It Was Mis-Oriented And Politicaly Motivated اور اس قسم کے منصوبہ جات کبھی بھی خوش آئند انجام تک نہیں پہنچ سکتے۔
- ii- یہ کہ انکوائری آفسر نے متغیث (Prosecutor) یا اس کے گواہان پر (اگرچہ چارج شیٹ میں اور انکوائری رپورٹ میں گواہان کا حوالہ نہیں ہے) جرح کا موقع فراہم نہیں کیا۔
- iii- یہ کہ مسئول الیہ نمبر 4 نے بھی زبانی شنوائی کے دوران بھی من مرافعہ گزار کو ~~انکوائری~~ کے نمائندہ (اگر کوئی نامزد ہوا ہو)، زبانی جرح Oral Cross Examination کا موقع فراہم نہیں کیا۔
- iv- یہ کہ تادیبی کارروائی کا آخری مرحلہ میں من مرافعہ گزار کو شوکا ز نوٹس نہیں دیا گیا ہے جو کہ عام قانونی غلطی ہے The Whole Proceedings Have Been

،- Mis-Conducted

Ansab
Advocate

-v یہ کہ رقبہ کا انتخاب اور رقبہ کے مالکان کی قانونی حیثیت Legal Title کی ذمہ داری مسئول الیہ کی ہے جب رقبہ موزوں تر نہیں تھا اور اس طرح شجرکاری میں جزوی ناکامی کے لئے ماتحت ترین اہلکاران Lowest Subordinates کو الزام الیہان بنانا محض آفسر شاہی جبر ہے
-It Is Bureacratic High-Handedness

-vi یہ کہ فرد جرم Chargesheet غیر واضح ہے، It Is Without Sufficient
-Clearance And Certainty

-vii یہ کہ انکوآری رپورٹ بھی خاصی سرسری ہے It Is Imprecise، اور ناقابل عمل ہے اور یہ
انکوآری رپورٹ قانون وقواعد سال 2011 کے مطابق نہیں ہے بلکہ It Is Short Hand
-ہے Narration

-viii یہ کہ (تسلیم نہیں مگر بالفرض کہ شجرکاری معیار کے مطابق کامیاب نہیں ہے) تو تب بھی عائد کردہ سزا
معرفہ گزار کے BPS- کے مطابق نہیں ہے جب مرافعہ گزار نے مسٹرول کو منظور کر سکتا ہے
اور نہ ہی مزدوروں کو از خود مزدوری ادا کر سکتا ہے اور ایسی صورت میں Disbursing Officer یعنی
کہ SDFO اور Drawing And Disbursing Officer یعنی کے DFO ہی
ذمہ دار ہوتے ہیں اور ان دو افسران کی کوئی سادہ سی جواب طلبی بھی نہیں کی گئی ہے

The Penalty Is Inconsistent With The Rule Of
Proportionality (Though Penalty Is Not Admitted)

-ix یہ دوران مئی 2017 شجرکاری کی ناکامی کا الزام غلط ہے جب مسئول الیہ نے مسٹرول برائے
مئی 2017، Sanctioned منظور کر لیا تھا۔
لہذا استدعا ہے کہ دوران سماعت مرافعہ گزار کے وکیل کو اضافی دلائل پیش کرنے کی
اجازت دی جائے اور اپیل ہذا منظور فرمائی جائے۔

عرض

محمد رفیق - فارسٹ گارڈ، انچارج بلاک آفیسر افار سٹر

MR Rafiq

تصدیق بمقام ڈیرہ اسماعیل خان

باقراصلاح تصدیق کی جاتی ہے کہ جملہ مراتب اپیل ہذا میرے علم و یقین
کے مطابق صحیح اور درست ہے۔

MR Rafiq

اپیلانٹ

صورتح: 19-5-2018
شعبہ

لوکالت: مس آئسہ اقبال گندھار

Abdul
Advocate

گرامی القدر۔ خیبر پختون خواہ سروس ٹری بونل۔ پشاور

سال 2018

نمبر STA

سروس ٹری بونل مرافعہ

محمد رفیق فارسٹ گارڈ، انچارج بلاک آفسر افارسٹر۔ معرفت، ڈویژنل فارسٹ آفیسر۔ ڈیرہ اسماعیل خان۔

مرافعہ گزار Appellant

برخلاف

- 1- حکومت خیبر پختون خواہ صوبہ۔ بذریعہ سیکرٹری محکمہ ماحولیات (فارسٹ اور وائلڈ لائف) پشاور۔
- 2- ناظم اعلیٰ جنگلات چیف کنٹرویلر۔ سنٹرل سدرن ریجن۔ ا، پشاور
- 3- کنٹرویلر (ناظمیٰ جنگلات)۔ سدرن سرکل۔ پشاور۔ اور
- 4- ڈویژنل فارسٹ آفیسر۔ ڈیرہ اسماعیل خان۔ فارسٹ ڈویژن ڈیرہ اسماعیل خان کینٹ۔

مسئول البيان Respondents

محمد رفیق
MR. Rafiq

OFFICE ORDER NO. 94 DATED D.I.KHAN T-E 16 JANUARY 2018 ISSUED
BY MR. ABID MUMTAZ DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION

During inspection of Haji Abdullah Handan and Haji Mir Ahmad Handan (Kulachi Forest Range) plantation areas, on 22/05/2017 the Divisional Forest Officer D.I.Khan found that the planted area is seem to be less than the area actually charged through muster rolls. Therefore, area was measured through GPS by Muhaminad Shafiq GPS specialist of HRD, Directorate and found that the total area was 39.4 hectare while an area of 60 hectare was claimed / charged. During inspection it was also observed by the DFO, D.I.Khan that available area was more than 60% failed due to lack of interest, improper maintenance and no watering to area by the I/C Forester and Forest Guard. Due to their laxity, the Government has sustained huge loss and the expenditure incurred on the raising and maintenance of 15 hectare at Haji Abdullah Handan and 45 hectare at Haji Mir Ahmad Wazir Henden totaling 60 hectare block plantations were gone to waste.

M/S Muhammad Rafiq Forest Guard I/C Bock Officer and Zain ul Abideen Forest Guard I/C were suspended and attached with the office of the Conservator of Forests, Southern Circle, Peshawar and Syed Latif Hussain DFO, Divisional Forest Officer Bannu Forest Division was appointed as inquiry officer vide DFO, D.I.Khan office order No. 121 dated 30/06/2017 vide endorsement No. 7015-19/G dated 30/06/2017 to proceed against the above named officials under the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

Besides above, Range Forest Officer Paroa reported vide letter No. 12/Kul dated 0/06/2017 that out of 45 hectare area at Haji Amir Ahmad Hindan charged by above named officials an area of 20 hectare is planted which is 30% fail and in remaining 25 hectare area only earth work is completed over an area of six (6) hectare and in 19 hectare no earth work carried out. In Haji Abdullah Hindan plantation area 15 hectare plantation was carried out but on ground 50% plantation is fail.

Keeping in view the above exposition a charge sheet and statement of allegations were prepared and sent to the inquiry officer vide this office letter No. 402/G dated 17/07/2017 which was subsequently served upon both the accused officials vide Inquiry Officer (DFO, Bannu) letter No. 176/E dated 26/07/2017 and No. 178/E dated 26/07/2017.

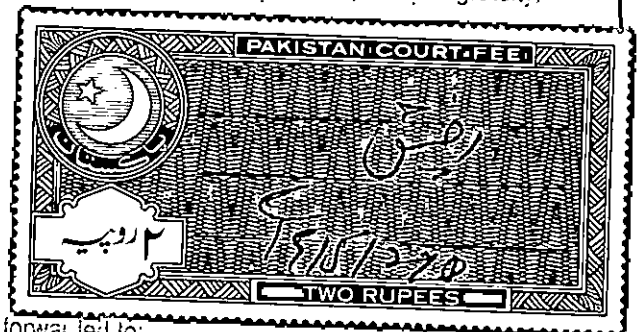
The inquiry Officer initiated inquiry, recorded statements of the accused officials, examined reply to the charge sheets & statements of allegations furnished by the accused officials, conducted personal hearing & inspected the planting sites and submitted inquiry report to this office wherein he reported that during inspection of sites it has been noticed that as a whole 60% failure is still exists in the plantation areas, the survival of plants needs immediately watering otherwise the failure %age will be further increased and harsh site and severe termite attack was noticed.

Keeping in view the above the Inquiry officer recommended the following actions to be taken against the accused officials:

1. Recovery of Rs. 1.2054 million (60% of the total amount spent) may be got recovered from M/S Muhammad Rafiq and Zain-ul-Abideen Forest Guards (accused officials) on equal share basis
2. SDFO, Kulachi should arrange immediate watering for the survived plants
3. Stoppage of one annual increment due on 01/12/2017 without accumulative effect from both the accused officials

The inquiry report was sent to the both the accused officials vide this office letter No. 3842-43/G dated 29/11/2017 with the directives to submit their opinion regarding the inquiry report and appearing before the Competent Authority for personal hearing on 30/11/2017. Accordingly the accused official appears before the undersigned on the fixed date but they could not explain the cogent reasons for the failure of plantation. Their written reply submitted by them dated 05/12/2017 was also not convincing.

Therefore keeping in view the above exposition, the undersigned being Competent Authority is agreed with recommendations of inquiry officer, hence the penalties proposed by the inquiry office as noted above are hereby imposed upon M/S Muhammad Rafiq and Zain-ul-Abideen Forest Guards with immediate effect. The amount of Rs. 12054000/- will be recoverable from both the accused on equal share basis of Rs. 6027000/- in forty (40) equal installments of Rs. 150700/- per month. In case of their retirement during the period, the remaining amount will be recovered from their pension / gratuity.



Copy for information and further necessary action is forwarded to:-

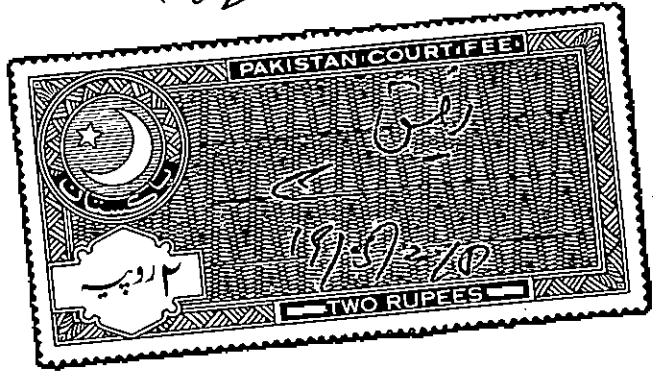
1. The Conservator of Forests, Southern Circle, Peshawar.
2. Syed Latif Hussain, Divisional Forest Officer, Bannu Forest Division, Bannu (Inquiry Officer) for information with reference to his office letter No. 670/E dated 15/11/2017.

Attested
M. Rafiq

3. Head Clerk / Accountant. They are requested to stop the annual increment of both the forest guards if the increment is already granted the amount paid should be recovered immediately. Also start recovery of Rs.602700/- from each individual in forty (40) equal installments of Rs. 15070/- per month.
4. RFO, Kulachi He is directed to intimate the present position of the above noted plantations and arrange immediate watering for the survived plants.
5. Mr. Muhammad Rafiq Forest Guard C/O RFO Kulachi.
6. Mr. Zain-ul-Abideen Forest Guard C/O RFO Kulachi.

D.I. Khan
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

Attested
M Rafiq



Regd ①

File - II
⑧

BEFORE..

THE WORTHY CONSERVATOR OF FOREST- SOUTHERN CIRCLE PESHAWAR

DEPARTMENTAL REPRESENTATION

2018

MUHAMMAD RAFIQUE, FOREST GUARD C/O SUB DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST RANGE, DERA ISMAIL KHAN

APPELLANT

V/S;

THE DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION, DERA ISMAIL KHAN

RESPONDENT (COMPETENT AUTHORITY)

Representation/Appeal against Order No. 94 dated 14.01.2018 passed by the Respondent vide which the recovery of Rs. 0.6275 million has been imposed against the Appellant (Copy of Impugned Order is enclosed).

PRAYER:- On acceptance of the Instant Appeal, to set aside the Impugned harsh Order dated 16.01.2018 and as a consequence thereto, to withdraw the charges leveled against the Appellant.

The Appellant; amongst other grounds; respectfully submits as follows:-

1. The inemo; of explanation dated 21.8.2017 and the subsequent reply 5/1/18 may be read as parts of the Appeal.

2. The Appellant is the second lower tier executive hand of a Forest Division and is merely to obey and follow the orders of his Divisional Head who is both Competent Authority as well as Drawing and Disbursing Officer under Financial Powers vested in Category-II Officers of the Provincial Govt.

The achievement of the Plantation Project initially starts with selection of site (Plantation Coupe) which is not the obligation of a Forester-cum-Block incharge and thus the allegations, ab-initio; are misplaced and misjudged; and the subordinate is not vicariously liable for mis-planning or mis-orientated of a Mega Project.

The unholy haste in implementing a Mega Project with meagre inputs and with undue haste without suitable arrangements for weekly hand-watering and burbed-wire fencing cannot be

- 2 -

MR Rafiq

MR Rafiq

م. رفیق



attributed to lower staff. The extent of area of Forest Farming is also verifiable through Halqa Patwari by production of copy of detailed Fard jamabandi of the current year with ascertainable dimensions *SVU* of area through copy of Aks Shajra of the last settlement (1966-1968) and thus the opportunity of cross-examining of Halqa Patwari along with *Record Clerk* and Divisional Accountant of D.I.khan forest Division.

- 5. Failures of Plantation are always unavoidable and various factors including edaphic, climate and socio-economic inhibitions and individuals are seldom actionable due to such extra-human impediments.
- 6. The failures of transplants imbedded in unfriendly environment with subsequent lack of silvicultural inputs is not a personal act of causing loss to the Govt Exchequer and the allegations were thus ill-founded and ill-designed and non-sustainable and the allegation of loss (overestimated and overrolled) is an act not warranted by the circumstances of the site where the Accused/Appellant had not grabbed any sum of public funds expended through Muster Roll or miscellaneous bills, since the bills are paid by either SDFO or DFO through Accountant and the Muster Rolls after Sanction/Approval are being dealt with by the Range Forest Officer/ SDFO concerned.
- 7. The Inquiry Officer has declined to allow opportunity of cross-examination of the Prosecution Witnesses as well as the Prosecution Representative and the Inquiry Report has been formulated in vacuum, with utter disregard of the principles of natural justice and reliance ^{upon} ~~upon~~ it is a semblance of just hit-and-run attitude (Inclemency). *Even Expenditures are being incurred till yet.*

The Appellant request, that the entire Profiles of Plantation along with disciplinary files may be requisitioned *as per Appeal Rules, 1986*.
The Appellant also wishes to be heard in person.

It is therefore **PRAYED** that the Instant Appeal may graciously be accepted.

YOUR APPELLANT

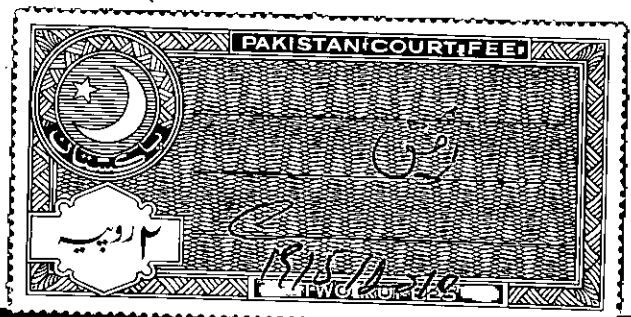
M Rafiq

M. RAFIQUE FOREST GUARD/INCHARGE FORESTER

Copy forwarded to Divisional Forest officer, D.I. Khan Forest Division - Dara Ismail Khan for further necessary action.

