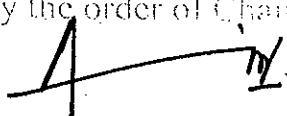


FORM OF ORDER SHEET

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

Appeal No. 1506/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/07/2023	<p>The appeal of Mr. Muhammad Hakim resubmitted today by Mr. Akbar Khan Advocate. It is fixed for preliminary hearing before Single Bench at Beshwar on</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

In Re S.A No. 1506 /2023

Muhammad Hakim

**VERSUS**

Govt of KPK through Chief Secretary KPK Peshawar  
& others

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APPELLANT

Through

**Akbar Khan**  
Advocate, High Court  
Peshawar.

Dated: 14/07/2023

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 1506 /2023

(1)

Muhammad Hakim S/o Muhammad Nabi R/o  
Shringal District Upper Dir.

**Appellant**

***VERSUS***

1. Govt of KPK through Chief Secretary KPK Peshawar.
2. Secretary to Govt. for environment and Forest KPK Peshawar.
3. Chief Conservator Forest KPK Peshawar.
4. Chief Conservator of Forest Malakand Forest Region (Region-III) Said Sharif Swat.
5. Conservator of Forest Malakand Forest Circle West Temergara.
6. Divisional Forest Officer Dir Kohistan, Upper Dir

**Respondents**

**APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL ACT**  
**1974 AGAINST THE ORDER OF RESPONDENT**  
**NO.5 AND 6 PASSED BY THEM VIDE ORDER**  
**NO.67 DATED 17.04.2023 AND VIDE ORDER**  
**NO.45 DATED 15.06.2023 RESPECTIVELY**

(2)

WHEREBY THE APPELLANT WAS  
COMPULSORY RETIRED FROM SERVICE BY  
RESPONDENT NO. 6 AND ON APPEAL THE  
RESPONDENT NO.5 CONVERTED THE PENALTY  
OF COMPULSORY RETIREMENT TO  
REDUCTION TO INITIAL PAY SCALE FOR A  
PERIOD OF 3 YEARS AND THE INTERVENING  
PERIOD FROM 17.04.2023 TO 24.05.2023 WAS  
TREATED AS LEAVE WITHOUT PAY.

Prayer in appeal:-

ON ACCEPTANCE OF THIS INSTANT  
SERVICE APPEAL THE IMPUGNED ORDER  
OF RESPONDENT NO.5 DATED 15.06.2023  
ENDORSED TO THE APPLICANT ON  
20.06.2023 MAY PLEASE BE SET ASIDE TO  
THE EXTENT OF REDUCTION TO INITIAL  
PAY SCALE AND RUNNING PAY SCALE  
WHICH THE APPELLANT WAS GETTING ON  
14.12.2022 MAY PLEASE BE RESTORED TO  
THE APPELLANT. MOREOVER THE  
APPELLANT HAS A LOT OF EARNED  
LEAVE ON HIS LEAVE ACCOUNT AND THE  
LEAVE WITHOUT PAY ORDER MAY PLEASE  
BE CONVERTED TO LEAVE WITH PAY  
CONSIDERING THE SAID PERIOD TO BE  
DEDUCTED FROM THE EARNED LEAVE OF  
THE APPELLANT.

(3)

Respectfully Sheweth,

The Appellant submit as under:-

1. That the appellant is the resident of village Sheringal District Dir Upper and is serving in Forest Division Dir Kohistan as Forester for the last 14/15 years with unblemishing record.
2. That on 31.05.2022 I was posted on Sheringal check post of Dir Kohistan.
3. That on the same day i.e 31.05.2022 an oil tanker No.C.2605, was seized by the staff of Shamar Din Forest Check post Dir Lowr and 43 Nags 172 Cft wood of Deyar were recovered from its secrete cavities on serch.
4. That the patole squad of Dir Lowr showed the seizer and recovery of the Timebr on their name to highlight their performance and get share of reward from the penalty and thus chalked FIR/ damage report from Petrol Squad side.
5. That the driver of the tanker Sahrabullah S/o Raza Ullah is resident of Qualandi District Dir Upper which is secrete hubb of illegal timber.

(4)

6. That the raiding party did not inquire from the accused driver as from where he has loaded the wood/slapper and who was involved with him in smuggling but impose fine of Rs.10 Lac and twenty seven thousand Rupees and returned the vehicle and wood/slapper to him for local use to hush up the probe of entire matter of involvement in white collar, wood smuggling in technical ways. (Copy of seizer report and fine which bears overwriting on dated 31 and 05 is attached for perusal annexure "A").
7. That on the basis of this seizer and recovery from secrete cavities of the tanker, it was alleged that the said tanker has crossed Shringal Check post without the checking. It has been added that the tanker is seen in CCTV Cameras and the appellant is not visible on duty in CCTV Cameras.
8. That the appellant was suspended on 03.06.2022 with out explanation and inquiry suspension order is attached as annexure "B").
9. That the appellant was reinstated on 10.10.2022 vide order No.28 and posted as incharge Jatkote Forest Check Post. (Copy of order is attached as annexure "C").

