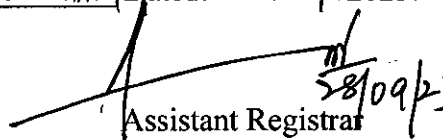


Cost of Rs. 10,000/- received in Service Appeal No. 815/2023,

Titled Raees Khan vs. Forest

in the office of Assistant Registrar, Vide Order 04-10-2023, submitted Dated: 28/09/2023.


Assistant Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE HONBLE COURT SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 815/2023

Raees Khan

VERSUS

Govt. of KP through Chief Secretary KPK, Peshawar and others

INDEX

S#	Description of Documents	Annex	Pages
1	Grounds of Petition		1-3
2	Affidavit.		4
4	Statement of Petitioner	"A"	5
5	Explanation and Inquiry Report	"B & C"	6-9
6	Letter of Abolish & Establishment of New Check Post	"D"	10
7	Damage Report	"E"	11-12
8	Personal Hearing	"F"	13-14

Dated: 28/09/2023

MO HARIF
RESPONDENT

Through

Sharif Ullah (SDFO) BPS-17

04/10/23

Peshawar

①

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.815/2023

Raes Khan S/O Shamzay

Petitioners.

Versus

Khyber Pakhtukhwa
Service Tribunal

1. Govt: of KPK through Chief Secretary KPK Peshawar.
2. Secretary to Govt: for Environment and Forest KPK Peshawar.
3. Chief Conservator of Forests KPK Peshawar.
4. Chief Conservator of Forests Malakand Forest Region (region-III) Saidu Sharif Swat.
5. Conservator of Forests Malakand Forest Circle West at Timergara.
6. Divisional Forest Officer Lower Dir at Timergara.

Diary No. 7980
Dated 28/09/23

Respondents.

Para wise comments on behalf of respondent No.01 to 06.

Respectfully sheweth,

That the respondents submit as under:-

Preliminary objections.

- a. That the appellant has no cause of action or locus standi to file the instant appeal, as such the same is liable to be dismissed.
- b. That the appeal is not maintainable in its present form.
- c. That the appellant has come to the tribunal with malafide intention.
- d. That the appellant has been estopped by his own conduct to file the appeal.
- e. That the appeal is barred by law and limitation.

ON FACTS:-

1. Related to record. At Gopalam forest check post there is joint Check point comprising of Police and Forest Department. However, the appellant has not submitted anything in writing for demand of barrier from the high-ups.
2. In-correct. Hence denied. The appellant, during his personal hearing in the office of respondent No.06, has stated that he was unaware about the truck and has not crossed Gopalam Forest Check Post. **(Annexed-A).**
3. In-Correct. Hence denied. The Conservator of Forests Malakand Forest Circle West at Timergara just advised the respondent No.06 to take action against the officials involved in timber smuggling under the Khyber Pakhtunkhwa E&D Rules, 2011. Consequently, an inquiry was conducted through DFO Patrol Squad, Malakand West Forest Circle, Timergara (Inquiry Officer) wherein the charges were leveled against the Appellant. Therefore, following the prescribed procedure under the ibid rules, a major penalty of compulsory retirement from service was imposed upon the appellant. **(Annexed-B & C).**

4. That, the reply to the explanation submitted by the appellant was found unsatisfactory, therefore, he was proceeded under the ibid rules.
5. Correct. As per inquiry report/finding of the inquiry officer, the charges were proved against the appellant.
6. That the major penalty of compulsory retirement was imposed by the Respondent No.6 (DFO Lower Dir) being the competent Authority in the instant case.
7. Correct. The Conservator of Forests, Malakand Forest Circle West being appellant authority converted the major penalty of compulsory retirement into minor penalty of reduction to initial pay scale for the period of 03 (three) year. The intervening period from 15.12.2022 to 09.03.2023 was treated as leave without pay as per rules.

GROUND:

- A. In-Correct. Hence denied. The punishment awarded to the appellant is in the light of the Khyber Pakhtunkhwa E&D Rules, 2011 as all the charges has been proved by the enquiry officer.
- B. In-Correct. Hence denied. Proper enquiry was conducted against the appellant under the E&D Rules, 2011 and the penalty was awarded after fulfillment of all codal formalities in the subject case.
- C. In-Correct. Hence denied. Detail explained in Para-I referred above.
- D. In-Correct. Hence denied. As explained in Para-I referred above. The Gopalam is a joint check point of Police and Forest Department. Proper sanction for establishment of Forest Check Post has already been accorded vide Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat (Competent authority) vide Office Order No.01 dated 02.07.2019 (**Annexed-D**).
- E. In-Correct. Hence denied. As already explained in Para No. II referred above.
- F. In-Correct. Hence denied. The illegal timber through oil tanker was procured from Dir Kohistan Forest Division whereas, disciplinary action against the staff posted on various check post right from Sheringal to Gopalam have already been proceeded under E&D Rules, 2011.
- G. In-Correct. The inquiry officer finalized the enquiry after fulfillment of all the codal formalities on the subject.
- H. In-Correct. Hence denied. As already explained in Para No. II referred above. Furthermore, the vehicle in question loaded with illegal timber was apprehended by the Patrol Squad party at Shammardin as is evident from the content of Damage Report (**Copy Annexed-E**). Besides, there is no mention about the information conveyed by the appellant.
- I. In-Correct. Hence denied. The inquiry conducted by the DFO Patrol Squad is based on fact as per Khyber Pakhtunkhwa E&D Rules, 2011.
- J. In-Correct. Hence denied. Actually the illegal timber was apprehended by Patrol Squad Party on receipt of information as clearly mentioned in the Damage Report issued against Forest Offender. Furthermore, the SDFO Timergara has also stated that the information was conveyed by DFO Lower Dir as stated before enquiry officer (**Annexed-F**) hence the illegal timber has crossed Gopalam Check Post with the active connivance of the appellant.

K. In-Correct. Hence denied. As already explained in Para No. II, J & H referred above. The truck was apprehended by the Patrol Squad Party at Shammardin and there is no mention of the information conveyed by the appellant on record.

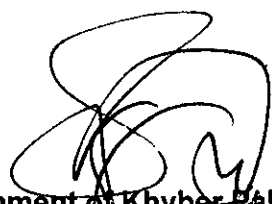
L. In-Correct. Hence denied. As already explained in Para No. II, H & J referred above.


M. In-Correct. Hence denied. The appellate authority has rightly converted compulsory retirement into reduction of Lower pay scale under E&D Rules, 2011. As explained above that there is joint Check Post of Forest Department and Police duly sanctioned by the competent authority. Keeping in view, the illegal timber was apprehended by the Patrol Squad party at Shammardin Forest Check Post on the information shared by DFO Lower Dir hence it is clear that the appellant was involved in illegal transportation of timber.

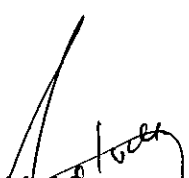
N. In-Correct. Hence denied. The appellant was found involved in illegal transportation of timber duly proved by the enquiry officer.

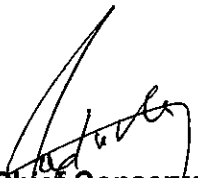
It is therefore, humbly prayed that on acceptance of the above submission in the instant service appeal, it may very graciously be dismissed in favour of the replying respondent with cost in the interest of justice.

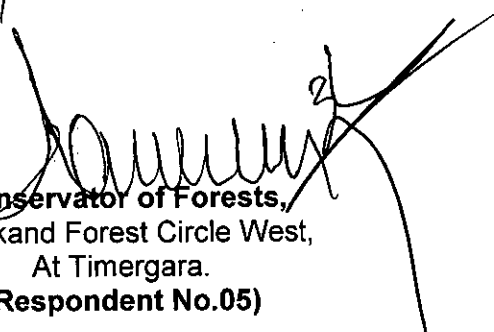
That the respondent reserves his right to argue any other points at the time of hearing with the permission of this Honorable Tribunal.


Government of Khyber Pakhtunkhwa
through
Chief Secretary Khyber Pakhtunkhwa
Peshawar.
(Respondent No.01)


Secretary to Government of Khyber
Pakhtunkhwa,
Climate Change Forestry, Environment &
Wildlife Department Peshawar.
(Respondent No.02)


Chief Conservator of Forests,
Central Southern Forest Region-I
Shami Road Peshawar.
(Respondent No.03)


Chief Conservator of Forests,
Malakand Forest Region-III,
Saidu Sharif Swat.
(Respondent No.04)


Conservator of Forests,
Malakand Forest Circle West,
At Timergara.
(Respondent No.05)


Divisional Forest Officer,
Lower Dir Forest Division,
Timergara
(Respondent No.06)



PAKISTAN National Identity Card

ISLAMIC REPUBLIC OF PAKISTAN

Name
Sharif Ullah

شريف الله



Father Name
Ghani Rahman

غنی رحمان

Gender Country of Stay
M Pakistan

Identity Number Date of Birth
15604-0357296-1 02.03.1995

Date of Issue Date of Expiry
03.05.2023 03.05.2033



Holder's Signature

67860

سوجوہ پتہ: میرہ، ڈاک خانہ کابل، کونٹری، تحصیل کابل، ضلع سوات

15604-0357296-1



سٹیل پیپر میرہ، ڈاک خانہ کابل، کونٹری، تحصیل کابل، ضلع سوات

سوات رجسٹر

Registrar General of Pakistan

101681294705

گمشدہ کارڈ ملنے پر قریبی لیٹر بکس میں ڈال دیں

BEFORE THE HONBLE COURT SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 815/2023