M Rafiq
م رفیق

30-1-18



E/Generl.

111

11

Syed Lateef Hussain Divisional Forest Officer Bannu Forest Division	Environment Department Government of Khyber Pakhtunkhwa	Miranshah Road Tappi Killa Bannu ☎0928-9270042 ☎0928-9270034
No. <u>176</u> /E	Dated Peshawar	<u>26</u> / 7 / 2017

To

Muhammad Rafiq
Forest Guard C/O
DFO D.I. Khan

Subject: - ENQUIRY

Memo:-

To probe in to matter and finalize the inquiry proceeding against you under E&D Rules 2011, the DFO D.I Khan vide his office order No.121 dated 30-6-2017 appointed the undersigned as enquiry officer. A copy of charge sheet and memo of allegation is enclosed herewith.

You are therefore directed to furnish the reply of charge sheet within seven (7) days from the date of receipt of this letter so that the inquiry could be finalized.

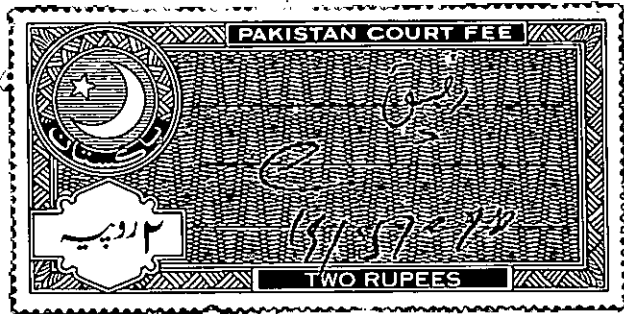
Encl: As above


Divisional Forest Officer
Bannu Forest Division

BR
L59
31/7/2017

No. 1 /G
Copy forwarded to DFO D.I Khan for information and necessary action. He is requested to deliver the letter meant for the above named office under proper receipt may be sent to this office for record.

Divisional Forest Officer
Bannu Forest Division



(12)

CHARGE SHEET

I, Abid Mumtaz Divisional Forest Officer, D.I.Khan Forest Division as competent authority, hereby charge you, Mr. Muhammad Rafiq Forest Guard of Kulachi Forest Range BPS-8 that on 22/05/2017 the undersigned accompanied with Muhammad Shafiq Monitoring Officer GIS specialist (HRD) inspected Haji Abdullah Handan and Haji Mir Ahmad Handan plantations areas, (15 + 45 = 60 Ha respectively) Block Plantation raised under "BTAP". During inspection it was observed that due to lack of interest improper watering / maintenance the plantation was failed up to the extent of 80%.

Later on the RFO Kulachi further reported vide letter No. 12 dated 20/06/2017 that in Haji Mir Ahmad Handan Plantation out of 45 Ha only 20 Ha area is available on ground which is 30% fail, while in the remaining 25 Ha area in 6 Ha earth work is done while in 19 Ha area no earth work is carried out.

By reason of the above you appear to be guilty of (i) **IN-EFFICIENCY** (ii) **MISCONDUCT** and (iii) **CORRUPTION** under Rule 3 of Khyber Pakhtunkhwa Government Servant (**Efficiency and Discipline**) Rule 2011 and have rendered yourself liable to all/ any of the penalties specified in Rules 4 of the rules ibid.

You are therefore, requested to submit your written defense within seven (7) days of the receipt of this Charge Sheet direct to the Enquiry Officer.

Your written defense, if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you. Intimate whether you desired to be heard in person.

A statement of allegations is enclosed


DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

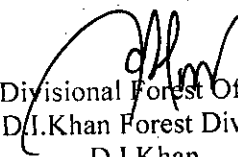
(Competent Authority)

DISCIPLINARY ACTION

I, Abid Mumtaz Divisional Forest Officer, D.I.Khan Forest Division, as Competent Authority, am of the opinion that Muhammad Rafiq Forest Guard of Kulachi Forest Range rendered himself liable to be proceeded against, as he committed the following acts / omissions, within the meaning of section 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- (a) DFO D.I.Khan during field visit along with Muhammad Shafiq Monitoring Officer (HRD), noticed more than 80% failure in 60 Ha Plantation area at Haji Abdullah Handan and Haji Mir Ahmad Handan plantations, raised under "BTAP.
 - (b) An Amount of Rs. 517360 + 1492260 = 2009620/- incurred from Govt; Exchequer on raising and subsequently maintenance of 60 Ha plantation vide Muster Roll Nos.115, 203, 334,482,585,782,864,10 & 103,204,330,490, 584, 785, 866,16 for the month of 9/2016 to 04/2017 but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area, resultantly failure was observed more than 80% failure was observed..
2. For the purpose of inquiry against the side accused with reference to his above mentioned allegation, Mr. Latif Hussain DFO Bannu is hereby appointed as inquiry Officer under rule 10 (1) (a) of the ibid rules;
 3. The enquiry Officer shall, accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its finding and make, within thirty (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
 4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


Divisional Forest Officer
D.I.Khan Forest Division
D.I.Khan

03483496313

گورنری جواب خانہ ٹھکانہ فارم کارڈ

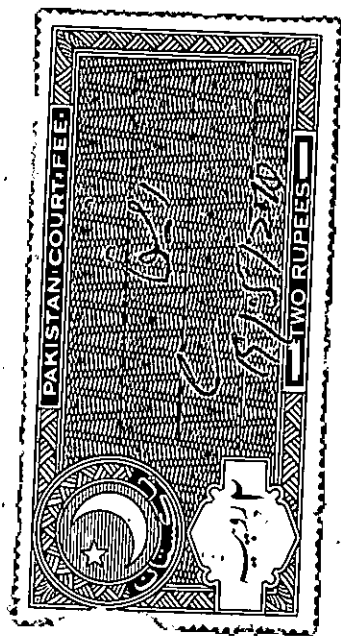
جوالہ چارج شیٹ ڈیپارٹمنٹ E-176 صفحہ 26-07
2017

* ضامی! رقبہ متذکرہ پر Charge Sheet - ضامی عبداللہ - ہینڈل
 رقبہ متذکرہ ضامی میراٹھ - ہینڈل بہ تفصیل 60 = 45 + 15
 Ha بلاک پلانٹیشن جسکی رپورٹ Monitoring Officer
 افسر کی بابت سب سے زیادہ حالت متذکرہ رقبہ متذکرہ کی پلانٹیشن
 کی حالت مناسب اور اسکی فٹنس ہے۔

* چاروں اطراف گھوم کر GPS پر پلانٹیشن کی پوری حقیقت
 اندر جان کر عملی طور پر پلانٹیشن کی کوئی خاصہ دیکھ کر نہیں لگا گیا ہے
 رپورٹ میں انڈازوں اور نوعیتوں پر تیار کردہ مشاہدہ ہے
 گورنری کے ایام فقہ بہ علاقہ دان کاگرم ترین اور سردانی علاقہ ہے
 سیزن میں بارش بہت ہی کم بلکہ نہ ہونے کے برابر ہیں۔
 اس کے علاوہ رقبہ سالک کے Plantation کے علاوہ 30 Ha
 کاشت کیے رقبہ رکھا ہوا ہے ٹیوب ویل کا پانی بہت ہی کم ہے۔ جو
 کہ Plantation اور رقبہ کی کاشت کے لئے نا کافی ہے جبکہ اکثر
 اوقات رقبہ سالک کے کاشت کار پانی کی سیرابی رقبہ کاشتکار ذاتی
 زمین پر تقسیم دیتے ہیں۔

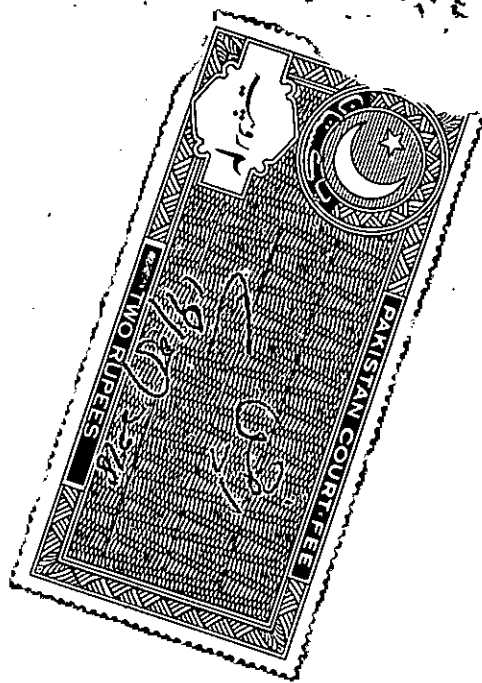
M. Rizvi

ضامی!
 رقبہ متذکرہ ہینڈل گورنری Monitoring Officer
 نے مندرجہ GPS پلانٹیشن کی ہے جسکی GPS کارڈ



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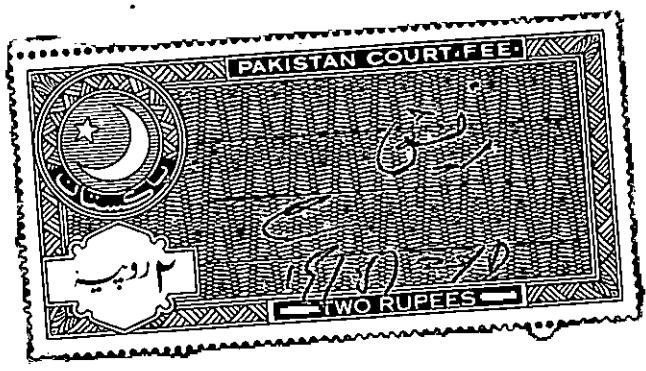
کوشش پلانیشن ہیں۔ میں کافی دلچسپی، دلچسپی چاہتی تھی اور لیکن میں کام لگا ہے اور تقریباً Target achieve کیا ہے۔ دو مقصد ہیں ہر فرمی پورٹس کو پیدا کیا گیا ہے۔ اور یہ بھی ہے جو سراسر زیادتی ہے۔ اور یہ بھی ہے جو علم افزائی کی بجائے جو علم شہسہ ہے۔ زمین حقان کو مد نظر نہیں رکھا گیا ہے اور نہ ہی یہ ہے کہ کوئی Appreciation و شفقت کا لہجہ ہے۔ گوئل مزاح کنسل سٹیم کو متعلقہ رقبہ عات میں پوروں کو Per Month ریف پائی کی اجازت ہے جو RTFO دفتر سے Estimate ہے۔ جو کہ پوروں کو پائی نہ ملنے کے برابر ہے۔

الحمد و شفقت باللہ

کی روشنی میں In Efficiency, Misconduct اور Corruption کی صورت کو Withdraw فرم دے۔

21-08-2017

محمد رفیق ... فارمٹ کارڈ
Attested
M Rafiq



17

OFFICE OF THE DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION D.I.KHAN

To

1. Mr. Muhammad Rafiq Forest Guard
2. Mr. Zain-ul-Abideen Forest Guard
C/ O RFO Kulachi .

No. 30/11/2017 /G dated D.I.Khan the 29 /November /2017.

SUBJECT:- Inquiry report.

Reference :- Correspondence resting with this office order No.121, dated 30-06-2017

The inquiry officer has finalized the enquiry and submitted report . A copy of the same is enclosed herewith for further necessary action .

You are directed to appear before the undersigned on 30/11/2017 for personal hearing. Bring all documentary evidence in your defence on the day of personal hearing

Acknowledge the receipt.

Encl As Above

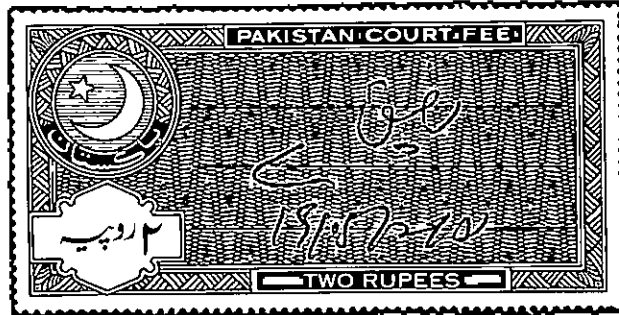
[Signature]
 DIVISIONAL FOREST OFFICER
 D.I.KHAN FOREST DIVISION
 D.I.KHAN

No. /G,

Copy forwarded to the Range Forest Officer Kulachi for information necessary action. He is directed to deliver the letter to the above named officials under proper acknowledgment receipt which may be supplied to this office for record further for necessary action please.

[Signature]
 DIVISIONAL FOREST OFFICER
 D.I.KHAN FOREST DIVISION
 D.I.KHAN

Ausled
Rafiq



ENQUIRY REPORT IN RESPECT OF M/S MUHAMMAD RAFIQ FOREST GUARD AND ZAIN-UL ABIDEEN FOREST GUARD OF D.I. KHAN FOREST DIVISION

Read with

- 1- DFO D.I. Khan Office order No. 121 dated 30-6-2017.
- 2- DFO D.I Khan Office letter No. 402/G dated 17-7-2017.
- 3- DFO Bannu letter No. 176-77/E dated 26-7-2017 & 178-79/E dated 26-7-2017
- 4- Replies furnished by M/S Muhammad Rafiq & Zain-ul Abideen Forest Guards

Discussion

M/S Muhammad Rafiq & Zain-ul-Abideen Forest Guard suspended vide DFO D.I. Khan office order No. 121 dated 30-6-2017 due to the following reasons:-

- 1- DFO D.I Khan alongwith Muhammad Shafiq Monitoring Officer (HRD) noticed more than 80% failure in 60 Ha plantation area at Haji Abdullah Handan and Haji Mir Ahmed Handan plantation raised under BTAP.
- 2- An amount of Rs. 2.009 Million shown incurred from the Govt: exchequer on raising and subsequent maintenance of 60 Ha plantation from 9/2016 to 4/2017 as per detail in statement of allegations., but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area more than 80% failure was observed.

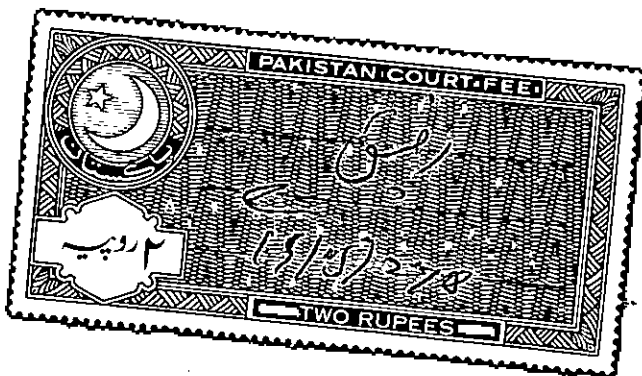
The DFO D.I. Khan vide his office orders referred above appointed the underside an enquiry officer and sent the charge sheet and memo of allegations against both the officials vide his office letter No. 402/G dated 17-7-2017, which were accordingly been served upon 176-77/G dated 26-7-2017 & 178-79/G of even date, for submission of their written replies. Accordingly M/S Muhammad Rafiq and Zain-ul- Abidin Forest Guards (accused officials) submitted their written replies vide dated 14-09-2017 mentioning therein that due to hot season and prolong drought the failure was occurred.

Proceedings

The undersigned in the capacity of enquiry officer examined their replies and paid detailed inspection to the plantation site verbal personal hearing was conducted and noticed that:-

- 1- As a whole 60% failure is still exist in the plantation area.
- 2- The survived plants needs immediately watering otherwise the failure % age will be further increased
- 3- Harsh site and severe termite attack.