(5)

10. That on 17.06.2022 charge sheet was issued to the appellant which was properly replied.

(Copy of the charge sheet and reply there to is attached as annexure "D" & "E").

11. That D.F.O Patrole squade Dir Lower was appointed as inquiry office who conducted enquiry and submitted his finding to the D.F.O Dir Kohistan Sheringal with the recommendation that one annual increment without accumulative may be stopped and warning should also be administered. *Copy of finding of E.O - is attached as (F)*

12. That in the enquiry, the enquiry officer did not record statement of any independent witness i.e that of staff posted at Shamer Din Forest Check Post or member of raiding party, driver of the vehicle seized there but relied on the statement of Range Forest Officer Basheer Ullah who was the reporting Officer as well as the prosecutor / representative of the department which is against the law and rules.

13. That the inquiry officer further relied on the photo copy of CCTV Camera pottage in which oil tanker is seen to have passed on the check post.

6

Here I would like to submit that there are numerous patrol pumps in Dir Kohistan and a lot of oil tankers used to pass form this check posts on daily basis. The number of the tanker which is said to have been seen at Shamer Din check post is not visible on the Tanker in the footage and no slapper is seen in the tanker. Therefore this cannot be the proof against the appellant. The Driver of the tanker hails from Qolandai Dir Upper which is also a secrete hubb of illegal timber and it is possible that the driver may have loaded the timber there from Qolandi his native Village.

14. That relying on the recommendations of inquiry officer the respondent No.6 retired the appellant from service compulsory. (Copy of order of respondent No.6 is attached as annexure "E").
15. That the appellant preferred an appeal to the appellate authority respondent No.5 who converted the order of respondent No.6 to the reduction of initial pay scale and treating the intervening period from 17.04.2023 to 24.05.2023 to be treated as leave without pay. (Copies of departmental appeal and order of respondent No.5 are attached as annexure "H" and "I").



7

Aggrieved of the orders the appellant submit this service appeal to this honorable Services Tribunal on the following grounds inter alia others which may please be allowed during the hearing of this service appeal.

GROUNDS:-

- A. That the order of respondent No.5 conservator of forest Western Circle Timergara is against law and facts and evidence on record and is therefore liable to be set aside and interfered by this Hon'ble Tribunal.
- B. That very harsh punishment has been imposed upon the appellant by both the respondent No.5 and 6.
- C. That the recommendation of the inquiry committee has been ignored all together and punishment has given on presumption and conjectures basis which can not be valid grounds for awarding such harsh punishment.
- D. That the entire case file moves round one person Basheer Ulallah range forest officer Sheringal block who has reported the matter to D.F.O

8

respondent No.5, who himself is witness and prosecutor as well and even then has failed to prove the case against the appellant without doubt.

E. That the inquiry officer has failed to examine the accused/convict driver Sehrabullah to ascertain fact as from where he had loaded the Timber the and who was involved with him in Smuggling of the said Timbers.

F. That the staff of Shamerdin Forest Check Post have also not been examined who's statement would have unearthed the mystery of Timber Smuggling by the driver of oil tanker in secret cavities. The driver of the said Tanker who has been fined of Rs.10 Lac and 27 Thousand Rupees is resident of Quolandai District Dir Upper and was an essential witness for disclosing the smuggling by Oil Tankers but his examination has also been abundant.

G. That the only evidence relied upon against the appellant is CCTV footage which is vaguo and the Number of vehicle is not visible to prove that this was the vehicle which was seized at Shamerdin Check Post.

H. That non visibility of the appellant in CCTV Cameras can not be made base for conviction as the check post consists on rooms/ veranda, kitchen and wash room and as human being, the appellant may have been present in the above parts of premises out of the camera sight. Furthermore, it is not possible for a single person on duty to be present before the camera all the time.

I. That the only evidence e of CCTV Cameras which is stated to be evidence against the appellant has also not been examined by any expert which could be relied upon as per evidence laws.

J. That no cogent evidence in shape of oral or documentary evidence is vailabel against the appellant.

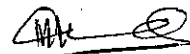
K. That from Kohistan and other area of District Dir Upper there are lot of Forest Check Post on the roads leading towards Dir Lowr but non of the employee from these check post have implicated in the inquiry and only appellant has been made scape goat in an unproved case of timber smuggling which is great injustice.

10

N. That I am innocent and not involved in any sort of smuggling, crime, irregularity, negligence etc and my about 15 year clear service is proof of the same.

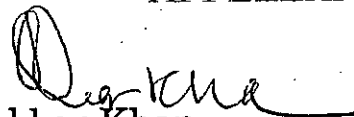
*In view of the above grounds and reasons it is most humbly prayed that by acceptance of this service appeal the impugned order of Respondent No.5 dated 15.06.2023 No.45 may please be set aside to the extent of reduction to initial pay scale and running pay scale which the appellant was getting on 17.04.2023 may please be restored to the appellant. Moreover the appellant has a lot of earned leave on his leave account and the leave without pay order may please be converted to leave with pay considering the said period to be deducted from the earned leave of the appellant.*

*Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case to save the appellant from financial losses.*



APPELLANT

Through



Akbar Khan  
Advocate, High Court  
Peshawar.