Raees Khan

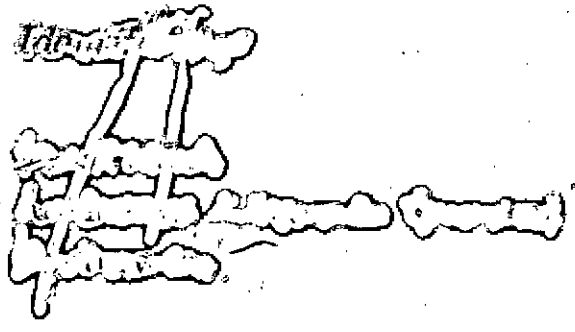
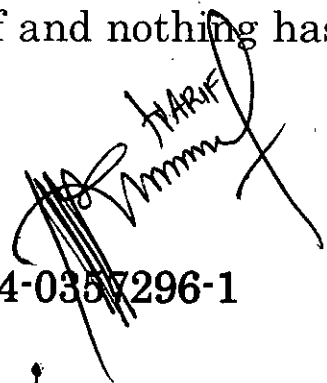
VERSUS

Govt. of KP through Chief Secretary KPK, Peshawar and others

AFFIDAVIT

I, Sharif Ullah (Sub Divisional Forest Officer BPS-17) S/O Ghani Rahman R/O Maira, P.O Kabal, Kotlai, Tehsil Kabal District Swat, do hereby solemnly affirm and declare on oath that contents of the instant **Para Wise Comments** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

Deponent
CNIC: 15604-0357296-1



سوال نمبر 1: آپ کی ڈیوٹی کہاں اور کس ڈوسٹ رہتی ہے؟

جواب نمبر 1: گوڈیلیم ہیک ڈوسٹ رہتی اور فارسٹ گارڈ رہتی ہے۔

سوال نمبر 2: آپ کے پاس راجستھان اور روزنامہ ہے؟

جواب نمبر 2: اس وقت جب فارسی ٹیٹری ٹیٹری نا روزنامہ اور راجستھان صحافتی نہیں ہے
 ہم نے بعد میں شروع کیا۔

سوال نمبر 3: آپ نے SDFO ٹریننگ سے کوئی ڈیگرمیشن لی ہے؟

جواب نمبر 3: ہم نے SDFO کو کہا تھا، زبانی۔

سوال نمبر 4: زیر شاہ اس وقت آپ کے ساتھ تھا؟

جواب نمبر 4: نہیں وہ روٹین کی جھڑی رہا۔

سوال نمبر 5: آپ کو ٹینٹر کا پتہ چلا تھا کہ یہ ڈھک ڈوسٹ پر گزرا؟

جواب نمبر 5: ~~جواب نمبر 5: نہیں، میں نہیں جانتا تھا۔~~

سوال نمبر 6: اب آپ کے پاس روزنامہ ہے؟

جواب نمبر 6: اب بھی اس ڈھک ڈوسٹ پر روزنامہ راجستھان نہیں ہے۔

سوال نمبر 7: ڈھک ڈوسٹ پر آپ آتے بندہ تصنیف ہے؟

جواب نمبر 7: ہم دو بندے میں اور زیر شاہ ہے۔

سوال نمبر 8: آپ پر انکو ٹیٹری آئیٹرن کے بارے میں ثابت ہے؟

جواب نمبر 8: جہاں ہم نے اپنے بیان میں لکھا ہے کہ ہم اس میں ملوث نہیں
 ہیں۔ وہی جواب بیان ہے۔

اگر ہارا کوالات کے جوابات میں علم کے مطابق بالکل درست ہے۔ پہلی میں تصدیق کرنا ہو۔ اور میرے جوابات میں کوئی رد عمل نہیں آیا ہے۔

Raees Khan Fg

Divisional Forest Officer
 Lower Dir Forest Division
 Timergara

3. In-Correct. Hence denied. The Conservator of Forests Malakand Forest Circle West at Timergara just advised the respondent No.06 to take action against the officials involved in the timber smuggling under E&D Rules, 2011. Consequently, inquiry was conducted through DFO Patrol Squad Malakand West Forest Circle Timergara (inquiry Officer) wherein the charges were established against Appellant. Therefore, following the prescribed procedure under E&D Rules 2011, Major penalty of compulsory retirement from service was imposed upon the Appellant. **(Annexed-B & C)**
4. That the reply to the explanation submitted by the appellant was found unsatisfactory, therefore, he was proceeded under the Ibid rules.
5. Correct. As per inquiry report/finding of the inquiry officer, the charges were established against the
6. That the Major penalty of compulsory retirement was imposed by the Respondent No.6 (DFO Lower Dir) being the competent Authority. Keeping in view the finding of inquiry report and evident on record.
7. Correct. The Conservator of Forests Malakand Forest Circle West being Appellant authority converted the major penalty of compulsory retirement into minor penalty of reduction to initial pay scale for the period of 03 (three) year. The intervening period as leave without pay as per rules.