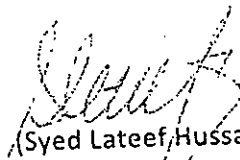
*Attested
M Rafiq*



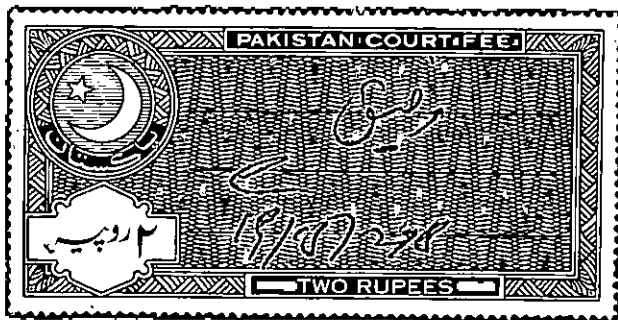
Findings

Keeping in view the above discussion, consulting the record and personal hearing of all the officials and inspection of the plantation site the undersigned recommended the following actions:-

- 1- Rs. 1.2054 Million (60% of the total amount spent) may be got recovered from M/S Muhammad Rafiq and Zain-ul- Abidin Forest Guards (accused officials) on equal share basis
- 2- SDFO Kulachi should arrange immediate watering for the survived plants.
- 3- Stoppage of one increment due on 01-12-2017 without accumulative effect from both the accused officials.


(Syed Lateef Hussain)
Divisional Forest Officer
Bannu Forest Officer

Attestat
M. Robi



R/O 216

To

THE DIVISIONAL FOREST OFFICER-
DERA ISMIAL KHAN...

SUBJECT: INQUIRY AGAINST M. RAFIQUE- FORESTER

THE RESPONDENT ACCUSED IN RESPONSE TO MEMO No.3842-43/G,
1) DATED 29.11.2017 SUBMITS AS FOLLOWS:-

1. The Inquiry Officer had omitted to thoroughly examine the Reply of the Respondent, dated 21.08.2017 though he has admitted the non-suitability of the area for artificial plantation. Even then uptill start of May, the Plantation prospects were found satisfactory, the alleged diminution in area has to exist when GT Sheets show linear aerial distances where-as the cadastral survey by Revenue Officers show actual surface measurements of the terrain.
2. The Inquiry Officer had failed to interrogate the concerned Range Officer Kulachi about his supervisory role when he had made satisfactory report dated 22.05.2017, which has been endorsed by the DFO D.I.Khan who had furnished certificate on Account Form No.50 each month, and afterwards opposite stance is misplaced.
3. Even after the suspension of the Accused, efforts have been made through maintenance charges for rehabilitation of the plantation but the result is discouraging.
4. The selection of site was not the choice of Respondent/Accused and as such the very foundation of the Project was mis-planned and the failures were un-avoidable, and Tube-well water-supply was too scanty and insufficient especially during sizzling temperatures of the summer season
5. The Inquiry Officer had failed to examine any witness as referred in the Reply dated 21.08.2017 which is a very serious error in the proceedings and no opportunity of cross-examination of stated witnesses had been provided. Copy of the Reply dated 21.08.2107 is enclosed.
6. The Inquiry is thus unevenly oriented and misdirected in point of law.
7. The Inquiry Officer is not permitted to propose the quantum of penalties vide notification dated 28.03.2014 and he has only to report qua guilt or otherwise. The report is thus un-credit-worthy and charges may kindly be withdrawn.

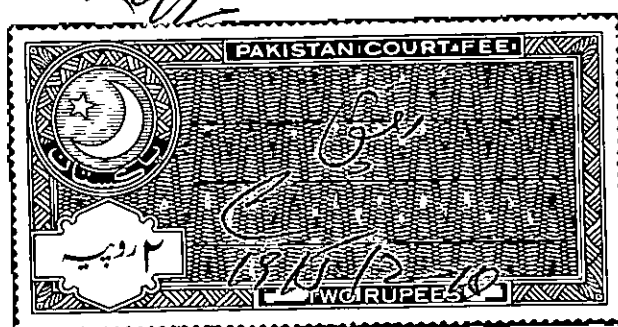
Attested

M. Rafique

M. Rafique
05/12/2017
YOUR HUMBLE RESPONDENT

M. Rafique
Forester

Received
By
05/12/17



منسلک 20 VII

نقل و حوالہ حقداران زمین موضع تحصیل 9 ضلع ڈیرہ اسماعیل خان

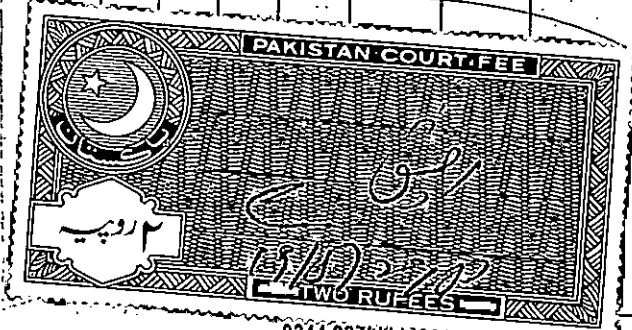
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کمر از زمین حقداران زمین سال 2009-10

نمبر حقیقت	نمبر کھنڈ	نام مالک معہ احوال	نام کاشتکار معہ احوال	تفصیل نمبر حقیقت		نام و آرائش	زرگان	مال اندازی	گروہ بندی
				رقبہ	نمبر زمین				
227		کل 17501 فورہ - فورہ سہ 2366 میر انور علی - صاحب زمین سہ 6266 سید صاحبی سلاخان فورہ زمین سلاخان صاحبی سلاخان ولیم بیٹا و صاحب 14 فورہ - فورہ سید صاحبی سلاخان فورہ زمین 15601	سید 785-1 15601 17501	875-1					

نور محمد علی صاحبی کارروائی

25/11/18



جہ شہید پریشاد ایجنسی انٹرنیشنل پرائیویٹ لمیٹڈ 0344-9373680-0340-5026112

M. Raza

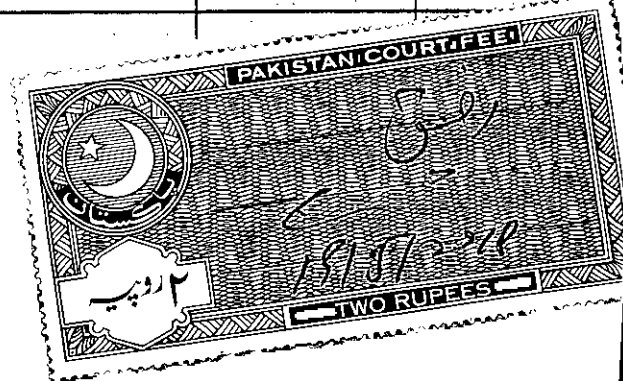
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ورق نمبر کتاب نمبر ضلع ڈیرہ اسماعیل خان تحصیل 9 قصبہ گرو داوری موضع حصہ 1

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تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	تبدیلی حقوق کاشت یا قبضہ دہندگان معاہدہ احوال داخل خارج	
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مقرر رجسٹر حقداران زمین موضع ھندل تحصیل د ضلع گڑن

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ستر سلاز رجسٹر حقداران زمین سال

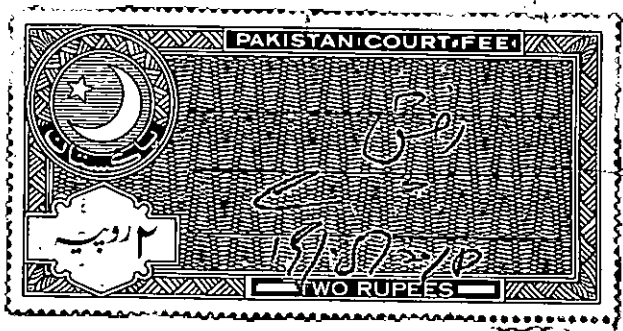
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				نمبر	رقبہ				
		کل 2581	سپر	366 → 112	338 → 14-16				
		طارق عبداللہ	منسقلہ	2	129-1				
		عادل عبداللہ	1230 → 10-11						
		عاقب عبداللہ	2581						
		ایمان عبداللہ	1230						
	23	طارق عبداللہ	سپر	4	79-12				
		وہابہ دوزار							
		کل 3200	سپر	619 → 164					
		طارق عبداللہ	منسقلہ	1529 → 9-76					
		منسقلہ	3200						
		کل 3627	سپر	8	181-7				
		طارق عبداللہ	منسقلہ	1300 → 65					
		منسقلہ	3627						
		کل 16	سپر	202 → 167					
		طارق عبداللہ	منسقلہ	12 → 5					
		منسقلہ	16						
		کل 6557	سپر	9	347-17				
		طارق عبداللہ	منسقلہ	2744 → 4					
		منسقلہ	6557						
		کل 2744							

منسقلہ

منسقلہ

25/11/18

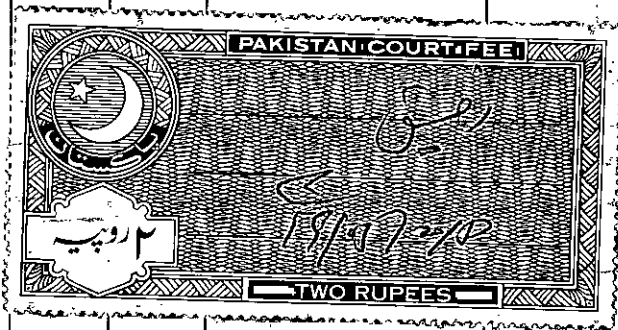
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M. Rebi



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از رجسٹر حقداران زمین سال

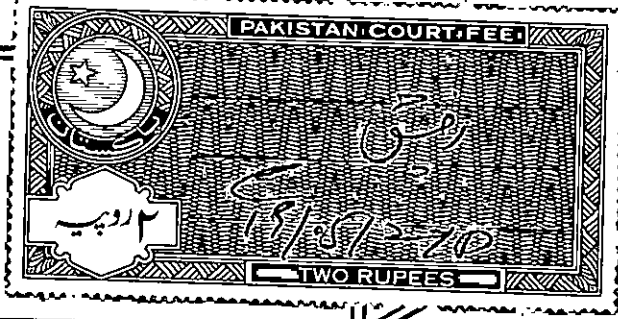
نمبر رجسٹر حقدار	نمبر رجسٹری	نام مالک معہ احوال	نام کاشتکار معہ احوال	تفصیل نمبر کھیت			نام ساکن آبپاشی	زرگان	مال گذاری	کیفیت
				نمبر پلاٹ	رقبہ	شمار زمین				
209		طارق میر اللہ خان میتھہ منڈال سہ	محمد منیر 40-7	348	→ 40					
			محمد منیر 585-7							





RUSTAM KHAN KUNDI

Advocate
bc-09-0903
Date of issue: June 2017
Valid upto: June 2020



Addr. Secretary
KP Bar Council

بعد ازاں جناب سروس ٹری ہوٹل چٹانور
جناب محمد رفیق
نام طوعت کلاں
دعویٰ یا جرم
تفصیل دعویٰ یا جرم

باعث تحریر آنگہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے ہجرتی وجوہ دہی برائے پیشی یا تھیلے مقدمہ نظام
جناب رستم خان کندی صاحب نے مقدمہ مندرجہ بالا کے تحت پیشی کی درخواست کی ہے۔
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ دو مرد عدالت حاضر ہوں گا اور ہر وقت پکھٹے جانے مقدمہ وکیل صاحب
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا بیچے یا بروز تھیلے
ہجرتی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ نہایت اونے یا بروز تھیلے یا پکھری کے اوقات کے آگے یا بیچے پیش ہونے
پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ
کو کھل ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذگری
نظر ثانی اپیل گمرانی و ہر قسم درخواست برہم کے بیان دینے اور پر جائی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعویٰ کا بھی اختیار ہوگا اور بصورت مقرر ہونے
تاریخ پیشی مقدمہ مذکور بیرون از پکھری صدر ہجرتی مقدمہ مذکور نظر ثانی اپیل و گمرانی و ہمدادی مقدمہ یا منسوخی ذگری یک طرفہ یا درخواست حکم اتہانی یا ترقی
یا گرفتاری قبل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادا جی علیحدہ علیحدہ اختیار ہوگا اور تمام ساختہ پر داخست صاحب موصوف مثل کردہ
از خود منظور قبول ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی
اپیل گمرانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا ہیر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب التواء پڑے گا وہ صاحب موصوف کا حق ہوگا کہ
صاحب موصوف کو یہی نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پروی نہ کریں اور ایسی بصورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے
مورخہ 19
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے کہ منظور ہے

Accepted
Rafiq
18.5.18



ANSA ARMEEZA SARDAR

Advocate

bc-15-6108

Date of issue: January 2016

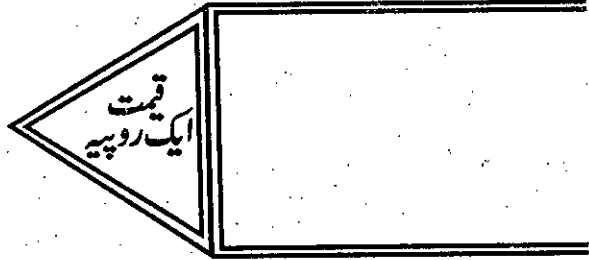
Valid upto: January 2019



Secretary
KP Bar Council



نامہ



بعدالت جناب سرسٹریٹری ہونل شاہ

مخانب محمد رضیق

محمد رضیق بنام حکومت پاکستان

دعویٰ یا محرم

تفصیل دعویٰ یا محرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ^{مسئلہ خان} ~~السہ آرمیٹا~~ سردار حاجی ^{مسئلہ خان} ~~ایا اولیٹ~~ کے درجہ اولیٹ کے ساتھ ایک صاحب کو سب ذیل شرائط پر یکساں مقرر کیا ہے، کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص روبرو عدالت حاضر ہوتا ہوں گا اور ہر وقت پکارے جانے مقدمہ مکمل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جاگہ یا بکھری کے اوقات سے پہلے یا بچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جاگہ یا بکھری کے اوقات سے پہلے یا بچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے، اور مقدمہ صدر بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے بچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عطا نہ دہاں کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراء کے ڈگری و نظر ثانی اجیل گمرانی و جرم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور جرم کا رد پیہ وصول کرنے اور رسید دینے اور داخل کرنے اور جرم کے بیان دینے اور اس پر ثالثی یا راضی نامہ و فیصلہ بر حلقہ کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از بکھری صدر پیروی مقدمہ مذکورہ نظر ثانی و اجیل و گمرانی و جرم کی مقدمہ یا سٹوٹی ڈگری یکطرفہ یا درخواست حکم انتہائی یا ترقی یا اگر قاری قبل از فیصلہ اجراء کے ڈگری بھی صاحب موصوف کو بشرط ادا اسکی علیحدہ علیحدہ مع ذمہ داری کا اختیار ہوگا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اجیل یا گمرانی یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے وکیل یا بھر سزا کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ایسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ پر جانہ اتواء پڑے گا، وہ صاحب موصوف کا حق ہوگا مگر صاحب موصوف کو پوری پس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا اوقات نامہ لکھ دیا ہے تاکہ سند ہے

مورخہ 19 ماہ مئی 2018ء

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد العبد العبد

Accepted
Ansal
Advocate
19-05-2018

محمد رضیق
Rafiq

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT D.I.KHAN

Service Tribunal appeal No. 706/2018

Zain-ul Abideen Forest Guard, D.I.Khan Forest Division..... Appellant

Versus

1. The Government of Khyber Pakhtunkhwa through,
Secretary to Forestry, Environment and Wildlife Department
Khyber Pakhtunkhwa Peshawar

2. Chief Conservator of Forests
Central-Southern Region -1,
Khyber Pakhtunkhwa Peshawar

3. Conservator of Forest,
Southern Circle Peshawar

4. Divisional Forest Officer,
D.I.Khan Forest Division
D.I.Khan

..... Respondent

Preliminary objections;

1. The appellant has got no cause of action.
2. The appellant has got no locus-standi.
3. The appeal is not maintainable on facts and law.
4. The appeal is time barred.
5. The appeal suffers from mis-joinder of parties.
6. The appellant has not come to this Honorable Court with clean hands and concealed material facts.