Dated: 13/07/2023

11

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA PESHAWAR**

In Re S.A No. \_\_\_\_\_/2023

Muhammad Hakim

***VERSUS***

Govt of KPK through Chief Secretary KPK Peshawar &  
others

**AFFIDAVIT**

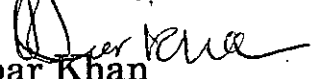
I, Muhammad Hakim S/o Muhammad Nabi R/o  
Shringal District Upper Dir, do hereby solemnly affirm  
and declare that all the contents of the instant appeal are  
true and correct to the best of my knowledge and belief and  
nothing has been concealed or withheld from this Hon'ble  
Court.



DEPONENT

CNIC: 15701-1238924-7

*Identified by:*

  
Akbar Khan  
Advocate High Court  
Peshawar.

Dated: 13-07-2023

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

In Re S.A No. \_\_\_\_\_/2023

12

Muhammad Hakim

***VERSUS***

Govt of KPK through Chief Secretary KPK Peshawar  
& others

**ADDRESSES OF PARTIES**

***PETITIONER.***

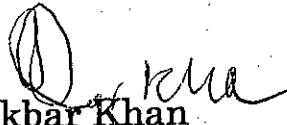
Muhammad Hakim S/o Muhammad Nabi R/o  
Shringal District Upper Dir.

**ADDRESSES OF RESPONDENTS**

1. Govt of KPK through Chief Secretary KPK Peshawar.
2. Secretary to Govt. for environment and Forest KPK Peshawar.
3. Chief Conservator Forest KPK Peshawar.
4. Chief Conservator of Forest Malakand Forest Region (Region-III) Said Sharif Swat.
5. Conservator of Forest Malakand Forest Circle West Temergara.
6. Divisional Forest Officer Dir Lower at Temergarah.

APPELLANT

Through

  
Akbar Khan  
Advocate, High Court  
Peshawar.

Dated: 14/07/2023



(B)

14

OFFICE ORDER NO: 88 DATED: 03/06/2022 ISSUED BY MR. SARDAR SALEH,  
DIVISIONAL FOREST OFFICER DIR KOHISTAN FOREST DIVISION SHERINGAL.

An Oil Tanker loaded with illegal timber has been crossed Sheringal Forest Check Post without checking by Mr. Muhammad Hakim, Forester during his duty time and apprehended by the Patrol Squad Party of Lower Dir Forest Division on 31/05/2022 early in the morning. The involvement of the staff with timber smugglers in illegal transportation of timber is very clear.

Therefore, Mr. Muhammad Hakim, Forester posted on Sheringal Forest Check Post is hereby suspended and attached with Divisional Office in the interest of public service/forest conservancy *w.e*

Sd/-(Mr. Sardar Saleh),  
Divisional Forest Officer,  
Dir Kohistan Forest Divin:

No. 4054-56/G,

Copy forwarded to:-

- 1) The Conservator of Forests, Malakand Forest Circle West Timergara for information please.
- 2) Range Forest Officer, Sherigal for information and further necessary action.
- 3) Assistant/Accountant for information and necessary action.



Divisional Forest Officer,  
Dir Kohistan Forest Divin:





(C)

15

OFFICE ORDER NO. 25 DATED 10/10/2022 ISSUED BY MR. SARDAR SALEH, DIVISIONAL FOREST OFFICER, DIR-KOHISTAN FOREST DIVISION AT SHERINGAL.

As proposed by SDFO Patrak and RFO Sheringal, the following posting/transfer order amongst Foresters and Forest Guards of Dir Kohistan Forest Division are hereby ordered in the interest of public service with immediate effect in the interest of public service:-

Sl. #	Name and rank.	From	To
1)	Mr. Muhammad Hakim, Forester	After re-instatement	Incharge Jetkot forest check post
2)	Mr. Tariq-Ullah, Forest Guard	Dhog Right Lower	Sheringal Forest Check Post.
3)	Mr. Hidayatullah, Forest Guard.	Patrak	Sheringal Forest Check Post.
4)	Mr. Rasol Khan, Forest Guard.	Sheringal Forest Check Post.	Patrak Forest Sub Division, Janas Beat Comptt: No. 34 to 41.

Sd/- (Mr. Sardar Saleh),  
Divisional Forest Officer,  
Dir Kohistan Forest Division,  
Sheringal.

No. 1055-1103/G.

Copy forwarded to:-

- 1) Sub Divisional Forest Officer, Patrak.
- 2) Range Forest Officer, Kalkot.
- 3) Range Forest Officer, Sheringal.

For information and immediate necessary action.

- 4) All concerned for information and necessary action.
- 5) Divisional Accountant for necessary action.

Divisional Forest Officer,  
Dir Kohistan Forest Division,  
Sheringal.

(D) 16

CHARGE SHEET.