GROUND:

- A. In-Correct. Hence denied. The punishment awarded to the appellant is in the light of E&D Rules, 2011 as all the charges has been proved by the enquiry officer.
- B. In-Correct. Hence denied. Proper enquiry was conducted against the appellant under E&D Rules, 2011 and the punishment was awarded after fulfillment of the codal formalities on the subject.
- C. In-Correct. Hence denied. Detail explained in Para-I referred above.
- D. In-Correct. Hence denied. As explained in Para-I referred above that the Gopalām is joint check point of Police and Forest Department. Proper sanction for establishment of Forest Check Post has already been accorded vide Chief

(4) (B) (15) (6)



**OFFICE OF THE CONSERVATOR OF FORESTS
MALAKAND WEST FOREST CIRCLE TIMERGARA**

BALAMBAT COLONY LOWER DIR

Ph: 0945-9250120

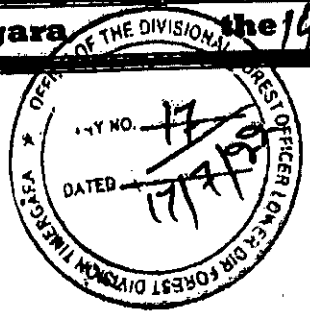
Fax: 0945-9250118



No. 241 IG&L, Dated Timergara the 14/07/2022

To,

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



Subject: SMUGGLING OF TIMBER EXPLANATION- THEREOF

Memo:

As already directed vide this office letter No.6149-51/G&L dated, 02/06/2022, No.6366-68/E dated 08/06/2022 and No.6501-02/E dated 17/06/2022 to initiate proper inquiry against the staff under E&D Rules 2011, but you are calling explanation resultantly wastage of time, stemna and office stationery. Therefore you are once again directed to conduct proper inquiry against the staff under intimation to this office immediately failing which the matter will be reported against you accordingly.

[Signature]
CONSERVATOR OF FORESTS
MALAKAND WEST FOREST CIRCLE
TIMERGARA

[Signature]

[Signature]

Divisional Forest Officer
Lower Dir Forest Division
Timergara

[Signature]

3. In-Correct. Hence denied. The Conservator of Forests Malakand Forest Circle West at Timergara just advised the respondent No.06 to take action against the officials involved in the timber smuggling under E&D Rules, 2011. Consequently, inquiry was conducted through DFO Patrol Squad Malakand West Forest Circle Timergara (inquiry Officer) wherein the charges were established against Appellant. Therefore, following the prescribed procedure under E&D Rules 2011, Major penalty of compulsory retirement from service was imposed upon the Appellant. **(Annexed-B & C)**
4. That the reply to the explanation submitted by the appellant was found unsatisfactory, therefore, he was proceeded under the Ibid rules.
5. Correct. As per inquiry report/finding of the inquiry officer, the charges were established against the
6. That the Major penalty of compulsory retirement was imposed by the Respondent No.6 (DFO Lower Dir) being the competent Authority. Keeping in view the finding of inquiry report and evident on record.
7. Correct. The Conservator of Forests Malakand Forest Circle West being Appellant authority converted the major penalty of compulsory retirement into minor penalty of reduction to initial pay scale for the period of 03 (three) year. The intervening period as leave without pay as per rules.

GROUND:

- A. In-Correct. Hence denied. The punishment awarded to the appellant is in the light of E&D Rules, 2011 as all the charges has been proved by the enquiry officer.
- B. In-Correct. Hence denied. Proper enquiry was conducted against the appellant under E&D Rules, 2011 and the punishment was awarded after fulfillment of the codal formalities on the subject.
- C. In-Correct. Hence denied. Detail explained in Para-I referred above.
- D. In-Correct. Hence denied. As explained in Para-I referred above that the Gopalam is joint check point of Police and Forest Department. Proper sanction for establishment of Forest Check Post has already been accorded vide Chief

(7) (C)
10-1

ENQUIRY REPORT OF MR. RAEES KHAN FOREST GUARD AND ZUBAIR SHAH FOREST GUARD OF LOWER DIR FOREST DIVISION REGARDING SMUGGLING OF TIMBER IN OIL TANKER

READ WITH:

- DFO Lower Dir office order No,14 Dated: 21-07-2022 (Annexure-I)
- SDFO Timergara office letter No, 59/T Dated 03-06-2022 (Annexure-II)
- DFO Lower Dir office letter No, 81-82/G Dated 07-07-2022 (Annexure-III)
- Charge Sheet & Memo of Allegations issued to Mr. Raees Khan Forest Guard & Zubair Shah Forest Guard. (Annexure-IV)
- Reply of Mr. Raees Khan Forest Guard and Zubair Shah Forest Guard Dated 31-07-2022 (Annexure-V)
- Personal Hearing of Mr. Raees Khan and Zubair Shah Forest Guard Dated 19-08-2022 (Annexure-VI)
- Statement of Mr. Zakirullah Forest Guard I/C Shamardin Forest Check Post Dated 03-08-2022 (Annexure-VII)
- Personal Hearing of Mr. Muqaidullah SDFO Timergara Dated 30-08-2022. (Annexure-VIII)
- Damage Report issued by the staff Dated 31-05-2022 (Annexure-IX)

BRIEF HISTORY OF THE CASE:

An oil tanker loaded with 43 No, Deodar scants =172 cft timber was apprehended by the staff of Shamardin forest Check post, which crossed Sherpalam Forest Check Post unchecked/unattended by the concerned field staff. The competent authority issued the following allegations/Charge Sheet to the accused officials, detail of which are as under,

- i. That besides repeated directives /instructions regarding control of illegal movement of forest produce through proper checking of each and every vehicle crossing Forest Check Posts, especially at the time of sunrise and sunset, but you failed to do so, As on 31-05-2022 a Hino Oil Tanker bearing hand writing registration No, C-2605 loaded with illicit timber of 43 No's of Deodar Scants of various size = 172cft apprehended by the staff of Shamardin Forest Check Post.
- ii. Being Forest Guard it is your prime responsibility to keep the barrier closed and stop each and every vehicle for checking, but you did not perform your duty as per your job

Shahid
Shahid
Divisional Forest Officer
Lower Dir Forest Division
Timergara

MFO
DFO PS

3. In-Correct. Hence denied. The Conservator of Forests Malakand Forest Circle West at Timergara just advised the respondent No.06 to take action against the officials involved in the timber smuggling under E&D Rules, 2011. Consequently, inquiry was conducted through DFO Patrol Squad Malakand West Forest Circle Timergara (inquiry Officer) wherein the charges were established against Appellant. Therefore, following the prescribed procedure under E&D Rules 2011, Major penalty of compulsory retirement from service was imposed upon the Appellant. **(Annexed-B & C)**
4. That the reply to the explanation submitted by the appellant was found unsatisfactory, therefore, he was proceeded under the Ibid rules.
5. Correct. As per inquiry report/finding of the inquiry officer, the charges were established against the
6. That the Major penalty of compulsory retirement was imposed by the Respondent No.6 (DFO Lower Dir) being the competent Authority. Keeping in view the finding of inquiry report and evident on record.
7. Correct. The Conservator of Forests Malakand Forest Circle West being Appellant authority converted the major penalty of compulsory retirement into minor penalty of reduction to initial pay scale for the period of 03 (three) year. The intervening period as leave without pay as per rules.

GROUND:

- A. In-Correct. Hence denied. The punishment awarded to the appellant is in the light of E&D Rules, 2011 as all the charges has been proved by the enquiry officer.
- B. In-Correct. Hence denied. Proper enquiry was conducted against the appellant under E&D Rules, 2011 and the punishment was awarded after fulfillment of the codal formalities on the subject.
- C. In-Correct. Hence denied. Detail explained in Para-I referred above.
- D. In-Correct. Hence denied. As explained in Para-I referred above that the Gopalam is joint check point of Police and Forest Department. Proper sanction for establishment of Forest Check Post has already been accorded vide Chief

8

description which shows your inefficiency in performing your duty and the vehicle crossed the check post un-checked. 19

That explanation was called by SDFO Timergara vide his letter No, 58-60/T Dated 03-06-2022 with the direction to explain your position within 03(Three) days followed by this office letter No, 81-82/G Dated 07-07-2022.

- iv. That you failed to submit your reply with in time.
- v. That the above situation clearly speaks your active involvement with timber smugglers.

For the purpose of enquiry against the accused with reference to the above allegations, the enquiry was entrusted to undersigned under Rule -10(i) (a) of the Rules ibid.

Discussion:

The accused officials submitted their reply to the charge sheet and Memo of Allegations already served to them by DFO Lower Dir.

As per reply of Mr. Zubair Shah Forest Guard that there is no barrier in Gopalam Forest Check post, we only try to stop the suspected vehicles but some vehicles may pass /cross check post without checking at a high speed. Moreover, he was on leave that day. Raees Khan forest guard was performing duty on check post. He tried to stop oil tanker for the purpose of checking but driver of oil tanker did not stop and cross the check post. Mr. Raees Khan Forest Guard then immediately phone call to I/C of Sherpalam forest check post for checking of oil tanker, therefore, on their information oil tanker loaded with illicit timber was apprehended by the staff of Shamardin forest check post.