Respectfully Sheweth;

Para-wise comments on behalf of the respondents are as under:-

- i. It is incorrect. The appellate Authority (Respondent No. 3) has properly entertained the departmental appeal preferred by the appellant and date for personal hearing was fixed on 24/05/2018 vide letter No. 8433-34/E dated 07/05/2018 and again on 7064-65/E dated 27/06/2018 (Annexure -A). But prior to decision on the departmental representation, the appellant has filed the instant appeal in the Khyber Pakhtunkhwa Service Tribunal.
 - ii. It is correct. The appellant was proceeded under the Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 and after fulfillment of all required codel formalities under the Rules recovery of Rs. 602700/- was imposed upon the appellant vide DFO, D.I.Khan (Respondent No. 4) office order No. 94 dated 16/01/2018. (Copies of the inquiry report and office order is annexed as Annexure - B).
1. It is correct. Actually, on 22/05/2017, the Respondent No. 4 during inspection of Haji Abdullah Hendan (15 hectare plated area) and Haji Mir Ahmad Handan (45 Hectare planted area) plantation areas situated in Kulachi Forest Range of D.I.Khan Forest Division noticed that 80% of the total area was totally failed.

Later on the incharge Range Forest Officer Kukachi Forest Range also reported vide letter No. 12 dated 20/06/2017 that in Haji Mir Ahmad Hendan plantation out of 45 hectare only 20 hectare area is available on ground which is 30% fail while on the remaining 25 hectare area over 6 hectare earth work was completed and over 19 hectare area no earth work carried out.

Therefore being in-charge of the plantation areas, the appellant was suspended and attached with the office of the Conservator of Forests Southern Forest Circle at Peshawar. In order to know the causes of failure, properly probe in to the matter and fixing responsibility, Mr. Latif Hussain Divisional Forest Officer, Bannu Forest Division (DFO, Bannu) was appointed as Inquiry Officer vide Respondent No. 4 office order No. 121 dated 30/06/2017. (Copy annexed as Annexure C).

2. The Charge Sheet and statement of allegations against the appellant was prepared and sent to the Inquiry Officer (DFO, Bannu) which was subsequently served by him upon the accused official (Now appellant) vide DFO, Bannu letter No. 178/G dated 26/07/2017. (Copy annexed as Annexure -D). The appellant furnished reply of statement of allegations to the Inquiry Officer dated 21/08/2017 (Copy annexed as Annexure - E). The inquiry officer after fulfillment of required codel formalities finalized the inquiry and submitted report to the DFO, D.I.Khan (Competent Authority) vide letter No. 670/G dated 15/11/2017. (Inquiry report annex as Annexure - F). As per Inquiry report, failure of 60% still exists at the time of inspection by the Inquiry Officer, therefore 60% of the total cost incurred on the raising and maintenance of the plantation was recommended to be recovered from the in-charge Forester and Forest Guard. Accordingly the accused (Now appellant) was directed to appear before the DFO, D.I.Khan vide letter No. 3842-43/G dated 29/11/2017 (Annexure - G). Accordingly he appeared before the Competent Authority and was heard in person on 05/12/2018. During the personal hearing the accused failed to convince the Competent Authority. Resultantly the DFO, D.I.Khan (The Competent Authority issued office order No. 94 dated 16/01/2018 whereby the accused (Now appellant) was awarded punishment of recovery of Rs. 602700/ in forty (40) equal installments of Rs. (Annexure - H)15070/- per month.
3. The Divisional Forest Officer, Bannu Forest Division is the Competent Authority for the staff of Bannu Forest Division and is empowered under Rules 2 (k) of KP Government Servants (E&D) Rules 2011 to entrust the Inquires against the staff of his Forest Division to any officer within the Forest Circle / Region etc. During 2016-17, the DFO Bannu entrusted inquiries against the staff of Bannu Forest Division which were finalized by the DFO, D.I.Khan.
4. The Appellant submitted Departmental appeal to the Conservator of Forests, Southern Forest Circle Peshawar (Appellate Authority / Respondent No. 3) (Annexure-I) which was endorsed to the Respondent No. 4 (DFO, D.I.Khan) for para wise comments vide Conservator of Forests, Southern Circle Peshawar (Respondent No. 3) letter No. 6383/E dated 27/02/2018 (Annexure - J). The DFO, D.I.Khan (Respondent No. 4) submitted para wise comments vide letter No. 7687/G dated 16/04/2018. The Respondent No. 3 fixed date for personal hearing on 24/05/2018 vide letter No. 8433/E dated 07/05/2018 and again the date for personal hearing was fixed on 05/07/2018 vide letter No. 7064/GE dated 27/06/2018 (Annexure - K & L), but on both the times, the appellant failed to attend the personal hearing and filed the instant appeal


GROUNDS


- i. It is incorrect that the Billion Tree Afforestation Project was prepared in hurry. It is also incorrect that the project is politically oriented. The project was prepared by the senior forestry officers and was approved by the PDWP.
- ii. The appellant was given proper opportunities to defend the case before the Inquiry officer as well as during the personal hearing but he failed to convince the inquiry officer and competent authority and to prove his innocence.
- iii. As explained in para No. ii above.
- iv. The Accused (now appellant) was given proper chance of personal hearing and the copy of inquiry report was sent to the accused for his perusal and submission of reply. Accordingly he submitted reply dated 05/12/2017 (Annexure - M)
- v. Site was correctly selected by the officers of the Department, but due to improper management of watering schedule, lack of interest and negligence of the appellant

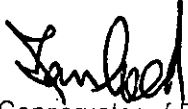
the entire expenditure incurred on the raising and maintenance were gone to waste.

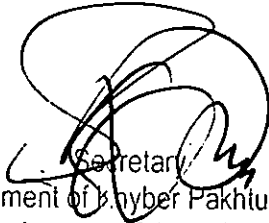
- vi. The charge sheet is very much clear and charges are clearly depicted.
- vii. The inquiry is properly conducted and the contents of the inquiry report are very much clear. The charges leveled against the accused are clearly discussed.
- viii. The appellant was posted as in-charge of the plantation areas and he was fully aware of the facts on ground that how much plants have been transported from nursery to the planting sites, how much plants have been planted in the pits and how much area has been grown. The SDFO and DFO, being in-charge of the whole sub Division / Division, it is very difficult for them to measure the area prior to making payment. The payments to labour were made by the Range Forest Officer Kulachi on the identification of the appellant. However, when doubt created the area was measured by the GPS specialist and accordingly the charge sheet and statement of allegations was framed and the accused was proceeded under the provisions of Government Servants (Efficiency & Discipline) Rules 2011.
- ix. The muster roll for the month of May, 2017 was sanctioned due to the reason that Disciplinary proceedings were initiated on 30/06/2018.

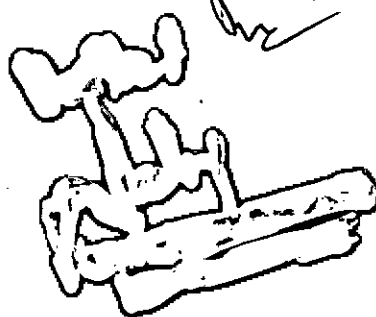
It is, therefore, most humbly prayed that on acceptance of para wise comments, the appeal devoid of legal footings and merit may graciously be dismissed with cost.


Divisional Forest Officer
D.I.Khan Forest Division
D.I.Khan
(Respondent No. 4)


Conservator of Forests
Southern Circle, Peshawar
(Respondent No. 3)


Chief Conservator of Forests
Central Southern Region -1
Khyber Pakhtunkhwa Peshawar
(Respondent No. 2)


Secretary
Government of Khyber Pakhtunkhwa
Forestry Environment & Wildlife Department
Peshawar



"B"

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

No.

Appeal No. 706 of 20 18

Received by
Pg 1232
15/10/2018

Appellant/Petitioner

Versus

Respondent

Respondent No. 4

Notice to:

Handwritten Urdu text detailing the notice recipient and date.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 24/10/2018 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 25/10/18

Day of September 20 18

559
15/10/2018

out copy court D. I. Khan
No 1288/C of 16/10/2018
copy along with its endorser forwarded to
that Mr. Muhammad Iqbal / C.R. Khatibi

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

for information & remedy action He is directed to contact the Govt. Handover Service Tribunal and propose reply to the appeal & report emphasis Mr. ... about the court on 24/10/2018.

DIVISIONAL FOREST OFFICER
D.I. KHAN FOREST DIVISION
D.I. KHAN 16/10

باجلاس

واجب الاحترام خیبر پختون خواہ۔ سروس ٹری بونل۔ پشاور

STA No: 706/2018

سروس ٹری بونل مرافعہ

نیز (المانڈا) فارسٹ گارڈ۔ محکمہ جنگلات۔ معرفت، ڈویژنل فارسٹ آفیسر۔

ڈیرہ اسماعیل خان، فارسٹ ڈویژن ڈیرہ اسماعیل خان۔

مرافعہ گزار

برخلاف

حکومت خیبر پختون خواہ۔ بذریعہ سیکرٹری محکمہ ماحولیات (فارسٹ۔ وائلڈ لائف) پشاور
مسئول الیہان وغیرہ

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مرافعہ گزار

STA No: 2018

سروس ٹری بونل مرافعہ

زین العابدین فارسٹ گارڈ۔ محکمہ جنگلات، معرفت، ڈویژنل فارسٹ آفیسر۔
ڈیرہ اسماعیل خان، فارسٹ ڈویژن ڈیرہ اسماعیل خان۔۔

مرافعہ گزار

برخلاف

حکومت خیبر پختون خواہ۔ بذریعہ سیکرٹری محکمہ ماحولیات (فارسٹ۔ وائلڈ لائف) پشاور
مسئول الیہان وغیرہ

متفرق درخواست بمبراد اجراء عارضی حلم امتناعی برخلاف مسئول الیہ نمبر 4 کہ وہ تا تصفیہ مرافعہ
ہذا STAI۔ مبینہ رقم مبلغ۔ 602700/- بالقطع یا بصورت اقساط Installment، من مرافعہ
گزار اسائل سے وصول کرنے سے باز ہیں اور حالات آج کے دن کے جوں کے توں رہنے
کا حکم صادر فرمایا جاوے۔

جناب مکرم مہبران صاحب:- سائل حسب ذیل عرض گزار ہے۔

- 1- یہ کہ درخواست کو ہاداشت مرافعہ کے ساتھ یکجا پٹھا جاوے۔
- 2- یہ کہ جب سائل نے خود مزدوروں کو اجرت ادا نہ کی ہے اور تمام اخراجات کی منظوری مسئول الیہ
نمبر 4 نے دی اور رقم اجرت کو اگرازی گئے مسئول الیہ نمبر 4 نے کی اور مزدوروں کی اجرت
SDFO نے کی تو سائل کے خلاف محض تدبیر بازی سے الزام۔ سائل کی معصومیت کے لئے
Prima Facie ہے۔
- 3- یہ کہ سائل سے وصولیابی، سائل کے لئے ناقابل تلافی نقصان کے مترادف ہے۔
- 4- یہ کہ حکمانہ مرافعہ پر بروقت حکم صادر نہ کرنے سے سائل کے حق میں توازن سہولت موجود ہے۔

لہذا استدعا ہے کہ درخواست ہذا منظور فرمائی جاوے۔

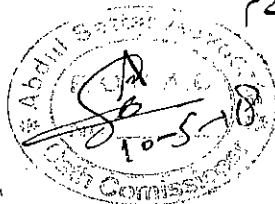
لوگات مس علیہ کانتی ایدو لیبٹ

Zill-e-Quma
Advocate
10.5.2018

بیان حلفی

منکہ ولد منکہ
حلفا بیانی ہے کہ جملہ مراتب درخواست ہذا میرے علم

و یقین کے مطابق صحیح اور درست ہے۔



منکہ

باجلاس

گرامی القدر۔ خیبر پختون خواہ سروس ٹری بونل۔ پشاور

سال 2018

نمبر STA

سروس ٹری بونل مرافعہ

زین العابدین۔ فارسٹ گارڈ، معرفت، ڈویژنل فارسٹ آفیسر۔ ڈیرہ اسماعیل خان۔

مرافعہ گزار Appellant

برخلاف

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 684

Dated 14-5-2018

- 1- حکومت خیبر پختون خواہ صوبہ۔ بذریعہ سیکرٹری محکمہ ماحولیات (فارسٹ اور وائلڈ لائف) پشاور۔
- 2- ناظم اعلیٰ جنگلات چیف کنزرویٹور۔ سنٹرل سدرن ریجن۔ ا، پشاور
- 3- کنزرویٹور (ناظمیٰ جنگلات۔ سدرن سرکل۔ پشاور۔ اور
- 4- ڈویژنل فارسٹ آفیسر۔ ڈیرہ اسماعیل خان۔ فارسٹ ڈویژن ڈیرہ اسماعیل خان کینٹ۔

مسئول البیان Respondents

مرافعہ Representation تحت دفعہ نمبر 4 سروس ٹری بونل ایکٹ، سال 1974 برخلاف

Filed to-day

Registered

14/5/18

(i) عدم صدور۔ واضح فیصلہ ازاں مسئول الیہ نمبر 3، جس نے مرافعہ گزار کے محکمانہ مرافعہ

Departmental Appeal، مورخہ 30 جنوری 2018 کو داخل دفتر Filed گردان

لیا۔۔ اور

(ii) مرافعہ برخلاف حکم نمبر 94، مورخہ 16.01.2018 مصدرہ ازاں مسئول الیہ نمبر 4 جسکی روپ

سے مرافعہ گزار کو سزاوار کر کے مرافعہ گزار کو مبلغ 602700 روپے ماہانہ اقساط میں اداء کرنے

کا حکم دیا گیا ہے۔

استدعا:- منظور می مرافعہ ہذا۔ حکم مورخہ 16.01.2108 کو یکسر منسوخ فرمایا جاوے اور مرافعہ

Zill-e-Puma

گزار کو ملازمت کے تمام مراعات اور حقوق کا حامل قرار دیا جاوے۔

جناب مکرم ممبران صاحبان:- مرافعہ گزار حسب ذیل عرض گزار ہے۔

i- یہ کہ مسئول الیہ نمبر 4 نے مقامی عملہ جنگلات کے خلاف بحوالہ حکم نامہ نمبر 120، مورخہ 30 جون 2017ء تا دہی کاروائی کا آغاز کیا اور من مرافعہ گزار کیخلاف فرد جرم جاری کیا۔

The Appellant Was Chargesheeted اور یکطرفہ محکمانہ انکوائری بقلم DFO بنوں۔ بحوالہ مراسلہ نمبر 178/E، مورخہ 26 جولائی 2017ء کے نتیجہ میں مرافعہ گزار کو سزاوار کر لیا۔ نقل حکم نامہ نمبر 94، مورخہ 16.01.018 لف ہے۔ اور اس کے خلاف محکمانہ مرافعہ بمقام پشاور موصول ہو چکا ہے۔ نقل لف ہے۔

2- یہ کہ فرد جرم Memo Of Allegation کا جواب، مورخہ 21.08.2017 لف ہے۔

3- یہ کہ انکوائری آفیسر بحیثیت DFO بنوں نے رپورٹ پیش کی۔ حالانکہ وہ خود اپنے ڈویژن میں