I. Sardar Saleh, Divisional Forest Officer, Dir Kohistan Forest Division, as competent authority under Khyber Pakhtunkhwa, Government Servant (efficiency & Disciplinary Rules-2011), hereby charge you. Mr. Muhammad Hakim, Forester posted on Sheringal Forest Check Post as follows:-

You, while posted as Forester on Sheringal Forest Check Post, Sheringal Forest Range, has committed the following irregularities:-

I. That besides repeated directives/instructions regarding control of illegal movement of forest produces through proper checking of each and every vehicle crossing Forest Check Post, especially at the time of sunrise and sunset, but you failed to do so. As on 31/5/2022 a Hino Oil Tanker bearing registration No.C. 2605 loaded with illicit timber of 43 No Deodar=172.0 cft crossed Sheringal Forest Check Post at 5.11 AM as evident from CC TV Camera recording, apprehended by the staff of Lower Dir Forest Division at Shamardin.

II. The Range Forest Officer Sheringal, called your explanation, vide his office letter No.16/ROS dated 01/06/2022, that an Oil Tanker loaded with illegal timber has crossed Sheringal Forest Check Post during your duty hours without checking by you and apprehended by the Patrol Squad Party Lower Dir Forest Division during 7.0 am to 8.0 am on 31/05/2022 and further directed you to explain your position within 03 (Three) days most positively, but you failed to submit your reply till 17/06/2022. As per RFO Sheringal report you were on duty at that time, but you did not bother to stop the Oil tanker loaded with illicit timber and left the check post opens to the timber smugglers.

III. The CCTV camera installed at Sheringal Forest Check Post video clearly shows that non of you present at check post for checking of vehicles and thus the Oil Tanker crossed the check post barrier without any hesitation for checking.

IV. Being responsible and recently promoted Forester, on probation period, it is your prime responsibility to keep the barrier closed and stop each and every vehicle for checking and to control over illegal movement of timber, but you did not perform your duty as per your job description which shows your inefficiency in performing your duty.

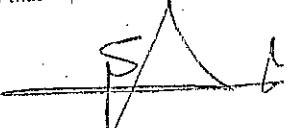
2. By reason of the above, you appear to be guilty of in-efficiency, mis-conduct and corruption under Rules-3 of Khyber Pakhtunkhwa Government servants (Efficiency and Disciplinary) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid.

3. You are therefore, required to submit your written defense/reply within seven (07) days after receipt of this charge sheet to the enquiry officer/committee, as the case may be.

4. Your written defense, if any, should reach to the enquiry officer/committee within the specified period, falling which it will be presumed that you have no defense to put in and that expert action shall be taken against you.

5. Intimate whether you desired to be heard in person.

6. Statement of allegation is enclosed.

  
MR. SARDAR SALEH,  
DIVISIONAL FOREST OFFICER,  
DIR KOHISTAN FOREST DIVISION,  
SHERINGAL

17/6/2022

(E)

①

حکومت جناب DFO صاحب دیر کوستان فارسٹ ڈویژن

جواب بابت شوکانوٹس / خارج نشیٹ نمبر 1886

حوالہ DFO دیر کوستان آفس مورچہ 21-12-2022

17

جناب عالی

گزارش ہے کہ میرے خلاف لگانے والے الزامات سراسر بے بنیاد،  
من گھڑت اور غلط فہمی پر مبنی ہیں جبکہ بار بار میں ترمیم کرتے ہوئے غور و  
ذیل وضاحت پیش فرماتا ہوں۔

۱۔ کہ میں بحیثیت فارسٹ جیکوٹ فارسٹ جوائنٹ پوسٹ ڈویژن سرانجام دے  
رہا ہوں۔ کہ میں نے غیر منظم طور پر عمارتوں اور نہ ہی کسی ٹینکر  
کے ساتھ ساز باز کی ہے۔

۲۔ کہ جو آئیل ٹینکر لوڈر دیر فارسٹ ڈویژن میں لگا گیا ہے اور جن کے خفیہ  
خانوں سے غیر قانونی لکڑی برآمد ہوتی ہے نہ یہ ٹینکر شہل فارسٹ جیکوٹ  
پوسٹ سے وائزر ہوا ہے اور نہ ہی میں نے وائزر کروانے میں کسی ٹینکر  
کو سہولت فراہم کی ہے۔

۳۔ کہ CCTV کمرے میں جس آئیل ٹینکر کی نشیب آئی ہے اس میں  
آئیل ٹینکر کا نمبر واضح نہیں ہے اور نہ ہی کوئی نمبر نظر آ رہا ہے۔ جن پر یہ  
وضاحت کی جاتی ہے کہ آئیل ٹینکر میں ہزاروں ٹینکر سٹور ہوتے  
ہوئے ہیں۔ لہذا میرے خلاف لگانے والے الزامات غلط فہمی  
پر مبنی ہیں۔

۴۔ کہ آئیل ٹینکر میں جو غیر قانونی لکڑی لکڑی لگی ہے، اس کے  
اور جگہ باحفاظت سے لوڈ کروانے کے لئے ہونگے۔ کیونکہ ضلع دیر بالا  
اور بائین میں ہر جگہ خفیہ مقامات پر لکڑی کا غیر قانونی شکار  
موجود ہے۔