As per reply of Mr. Raees Khan Forest Guard , on that day he was on duty at Gopalam forest check post, he tried to stop oil tanker for the purpose of checking but it didn't stop and cross forest check post, he then immediately inform staff of Sherpalam forest check post to check this suspected oil tanker. Therefore, on his information staff of Sherpalam forest check post apprehended oil tanker loaded with illicit timber.

As per statement given by Zakirullah forest guard I/C of Shamardin forest check post that they have apprehended oil tanker on information given by Mr. Raees Khan forest guard on that day.

During the course of personal hearing Dated 19-08-2022 of Mr. Zubair Shah forest guard that he was on leave that day, as he has taken leave verbally from the concerned SDFO Timergara and no written application was given to him.


DFO PS

Personal Hearing Dated 19-08-2022 of Mr. Raees Khan Forest Guard stated that there is no barrier in Gopalam Forest Check Post and sometimes vehicles pass/cross this forest check post without checking. More over on that day he has tried to stop oil tanker on that day but it didn't stop, therefore, he then immediately phone call to staff of Shamarddin forest check post to check this suspected oil tanker and therefore, they have apprehended oil tanker loaded with illicit timber on his information. (9) (14)

As per personal hearing of Mr. Muqaidullah I/C SDFO Timergara stated that its true that there is no barrier in Gopalam forest check post but police forest check post is also situated on the same place they can check the vehicles very smoothly there. Moreover, in his personal hearing he accept that the oil tanker loaded with illicit timber was apprehended at Shamardin forest check post in the presence of Divisional Squad Party. He also told that Damage report on this offence was issued by squad party. During the course of personal hearing he stated that they have apprehended the oil tanker on the information given by DFO Lower Dir.

Conclusion:

In view of above discussions it was concluded that the staff of Gopalam forest check post has not checked the oil tanker and let timber smugglers to cross forest check post. As per report of the SDFO Timergara information of Oil Tanker was received to them from DFO Lower Dir. As explanation has been called by SDFO Timergara from both accused official, it reveals that no any leave was granted to Mr. Zubair shah Forest Guard.

Findings:

From the above discussions it was crystal clear from the statement of SDFO Timergara, that adjacent police check post is situated there, where they can easily checked each and every suspected vehicles. They were either absent on the check post or involved in the illegal transportation of timber which have crossed forest check post without any hindrance /restrictions. So, charges of Inefficiency and misconduct prove on both officials.



Enquiry Officer

Divisional Forest Officer
Patrol Squad Malakand West
Forest Circle Timergara

28/10/2022

22
BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No.815/2023

Raees Khan S/O Shamzay

Petitioners.

Versus

7. Govt: of KPK through Chief Secretary KPK Peshawar.
8. Secretary to Govt: for Environment and Forest KPK Peshawar.
9. Chief Conservator of Forests KPK Peshawar.
10. Chief Conservator of Forests Malakand Forest Region (region-III) Saidu Sharif Swat.
11. Conservator of Forests Malakand Forest Circle West at Timergara.
12. Divisional Forest Officer Lower Dir at Timergara.

Respondents.

Affidavit

I, **MR.SHAH KHALID** do hereby solemnly affirm and state on oath that the contents of this reply/comments are true and correct to the best of my knowledge and belief, nothing material has been concealed from this Honorable Tribunal.

Identified by
Addit: Advocate General
Khyber Pakhtunkhwa,
Service Tribunal.

Deponent,
Mr. SHAH KHALID
Divisional Forest Officer,
Lower Dir Forest Division,
Timergara

OFFICE ORDER NO. 01 DATED SAIDU SHARIF THE 02/07/2019 ISSUED BY
MR. MUHAMMAD RIAZ CHIEF CONSERVATOR OF FORESTS MALAKAND FOREST REGION
(REGION-III) SAIDU SHARIF SWAT.

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23
(D)

As recommended by Conservator of Forests, Malakand West Forest Circle vide his letter No. 5411/G&L, dated 29/4/2019, Bandagal and Timergara Forest Check Posts are hereby abolished and establishment of new forest check post at Gopalam area is hereby ordered in the interest of public service with immediate effect.

Sd/- (MUHAMMAD RIAZ)
CHIEF CONSERVATOR OF FORESTS
MALAKAND FOREST REGION (REGION-III)
SAIDU SHARIF SWAT.

No. 12-13 /GB,

FAR

Copy forwarded to the:-

- 1) Conservator of Forests, Malakand West Forest Circle at Timergara for information and necessary action with reference to his letter cited above.
- 2) Divisional Forest Officer, Lower Dir Forest Division, Timergara for information and necessary action.

EST
Saidu
CF

CHIEF CONSERVATOR OF FORESTS
MALAKAND FOREST REGION (REGION-III)
SAIDU SHARIF SWAT.

NO. 22 /GB dated 17/2019

Copy forwarded to DFO
Lower Dir Forest Division Timergara for
information and further necessary action.

Attested
Shahid
Divisional Forest Officer
Lower Dir Forest Division
Timergara

y.
[Signature]
Conservator of Forests
Malakand West Circle
Timergara

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No.815/2023

Raees Khan S/O Shamzay

Petitioners.

Versus

1. Govt: of KPK through Chief Secretary KPK Peshawar.
2. Secretary to Govt: for Environment and Forest KPK Peshawar.
3. Chief Conservator of Forests KPK Peshawar.
4. Chief Conservator of Forests Malakand Forest Region (region-III) Saidu Sharif Swat.
5. Conservator of Forests Malakand Forest Circle West at Timergara.
6. Divisional Forest Officer Lower Dir at Timergara.

Respondents.

S.No	Description	Page Number
1	Para Wise Comments	1-10
2	Affidavit	11
3	Annexure-A	13
4	Annexure-B	15
5	Annexure-C	17-22
6	Annexure-D	23
7	Annexure-E	25-28
8	Annexure-F	29-31

**Divisional Forest Officer,
Lower Dir Forest Division,
Timergara
(Respondent No.06)**

(E)

Book No: 6

Batal No: 1527

ابتدائی رپورٹ گارڈ باہت جنگل نیگزہ ویر مورڈ نام زمین ناموس ملک نیگزہ سد زمین

نام جنگل	تاریخ وقوع	غلام جرم	نام لازم	ولادت	سکنت
نیگزہ ویر مورڈ	5/2/52	عزیز خان دھونی	سلیم آباد	رضا خان	سکنت توپچی
نیغام زمین	5/2/52	سیدان محمد	محمد علی		دیہ آدم
گادب چوک ٹوبہ	5/2/52	محمد علی	محمد علی		

CP. 11. 15. stage. 43. D = 43 = 8x12x6 = 592

جناب عالی! گورنمنٹ کے مکمل مورچہ 32/5 مورچہ مورچہ کی اطلاع کو پورے کارڈ کے
 سہ سے انٹریوں عام طور پر برائے کی پوشینی میں رکھ کر پوری تشکیل دی گئی۔ جنہوں میں
 محمد نور خان، محمد امان، محمد عزیز خان، محمد صاحب، محمد زمین، محمد اسحاق، محمد پست
 بندی کی۔ یہ سب سبھی کے ناموں اور ان کے پتوں اور ان کے پتوں اور ان کے پتوں اور ان کے
 اشارہ دیا جائے گا۔ یہ سب سبھی کے ناموں اور ان کے پتوں اور ان کے پتوں اور ان کے
 قسم دیا گیا ہے۔ یہ سب سبھی کے ناموں اور ان کے پتوں اور ان کے پتوں اور ان کے
 دہلی کی حکومت کے پاس ہے۔ یہ سب سبھی کے ناموں اور ان کے پتوں اور ان کے پتوں اور ان کے
 منظم ہے۔ یہ سب سبھی کے ناموں اور ان کے پتوں اور ان کے پتوں اور ان کے
 دہلی کی حکومت کے پاس ہے۔ یہ سب سبھی کے ناموں اور ان کے پتوں اور ان کے پتوں اور ان کے
 منظم ہے۔ یہ سب سبھی کے ناموں اور ان کے پتوں اور ان کے پتوں اور ان کے

پیدا کردہ مالک آفسر
 سب ڈویژنل فارسٹ آفیسر

Attested
 Divisional Forest Officer
 Lower Dir Forest Division
 Timergara

M. In-Correct. Hence denied. The appellate authority has rightly converted compulsory retirement to reduction of Lower pay scale under E&D Rules, 2011. As explained above that there is joint Check Post of Forest Department and Police duly sanctioned by the competent authority. Keeping in view, the illegal timber was apprehended by the Patrol Squad party at Shammardin Forest Check Post on the information shared by DFO Lower Dir hence it is clear that the appellant was involved in illegal transportation of timber.

N. In-Correct. Hence denied. The appellant was found involved in illegal transportation of timber duly proved by the enquiry officer.

It is therefore, humbly prayed that on acceptance of the above submission in the instant service appeal may very graciously be dismissed in favour of the replying respondent with cost in the interest of justice.

That the respondent reserves his right to argue any other points at the time of hearing with the permission of this Honorable Tribunal.

No. 566

NWFP FOREST DEPARTMENT...DIR (U)

Division Lower Dir Forest Division

Range Timergara Sub Division

Depot/Check Post Main Road Div Timergara

Age Report No. 523/6 Date 02/06/02

Compensation Case No. _____ Date _____

Received in Cash from Sukrabullala S/o Rizwanullah Khan S/o Gulamdar

Sum of Rupees 8,62,000/- being price/compensation of 200/- Div (U)

Received by him as detailed in Bill No. _____ in part payment

SPECIES	No. of Scants/Logs	Cubic Feet	Rate	AMOUNT
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Illicit Timber Spant, Deodar 43 Nos = 172 Cfs

Rs. 1002200/-

RDF = 8,62,000/-
Vehicle Charges = 14,000/-
Compensation = 200/-

Forest Incharge of Depot/Block/Check Post

Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat
(Competent authority) vide Office Order No.01 dated 02.07.2019 (**Annexed-D**).

- E. In-Correct. Hence denied. As already explained in Para No. II referred above.
- F. In-Correct. Hence denied. The illegal timber through oil tanker was procured from Dir Kohistan whereas, disciplinary action against the staff posted on various check post right from Sheringal to Gopalam have already been proceeded under E&D Rules, 2011. Hence all the staff has active connivance with the timber smugglers.
- G. In-Correct. The enquiry officer finalized the enquiry after fulfillment of all the codal formalities on the subject.
- H. In-Correct. Hence denied. As already explained in Para No. II referred above. Furthermore, the vehicle in question loaded with illegal timber was apprehended by the Patrol Squad party at Shammardin as is evident from the content of Damage Report (**Copy Annexed-E**). Besides, there is no mention about the information conveyed by the appellant.
- I. In-Correct. Hence denied. The enquiry conducted by the DFO Patrol Squad is based on fact and there is no bias seems in accordance with the E&D Rules, 2011.
- J. In-Correct. Hence denied. Actually the illegal timber was apprehended by Patrol Squad Party on receipt of information as clearly mentioned in the Damage Report issued against Forest Offender. Furthermore, the SDFO Timergara has also stated that the information was conveyed by DFO Lower Dir as stated before enquiry officer (**Annexed-F**) hence the illegal timber was crossed Gopalam Check Post with the active connivance of the appellant.
- K. In-Correct. Hence denied. As already explained in Para No. II, J & H referred above. Keeping in view the truck was apprehended by the Patrol Squad Party at Shammardin and there is no mention the information conveyed by the appellant on record.
- L. In-Correct. Hence denied. As already explained in Para No. II, H & J referred above.

① مفاد: درج آفیسر
 گویم جبکہ دست برد سے نہیں ہے۔ اور سب سے جان مارنا اور
 اور زبردستی سے لے کر لیا ہے۔ سید بیدار ہونے
 کی وجہ سے گاڑیاں چیلنج کیے نہیں رہتی

← یہ غلط ہے۔ اس کے ساتھ ساتھ لوگوں کو چیلنج پوسٹ بھی 30 ہے۔ اور
 گاڑیاں چیلنج کیے جا سکتے ہیں۔

② مفاد: درج آفیسر
 مختلف فارم کے روز لیا گیا ہے۔ کہ جب گاڑی نہیں رہی (

ہم نے آگے چل کر یہاں پوسٹ کو اطلاع دی ہے
 یہ درست ہے۔ اس کے ساتھ ساتھ
 مجھے اس بات کا علم نہیں ہے

③ مفاد: درج آفیسر
 کیا یہ درست ہے؟

والوں نے بتا دیا ہے۔
 جی ہاں یہ درست ہے اور سکواڈ پارٹی میں شہداء بھی

④ مفاد: درج آفیسر
 ڈیج ریپورٹ سکواڈ والوں نے اسنو کیا ہے یا شہداء

چیلنج پوسٹ والوں نے اسنو کیا ہے؟
 ڈیج ریپورٹ سکواڈ پارٹی نے اسنو کیا ہے۔

Signature
 Chaudhary

مقاعد "دفعہ 3" میں اپنے عملی زندگی میں آپ نے ماہر ہے۔

تمہاری شہرت میں چونکہ پوسٹ والوں نے پکڑ لی ہے اور ابھی آپ کو اس بارے میں کوئی اطلاع نہیں گئی ہے۔ اس بارے میں وضاحت کر کے بہت سی باتیں جانوائی گئی۔

تبدیلی کی سہولت

سٹاف (دفعہ 3) میں سٹاف ڈاکٹریٹ کے علاوہ جب پوسٹ پر کوئی اور نہیں ہے؟

علم میں ہے

آپ کو ماہر کی اطلاع کسی سے کی گئی ہے

~~مقامی اطلاع دی گئی اور متعلقہ~~

Mugaid
(Departmental Representative)

Mr. Mugaid
SDFO Timergava.