سونامی پلانٹیشن کی مبینہ ناکامیوں سے جان خلاصی کے لئے ماتحت عملہ کو مورد الزامات ٹھہرا کر ان

کے خلاف انکوائری کے لئے DFO، ڈیرہ اسماعیل خان عابد ممتاز خان کو انکوائری آفیسر مقرر کر چکا

ہے، جو کہا ایک انوکھی مثال ہے۔ نقل انکوائری رپورٹ نمبر 2017 لف ہے، جسکی تائید میں مرافعہ

گزار کو زبانی شنوائی کے لئے بحوالہ مراسلہ نمبر 43/6-3842، مورخہ 29 نومبر 2017 طلب

کیا۔ نقل لف ہے۔ اور اس کے بعد زیر عذر حکم نامہ نمبر 94، مورخہ 16.01.2018 جاری کیا۔

4- یہ کہ محکمانہ مرافعہ پر تا حال معیاد مقررہ کے اندر کوئی واضح حکم فیصلہ صادر نہ ہے جس سے یہ تاثر

بآسانی مل سکتا ہے کہ مرافعہ گزار متضرر Aggrieved ہے اس لئے موجودہ مرافعہ پیش کیا جا رہا

ہے جو کہ اندر معیاد ہے اور اندر حدود اختیار سماعت معزز۔ ٹری بونل ہذا ہے اور بصورت موجودہ

قابل رفت ہے۔

وجوہات مرافعہ:-

i- یہ کہ Billion Trees Artificial Plantation، منصوبہ نہایت جلد بازی میں تیار اور

مرتب کیا گیا تھا It Was Mis-Oriented And Politically Motivated

اور اس قسم کے منصوبہ جات کبھی بھی خوش آئند انجام تک نہیں پہنچ سکتے۔

ii- یہ کہ انکوائری آفسر نے متغیث (Prosecutor) یا اس کے گواہان پر (اگرچہ چارج شیٹ

میں اور انکوائری رپورٹ میں گواہان کا حوالہ نہیں ہے) جرح کا موقع فراہم نہیں کیا۔

iii- یہ کہ مسئول الیہ نمبر 4 نے بھی زبانی شنوائی کے دوران بھی من مرافعہ گزار کو استغناء کے نمائندہ

(اگر کوئی نامزد ہوا ہو)، زبانی جرح Oral Cross Examination کا موقع فراہم

نہیں کیا۔

-iv یہ کہ تادیبی کارروائی کا آخری مرحلہ میں من مرافعہ گزار کو شوکانوٹس نہیں دیا گیا ہے جو کہ عام قانونی

The Whole Proceedings Have Been غلطی ہے

- Mis-Conducted

-v یہ کہ رقبہ کا انتخاب اور رقبہ کے مالکان کی قانونی حیثیت Legal Title کی ذمہ داری مسئول الیہ

نمبر 4 کی ہے جب رقبہ موزوں تر نہیں تھا اور اس طرح شجر کاری میں جزوی ناکامی کے لئے ماتحت ترین اہلکاران Lowest Subordinates کو الزام الیہاں بنانا محض آفسر شاہی جبر ہے

- It Is Bureacratic High-Handedness

-vi یہ کہ فرد جرم Chargesheet غیر واضح ہے، It Is Without Sufficient

- Clearance And Certainty

-vii یہ کہ انکوائری رپورٹ بھی خاصی سرسری ہے It Is Imprecise، اور ناقابل عمل ہے اور یہ

انکوائری رپورٹ قانون و قواعد سال 2011 کے مطابق نہیں ہے بلکہ It Is Short Hand

- Narration ہے۔

-viii یہ کہ (تسلیم نہیں مگر بالفرض کہ شجر کاری معیار کے مطابق کامیاب نہیں ہے) تو تب بھی عائد کردہ سزا

معرفہ گزار کے BPS- کے مطابق نہیں ہے جب مرافعہ گزار نہ مسٹرول کو منظور کر سکتا ہے

اور نہ ہی مزدوروں کو از خود مزدوری ادا کر سکتا ہے اور ایسی صورت میں Disbursing

Officer یعنی کہ SDFO اور Drawing And Disbursing Officer یعنی کہ DFO

ہی ذمہ دار ہوتے ہیں اور ان دو افسران کی کوئی سادہ سی جواب طلبی بھی نہیں کی گئی ہے The

Penalty Is Inconsistent With The Rule Of

Proportionality(Though Penalty Is Not Admitted)

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لہذا استدعا ہے کہ دوران سماعت مرافعہ گزار کے وکیل کو اضافی دلائل پیش کرنے کی

اجازت دی جائے اور اپیل ہذا منظور فرمائی جائے۔

10-05-2018 جمرا =

عرض

تصویق تمام
ڈیرہ اسماعیل خان
بقرار صابغہ تصویق کی
جائے کہ گلبرگ برائے
درمست

زمین السابری فارمٹ گاڑی موالات
نقلہ
محمد علی صاحب
محمد علی صاحب

باجلاس

گرامی القدر۔ خیبر پختون خواہ سروس ٹری بونل۔ پشاور

سال 2018

نمبر STA

سروس ٹری بونل مرافعہ

زین العابدین۔ فارسٹ گارڈ، معرفت، ڈویژنل فارسٹ آفیسر۔ ڈیرہ اسماعیل خان۔

مرافعہ گزار Appellant

برخلاف د. ۷

- 1- حکومت خیبر پختون خواہ صوبہ۔ بذریعہ سیکرٹری محکمہ ماحولیات (فارسٹ اور وائلڈ لائف) پشاور۔
- 2- ناظم اعلیٰ جنگلات چیف کنزرویٹور۔ سنٹرل سدرن ریجن۔ پشاور
- 3- کنزرویٹور (ناظم جنگلات)۔ سدرن سرکل۔ پشاور۔ اور
- 4- ڈویژنل فارسٹ آفیسر۔ ڈیرہ اسماعیل خان۔ فارسٹ ڈویژن ڈیرہ اسماعیل خان کینٹ۔

مسئول البیان Respondents

مورخہ ۱۰/۷/۱۸

سائل

زین العابدین

سائل

Zill-e-Huma

گرہ گراوری موضع ہند

تحصیل 9

ضلع ڈسٹرکٹ ایف ایف ایف

کتاب نمبر

ورق نمبر

(64)

نمبر	نام مالک نمبر کھاتہ	رقبہ معہ قسم زمین	فصل حریف	فصل ربیعہ	تبدیلی حقوق کاشت یا قبضہ و لگان معہ احوال داخل خارج	فصل حریف	فصل ربیعہ	تبدیلی حقوق کاشت یا قبضہ و لگان معہ احوال داخل خارج	فصل حریف	فصل ربیعہ	رقبہ معہ قسم زمین	نام کاشتکار نمبر کھتونی	نمبر کھیت
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344	بشر	61-19	فصل	فصل	فصل	فصل	فصل	فصل	فصل	فصل	61-19		344
347	بشر	1-14	فصل	فصل	فصل	فصل	فصل	فصل	فصل	فصل	1-14		347
346	بشر	1-10	فصل	فصل	فصل	فصل	فصل	فصل	فصل	فصل	1-10		346
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Handwritten signatures and notes in Urdu script, including names like 'محمد علی' and 'محمد علی'.

P

نقل رجسٹر حقداران زمین موضع هذل تحصیل ۷ ضلع گڑن

۱	۲	۳	۴	۵	۶	۷	۸	۹	۱۰	۱۱	۱۲
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سٹر یاز رجسٹر حقداران زمین سال ۲۰۰۹-۱۰

نمبر کیس حقیقت	نمبر کیس نقل	نام مالک معہ احوال	نام کاشتکار معہ احوال	تفصیل نمبر کھیت			نام و سٹاک آبپاشی	زرگان	مال گذاری	کمیٹیت
				نمبر زمین	رقبہ	نمبر کھیت				
۱	۱	کل ۲۵۸۱ م ^۲ طارق عبداللہ	میرزا	366	→ 12		نام و سٹاک آبپاشی میرزا محمد علی خان صاحب میرزا محمد علی خان صاحب میرزا محمد علی خان صاحب میرزا محمد علی خان صاحب میرزا محمد علی خان صاحب میرزا محمد علی خان صاحب			
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		۱۲ م ^۲	میرزا	۹	۱۷-329					
		کل 6557 م ^۲ طارق عبداللہ	منطقہ	2744	→ 4					
		منظر ارض	منطقہ	6557						
		۲۲۶۴ م ^۲	P.T.O							

۲۵/۱۱/۱۸

Attested
16/11/18

از رجستر حقداران زمین موضح

تحصیل

ضلع

25

11	10	9	8	7	6	5	4	3	2	1
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از رجستر حقداران زمین سال

نمبر حقدار حقیت	نمبر کھیتی	نام مالک معد احوال	نام کاشتکار معد احوال	تفصیل نمبر کھیت			نام زمین	زرگان	مال گداری	کیفیت
				نمبر	رقبہ	شمار زمین				
208		طارق محمد اللہ خان و بیٹہ عبدالرشید کند	محمد رشید 40-7	348	→ 40					
			محمد رشید 585-7							

محمد رشید اللہ خان
15/1/15

2016-17 / 99-NU
 (B.M.K.)

Ishtad ul Ahsan Pg 11c
 Hjr. in Mad. ngr. B/P. 48

مسٹرول فارم کے حاضر کی رجسٹر روزانہ

RANGE FORESTER
 KULACHI FOREST RANGE
 2017

30 سیر احمد زبیر سعید 45 سیرک سڈی

Divisional Forest Officer
 D.I. Khan Forest Division
 D.I. Khan

نمبر	نام	ولادت	عہدہ	مہینے																															میزان	شرح	رقم روپے	دستخط وصول کنندہ	کیفیت
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31					
1	محمد رمضان	فصلہ	مکھو	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	31	Seed	15500/-			
2	فتوح الرحمن نقوی	فصلہ	مکھو	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	31	Seed	15500/-			
3	فتوح الرحمن نقوی	فصلہ	مکھو	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	31	Seed	15500/-			
4	محمد رفیق قاسم	فصلہ	مکھو	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	31	Seed	15500/-			
5	محمد رفیق قاسم	فصلہ	مکھو	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	31	Seed	15500/-			
6	محمد رفیق قاسم	فصلہ	مکھو	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	31	Seed	15500/-			
7	محمد رفیق قاسم	فصلہ	مکھو	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	31	Seed	15500/-			
8	محمد رفیق قاسم	فصلہ	مکھو	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	31	Seed	15500/-			
9	محمد رفیق قاسم	فصلہ	مکھو	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	31	Seed	15500/-			
10	محمد رفیق قاسم	فصلہ	مکھو	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	14	Seed	7000/-			
				Total																															2934		146500/-		

محمد رفیق قاسم
 22
 157572-18

Sanctioned for Rs. 146500/-
 (Rs. one lakh forty six thousand five hundred only)


31-5-07 31-5-07 31-5-07 31-5-07

Divisional forest officer
 D.I. Khan Forest Division

31/5/07 31-5-07

DETAILS OF WORK

53

Conservator of Forests Southern Circle		Shami Road Peshawar Phone # 091-9214024
No. 8433 /E-		Dated Peshawar the <u>27</u> /05/2018

(Annexure - A)

To
M/S Muhammad Rafiq and
Zain-ul-Abideen Forest Guards
C/O Divisional Forest Officer
D.I.Khan

SUBJECT:- DEPARTMENTAL REPRESENTATION BY MUHAMMAD RAFIQ AND ZAIN-UL-ABIDEEN FOREST GUARDS DFO D.I.KHAN OFFICE ORDER NO. 93 & 94 DATED 18.01.2018. / PERSONAL HEARING.

You are directed to attend the office of the undersigned on 24.05.2018 at 11:00 AM for personal hearing with all record.

Conservator of Forests
Southern Circle Peshawar

1853
16/5/2018

No. **8434** E

Copy forwarded to Divisional Forest Officer D.I.Khan for information w/r to his letter No. 7686/G dated 16.04.2018 and No. 7687/G dated 16.04.2018.

Conservator of Forests
Southern Circle Peshawar

No 0355/2 D's 11/5/2018
Copy forwarded to SDFO, Kulachi for information and necessary action. The attached letters meant for M/s M. Rafiq & Zain-ul-Abideen forest guards under proper acknowledgement receipt & ask them to appear before the C/Sec, Peshawar on 24/5/2018 at Peshawar.

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

D

3607

Conservator of Forests
Southern Circle

Shami Road Peshawar
Phone # 091-9214024

No. 7064

Dated Peshawar the 06/07/2018

M/S Muhammad Rafiq and
Zain-ul-Abideen Forest Guards
C/O Divisional Forest Officer
D.I. Khan

**SUBJECT: DEPARTMENTAL REPRESENTATION BY MUHAMMAD RAFIQ AND
ZAIN-UL-ABIDEEN FOREST GUARDS DFO D.I. KHAN OFFICE
ORDER NO. 93 & 94 DATED 18.01.2018. / PERSONAL HEARING.**

Reference in continuation of this office letter No. 8433/E dated 07.05.2018

You are once again directed to attend the office of the undersigned on
05/07/2018 at 11:00 AM for personal hearing with all record without fail. In case
of failure ex-parte action should be taken against you under L&D Rules, 2011.

Conservator of Forests
Southern Circle Peshawar

Copy in continuation of this office order No. 8434/E dated 07.05.2018
forwarded to Divisional Forest Officer D.I. Khan for information with the request
to direct the above named officials to attend the personal hearing on due date and

*Telephonically
informed through
Ahmad Nawaz R.O.
RFO, Kalachi*

No 51-52/18 D.I. Khan 03/7/2018

Conservator of Forests
Southern Circle Peshawar

Copy forwarded to;

- ① Mr. Muhammad Rafiq Forest guard } C/o RFO
- ② Mr. Zain-ul-Abideen Forest guard. } Kalachi.

for information and further necessary
action. They are directed to appear before
the ce/ps, Peshawar on above noted date,
Time & venue and report compliance.

[Signature]
DIVISIONAL FOREST OFFICER
D.I. KHAN FOREST DIVISION
D.I. KHAN

03/7/18

OFFICE ORDER NO. 94 DATED D.I.KHAN THE 16 JANUARY 2018 ISSUED
BY MR. ABID MUMTAZ DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION

During inspection of Haji Abdullah Handan and Haji Mir Ahmad Handan (Kulachi Forest Range) plantation areas, on 05/05/2017 the Divisional Forest Officer D.I.Khan found that the planted area is seem to be less than the area actually charged through muster rolls. Therefore, area was measured through GPS by Muhammad Shafiq GPS specialist of HRD, Directorate and found that the total area was 39.4 hectare while an area of 60 hectare was claimed / charged. During inspection it was also observed by the DFO, D.I.Khan that available area was more than 80% failed due to lake of interest, improper maintenance and no watering to area by the I/C Forester and Forest Guard. Due to their laxity, the Government has sustained huge loss and the expenditure incurred on the raising and maintenance of 15 hectare at Haji Abdullah Henden and 45 hectare at Haji Mir Ahmad Wazir Henden totaling 60 hectare block plantations were gone to waste.

M/S Muhammad Rafiq Forest Guard I/C Bock Officer and Zain ul Abideen Forest Guard I/C were suspended and attached with the office of the Conservator of Forests, Southern Circle, Peshawar and Syed Latif Hussain DFO, Divisional Forest Officer Bannu Forest Division was appointed as inquiry officer vide DFO, D.I.Khan office order No. 121 dated 30/06/2017 vide endorsement No. 7015-19/G dated 30/06/2017 to precede against the above named officials under the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

Besides above, Range Forest Officer Paroa reported vide letter No. 12/Kul dated 0/06/2017 that out of 45 hectare area at Haji Amir Ahmad Hindan charged by above named officials an area of 20 hectare is planted which is 30% fail and in remaining 25 hectare area only earth work is completed over an area of six (6) hectare and in 19 hectare no earth work carried out. In Haji Abdullah Hindan plantation area 15 hectare plantation was carried out but on ground 50% plantation is fail.