5) یہ کہ میں نے اپنی ڈیوٹی میں کسی قسم کی غفلت یا کوتاہی نہیں کی ہے اور صیکر پوسٹ پر موجود رہ کر ہر قسم کا کام کی جیکنگ کی ہے۔

6) یہ کہ میں نے آفس میں ہر وقت غلط فہمی پر مبنی ہے اور بے لاثوث خدوی کو خورد الزام ٹھہرایا ہے جو کہ میرا سرنا الصافی ہے۔

7) یہ کہ میں نے خارشٹر بعد از انکوائری فی جانب مراد علی شاہ DF50 جس میں

صیح تیل لیا گیا ہے جو انکوائری میں شامل ٹینکر میں غیر قانونی سلیمان اردار میں ہو چکی ہے اور اس میں ایک ٹینکر میں غیر قانونی سلیمان اردار میں صیح تیل لیا گیا ہے اور اس میں ایک ٹینکر گزرتی کی وقت 5 بجکر 11 منٹ ٹینکر نظر آ رہی ہے اور اس میں ایک تصویر بھی دکھائی ہے جس میں ایک آئیل پوسٹ پر صفحہ بتلاتا ہے جو کہ خد کورہ انکوائری از طرف مراد علی شاہ

DF50 میں ہے اور نہ ہی ہے اور اس کا حقیقت سے کوئی تعلق نہیں ہے۔

8) یہ کہ علاقہ کوستان میں بہت سے مشرول ٹینکر ہیں جسکو روزانہ کی بنیاد پر مشرول کی سلاخی ہو رہی ہے۔ بدین وہ صیکر پوسٹ خد کورہ

میں 24 گھنٹے بہت سے آئیل ٹینکر لکڑی مشرول سلاخی کر رہے ہیں۔ لہذا تصویر خد کورہ سے یہ وضاحت نہیں

اس لئے میں نے یہ بھی اس بات کی وضاحت آپ صاحبان کے خدمت میں کر رکھی ہے کہ کوئی بھی آئیل ٹینکر جس میں غیر قانونی لکڑی سلاخی ہوئی ہے۔

اس میں تاریخ اور اس وقت خد کورہ صیکر پوسٹ واقعہ میں شامل ہے۔

یہیں گزری ہے اور نہ ہی میں فارم میں اپنی ڈیوٹی میں کوئی کوتاہی

اور نہ میں کہی بلکہ اور نہ آئینہ کسی بھی اس قسم غیر قانونی عمل کا ارادہ کر  
 سکتا ہوں بلکہ من فارسٹری فرانس منصفی دیانت داری اور علوم کے ساتھ  
 ہر وقت ادا کر کے جلا آرہا ہوں بدین و ۱۲ انگوائری برخلاف من فارسٹری بدین  
 منصفی ہے اور اسکا حقیقت کے ساتھ کوئی تعلق نہ ہے بدین و ۱۲ من فارسٹری  
 غیر قانونی الزام سے انکار کرتا ہوں۔ ہے۔

(۹) بدین انگوائری مذکورہ میں آئینل ٹینکر کی مذکورہ جگہ پوسٹ سے نرین کا  
 وقت ۵ بجکر ۱۱ منٹ صبح بتلاتا ہے جبکہ مذکورہ آئینل ٹینکر ۶ بجے متعام  
 ٹرگرہ قبضہ میں لیا بیان کرتے ہے جسکی وضاحت میں عرض کی جاتی ہے کہ  
 حکیمان سے حکیمان تک بڑی گاڑی کا سفر کا دورانہ کم از کم ۴۵ منٹ جبکہ  
 پورے بدین و ۱۲ مذکورہ ٹینکر کو آئینل سے ٹرگرہ میں ۹ گھنٹہ میں  
 قبضہ میں لیا عقل سے عاری اور ناخلف ہے بدین و ۱۲ انگوائری منصفی پر  
 بر مبنی ہے۔

(۱۰) بدین مذکورہ بالا وضاحت کے باوجود سائیکل / من فارسٹری حلقہ خرید بیان کرتا ہے  
 کہ من فارسٹری نے اسی طرح کسی بھی آئینل ٹینکر جس میں غیر قانونی ٹکڑی موجود  
 ہو نہ کہی بلکہ اجازت دی ہے اور نہ کہی آئینہ اجازت دینے کا سوچ سکتا ہے۔  
 بلکہ من فارسٹری دیانت داری، علوم کے ساتھ اور من فارسٹری فرانس منصفی پر طریقہ امن  
 ادا کر جاتا جلا آرہا ہے بدین و ۱۲ من فارسٹری اس قسم کے الزام لگانا  
 محض بدین منصفی ہے اور اسکا حقیقت سے کوئی تعلق نہ ہے اور نہ ہی  
 کوئی قسم جبر خواہان دستیاب ہیں جس سے ثابت ہو سیک کہ من  
 فارسٹری کی موجودگی میں آئینل ٹینکر جس میں غیر قانونی ٹکڑی موجود ہو  
 نرہ ہے۔ لہذا انگوائری محض حضور منصفی ہے اور اسکا حقیقت  
 سے کوئی تعلق نہ ہے۔

(۶)

۱۱) حکم عن فارستر اینی عزیزید و فصاحت کے خاطر کمیٹی کو پیش  
ہونے کیلئے تیار ہے۔

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لینڈا اسٹڈیا ہے کہ انکو اٹری کو جنی نہ رہتی  
و غیر قانونی گروہی حاشی جاکر من فارستر  
کو عد کورہ ہے لا عوار خارج سے سری الزمی  
قرار دیا جائے۔

محمد حکیم فارستر

محمد حکیم فارستر

عوضہ  
05/01/2023

Annexure (F)

(21)

ENQUIRY REPORT OF MR. MUHAMMAD HAKEEM FORESTER OF DIR KOHISTAN FOREST DIVISION REGARDING SMUGGLING OF TIMBER IN OIL TANKER

READ WITH:

- DFO Dir Kohistan office letter No,4396/G Dated 17-06-2022 (Annexure-I)
- Charge Sheet & Memo of Allegations issued to Muhammad Hakeem Forester Dated 17-06-2022 (Annexure-II)
- RFO Sheringal office letter No, 16/ROS Dated 01-06-2022 (Annexure-III)
- Suspension order of Muhammad Hakeem Forester issued by DFO Dir Kohistan vide his office order No, 88 Dated 03-06-2022. (Annexure-IV)
- Reply of Muhammad Hakeem Forester to the charge sheet Dated 24-06-2022 (Annexure-V)
- Personal Hearing of Muhammad Hakeem Forester Dated 29-07-2022 (Annexure-VI)
- Duty Register of Sheringal Forest Check Post (Annexure-VII)
- Second Personal Hearing of Muhammad Hakeem Forester Dated 19-08-2022. (Annexure-VIII)
- CCTV Footage of Sheringal Forest Check Post received vide whatsapp number 03402670325 Dated 07-09-2022 at 10:47AM

BRIEF HISTORY OF THE CASE:

An oil tanker loaded with Deodar scants crossed Sheringal Forest Check Post without checking by the staff of forest check post and later on it was apprehended by Divisional raid party of Lower Dir Forest Division during 07:00 AM to 08: PM on 31-05-2022.

On the report of RFO Sheringal DFO concerned issued charge sheet to Muhammad Hakeem Forester, charges levelled against him are as under,

- I. That besides repeated directives /instructions regarding control of illegal movement of forest produces through proper checking of each and every vehicle crossing forest check post, especially at the time of sunrise and sunset, but you failed to do so. As on 31-05-2022 a Hino oil tanker bearing registration no, C 2605 loaded with illicit timber of 43 No, of Deodar =172cft crossed Sheringal Forest Check Post at 05:11 AM as evident from CCTV camera recording, apprehended by the staff of Lower Dir Forest Division at Shamardin.
- II. The Range Forest Officer Sheringal, called your explanation, vide his office letter No, 16/ROS Dated 01-06-2022, that an oil tanker loaded with illegal timber crossed

Mr  
DFO PS

Attested

Qasim  
Advocate

Sheringal forest check post during duty hours without checking by you and apprehended by the divisional squad party of lower dir forest division during 07:00Am to) 08:00 AM on 31-05-2022, and further directed you to explain position within 03 (Three) days most positively, but you failed to submit reply till 17-06-2022. As per RFO Sheringal report you were on duty at that time, but you did not bother to stop the oil tanker loaded with illicit timber and left the check post opens to the timber smugglers.

- III. The CCTV camera installed at Sheringal Forest Check Post video clearly shows that none of you present at check post for checking of vehicles and thus the oil tanker crossed the check post barrier without any hesitation for checking.
- IV. Being a responsible and recently promoted forester, on probation period, it is your prime responsibility to keep the barrier closed and stop each and every vehicle for checking and to control over illegal movement of timber, but you did not perform your duty as per your job description which shows your inefficiency in performing your duty.
- V. By the reason of above, you appear to be guilty of inefficiency, misconduct and corruption under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule -4 of the Rules ibid.

The enquiry is therefore entrusted to Mr. Murad Ali Shah DFO Patrol Squad West Forest Circle Timergara to probe in to the matter and submit report along with recommendations in the light of enquiry proceedings.

Discussion:

The accused officials have submitted their reply to the charge sheet and Memo of Allegations already served to them by DFO Dir Kohistan. He is denied of oil tanker to be passed from this forest check post. He further stated that may be it was coming from jurisdiction of upper dir forest division.

During the course of personal hearing Departmental prosecutor accept that oil tanker was seen in CCTV footage and it was fact that tanker which was apprehended in the jurisdiction of Lower Dir Forest Division. He further stated that at that time at 05:11 AM Muhammad Hakeem forester was found absent from duty and he cannot be seen in the respective CCTV footage. Beside Muhammad Hakeem Forester, Muhammad Rahman Forester and Irshad Ali Forest Guard were also posted on this forest check post but, while examining the duty register of this

Attested,

Quarkhe  
Advocate

MD  
DFO PS



(23)

forest check post it was clear that at that time Mr. Muhammad Hakeem Forester was performing duty there, that as per distribution of duty time according to duty register, Mr. Muhammad Hakeem Forester has to be there for curbing down illegal transportation of timber. But the oil tanker crossed forest check post without any restrictions and stopping there by the incharge forest check post.

All the above situation loudly speaks the active involvement of staff posted there.

Conclusion:

In view of above discussions it was concluded that oil tanker loaded with illicit timber of Deodar crossed this forest check post but no any staff of check post was performing duty there which is clear from the CCTV footage of Sheringal Forest Check Post.

Findings:

Mr. Muhammad Hakim Forester left the oil tanker loaded with illicit timber of Deodar who easily crossed the forest check post without checked by the concerned staff, although as per duty register they were there. It clearly reveals that it was carried out due to his active involvement and give loss to government.

By the reasons of above he is found guilty on account of inefficiency & misconduct.

Recommendations:

It is recommended that

1. Stoppage of one annual increment without accumulative effect.
2. Warning should also be issued to an official to be careful in future.

*W. D. S. S. S.*  
Enquiry Officer

Divisional Forest Officer  
Patrol Squad Malakand West  
Forest Circle Timergara

20/09/2022  
*W*

*Attested*

*Quarkel*  
Advocate

(9)

(24)

**OFFICE ORDER NO: 67 DATED 17/04/2023 ISSUED BY MR. SARDAR SALIH  
DIVISIONAL FOREST OFFICER DIR KOHISTAN FOREST DIVISION SHERINGAL.**

1. Whereas, the accused official Mr. Muhammad Hakim Forester, posted on Sheringal Forest Check Post was placed under suspension vide DFO Dir Kohistan Forest Division Office Order No. 88 dated 03.06.2022 in connection with the oil tanker loaded with illicit cut timber and crossed the Sheringal Forest Check Post.
2. Whereas, the accused official was charge sheet vide DFO Dir Kohistan Forest Division office Memo No.4396-4401/G, dated 17.06.2022.
3. Whereas, the inquiry committee/Officer submit the inquiry report vide his office Memo No. 292/PS dated 21.09.2022 and found the accused officials guilty and the charges are proved against the said accused.
4. Whereas, after receipt of inquiry report, the accused official was served with show cause notice vide No. 1886/G, dated 21.12.2022 on the following charges:-
  - i. Misconduct.
  - ii. Inefficiency.
  - iii. Corruption.
5. Whereas, the accused official submitted written reply to the show-cause notice dated 05/01/2023 and was also granted opportunity of personal hearing on 13.04.2023 vide Divisional Forest Officer Dir Kohistan Forest Division letter No. 2797/G, dated 10/04/2023.
6. Whereas, the recommendation of enquiry committee/ officer, record available on file, reply of the Show-Cause notice and Statement recorded during personal hearing was scrutinized at length and it was ascertained that the oil tanker bearing Registration No. C-2605 loaded with illicit timber has been crossed Sheringal Forest Check Post without any checking as is evident from CCTV footage.

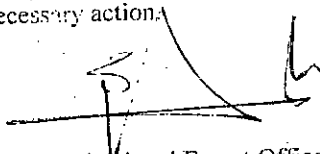
**ORDER:**

By evidence of the above. I Mr. Sardar Saleh Divisional Forest Officer Dir Kohistan Forest Division in the capacity of competent authority found the reply of accused official unsatisfactory and impose major penalty of "Compulsory retirement" from service in the interest of public service.

Sd/- Mr. Sardar Salih  
Divisional Forest Officer,  
Dir Kohistan Forest Division

No. 2667/70/G,  
Copy Forwarded to the:-

1. Chief Conservator of Forests, Central Southern Forest Region-I Peshawar for favour of information please
2. Chief Conservator of Forests, Malakand Forest Region-III Said Sharif Swat for favour of information please.
3. Conservator of Forest Malakand West Forest Circle for favour of information please.
4. Range Forest Officer Sheringal for information and necessary action.
5. Official concerned for information and necessary action.
6. Divisional Accountant for information and necessary action.

  
Divisional Forest Officer,  
Dir Kohistan Forest Division

(H)

BEFORE THE WORTHY CONSERVATOR OF FOREST MALAKAND  
WEST FOREST CIRCLE TIMERGARA

Subject: Departmental appeal against office order no.67 dated  
17/04/2023 issued by DFO Dir Kohistan

25

Respected Sir,

- i. Respectfully it is stated that the appellant is the resident of Sheringal District Upper Dir was serving as Forest Guard for the last 13-14 years. While performing duty on Sheringal Forest Check Post (Sheringal Forest Range) the DFO Dir Kohistan vide his office order No. 88 dated 03-06-2022 placed under inquiry proceeding on account of illicit transportation of timber for the charge of misconduct in- efficiency and corruption.
- ii. Accordingly the DFO Patrol Squad was entrusted the inquiry as inquiry officer / inquiry committee, whereas the DFO Patrol Squad after fulfillment of the codel formalities on the subject, the appellant was recommended for the stoppage of one annual increment without cumulative effect and warning to be careful in future (**Copy annex-A**).
- iii. The DFO Dir Kohistan (Authority) after fulfillment the codel formalities, issued compulsory retirement of the appellant vide office order No. 67 dated 17/04/2023 (**Copy annex-B**) being contrary to the recommendation of inquiry Officer whereas it has been mentioned by the DFO Dir Kohistan that the illicit timber was crossed Sheringal Forest Check Post without any checking but with no involvement of the appellant.
- iv. It is further explained that neither the appellant is involved in illegal transportation of timber nor the color / shape and registration No is clear / visible in CCTV Potage.
- v. That the appellant have been performed his duties honestly and dedicated alongly in the referred check post.

- vi. In all the documents / charges available on record the appellant has been awarded major penalty on the ground of suspicious.
- vii. it is therefore, prayed that by acceptance of this appeal of the appellant on humanitarian grounds as well as facts on records and ground reality, the impugned office order No. 67 dated 17/04/2023 issued by DFO Dir Kohistan Forest Division being contrary to the recommendation of inquiry Officer may be set aside and the appellant be reinstated in service from the date of compulsory retirement with all back benefits. For this act of kindness, the appellant will be obliged and will pray for the prosperity of your goodself.
- viii. The appellant also wishes to be heard in person to explain his position orally.

**Enclosed: As above:**



Muhammad Hakim  
Ex- Forester Sheringal  
Forest Division  
Dated: 02/05/2023

(9)

NO. 45 DATED 15 /06/2023 ISSUED BY MR. SHAUKAT FAIZ CONSERVATOR OF  
FORESTS MALAKAND WEST FOREST CIRCLE TIMERGARA.

1. Whereas, Mr. Muhammad Hakim as Forester (appellant) was proceeded under E&D Rules, 2011 and proper charge sheet issued by the (DFO Dir Kohistan) vide No. 4396-4401/G, dated 17/06/2022 with the following charges;

- a. Misconduct.
- b. Inefficiency.
- c. Corruption.

2. Whereas, proper and formal inquiry proceeding was conducted against the accused vide DFO Dir Kohistan memo No. 4396/G dated 17/06/2022.
3. Whereas, the inquiry officer after fulfillment of the code formalities on the subject, recommended that the charges against the accused official base on fact.
4. Whereas, the competent authority (DFO Dir Kohistan) served show cause notice upon the accused official vide DFO Dir Kohistan No. 1886/G, dated 21/12/2022. Subsequently, the accused official responded to the show cause notice on 05.01.2023 and also conducted personal hearing on 05.01.2023.
5. Whereas, the accused Official was awarded major penalty of compulsory retirement from service vide DFO Dir Kohistan Office Order No. 67 dated 17/04/2023.
6. Whereas, the appellant being aggrieved with the penalty awarded by DFO Dir Kohistan, filed the departmental appeal to the undersigned (appellate Authority) requesting to set aside the penalty.
7. Whereas, Para wise comments were asked from DFO Dir Kohistan vide this office letter No. 8689/E, dated 02/05/2023. The DFO Dir Kohistan furnished the requisite comments vide his office memo No. 3054/G, dated 04/05/2023. On receipt of the comments, the appellant was provided opportunity of being heard / Personal hearing on 23.05.2023 in the office of Conservator of Forests Malakand West Forest Circle vide memo No. 4857/E dated 16/05/2023.
8. Whereas, on perusal of record, comments of the D.F.O Dir Kohistan and personal hearing of the appellant the facts surfaced that the illegal timber was transported in Hino Oil Tanker bearing Registration No. C-2605, with active connivance of appellant, besides, the oil tanker has crossed the said check post as per CCTV footage (installed at Check Post) taken by the inquiry officer without checking or halting. Hence the charges leveled against him are proved with certainty.

**ORDER:-**

I Mr. Shaukat Fiaz Conservator of Forests Malakand West Forest Circle Timergara in the capacity of appellate authority hereby convert the penalty of compulsory retirement to reduction to initial stage of his pay Scale for a period of 03 (Three) years and the intervening period from 17/04/2023 to 24/05/2023 is treated as leave without pay.

Sd/-

(SHAUKAT FIAZ)  
CONSERVATOR OF FORESTS  
MALAKAND FOREST CIRCLE WEST  
TIMERGARA

No. 5172-74 IE.

Copy to:-

1. The Chief Conservator of Forests, Malakand Forest Region (Region-III) Saidu Sharif Swat for favour of information please.
- ✓ 2. The Divisional Forest Officer Dir Kohistan Forest Division for information and necessary action.
3. The Official concerned.

File No: 3573 dated 20-06-2023.

May be enclosed to  
Mr. Mohammed Hakim, Fr:  
at ist Comd.

*(Signature)*  
CONSERVATOR OF FORESTS  
MALAKAND FOREST CIRCLE WEST  
TIMERGARA