Keeping in view the above exposition a charge sheet and statement of allegations were prepared and sent to the inquiry officer vide this office letter No. 402/G dated 17/07/2017 which was subsequently served upon both the accused officials vide Inquiry Officer (DFO, Bannu) letter No. 176/E dated 26/07/2017 and No. 178/E dated 26/07/2017.

The inquiry Officer initiated inquiry, recorded statements of the accused officials, examined reply to the charge sheets & statements of allegations furnished by the accused officials, conducted personal hearing & inspected the planting sites and submitted inquiry report to this office wherein he reported that during inspection of sites it has been noticed that as a whole 60% failure is still exists in the plantation areas, the survival of plants needs immediately watering otherwise the failure %age will be further increased and harsh site and severe termite attack was noticed.

Keeping in view the above the Inquiry officer recommended the following actions to be taken against the accused officials;

1. Recovery of Rs. 1.2054 million (60% of the total amount spent) may be got recovered from M/S Muhammad Rafiq and Zain-ul-Abideen Forest Guards (accused officials) on equal share basis
2. SDFO, Kulachi should arrange immediate watering for the survived plants
3. Stoppage of one annual increment due on 01/12/2017 without accumulative effect from both the accused officials

The inquiry report was sent to the both the accused officials vide this office letter No. 3842-43/G dated 29/11/2017 with the directives to submit their opinion regarding the inquiry report and appearing before the Competent Authority for personal hearing on 30/11/2017. Accordingly the accused official appears before the undersigned on the fixed date but they could not explain the cogent reasons for the failure of plantation. Their written reply submitted by them dated 05/12/2017 was also not convincing.

Therefore keeping in view the above exposition, the undersigned being Competent Authority is agreed with recommendations of inquiry officer, hence the penalties proposed by the inquiry office as noted above are hereby imposed upon M/S Muhammad Rafiq and Zain-ul-Abideen Forest Guards with immediate effect. The amount of Rs. 12054000/- will be recoverable from both the accused on equal share basis of Rs. 6027000/- in forty (40) equal installments of Rs. 150700/- per month. In case of their retirement during the period, the remaining amount will be recovered from their pension / gratuity.

(Abid Mumtaz)

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

No. 4857-62
IG

Copy for information and further necessary action is forwarded to:-

1. The Conservator of Forests, Southern Circle, Peshawar.
2. Syed Latif Hussain, Divisional Forest Officer, Bannu Forest Division, Bannu (inquiry Officer) for information with reference to his office letter No. 670/E dated 15/11/2017.

3. Head Clerk / Accountant. They are requested to stop the annual increment of both the forest guards if the increment is already granted the amount paid should be recovered immediately. Also start recovery of Rs.602700/= from each individual in forty (40) equal installments of Rs. 15070/- per month.
4. RF - Kulachi. He is directed to intimate the present position of the above noted plantations and arrange immediate watering for the survived plants.
5. Mr. Muhammad Rafiq Forest Guard C/O RFO Kulachi.
6. Mr. Zain-ul-Abideen Forest Guard C/O RFO Kulachi.


DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION.
D.I.KHAN 

ENQUIRY REPORT IN RESPECT OF M/S MUHAMMAD RAFIQ FOREST GUARD AND ZAIN-UL ABIDEEN
FOREST GUARD OF D.I. KHAN FOREST DIVISION

Read with

- 1- DFO D.I. Khan Office order No. 121 dated 30-6-2017.
- 2- DFO D.I Khan Office letter No. 402/G dated 17-7-2017.
- 3- DFO Bannu letter No. 176-77/E dated 26-7-2017 & 178-79/E dated 26-7-2017
- 4- Replies furnished by M/S Muhammad Rafiq & Zain-ul Abideen Forest Guards

Discussion

M/S Muhammad Rafiq & Zain-ul-Abideen Forest Guard suspended vide DFO D.I. Khan office order No. 121 dated 30-6-2017 due to the following reasons:-

- 1- DFO D.I Khan alongwith Muhammad Shafiq Monitoring Officer (HRD) noticed more than 80% failure in 60 Ha plantation area at Haji Abdullah Handan and Haji Mir Ahmed Handan plantation raised under BTAP.
- 2- An amount of Rs. 2.009 Million shown incurred from the Govt: exchequer on raising and subsequent maintenance of 60 Ha plantation from 9/2016 to 4/2017 as per detail in statement of allegations., but due to his improper maintenance, less watering and lack of interest being incharge of the plantation area more than 80% failure was observed.

The DFO D.I. Khan vide his office orders referred above appointed the underside an enquiry officer and sent the charge sheet and memo of allegations against both the officials vide his office letter No. 402/G dated 17-7-2017, which were accordingly been served upon 176-77/G dated 26-7-2017 & 178-79/G of even date, for submission of their written replies. Accordingly M/S Muhammad Rafiq and Zain-ul- Abidin Forest Guards (accused officials) submitted their written replies vide dated 14-09-2017 mentioning therein that due to hot season and prolong.drought the failure was occurred.

Proceedings


The undersigned in the capacity of enquiry officer examined their replies and paid detailed inspection to the plantation site verbal personal hearing was conducted and noticed that:-

- 1- As a whole 60% failure is still exist in the plantation area.
- 2- The survived plants needs immediately watering otherwise the failure % age will be further increased
- 3- Harsh site and severe termite attack.

Findings

Keeping in view the above discussion, consulting the record and personal hearing of all the officials and inspection of the plantation site the undersigned recommended the following actions:-

- 1- Rs. 1.2054 Million (60% of the total amount spent) may be got recovered from M/S Muhammad Rafiq and Zain-ul- Abidin Forest Guards (accused officials) on equal share basis
- 2- SDFO Kulachi should arrange immediate watering for the survived plants.
- 3- Stoppage of one increment due on 01-12-2017 without accumulative effect from both the accused officials.


(Syed Lateef Hussain)
Divisional Forest Officer
Bannu Forest Officer

Answer by (9)

بخدمت جناب ڈویژنل فارسٹ آفیسر صاحب ڈیرہ اسماعیل خان فارسٹ ڈویژن ڈیرہ اسماعیل خان

No.12 /Kul Dated 20/06/2017

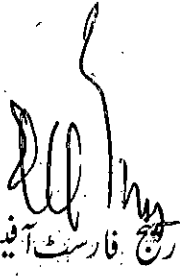
پلانٹیشن ایریا پوزیشن کلاچی فارسٹ ریج

عنوان :-

جناب عالی

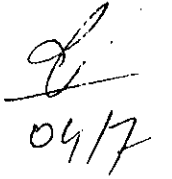
گزارش ہے کہ رقبہ حاجی امیر احمد جندن جو کہ متعلقہ فارسٹ گارڈ اور فارسٹ نے کاغذات میں 45 ہیکٹر چارج کیا ہے جبکہ مانیٹرنگ آفیسر محمد شفیق صاحب کی رپورٹ کے مطابق رقبہ 26 ہیکٹر ہے جبکہ موقع پر 20 ہیکٹر ہیں پلانٹیشن ہے اور اس میں بھی 30% فیل ہے اور 6 ہیکٹر پر خالی ٹریچ لگائے ہیں جبکہ باقی 19 ہیکٹر پلانٹیشن موقع پر نہیں ہیں اور حاجی عبداللہ ہندن جن کا رقبہ 15 ہیکٹر ہے اور انکی پلانٹیشن 50% فیل ہے۔

لہذا رپورٹ برائے مناسب کارروائی ارسال خدمت ہے



ریج فارسٹ آفیسر کلاچی

The affidavits, namely M. Rafiq & Zainul Abideen Forest guards have already been placed under suspension & attached with CP/Forest office

Submitted for further orders.


04/7

A/c
The charge sheet may include the charges given above.


06/07/2017

OFFICE ORDER NO. 121 DATED D.I.KHAN THE 30 JUNE 2017 ISSUED
BY MR. ABID MUMTAZ DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION

Amended - 2
1

The undersigned accompanied with Mr. Muhammad Shafiq Monitoring Officer (HRD) inspected Haji Abdullah Handan and Haji Mir Ahmad Handan (Kulachi Forest Range) on 22/05/2017. The area was measured through GPS and found that the total area was 39.4 Ha while an area of 60 Ha has been claimed / charged. During inspection it was observed that more than 80% area was failed due to lack of interest in performance of their official duties, improper maintenance and non watering to area by the I/C Forester and Forest Guard. Due to their laxity, the Government has sustained huge loss and the expenditure incurred on the raising and maintenance of 15 + 45 = 60 hectare block plantation respectively has been gone to waste.

Keeping in view the above exposition, M/S Muhammad Rafiq Forest Guard I/C Bock Officer and Zain ul Abideen Forest Guard I/C are hereby suspended with immediate effect and attached with the office of the Conservator of Forests, Southern Circle, Peshawar till further orders.

In order to probe in to the matters and to know the causes of such a huge failure and in exercise of powers vested in me under the Rule 10 (a) of the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules 2011, Mr. Latif Hussain SDFO, Divisional Forest Officer, Bannu Forest Division is hereby appointed as inquiry officer to proceed against the above named officials by observing the procedure lay down in the aforesaid rules and submit findings within the stipulated period of thirty (30) days

sd
(Abid Mumtaz)
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

No. 2015-19_{IG}

Copy for information and further necessary action is forwarded to:-

1. The Conservator of Forests, Southern Circle, Peshawar.
- ✓ 2. *Mr. Latif Hussain, DFO, Bannu (Enquiry officer)*
2. Head Clerk / Accountant. They are requested to calculate the expenditure incurred on the raising and maintenance of above plantation, so that a charge sheet & statement of allegations could be prepared and submitted to the Inquiry Officer well in time.
3. RFO, Kulachi. He is requested to relieve the above named officials under local arrangements under intimation to this office.
4. Mr. Muhammad Rafiq Forest Guard C/O RFO Kulachi. He is directed to handover the Government Motorcycle in the Divisional office and report arrival in the office of the Conservator of Forests Southern Circle situated at Shami road Peshawar and report compliance.
5. Mr. Zain-ul-Abideen Forest Guard C/O RFO Kulachi. He is directed to immediately report arrival in the office of the Conservator of Forests Southern Circle situated at Shami road Peshawar and report compliance.

[Signature]
DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

E/Generl

<p>Syed Lateef Hussain Divisional Forest Officer Bannu Forest Division</p>	<p>Environment Department Government of Khyber Pakhtunkhawa</p>	<p>Miranshah Road Tappi Killa Bannu</p> <p>☎0928-9270042 ☎0928-9270034</p>
<p>No. <u>178</u> /E</p>		<p>Dated Peshawar <u>26</u> / 7 /2017</p>

To

Mr. Zain-ul-Abideen
Forest Guard C/O
DFO D.I. Khan

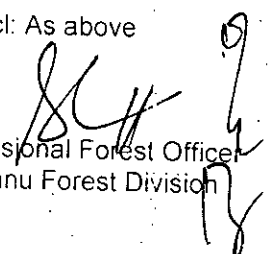
Subject: - **ENQUIRY**

Memo:-

To probe in to matter and finalize the inquiry proceeding against you under E&D Rules 2011, the DFO D.I Khan vide his office order No.121 dated 30-6-2017 appointed the undersigned as enquiry officer. A copy of charge sheet and memo of allegation is enclosed herewith.

You are therefore directed to furnish the reply of charge sheet within seven (7) days from the date of receipt of this letter so that the inquiry could be finalized.

Encl: As above


Divisional Forest Officer
Bannu Forest Division

No. 179 /G

Copy forwarded to DFO D.I Khan for information and necessary action. He is requested to deliver the letter meant for the above named office under proper receipt may be sent to this office for record.


Divisional Forest Officer
Bannu Forest Division

تعمیری جواب نمائے زین العابدین فارم گارڈ

65

بجوالہ چارج شیٹ دیگر پلر E/178 صفحہ 26/07
2017

* ضیاعی: رقبہ متذکرہ پر Charge Sheet حاوی سید احمد حسین

و رقبہ متذکرہ حاوی سید احمد حسین بہ تفصیل 15+45
= 60 Ha

312
14/9/17

Monitoring officer کی رپورٹ میں 20% تناسب کی بابت پیش کی گئی حالت رقبہ متذکرہ کی پلانٹیشن کی حالت مناسب اور سلی فیشن ہے۔

* چاروں اطراف گھوم کر GPS پر پوائنٹس لے رہیں اور درحقیقت اندر جا کر عملی طور پر ٹیکسٹ کی گئی حالت نہیں لگتا ہے۔ رپورٹ میں اندازوں اور مفروضوں پر تیار کردہ پیش کردہ ہے۔ گہری کے اوقات کو یہ علاقہ دان کاٹم آئیں اور سید احمد حسین میں بارش بہت ہی کم ملنے کی صورت ہے برابر ہیں۔ اس کے علاوہ رقبہ متذکرہ Plantation بہت ہی کم ہے۔ چونکہ Plantation اور رقبہ متذکرہ کی کاشت کے لئے ناکافی ہے۔ جبکہ اکثر اوقات رقبہ متذکرہ کے کاشت کار پانی کی سیرنگ رقبہ کاشتکار ذاتی زمین پر تو تہہ دیتے ہیں ضیاعی

رقبہ متذکرہ سید احمد حسین پر گھوم کر Monitoring Officer نے پلر GPS پوائنٹس لے رکھے ہیں جبکہ GPS کا رپورٹ درست ہے اور قطعاً صحیح و درست و Accurate ہے

Ru
14/9/17
JAF

رقبہ تعداد 45 ہے۔ یہ ملک میں جبکہ دوبارہ Monitoring
 بھی برقرار رکھی جائے گی۔ پودوں کی اہلیت پلانٹیشن
 Ha 45 جو کہ 80 کا پیمانہ اور کسی پختہ زمین میں ملدو
 بھی ہوتے گئے ہیں۔ یہ پلانٹیشن بھی کم ہوتی ہیں وہاں پر
 اس کی سبب سے ملے گا۔ water level اس کے اندر
 فٹ ہے۔ جو کہ رقبہ تعداد (9) سو کنال Ha 45 پر
 کافی ہے جو افسردہ ہونے سے پہلے شروع کی گئی Plantation
 کا آغاز کرتے وقت باغ افسردہ ہونے سے پہلے پلانٹیشن کرنا
 کہ رقبہ بہت زیادہ ہے اور پانی کی سہولت وغیرہ نہ کافی ہے
 حنا علی

محمد رفیق ایچ ایم فارم سٹرڈ زمین العابدین فارم کارڈیف سونامی
 پر اہلیت سے کافی حد تک مطابقت کام ہے۔ ملک کو ملے زراعت
 کیلئے سسٹم بیک وقت اور حلقہ رقبہ جات کے رقبہ عبداللہ خان
 ہندیت، رقبہ حاجی ابراہیم سکڑائی، رقبہ علی امین پھانہ،
 رقبہ کاہران اٹل شریف، رقبہ خان شیر علی شریف، رقبہ جنرل اللہ
 اٹل شریف، رقبہ محمد ابراہیم کوٹ دولت، رقبہ گل نواز کوٹ دولت
 رقبہ زعفر کوٹ دولت، رقبہ محمد فاروق سکڑ پٹوہ وانڈا
 رقبہ صلاح الدین پٹوہ وانڈا، رقبہ صف اللہ مختیار، رقبہ
 علی بن روٹی، رقبہ حکیم خان مختیار، جو کہ ایک روٹی
 سے کافی دور اور دو مختلف محلہ میں ملے گی، پٹوہ ایچ ایم
 میں واقع ہے۔ گو کہ زراعت کیلئے سسٹم کافی ہے بلکہ

یہ ہے کہ بیرونی سے کسی خوش پلانیشن میں بندہ کافی
 دلچسپی، دلجمعی جانفشانی اور لگن سے کام لے رہا ہے اور
 تو یہ Target Achieve کر رہا ہے۔ دور رفتہ
 ہر وقتی پورس کو بنیاد بنا کر حاصل کر رہا ہے جو سہرا
 زیادتی ہے۔ اور وہی حوصلہ افزائی کی جائے حوصلہ شکنی
 کی گئی ہے زمین حقائق کو مدنظر نہیں رکھتا ہے اور نہ
 صحیحی لہجہ کو مشفقیت کی گئی ہے گوہل تمام کمال اسٹریٹ
 کو مستقل رفتہ بہت میں پورہ کو Per Month ایک
 پائی کی لاہرت ہے جو 50FO دفتریت Estimate
 جاری ہے جو کہ پورہ بہت کو پائی نہ ملنے کے
 برابر ہے۔
 ذرا حروفیات سے لے کر
 میں Charge Sheet کو Withdraw فرما رہا ہے

21.08.2017

بین السابین ... فارسیٹارڈ

شیراز

E/Generl

Amir
63

Syed Lafae Hussain Divisional Forest Officer Bannu Forest Division	Environment Department Government of Khyber Pakhtunkhawa	Miranshah Road Tappi Killa Bannu 0928-9270042 0928-9270034
No. <u>670</u> E	Dated Peshawar <u>15/11/2017</u>	

To
Divisional Forest Officer
D.I. Khan Forest Division

Subject: - INQUIRY REPORTS

Memo:-

Enclosed find herewith the enquiry reports alongwith enquiry files in original of the following officials of D.I. Khan Forest Division for favour of further course of action:

- 1- Atta Muhammad Forest Guard Page 01 to 29
- 2- Muhammad Ayub Forest Guard Page 01 to 57
- 3- M/S Muhammad Rafique and Zainul Abideen Forest Guards Page 01 to 53
- 4- M/S Abdul Tawab Forester & Abdur Rahim FG Page 01 to 42

Encl: as above

Divisional Forest Officer,
Bannu Forest Division

H/c
*The concerned staff may
 be called for personal
 hearing, please.*
A
21/11/2017

S/S/158
Jy DFB 907
670
21/11/2017

Amere... 655

OFFICE OF THE DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION D.I.KHAN

To

1. Mr. Muhammad Rafiq Forest Guard
2. Mr. Zain-ul-Abideen Forest Guard
C/ O RFO Kulachi .

No. 3842/17 /G dated D.I.Khan the 29 /November /2017.

SUBJECT:- Inquiry report.

Reference :- Correspondence resting with this office order No.121, dated 30-06-2017

The inquiry officer has finalized the enquiry and submitted report . A copy of the same is enclosed herewith for further necessary action .

You are directed to appear before the undersigned on 30/11/17 for personal hearing. Bring all documentary evidence in your defence on the day of personal hearing .

Acknowledge the receipt.

Encl As Above

No. 3844 /G,

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

Copy forwarded to the Range Forest Officer Kulachi for information necessary action. He is directed to deliver the letter to the above named officials under proper acknowledgment receipt which may be supplied to this office for record further for necessary action please.

①

وہی کے لئے
MR Rafiq
29/11/17

②

وہی کے لئے

Zain-ul-Abideen
29/11/17

29/11/17
Zain-ul-Abideen

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

OFFICE ORDER NO. 94 DATED D.I.KHAN THE 16 JANUARY 2018 ISSUED
BY MR. ABID MUMTAZ DIVISIONAL FOREST OFFICER, D.I.KHAN FOREST DIVISION

During inspection of Haji Abdullah Handan and Haji Mir Ahmad Handan (Kulachi Forest Range) plantation areas. On 05/05/2017 the Divisional Forest Officer D.I.Khan found that the planted area is seem to be less than the area actually charged through muster rolls. Therefore, area was measured through GPS by Muhammad Shafiq GPS specialist of HRD, Directorate and found that the total area was 39.4 hectare while an area of 60 hectare was claimed / charged. During inspection it was also observed by the DFO, D.I.Khan that available area was more than 80% failed due to lake of interest, improper maintenance and no watering to area by the I/C Forester and Forest Guard. Due to their laxity, the Government has sustained huge loss and the expenditure incurred on the raising and maintenance of 15 hectare at Haji Abdullah Henden and 45 hectare at Haji Mir Ahmad Wazir Henden totaling 60 hectare block plantations were gone to waste.

M/S Muhammad Rafiq Forest Guard I/C Bock Officer and Zain ul Abideen Forest Guard I/C were suspended and attached with the office of the Conservator of Forests, Southern Circle, Peshawar and Syed Latif Hussain DFO, Divisional Forest Officer Bannu Forest Division was appointed as inquiry officer vide DFO, D.I.Khan office order No. 121 dated 30/06/2017 vide endorsement No. 7015-19/G dated 30/06/2017 to precede against the above named officials under the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

Besides above, Range Forest Officer Paroa reported vide letter No. 12/Kul dated 0/06/2017 that out of 45 hectare area at Haji Amir Ahmad Hindan charged by above named officials an area of 20 hectare is planted which is 30% fail and in remaining 25 hectare area only earth work is completed over an area of six (6) hectare and in 19 hectare no earth work carried out. In Haji Abdullah Hindan plantation area 15 hectare plantation was carried out but on ground 50% plantation is fail.

Keeping in view the above exposition a charge sheet and statement of allegations were prepared and sent to the inquiry officer vide this office letter No. 402/G dated 17/07/2017 which was subsequently served upon both the accused officials vide Inquiry Officer (DFO, Bannu) letter No. 176/E dated 26/07/2017 and No. 178/E dated 26/07/2017.

The inquiry Officer initiated inquiry, recorded statements of the accused officials, examined reply to the charge sheets & statements of allegations furnished by the accused officials, conducted personal hearing & inspected the planting sites and submitted inquiry report to this office wherein he reported that during inspection of sites it has been noticed that as a whole 60% failure is still exists in the plantation areas, the survival of plants needs immediately watering otherwise the failure %age will be further increased and harsh site and severe termite attack was noticed.

Keeping in view the above the Inquiry officer recommended the following actions to be taken against the accused officials;

1. Recovery of Rs. 1.2054 million (60% of the total amount spent) may be got recovered from M/S Muhammad Rafiq and Zain-ul-Abideen Forest Guards (accused officials) on equal share basis
2. SDFO, Kulachi should arrange immediate watering for the survived plants
3. Stoppage of one annual increment due on 01/12/2017 without accumulative effect from both the accused officials

The inquiry report was sent to the both the accused officials vide this office letter No. 3842-43/G dated 29/11/2017 with the directives to submit their opinion regarding the inquiry report and appearing before the Competent Authority for personal hearing on 30/11/2017. Accordingly the accused official appears before the undersigned on the fixed date but they could not explain the cogent reasons for the failure of plantation. Their written reply submitted by them dated 05/12/2017 was also not convincing.

Therefore keeping in view the above exposition, the undersigned being Competent Authority is agreed with recommendations of inquiry officer, hence the penalties proposed by the inquiry office as noted above are hereby imposed upon M/S Muhammad Rafiq and Zain-ul-Abideen Forest Guards with immediate effect. The amount of Rs. 12054000/- will be recoverable from both the accused on equal share basis of Rs. 6027000/- in forty (40) equal installments of Rs. 150700/- per month. In case of their retirement during the period, the remaining amount will be recovered from their pension / gratuity.

(Abid Mumtaz)

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

No. 4357-62
IG

Copy for information and further necessary action is forwarded to:-

1. The Conservator of Forests, Southern Circle, Peshawar.
2. Syed Latif Hussain, Divisional Forest Officer, Bannu Forest Division, Bannu (Inquiry Officer) for information with reference to his office letter No. 670/E dated 15/11/2017.

3. Head Clerk / Accountant They are requested to stop the annual increment of both the forest guards if the increment is already granted the amount paid should be recovered immediately. Also start recovery of Rs.602700/= from each individual in forty (40) equal installments of Rs. 15070/- per month.
4. RF Kulachi. He is directed to intimate the present position of the above noted plantations and arrange immediate watering for the survived plants.
5. Mr. Muhammad Rafiq Forest Guard C/O RFO Kulachi.
6. Mr. Zain-ul-Abideen Forest Guard C/O RFO Kulachi.

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN.

Before
The Worthy Conservator Of Forests - Southern Circle,
Peshawar

Departmental Representation

2018

Zain-ul-Abidin Forest Guard

c/o

Sub- Divisional Forest Officer, D.I. Khan Forest Range - DIKhan

Appellant

v/s

The Divisional Forest Officer, Dera Ismail Khan Forest Division,
Dera Ismail Khan

91 P- 10
Respondent (Competent Authority)

Representation / Appeal against Order No. 44 dated 16.01.2018 passed by the Respondent vide which the recovery of 0.6275 million has been imposed against the Appellant. (Copy of Impugned Order is enclosed).

PRAYER :-

On acceptance of the **Instant Appeal**, to set aside the Impugned harsh order dated 16-01-2018 and as a consequence thereto, to withdraw the Charges leveled against the Appellant.

The Appellant; amongst other grounds; respectfully submits as follows:-

- 1) The Memo of Explanation dated 21.8.2017 and subsequent reply ^{5/12/17}, may be read as parts of the Appeal.
- 2) The Appellant is at the lowest tier of Executive Hand of a Forest Division and is merely to obey and follow the orders of his Divisional Head who is both Competent Authority as well as Drawing and Dispersing Officer under Financial Powers vested in the Category - III - Officers of the Provincial Government.
- 3) The achievement of the Plantation - Projects initially starts with selection of Site (Planataion Coupe) which is not the obligation of the Forest Guard or Forester - cum - block Incharge; and thus the allegations; ab-initio; are misplaced and misjudged; and the subordinate is not vicariously liable for the misplanning or misorientation of a Mega - Project.

- 2 -

Zain-ul-Abidin
Forest Guard
D.I. Khan

5/12/17

3284
8/17

3284
8/17

- Amman 15
- 4) The unholy haste in implementing a Mega Project with meagre inputs and with undue haste without suitable arrangements for weekly handwatering and barbed - wire fencing , cannot be attributed to lower staff. The extent of areas of Forest - Farmers is also verifiable through Halqa Patwari by production of Copy of detailed Fard Jamabandi of the current year with ascertainable dimensions *کوتہ ماں* of the area through copy of Aks Shajra of the last settlement (1966- 1968) and thus the opportunity of cross-examining of Halqa Patwari along with Record Clerk and Divisional Accountant of D.I.Khan Forest Division
 - 5) Failures of Plantation are always unavoidable and various factors including edaphic- climatic and socio- economic inhibitions and *thus* individuals are seldom accountable due to such extra-human impediments.
 - 6) The failure of transplants embedded in unfriendly environment with subsequent lack of silvicultural inputs is not a personal act of causing loss to the Government - Exchequer and the allegations were thus ill-founded and ill- designed and non - sustainable and the allegation of loss (overestimated and overbilled) is an act , not warranted by the circumstances of the site where the Accused/Appellant had not robbed any sum of public funds expended through Muster Rolls or Miscellaneous Bills , since the bills are paid by either SDFO or DFO and through Accountant and the Muster Rolls after sanction / Approval are being dealt with by the Range Forest Officer / SDFO concerned, *and were expenditure not being incurred as yet.*
 - 7) The Inquiry Officer has declined to allow opportunity of cross - examination of the Prosecution witnesses as well as the Prosecution - Representative and the Inquiry Report has been formulated in vacuum , with utter disregard of the Principles of Natural Justice and reliance upon it is a semblance of just hit - and- run (inckmancy) attitude . The Appellant requests that the entire profile of the Plantation along with Disciplinary files may be requisitioned.

The Appellant also wishes to be heard in person .

It is therefore **PRAYED** that the Instant Appeal may graciously be Accepted.

Your Humble Appellant

[Signature]

Zain ul Abidin Forest Guard

No. 6383/E



Dated Peshawar the 22/02/2018.

Copy forwarded to Divisional Forest Officer D.I.Khan for information with the direction to submit his para-wise comments immediately.

[Signature]
Conservator of Forests
Southern Circle Peshawar

[Signature]
P.P. Acting on proper file
[Signature]
08/3

1770
8/2/18

	<p><i>Abid Mumtaz</i> Divisional Forest Officer D.I.Khan Forest Division</p>	<p>Bungalow # 20 - Allama Iqbal road D.I.Khan Cantt. Phone # 0966-9280181 Fax # 0966-9280481</p>	
<p>No. <u>7682</u> /G</p>		<p>Dated D.I.Khan the <u>16</u> April 2018</p>	

The Conservator of Forests
Southern Circle, Peshawar

SUBJECT: - DEPARTMENTAL REPRESENTATION BY MR. ZAIN-UL-ABIDEEN FOREST GUARD AGAINST DFO, D.I.KHAN OFFICE ORDER NO. 94 DATED 16/01/2018

Reference Your office letter No. 6383/E dated 27/02/2018

Reply to the departmental representation by Mr. Zain-ul-Abideen Forest Guard is submitted as under;

1. Para relates to the correspondence regarding explanation and reply thereof, hence requires no comments.
 2. Relates to the Administrative and financial powers of the officers & officials, hence requires no comments.
 3. It is correct that the plantation / project basically starts with selection of sites in mutual understanding with the all the field formation relates to the activity. But the forester and forest guards are the basic execution / implementation field staff. In case of any kind of difficulty face by them in the field they are required to report the matter in black & white to their immediate field officer i.e. SDFO / RFO. In the instant case the appellant has not submitted any report regarding difficulties faced by him in the execution of plantation activity and continuously claimed and charged the execution and maintenance charges of the plantation raised at Haji Abdullah Handan (15 Hectare) and Haji Mir Ahmad Handan (45 Hectare). When the DFO, D.I.Khan inspected the aforesaid areas on 22/05/2017, he observed that the area seems to be less than the area reported / charged, therefore in order to verify & know the factual position the area was measured through GPS and found that that the total area was 39.4 hectare instead of 60 hectare.
- Range Forest Officer Kulachi also reported vide letter No. 12/Kul dated 0/06/2017 that out of 45 hectare area at Haji Amir Ahmad Hindan an area of 20 hectare is planted which is 30% fail and in remaining 25 hectare area only earth work is completed over an area of six (6) hectare and in 19 hectare no earth work carried out. In Haji Abdullah Hindan plantation area 15 hectare plantation was carried out but on ground 50% plantation is fail.
4. Initially the area was selected by Range Forest Officer Kulachi and concerned forester and forest guard and found suitable for execution of plantation. Accordingly after execution of agreement with the land owner, physical work was started on ground under the supervision of the appellant. As already explained in para - 3 above, besides failure the area was also less than the reported and charged by the appellant.
 5. In case of failure in the plantation area due to any factor, the appellant was required to report the matter to RFO, Kulachi but he failed to do so till taking notice of failure / shortage of area by the DFO, D.I.Khan.
 6. As already explained vide above paras there is nothing on record regarding reports submitted by the appellant on account of failure or problems faced in execution of plantation. Rather he was fully charging the plantations.
 7. The inquiry was conducted by Syed Latif Hussain DFO, Bannu Forest Division. After fulfillment of required formalities, he submitted enquiry report vide letter No. 670/G dated 15/11/2018. In the inquiry report the appellant was found guilty of the charges framed against him. The DFO D.I.Khan being Competent Authority, a copy the enquiry report was sent to the appellant vide DFO, D.I.Khan letter No. 3844/G dated 29/11/2018 for showing cause as to why the penalty proposed by Enquiry Officer may not be imposed upon him. Accordingly the appellant submitted reply, also heard in person but he failed to explain / quote cogent reasons for shortage and failure of plantation, therefore the case was decided vide DFO, D.I.Khan office order No. 94 dated 16/01/2018.

Photocopies of the complete enquiry file from page No. 1 to 48 is enclosed herewith for favour of perusal, record and further necessary action. It is requested that the appeal may kindly be rejected in the best interest of public service, so that the orders of DFO, D.I.Khan could be implemented and recovery of losses sustained to Government exchequers could be recovered from the appellant and subsequently remitted in to Government treasury, please.

Encl: As above.

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

Conservator of Forests Southern Circle		Shami Road Peshawar Phone # 091-9214324
No. 8433 /E-		Dated Peshawar the <u>07</u> /05/2018

(Amexire - A)

Amexire - B.L

To

M/S Muhammad Rafiq and
Zain-ul-Abideen Forest Guards
C/O Divisional Forest Officer
D.I.Khan

SUBJECT:- DEPARTMENTAL REPRESENTATION BY MUHAMMAD RAFIQ AND ZAIN-UL-ABIDEEN FOREST GUARDS DFO D.I.KHAN OFFICE ORDER NO. 93 & 94 DATED 18.01.2018. /PERSONAL HEARING.

You are directed to attend the office of the undersigned on 24.05.2018 at 11:00 AM for personal hearing with all record.

1853
18/5/2018

Conservator of Forests
Southern Circle Peshawar

No. **8434** E

Copy forwarded to Divisional Forest Officer D.I.Khan for information w/r to his letter No. 7686/G dated 16.04.2018 and No. 7687/G dated 16.04.2018.

Conservator of Forests
Southern Circle Peshawar

No 0355/2 d/s 11/5/2018
Copy forwarded to SDFO, Kulachi for information and necessary action. The attached letters meant for M/s M. Rafiq & Zain-ul-Abideen forest guards under proper acknowledgment receipt & ask them to appear before the CT/SC, Peshawar on 24/5/2018 at Peshawar.

DIVISIONAL FOREST OFFICER
D.I.KHAN FOREST DIVISION
D.I.KHAN

①

3699
Amir-ud-Din

Conservator of Forests
Southern Circle

Strand Road Peshawar
Phone # 091-9214024

Date: Peshawar the 07/05/2018

No 7064

M/S Muhammad Rafiq and
Zain-ul-Abideen Forest Guards
(C/O) Divisional Forest Officer
D. Khan

SUBJECT: DEPARTMENTAL REPRESENTATION BY MUHAMMAD RAFIQ AND
ZAIN-UL-ABIDEEN FOREST GUARDS D. KHAN, DIVISIONAL OFFICE
ORDER NO. 93 & 94 DATED 18.01.2018 / PERSONAL HEARING.

Reference in continuation of this office letter No. 5133/F dated 07.05.2018

You are hereby directed to inform the Chief of the Forest Guard on
05.07.2018 at 11:00 AM for personal hearing with all record without fail. In case
of failure ex-parte action should be taken against you under F&D Rules, 2011.

Conservator of Forests
Southern Circle Peshawar

Copy in continuation of this office order No. 5133/F dated 07.05.2018
forwarded to Divisional Forest Officer D. Khan for information with the request

Telephonically through
Mr. Ahmad Nawaz F-6
Mr. Ahmad Nawaz F-6
Mr. Ahmad Nawaz F-6
Mr. Ahmad Nawaz F-6

No 51-52/12 dt: D.I. No. 03/7/2018

Copy forwarded to;

- ① Mr. Muhammad Rafiq Forest Guard (C/O RFO
- ② Mr. Zain-ul-Abideen Forest Guard. (Kwacha)

Conservator of Forests
Southern Circle Peshawar

for information and further necessary
action. They are directed to appear before
the C/F, Peshawar on above noted date
Time & venue and report compliance

Divisional Forest Officer
D.I. KHAN
DIVISIONAL FOREST OFFICER
D.I. KHAN FOREST DIVISION

03/7/18

Annexure-M65

To

THE DIVISIONAL FOREST OFFICER-
DERA ISMAIL KHAN...

SUBJECT: INQUIRY AGAINST Zainul-Abideen Forest Guard.

THE RESPONDENT ACCUSED IN RESPONSE TO MEMO NO. 3842-43/G,
1) DATED 29.11.2017 SUBMITS AS FOLLOWS:-

1. The Inquiry Officer had omitted to thoroughly examine the Reply of the Respondent, dated 21.08.2017 though he has admitted the non-suitability of the area for artificial plantation. Even then uptill start of May, the Plantation prospects were found satisfactory, the alleged diminution in area has to exist when GT Sheets show linear aerial distances where-as the cadastral survey by Revenue Officers show actual surface measurements of the terrain.
2. The Inquiry Officer had failed to interrogate the concerned Range Officer Kulachi about his supervisory role when he had made satisfactory report dated 22.05.2017, which has been endorsed by the DFO D.I.Khan who had furnished certificate on Account Form No.50 each month, and afterwards opposite stance is misplaced.
3. Even after the suspension of the Accused, efforts have been made through maintenance charges for rehabilitation of the plantation but the result is discouraging.
4. The selection of site was not the choice of Respondent/Accused and as such the very foundation of the Project was mis-planned and the failures were un-avoidable, and Tube-well water-supply was too scanty and insufficient especially during sizzling temperatures of the summer season
5. The Inquiry Officer had failed to examine any witness as referred in the Reply dated 21.08.2017 which is a very serious error in the proceedings and no opportunity of cross-examination of stated witnesses had been provided. Copy of the Reply dated 21.08.2107 is enclosed.
6. The Inquiry is thus unevenly oriented and misdirected in point of law.
7. The Inquiry Officer is not permitted to propose the quantum of penalties vide notification dated 28.03.2014 and he has only to report qua guilt or otherwise. The report is thus un-credit-worthy and charges may kindly be withdrawn.

YOUR HUMBLE RESPONDENT

Zainul-Abideen

Forest Guard

[Signature]

5/12/2017

*For order, please
The H.O. recommendation of
Inquiry Officer may be kept intact. As
the culprit now has the chance of appealing
to the CF. There fore orders may be issued as per
recommendation of
the inquiry officer
29/12/2017*

Handwritten marks on the left margin.

باجلاس

معزز خیبر پختونخواہ سروس ٹری بیونل - پشاور

STA

7/4/15

سروس ٹری بیونل اپیل نمبر

محمد رستو بخلاف حکومت کے پی کے وغیرہ

جواب جواب بحوالہ جواب ازاں مسئول الیہان---

الف۔ ابتدائی عذرات :-

- i- اپیل کنندہ / مرافعہ گزار ناجائز طور پر سزاوار قرار دیا گیا ہے اسلیئے مرافعہ ہذا میں بنائے اپیل کا اظہار ہے۔
- ii- مرافعہ گزار نے اپیل رولز کی پاسداری کر کے موجودہ مرافعہ اندر معیاد دائر کیا ہے اسلیئے مرافعہ گزار کو اس اپیل میں قدم جمانے (Locus Standii) کا موقع حاصل ہے۔
- iii- یہ عذر محض عذر برائے عذر ہے اور بے جا ہے۔
- iv- مرافعہ ہذا مجوزہ معیاد کے اندر دائر ہوا ہے۔
- v- غلط شمول فریق کی نشاندہی نہیں کی گئی ہے۔
- vi- مسئول الیہان نے خود قانون کی پاسداری نہیں کی بلکہ افسر شاہی انداز میں مرافعہ گزار کو الزام الہیہ گردانا گیا۔

ب۔ عذرات برواقتات جواب :-

- 1- یہ عذر غلط مرتب ہوا ہے اور مرافعہ کے ضمن نمبر 1 (پیرا) کا تعلق DFO سے ہے نہ کہ Conservat صاحب سے اور Conservator صاحب نے بروقت مرافعہ پر کارروائی نہیں کی
- 2- مرافعہ گزار کے خلاف تادیبی کارروائی خلاف ضابطہ ہوئی ہے۔
- i- یہ کہ ماہ مئی میں نوخیز پودا جات کبھی خوشگوار حالت میں نہیں ہوتے اور رقبہ کا تعین کروکان By Metes And Bounds نہیں کیا تھا اور محض مفروضی انداز میں ملاحظہ کیا اور مرافعہ گزار کی موجودگی میں موقعے کا خاکہ تیار نہیں کیا تھا اور ریج افسر صاحب نے DFO کے ماتحت ہونے کی وجہ سے وہی غلطی کی اور مقام بنوں عارضی تعیناتی بھی ایک جاہرانہ کارروائی تھی۔

یہ عذر غیر ضروری طور پر طویل ہے اور بلا ثبوت ہے اور اس کے بعد شوکا ز نوٹس جاری نہیں ہوا جو کہ کارروائی میں اہم سقم Crucial Infirmity ہے۔

یہ کہ خود DFO بنوں نے اپنی جان خلاصی کے لئے DFO ڈیرہ اسماعیل خان کی حامی بھرنی ہی تھی جب DFO بنوں نے بھی ہم چوں قسم کے مبینہ الزامات کی Inquiry، DFO ڈیرہ اسماعیل خان کے حوالے کی تھی جو کہ ایک طہ شدہ سازشی عمل ہے۔

iv - Conservator صاحب (مسئول الہیہ نمبر 3) نے بھی محکمانہ اپیل کے قواعد کی پاسداری نہیں کی اور مجوزہ نوے دن کے اندر کوئی شنوائی نہ کی اور یہ ضمن غلط مرتب ہوا ہے۔

ج۔ عذرات بر Grounds :-

- i - یہ معروضی واقعات سے فرار ہے جب کہ Senior Forestry Officers کے کوائف شامل نہیں کئے۔
- ii - کوئی شوکا ز نوٹس جاری نہیں ہوا اور نہ ہی کسی گواہ کو پیش کیا اور نہ ہی جرح کا موقع دیا گیا۔
- iii - یہ کہ Conservator صاحب نے بروقت نوے دن کے اندر زبانی سنوائی کے لئے طلب نہیں کیا۔
- iv - جملہ کارروائی قانون کے مطابق نہیں کی گئی۔
- v - موقع کا ملاحظہ عجلت میں کیا گیا اور پٹواری حلقہ کو طلب نہیں کیا گیا تا کہ اس سے خسرہ جات کی نشاندہی اور ان کے رقبے کا استخراج Computation - نوعیت اراضی اور رقبہ دینے والے کے حصص نہیں کرایا گیا۔
- vi - یہ جواب صحیح نہیں ہے۔
- vii - یہ جواب مقدمہ کے واقعات کے مطابق نہیں ہے۔
- viii - یہ کہ Project Policy کے مطابق شجر کاری کی ناکامی کے لئے DFO، 50 فیصد Conservator، 30 فیصد اور Chief Conservator، 10 فیصد تک ذمہ دار ہے جیسا کہ Project Policy کے پیرا گراف Departmental Monitoring (1) 6.3.1.16 سے ہے۔
- ix - یہ جواب صحیح نہیں ہے اسکی وضاحت زبانی بحث میں کی جائے گی۔

نوٹ: ایک اور تا دہی کارروائی برخلاف قیصر عباس Forestor وغیرہ مین جرمانہ 60 لاکھ سے بہت کم کیا گیا ہے جس کی وضاحت دوارن بحث DFO کے نمائندے سے کرائی جائے گی۔

لہذا استدعا ہے کہ مسئول الہیم کے جواب کو پذیرائی نہ دی جائے اور مرافعہ کو منظور کیا جائے۔

23-9-19

عرض

محترم رفیق - مرافعہ گزار

MR Rafiq

بیان حلفی

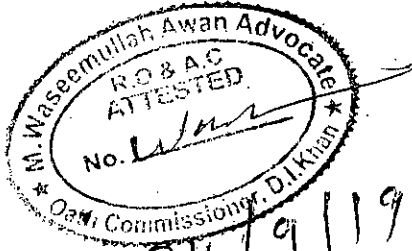
مکتبہ: محترم رفیق Forest Guard حلفاً

بیانی ہے کہ معلومات فراہم شدہ کے مطابق جواب الجواب

صحیح مرتب ہوا ہے۔

مظہر

MR Rafiq



24/9/19

بجائے اس کے کہ اللہ تعالیٰ کے فضل سے
ایڈووکیٹ باجی کورٹ

ANAC

6.3.15 Biodiversity Conservation and Management:

Under the project special focus will be put on the biodiversity conservation and management to achieve Aichi targets. Improvement of wildlife habitat in various ecosystems will be undertaken to achieve Aichi targets by encouraging natural and indigenous vegetation cover. The Aichi Biodiversity targets are annexed as **Annexure-XXXVI**.

6.3.16 Monitoring and Evaluation:

6.3.16(i) Departmental Monitoring:

Monitoring is vital for successful launching and meeting the objectives of the Billion Trees Afforestation Program. Monitoring of the project activities will be carried out through three tiered monitoring i.e. at department, project and third party levels (external)

Under departmental monitoring there will be following mechanism;

- All the activities will be marked on GIS maps and the coordinates for the planned field activities will be provided by the field staff to the PMU before undertaking physical work.
- The SDFO/RFO will supervise the work and shall be responsible for 100% correctness.
- The DFO will supervise work and shall be responsible for 50% correctness, after proper monitoring and verification.
- The DFO concerned will also ensure that compartment history file is maintained having map of plantation, pre, during and post work photographs of the area, quality and quantity of work done, GPS coordinates record of the area and updation of history files.
- The Conservator of Forests of the concerned Forest Circles will physically monitor and verify the 30% work to satisfy correctness of work in his area of jurisdiction. Further, he has to ensure that duties of DFO regarding developmental works are fulfilled, gaps identification and course correction accordingly.
- The Chief Conservator of Forests of the Region has to ensure policy coherence regarding project concept and guide the field staff on course correction. For this purpose, he will randomly check 10% of the activities for evaluating the quality and quantity of work in order to buildup guidelines for necessary corrective measures.

The Forestry Planning and Monitoring Circle (FP&M) to deliver the following activities:

- Establish baseline in forest and non-forest areas for the project using satellite imageries.
- Database establishment in MS ACCESS program encompassing the details of Plantation Journals and Nursery Journals (History files) of all areas to be monitored. Details such as natural regeneration, pit size, density and area covered through plantation in buffer zone, wastelands and farmlands.
- Carrying out 50% monitoring of all gone over works

Project will also monitor activities through its own three monitoring officers:

- The M&E Officers will carry out monitoring regularly in their regions, keep PD abreast of activities and suggest improvement measures for keeping the project in the right direction.
- Provide inputs to PMU on ToR's development for external monitoring & evaluation, delineating functions for external validators and MOU signing.
- Monitoring through GIS/RS, fixed point photography (Pre, during and post activity) and physical verification through surveys using GPS.
- Build capacity of the field staff in monitoring
- Development of Maps for areas monitored showing details of activities.
- Compilation of monitoring reports containing suggestions on course correction for area managers as well as forwarding remedial measures to steering committee.

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KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2955/ST

Dated 14/10/2020


To

The Divisional Forest Officer, Forest Division,
Government of Khyber Pakhtunkhwa,
D.I. Khan.

SUBJECT: - ORDER JUDGMENT IN APPEAL NO. 774/2018, MR. MUHAMMAD RAFIQUE.

I am directed to forward herewith a certified copy of Judgment dated 23.09.2020
passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR