

09.08.2023 01. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment of today separately placed on file, consisting of (07) pages, we are, therefore, constrained to set aside the orders dated 04.02.2019, 08.04.2019 and allow the appeal as prayed for. Costs shall follow the event. Consign.

03. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 09<sup>th</sup> day of August, 2023.*



(Rashida Bano)  
Member (J)




(Muhammad Akbar Khan)  
Member (E)

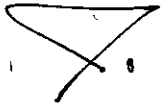
11.05.2023

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Khan, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 31.07.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED  
BY  
P. K. S. J.

  
(Muhammad Akbar Khan)  
Member (E)

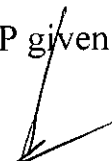
  
(Salah-ud-Din)  
Member (J)

\*Naeem Amin\*

31<sup>st</sup> July, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate General for the respondents present.

2. Arguments heard. To come up for order on 04.08.2023 before D.B. P.P given to parties.


  
(Muhammad Akbar Khan)  
Member (E)

  
(Rashida Bano)  
Member (J)

\*Kaleem Ullah\*

4-8.23

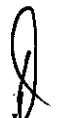
Proper DB is not available, therefore case is adjourned to 9.8.23

  
Reader

4<sup>th</sup> Nov. 2022

Lawyers are on strike today.

To come up for arguments on 03.01.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

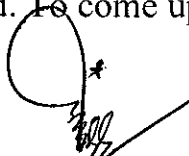
03.01.2023

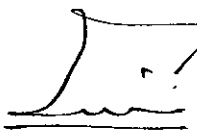
Appellant alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Due to paucity of time arguments could not be heard.

Adjourned. To come up for arguments on 10.03.2023 before the D.B.

SCANNED  
K. S. ST.  
Peshawar

  
(Mian Muhammad)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)

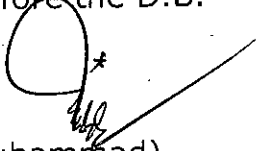
10-3-23 Worked Bench is incomplete, There fore case is adjourned to 11.05.23.


  
Reader

07.07.2022

Clerk of learned counsel for the appellant present.  
Mr. Asif Masood Ali Shah, Deputy District Attorney for the  
respondents present.

Clerk of learned counsel for the appellant requested  
for adjournment on the ground that learned counsel for  
the appellant is not available today due to strike of  
lawyers. Adjourned. To come up for arguments on  
17.10.2022 before the D.B.


  
(Mian Muhammad)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

17<sup>th</sup> Oct., 2022

Junior to counsel for the appellant present. Mr. Muhammad  
Riaz Khan, Asstt. AG for the respondents present.

Request for adjournment was made due to engagement  
of learned counsel for the appellant in the Hon'ble Peshawar High  
Court today. Last opportunity is granted. To come up for  
arguments on 04.11.2022 before D.B.

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

02.02.2022

Appellant alongwith learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Add: AG for respondents present.

Learned counsel for the appellant submitted an application for correction of address of respondents No. 2 and 3 wherein he stated that the appellant belongs to District Chitral but inadvertently the address of respondents No.2 i.e Deputy Commissioner Swat and respondent 3 i.e District Accounts Officer, Swat have been written. He requested that the same may be placed as Deputy Commissioner, Chitral and District Accounts Officer, Chitral. Application is allowed and the office is directed to do the needful. Notices be also issued to the said respondents for written reply/comments. Adjourned. To come up for written reply/comments on 06.04.2022 before S.B.



(Attiq Ur Rehman Wazir)  
Member(E)

7<sup>th</sup> April 2022

Appellant present in person. Mr. Kabirullah Khattak, AAG along with Mr. Zahir Shah Supdt for the respondents present and submitted written reply. To come up for arguments on 07.07.2022 before DB.



**(KALIM ARSHAD KHAN)**  
Chairman

04.11.2021

Counsel for the appellant present. Memorandum of appeal and the copies of record annexed there-with perused and preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the order dated 04.02.2019 whereby he was awarded the penalty of "withholding of three increments for a period of three years alongwith recovery of the royalty amount to the tune of Rs. 204204/- paid to 34 Afghan nationals". The appellant preferred departmental appeal on 26.02.2019 which was rejected by the appellate authority on 08.04.2019. Thereafter the instant service appeal was filed in the Service Tribunal on 03.06.2019. It was further contended that no formal/regular enquiry has been conducted against the appellant. No opportunity of personal hearing or cross examination provided to the appellant as per provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. No enquiry report provided to the appellant as such the impugned order is a void order and no limitation runs against a void order. The ends of justice have not been met and fundamental rights of the appellant as guaranteed under Article-10-A of the Constitution have been negated and violated. To strengthen her arguments with regard to void order, she relied on 2021 SCMR 637, 2017 YLR 1031 and 2017 MLD 1922. The appeal is admitted for regular hearing subject to all just legal objections including question of limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 02.02.2022 before the D.B.

Appellant Deposited  
Security & Process Fee

(Mian Muhammad)  
Member(E)

25.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 15.06.2021.

  
Reader

15.06.2021

Petitioner in person and Mr. Kabirullah Khattak, Addl. AG alongwith Abdul Wali, AD and Muhammad Jamil, AAO for the respondents present.

The appeal was yet lying in the course of preliminary hearing, was dismissed vide order dated 17.11.2020 in default of its prosecution. However, the application was filed on 24.11.2020 within 30 days of the dismissal order. The reply of respondents has been received wherein no preliminary objection has raised to maintainability of instant restoration application. Therefore, the restoration application having been filed within time is accepted. The appeal is restored to its original number. To come up for preliminary hearing on 16.09.2021 before S.B.

  
Chairman

16.09.2021

Appellant present through counsel.

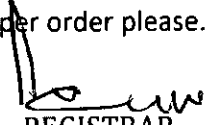


Request for adjournment was made on behalf of appellant; granted. To come up for preliminary hearing on 04.11.2021 before S.B

  
(Rozina Rehman)  
Member (J)

FORM OF ORDER SHEET

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

Restoration Application No. 163 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.11.2020	<p>The Restoration Application submitted by Mr. Abdul Salam through Mr. Muhammad Adeel But Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	01.01.2021	<p>This Restoration Application be put up before S. Bench on <u>01.01.2021</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Junior counsel for petitioner present.</p> <p>Notice of the instant application be issued to respondents for reply. To come up for reply and arguments on 25.02.2021 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>



17.11.2020

Nemo for the appellant.

It is already past 03.50 P.M while the case has been called several times but no one appeared on behalf of the appellant, despite the fact that on previous date of hearing junior to counsel for the appellant was present and last opportunity was given for hearing today.

Dismissed for non-prosecution. File be consigned to the record.



Chairman

ANNOUNCED

17.11.2020

27.02.2020

Appellant absent. Learned counsel for the appellant absent. However junior to counsel for the appellant present and seeks adjournment as senior counsel is not available. Adjourn. To come up for preliminary hearing on 14.04.2020 before S.B. Appellant be put to notice for the date fixed.

  
Member

14.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 09.07.2020 for the same. To come up for the same as before S.B.

  
Reader

09.07.2020

Miss Humaira Gul, Advocate on behalf of learned counsel for the appellant present.

Due to engagement of learned senior counsel before the Honourable High Court today, instant matter is adjourned to 10.09.2020 for preliminary hearing before S.B.

  
Chairman

10.09.2020

Junior to counsel for the appellant present.

A request for adjournment is made due to non-availability of senior counsel for the appellant today.

Instant matter has been adjourned many times previously, therefore, as a last chance it is posted for hearing on 17.11.2020.

  
Chairman

12.09.2019

Mr. Majid Mahfooz Advocate for learned counsel for the appellant present.

Request for adjournment is made due to engagement of learned counsel for the appellant before the Honourable High Court.

Adjourned to 29.10.2019 before S.B.

  
Chairman

29.10.2019

Appellant present in person.

Requests for adjournment due to general strike on the call of Provincial Bar Council. Adjourned to 10.12.2019 before S.B.

  
Chairman

10.12.2019

Junior to counsel for the appellant present.

Requests for adjournment due to general strike of the Bar today. Adjourned to 15.01.2020 before S.B.

Chairman 

15.01.2020

Junior to counsel for the appellant present.

Requests for adjournment due to general strike of the Bar today. Adjourned to 27.02.2020 before S.B.

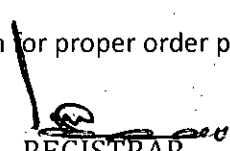
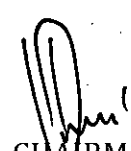

Chairman 

## Form- A

## FORM OF ORDER SHEET

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

Case No.- 879/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1-	04/07/2019	<p>The appeal of Mr. Abdul Salam resubmitted today by Mr. Muhammad Muazam Butt 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 4/7/19</p>
2-	16.08.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/08/19</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Since 15.08.2019 has been declared as public holiday on account of Eid-ul-Azha, therefore, case to come up for the same on 12.09.2019 before S.B.</p> <p style="text-align: right;"> Reader</p>

SCANNED  
 KPST  
 Peshawar


P-7  
1/1

The appeal of Mr. Abdul Salam Assistant D.C Office Chitral received today i.e. on 03.06.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Affidavit may be got attested by the Oath Commissioner.
- 3- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 4- Copy of impugned order dated 04.02.2019 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 5- Copy of departmental appeal and its rejection order are not attached with the appeal which may be placed on it.
- 6- Annexures-A to E referred to in the memo of appeal are not attached with the appeal which may be placed on it.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1063 /S.T.

Dt. 11-6- /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

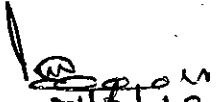
Mr. M. Muazam Butt Adv. Pesh.

- 1) as directed, signed by the appellant
- 2) Affidavit got attested
- 3) Para 2 of facts is clear, hence not needed.
- 4) Copy of impugned order is attached.
- 5) Copy of departmental appeal & rejection order is attached.
- 6) Attached
- 7) As desired, attached.

As objection are hereby, thus, removed  
as per your kind direction,  
be submitted, please

Registrar

(15) days further extended.

  
26/6/19

**Before the Service Tribunal, Khyber Pakhtun khwa, Peshawar**

Service Appeal No. 879 /2019

Abdul Salam Assistant BPS -16, Deputy Commissioner, District Chitral

.....Appellant

Versus

*vide order  
sheet dated  
02-02-22*

1. Senior Member Board of Revenue ,Civil Secretariat ,Peshawar..
2. Deputy Commissioner, Swat, *Lower Chitral*
3. District Accounts Officer, Swat. *Lower Chitral*

.....Respondents

S.No	Description of documents	Annex	Page
1	Grounds of Appeal along with Affidavit	*	1-5
2	Addressés of the Parties	*	6
3	Copy of the impugned order is annex as Annexure "A"	A	7
4	Copy of rejection order & dept appeal is annex as B, B1	B, B1	8-11-11
5	Copy of JFMC Notification is annex as Annex "C"	C	12-14
6	Copy of JFMC Rules is as Annex "D"	D	15-28
7	Copy of voter list is as Annex "E"	E	29-31
8	Wakalatnama		

*Appellant  
Through  
M. Muazzam*

①

**Before the Service Tribunal, Khyber Pakhtun khwa, Peshawar**

**Khyber Pakhtunkhwa  
Service Tribunal**

Service Appeal No. 879 /2019

Diary No. 834

Dated 3/6/19

Abdul Salam Assistant BPS -16, Deputy Commissioner, District Chitral

.....Appellant

Versus

4. Senior Member Board of Revenue ,Civil Secretariat ,Peshawar..
5. Deputy Commissioner, Swat,
6. District Accounts Officer, Swat.

.....Respondents

**Filed to-day**  
**Registrar**  
3/6/19

**Appeal, under Section 4 of the  
Service Tribunal Act, 1974,  
Against the impugned Order  
dated 04/02/2019 and against  
the Appellate Order 08/04/2019**

**On acceptance of the appeal, this  
Honorable Tribunal may kindly  
set-aside the impugned order  
dated 04/02/2019 and Appellate  
Order 08/04/2019.**

Re-submitted to-day  
and filed.

**Registrar**  
08/07/2019

Respectfully Sheweth ,

The appellant submits as under,-

1. That the appellant is serving as Assistant (BPS-16) in D.C Officer Chitral and since appointment no complaint whatsoever has ever been reached to any office against the Appellant .
2. That on 04/02/2019 , without adopting the codal formalities and on the basis of one sided inquiry , the Respondent No. 1 imposed the penalty of withholding of 3 increments and recovery of Rs.204204/- paid as royalty to 34 Afghan National Residing village Ursoon. **(Copy of the impugned order is annexed as Annexure "A")**.
3. That on 26/02/2019 , the Appellant filed the departmental Appeal before Respondent No.1 but the same was rejected without any cogent reason. , hence this Appeal inter alia on the following grounds. **(Copy of the rejection order is annexed as Annexure "B" & 'B-1')**.

**Grounds :-**

- A. The impugned order is illegal without jurisdiction and based on malafide intentions, *that has caused stigma on the professional career of the Appellant.*
- B. That the impugned orders are against the gist of Article 10-A Constitution of Islamic Republic of Pakistan.
- C. That the Appellant had been elected as Chairman of the Joint Forest Management committee (JFMC) Ursoon , Chitral , Lot No.675 & 676 by notables and local people of the respective area as notified by the Forst Department Chitral Vide Notification No.1293/G dated 14/09/2018 , and such forums are being established by the Forest Department for the management of Forests and normally the land holders of forests are the members of such forums. Furthermore, there is no Bar imposed on the Civil Servant by the legislature in participating in such forums. The Appellant is condemned on no legal ground , hence both the impugned orders are liable to be set-aside. **(Annexure C)**
- D. That Appellant has performed his official responsibilities befitting manner as provided under rule .As per JFMC Rules 2004-5 reoffered to in the notification dated 24/12/2004, there is no bar on the government official that he will not become the Chairman of JFMC which is also a kind of social activity. **(Annexure D)**



- E. That Appellant being resident of Drosh Town for last 20 years and the vice chairman of JFMC is looking all the affairs of JFMC of the respective areas. The distribution of Royalty was made by the revenue Officer and the local community after proper identification of the concessioners .As the area is located at the ZERO POINT OF AFGHAN BORDER , and , there are relationships with Afghan Community and the locals since centuries. Tehsil DROSH , District Chitral .
- F. That it is worth to mention here that there are two families consists Of 34 individuals who are taking the forest royalty , who are residing there for last 40 years . The jirga of local community has decided that these 34 people have inter relation community of Ursoon, therefore, they are included in the concessioners of Forest Royalty . From the settlement record, these people have ancestor properties in Ursoon village. Moreover, these people have also obtained CNIC of Pakistan , participated in general Election casted their votes, as there names are also incorporated in the Voters List. , **(Annexure E)**
- G. That it is also worth to mention that JFMC notified on 14/09/2018 also included names of SDO Forest Drosh Chitral and Block Officer concerned forest Block as member of the Committee at Sr.14&15 .
- H. That as per dictum of superior Courts , all the Orders be made with reasons, in the instant matter , the Departmental Appeal has been rejected without any cogent reason , such orders are not tenable in the eyes of law.
- I. The appellant is a law abiding and patriotic citizen of Pakistan can not even think to harm the Government Exchequer money or to do any act contrary to law. After fulfillment of all codal formalities , the royalty is being distributed to all the members of JFMS by the Revenue Officer. .
- J. The manner of imposing the same penalty upon all the delinquent officials is un lawful, illegal and without having any legal sanctity, hence liable to be set aside.

5 That Appellant being resident of Dresh Town for last 20 years and the vice chairman of JPMC is looking all the affairs of JPMC of the respective areas. The distribution of Royalty was made by the revenue Officer and the local community after proper identification of the concessioners. As the area is located at the ZERO POINT OF AFGHAN BORDER, and there are relationships with Afghan Community and the locals since centuries. Tehsil DROSH, District Chitral

6 That it is worth to mention here that there are two families consists of 34 individuals who are taking the forest royalty, who are residing there for last 40 years. The king of local community has decided that these 34 people have inter relation community of Ursoon, therefore, they are included in the concessioners of Forest Royalty. From the settlement record, these people have ancestor properties in Ursoon village. Moreover, these people have also obtained CNIC of Pakistan, participated in general election casted their votes as their names are also incorporated in the Voters list, (Annexure B)

7 It is also worth to mention that JPMC notified on 14/09/2018 also included names of SPO Forest Dresh Chitral and Block Officer concerned forest Block as member of the Committee at Sr 148 B.

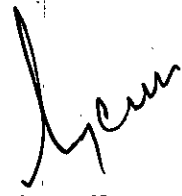
8 That as per division of superior courts, all the Orders be made with reasons in the instant matter, the Departmental Appeal has been rejected without any cogent reason, such orders are not tenable in the eyes of law.

9 The appellant is a law abiding and patriotic citizen of Pakistan can not even think to harm the Government Exchequer money or to do any act contrary to law. After fulfillment of all legal formalities, the royalty is being distributed to all the members of JPMs by the Revenue Officer.

10 The manner of imposing the same penalty upon all the delinquent officials is in law, illegal and without having any legal sanction, hence liable to be set aside

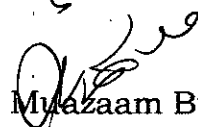
K. The appellant seeks permission to advance further grounds during the course of arguments

It is, therefore, most humbly requested that this Honorable Tribunal may kindly allow this Appeal and set-aside the both the impugned orders as prayed for .Any other remedy deems fit may also be granted under the circumstances.



Appellant

Through



Muhammad Muzaam Butt

Dated: 03.06.2019

Note: No such appeal has ever been made to Service Tribunal on the subject by the appellant or in any other court of Law.

  
Appellant.

5

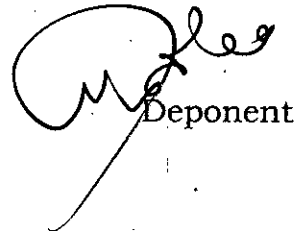
**Before the Service Tribunal, Khyber Pakhtun khwa, Peshawar**

Service Appeal No. \_\_\_\_\_ /2019

Abdul Salam                      Versus                      Senior Member Board of Revenue And Others

**Affidavit**

As per direction of my client I , do hereby solemnly affirm and declare on oath that all the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

  
Deponent

ATTESTED  
Hamira Gul Advoca  
Oath Commissioner  
Peshawar High Court  
03.07.2019

6

**Before the Service Tribunal, Khyber Pakhtun khwa, Peshawar**

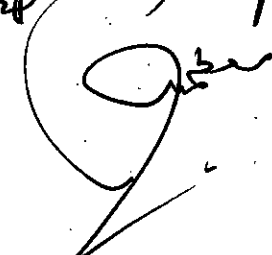
Service Appeal No. \_\_\_\_\_ /2019

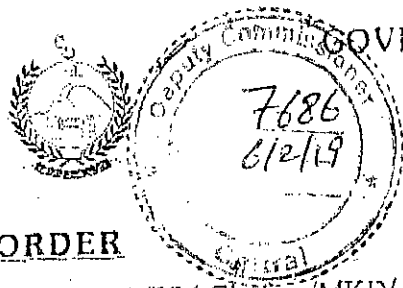
**ADDRESS OF THE PARTIES**

Abdul Salam Assistant BPS -16, Deputy Commissioner, District Chitral

7. Senior Member Board of Revenue ,Civil Secretariat ,Peshawar..
8. Deputy Commissioner, Swat,
9. District Accounts Officer, Swat.

.....Respondents

*respond by appellants*  




GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT  
Peshawar dated the 04/02/2019

**ORDER**

No. Estt: V/PF/M. Ghulfran/MKD/

WHEREAS, Mr. Abdul Salam, Assistant office of the Deputy Commissioner Chitral was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet.

AND WHEREAS, Mr. Minhas-ud-Din Additional Deputy Commissioner Chitral was appointed as Inquiry Officer, to conduct inquiry against the accused official;

AND WHEREAS, the Inquiry Officer after having examined the charges, evidence produced before him and statement of accused official, submitted his report whereby the charges against the accused official stands proved.

AND WHEREAS I, Dr. Fakhre Alam, Senior Member Board of Revenue after having examined the charges, evidence produced, statement of accused official, findings of Inquiry Officer and after personal hearing of the accused concur with the findings and recommendations of the Inquiry Officer.

NOW THEREFORE, in light of the recommendation of Inquiry Officer, I, as Competent Authority impose minor penalty of "withholding of three (03) increments for a period of three (03) years alongwith recovery of the royalty amount to the tune of Rs. 204204/-paid to 34 Afghan nationals", upon Mr. Abdul Salam Assistant office of the Deputy Commissioner Chitral, as he being Government official declared himself Chairman of the IFMC Chitral in violation of Khyber Pakhtunkhwa Government Servant (Conduct Rules) 1987. Deputy Commissioner, Chitral is directed to ensure recovery of the above mentioned amount from the accused.

By order of  
Senior Member

No. Estt: V/PF/M. Ghulfran/MKD/ 3295-100

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. Commissioners Malakand Division Saidu Sharif Swat.
3. Deputy Commissioners Chitral.
4. District Accounts Officer and Chitral.
5. P.S to Senior Member Board of Revenue.
6. Official concerned.

MA  
please put up on file

Assistant Secretary (Estt.)

Attested

chief secy - D.No = 2924  
Dt. 26-2-19

B<sup>3</sup> 8

To

The Worthy Chief Secretary,  
Govt. of Khyber Pakhtunkhwa  
Peshawar.

Through: Proper Channel

Subject: APPEAL AGAINST THE ORDER OF WORTHY SENIOR MEMBER BOARD OF REVENUE DATED 04/2/2019 WHEREBY THE UNDERSIGNED HAS BEEN PUNISHED FOR STOPPAGE OF 03 INCREMENTS AND RECOVERY OF Rs.2,04,204/- PAID AS ROYALTY TO SOME OF THE AFGHAN NATIONAL RESIDING VILLAGE URSOON.

Respected Sir,

The following points are humbly submitted for your kind consideration:

- 1) That I had been elected as Chairman of the Joint Forest Management Committee (JFMC) Ursoon Lot No.675 & 676 by the notables and local people of the respective area, as notified by the Forest Department Chitral vide Notification No.1293/G dated 14/9/2018 (Annexure-I).
- 2) I have performed my official responsibility in a befitting manner as provided under rule. As per JFMC Rule, 2004-5 referred to in the Notification dated 24/12/2004, it is not prohibited for a government official that he will not become the chairman of JFMC, which is also a kind of social activity (Annexure-II).
- 3) I am a resident of Drosh Town for the last 20 years and the Vice Chairman of the JFMC is looking all the affairs of JFMC of the respective areas. The distribution of royalty was being made by the Revenue Officer and the local community after proper identification of the concessioners. As the area is located at the Zero point of Afghan border and there are relationship between Afghan Community and the locals. It is also clear from the settlement record, these people have ancestor properties in Ursoon village, Tehsil Drosh, district Chitral.

*[Signature]*  
Attested

- 4) It is worth to mention here that there are two families consists of 34 individuals who are taking the forest royalty, who are residing there for the last 40 years. The Jirga of the local community have decided that these 34 people have interrelation with the local community of Ursoon, therefore they have been included in concessioners of forest royalty. Moreover these people have also obtained CNIC of Pakistan (Annexure-III), participate in general election for costing votes as their names also exists in the voter list (Annexure-IV).
- 5) It is also worth mention, that the JFMC notified on 14/9/2018 also included names of SDO Forest Drosh Chitral and Block Officer concerned Forest Block as member of the committee at Sr.No.14 and 15 (copy attached).

Honourable Sir,

In view of the above facts, I submit that my position in the said committee is just honorary being a notable of the area. I have not drawn any salary or financial benefit nor this position has adversely effected my duties as an official. As far as violation of Conduct Rules is concerned, as mentioned in the order of the competent authority, I, with due reverence, may submit that as provided in Rule-16(1) of the Rules ibid that:

"No Government servant shall, except with the previous sanction of the government, engage in any trade or undertake any employment or work, other than his official duties;

Provided that he may, without such sanction, undertake honorary work of a religious, social or charitable nature or occasional work of a literary or artistic character, subject to the condition that his official duties do not thereby suffer and that the occupation or undertaking does not conflict or is not inconsistent with his position or obligations as a government servant but he shall not undertake or shall discontinue such work if so directed by Government. A Government servant who has any doubt about the propriety of undertaking any particular work should refer the matter for the orders of Government:

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Provided further that non-gazetted Government servant may, without such sanction, undertake a small enterprise which absorbs family labour and where he does so shall file details of the enterprise alongwith the declaration of assets."

In view of the above provision of the Government Servant Conduct Rules, 1986 and for the reasons stated at Para-1 of this appeal it is prayed that:

- i) The penalty of withholding of increments imposed upon me may kindly be set-aside; and
- ii) The recovery of Rs.2,04,204/- may be ordered from the beneficiaries through the District Administration after deciding their status as those people have been issued CNIC and are enlisted in the voter list and are declared eligible for such benefit like the other locals of the village as per decision of the Jirga.

Yours faithfully,

(Abdul Salam)

Assistant(BPS-16)

D.C Office Chitral.

Encl: as above.

Dated: 26/2/2019

Copy forwarded to the Private Secretary to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

(Abdul Salam)

Assistant(BPS-16)

D.C Office Chitral.

B-4 (11)

Registered

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT  
No. Estt: V/M. Ghufan/MKD/ 11508  
Peshawar dated the 8/03/2019.

To

Mr. Abdul Salam.  
Assistant office of the  
Deputy Commissioner Chitral.

Through Deputy Commissioner,  
Chitral.

SUBJECT: APPEAL AGAINST THE ORDER OF WORTHY SENIOR MEMBER  
BOARD OF REVENUE DATED 04.02.2019 WHEREBY THE  
UNDERSIGNED HAS BEEN PUNISHED FOR STOPPAGE OF 03  
INCREMENTS AND RECOVERY OF RS. 2,04,204/- PAID AS  
ROYALTY TO SOME OF THE AFGHAN NATIONAL RESIDING  
VILLAGE URSOON.

Your Departmental appeal dated 26.02.2019 has been examined and  
rejected by Appellate Authority.

  
Assistant Secretary (Estt:)

  
Attested

## DISCIPLINARY ACTION

I, Dr. Fakhre Alam Senior Member Board of Revenue as competent authority, am of the opinion that Mr. Abdul Salam, Assistant in the office of Deputy Commissioner Chitral has rendered himself liable to be proceeded against, as he committed the following acts / omission, within the meaning of rules 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

### STATEMENT OF ALLEGATIONS

- (a) On the basis of Enquiry report under the chairmanship of Settlement Officer Chitral, the Commissioner, Malakand Division, Saidu Sharif, Swat has reported vide his office letter No. 7904-08/3/9/AG-I/Vol\_VI dated 25.05.2018, that you have been found guilty during the payment of forest royalty amongst the royalty holder using the power of Chairman of JFMC Ursoon being serving Government employee compromised on official duties.
- (b) // Paid Forest royalty to 34 Afghan Nationals showing them residents of Ursoon.
- (c) Your this act tantamount to misconduct and make you liable to be proceeded against you under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011.

2. For the purpose of inquiry against the said accused with reference to the above allegations Mr. Minhajuddin ADC Chitral is appointed as Enquiry Officer under Rule 10(1)(a) of the rules ibid.

3. The Inquiry Officer shall, in accordance with the provisions of the rules, ibid provide reasonable opportunity of hearing to the accused record its findings and make, within thirty 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 Deputy Commissioner Chitral shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

12

## NOTIFICATION.

(Registration of Joint Forest Management Committee JFMC)

No. 1293 /G, Dated Chitral the 14 /10/2018.

Under the power vested in me vide Rules-13 (8) of the Khyber Pakhtunkhwa Joint Forest Management (Community Participation) Rules 2004 notified vide Government of Khyber Pakhtunkhwa Notification No. SO (Technical) ED/168/2003/KC/29-39, dated 24.12.2004 and in accordance with procedure of JFMC constitution prescribed in the above said rules, I Mr. Shaukat Fiaz, Divisional Forest Officer, Chitral Forest Division hereby register Joint Forest Management Committee (JFMC) of the community/ right holders of "Ursoon Forest Compartment No. 11 & 14 to 25" as verified by the Community Development Officer and Sub-Divisional Forest Officer of Drosh South Forest Sub-Division, as under: -

S. #.	Name and particulars	Designation.
1	Mr. Abdul Salam S/o Abdul Kareem r/o Ursoon Tehsil Drosh District Chitral.	Chairman
2	Mr. Abdul Hameed S/o Islam Khan r/o Gumbergol Ursoon Tehsil Drosh District Chitral.	Vice Chairman
3	Mr. Muhammad Yahaya S/o Talib Malik r/o Ursoon Tehsil Drosh District Chitral (General Councilor).	General Secretary/ (Councillor)
4	Mr. Abdul Qadir S/o Abdul Hamid r/o Ursoon Tehsil Drosh District Chitral.	Treasurer
5	Mr. Sakhiud Din S/o Faizullah r/o Ursoon Tehsil Drosh District Chitral.	Member
6	Mr. Ghulam Nasi S/o Atbar Khan r/o Ursoon Tehsil Drosh District Chitral.	Member
7	Mr. Siraj Khan S/o Muhammad Essa Khan r/o Arkot Ursoon Tehsil Drosh District Chitral.	Member.
8	Mr. Wali Muhammad S/o Hazrat Muhammad r/o Dorukhas Ursoon Tehsil Drosh District Chitral.	Member.
9	Mr. Abdul Ghaffar S/o Abdul Jalil r/o Ursoon Tehsil Drosh District Chitral.	Member.
10	Mr. Liaqat Hussain S/o Rustam Khan r/o Gumber Ursoon Tehsil Drosh District Chitral.	Member.
11	Mr. Abdul Baseer S/o Mir Khan r/o Muzhogol Ursoon Tehsil Drosh District Chitral.	Member.
12	Mr. Mujeeb Khan S/o Faiz Muhammad r/o Ursoon Tehsil Drosh District Chitral.	Member.
13	Mr. Muhammad Nabi S/o Muhammad Islam r/o Muzhogol Ursoon Tehsil Drosh District Chitral.	Member.
14	Sub Divisional Forest Officer, Drosh South.	Member.
15	Block Officer, Concerned Forest Block	Member.

It is understood that JFMC has been constituted through consensus/ election amongst the community of "Ursoon Forest Compartment No. 11 & 14 to 25".

JFMC 2018

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-( 2 )-


1. Whereas this community will be called as JFMC of "Ursoon Forest Compartment No. 11 & 14 to 25".
2. The Joint Forest Management Committee of "Ursoon Forest Compartment No. 11 & 14 to 25" has furnished an affidavit through its bearers and members vide Judicial Stamp Paper No.L-875042, L-875041 & M-791507 regarding forest development & conservation as well as indication different conditions to be abide by them.
3. Whereas JFMC is constituted as per rules-13 (8) of the Khyber Pakhtunkhwa (Community Participation) Rules 2004 and registered upon the request of the concessionists of the above forests who claimed to be more than 50% of the total reportedly enjoy 2/3<sup>rd</sup> royalty.
4. Whereas the JFMC represents the whole community of the right holders of the above forests and that the right holders are joint royalty holders in these forests.
5. Whereas the local community agree to manage the forests as per provision of Working Plan, Operational Plan and JFMP.
6. Whereas the JFMC is registered for a period of three (3) years with effect the date of issue of this Notification and will be formulate its by-laws, which will be approved with modification if any by the Divisional Forest Officer, Chitral Forest Division Chitral.

#### Functions, Duties and Power of the JFMC.

Following are the functions, duties and powers of the Joint Forest Management Committee.

1. The above JFMC with the technical assistance of Forest Department shall be responsible for the preparation of Joint Forest Management Plan and for its implementation.
2. The JFMC will ensure smooth and timely execution of all forestry works and procurement of resource for the activities specified in the Joint Forest Management Plan including plantation, harvesting etc. and shall maintain record on prescribed format.
3. The JFMC will identify beneficiaries through a resolution of its meeting for carrying out certain activities, services or to get training.
4. JFMC will ensure carrying out afforestation on wasteland out the forests and ensure its protection and other allied works as provided in Village Plan or Joint Forest Management Plan and under an agreement with the Forest Department or concerned VDC.
5. Ensure that the beneficiaries receive their share and concession entitled in forest protection and allied works as provided in the JFMP and the agreement signed with the Forest Department and shall take measures to prevent misuse of the concessions by the beneficiaries.
6. The JFMC perform the functions/duties of conservations/protection of natural resource in the jurisdiction of joint Forest Management Plan (JFMP) as provided in the Forest Ordinance 2002, which will be assigned from time to time by the VDC/Forest Department.
7. It shall also be the responsibility of the committee to produce witnesses in the court of competent jurisdiction against Forest Offenders as and when required.
8. The JFMC will maintain and operate a joint account in a Bank for the purpose specified in Joint Forest Management Plan and agreement executed with Forest Department.
9. It shall resolve conflicts that may arise in the committee itself or among the beneficiaries and will try that the issues are not taken to court.

JFMC 2018



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10. It shall also the responsibility of JFMC to keep motivating the beneficiaries to be persistently involved in all the activities as volunteers or on wages, as the case may be.
11. The JFMC will assist the Forest Department in monitoring the harvesting works of FDC and its work contractor.
12. The JFMC will conduct a regular periodic meeting at least Six (6) times a year at a given venue in such manner at such notices as the committee may decide the participants of at least 2/3<sup>rd</sup> of the JFMC members and the representatives of Forest Department and other stock holders will be necessary to conduct such meetings.

sd/-  
**(SHAUKAT FIAZ)**  
DIVISIONAL FOREST OFFICER  
CHITRAL FOREST DIVISION  
CHITRAL.

No. 1294-1304 IG,

Copy forwarded to: -

1. The Chief Conservator of Forests, Malakand Region-III, Saidu Sharif Swat for favour of information, please.
2. The Conservator of Forests, Malakand Forests West Circle, at Timergara for information, please.
3. The Director Community and Development NWFP Peshawar for favour of information. He is requested to direct the CD, E, G&D Malakand circle for preparation of Joint Management Plan for the above-mentioned forests. The concerned Forest official will provide all sort of assistance, please.
4. The Deputy Commissioner, District Chitral for favour of information, please.
5. The Assistant Commissioner, Drosh Chitral for favour of information, please.
6. The District Police Officer, District Chitral for information, please.
7. The Assistant Director, CD, E, G&D Malakand Circle at Shagai Swat.
8. The Community Development Officer, Chitral Forest Division Chitral for information.
9. The Sub-divisional Forest Officer, Drosh South Forest Sub-Division at Drosh for information.
10. The Deputy Forest Manager, FDC, Chitral.
11. All concerned members of the JFMC of "Ursoon Forest Compartment No. 11 & 14 to 25" Tehsil Drosh and District Chitral for information and necessary action.

Divisional Forest Officer  
Chitral Forest Division  
Chitral.

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. P.III M

GAZETTE

North-West Frontier Province

Published by Authority

PESHAWAR, SATURDAY, 26TH FEBRUARY, 2005.

GOVERNMENT OF N.W.F.P.  
ENVIRONMENT DEPARTMENT.

NOTIFICATION

24th December 2004

No.SO(Tech)ED/V/168/2003/KC. - In exercise of the powers conferred by sections 98, 99, 100, 101, 102, 103 and 155 of the North-West Frontier Province Forest Ordinance, 2002 (N.-W.F.P. Ord. No.XIX of 2002), and in supersession of all previous rules on the subject, the Government of North-West Frontier Province is pleased to make the following rules, namely:

**THE NORTH-WEST FRONTIER PROVINCE JOINT FOREST MANAGEMENT  
(COMMUNITY PARTICIPATION) RULES, 2004.**

1. Short title and commencement. - (1) These rules may be called the North-West Frontier Province Joint Forest Management (Community Participation) Rules, 2004

(2) They shall apply to such area or areas as Government may, from time to time specify; provided that in relation to the area or areas where these rules are made applicable the Hazara Management of Wasteland (Guzara) Rules, 2004 and the North-West Frontier Province Management of Protected Forest Rules, 2004, shall cease to operate.

2. Definitions. - In these rules, unless the context otherwise requires:-

(a) "Audit and Monitoring Committee" means an Audit and Monitoring Committee under these rules.

(b) "beneficiary" means a local person who is entitled to use, or interested in, the forest resources and the right of such use is recognized by law or enforced by courts, customs, tradition and include forest owners, all rights holders, concessionists and users of forest resources;

(c) "Citizen Community Board" means the Citizen Community Board setup and registered under the North-West Frontier Province Local Government Ordinance, 2001 (N.-W.F.P. Ord. No. XIV of 2001);

(d) "Community Development Officer" means an officer designated by Government to provide specialised support in social organization and allied services in a forest division.

(e) "Concession" means any benefits granted by Government in a forest with respect to any forest produce or other in said proceeds in consideration of or for doing something special of economic or social or environmental value for the sustainable development of natural resources;

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165 N.W.F.P. GOVERNMENT GAZETTE, EXTRAORDINARY, 26th FEBRUARY, 2005.

- (f) "Concessionist" means a person to whom concession has been granted under these rules;
- (g) "Customary rights" means rights of use of forest produce according to local customs, traditions and usage;
- (h) "Female Forest Extensionist" means a female officer designated by Government to provide specialized support in social organization and allied services in a forest division;
- (i) "Forest Management Unit" means a forest area of a village or villages that is socially and geographically determined by ownership and managed by a Joint Forest Management Committee;
- (j) "Forest Ranger" means a forest officer incharge of the Forest Range in whose territorial jurisdiction the Forest Management Unit falls;
- (k) "Joint Forest Management Committee" means a Committee established under section 102 of the Ordinance;
- (l) "Joint Forest Management Plan" means a planning document prepared for a specific Forest Management Unit by the Joint Forestry Management Committee with technical assistance of Forest Department or some other technical expert(s), if any, and in close consultation with the beneficiaries including Women Organization and other stakeholders for management of forests and other natural resources in the Forest Management Unit;
- (m) "Ordinance" means the North-West Frontier Province Ordinance, 2002 (N.-W.F.P. Ord. No. XIV of 2002);
- (n) "Village" means a Village as recorded in the record of Revenue Department.
- (o) "Village Development Committee" means a committee constituted or organized under rule 4 of these rules;
- (p) "Village Land Use Planning" means a participatory process by which a Village Plan is prepared to optimize the land use in a village;
- (q) "Village Plan" means a planning document prepared by the Village Development Committee through the Village Land Use Planning process;
- (r) "Women Organization" means an elected committee of the women representing all the sections of the village;
- (s) "Yearly Plan or Operation" means an annual plan jointly elaborated by the Village Development Committee, Women Organization and Joint Forest Management Committee for the implementation of Village Plan and Joint Forest Management Plan on year-to-year basis specifying jobs to be performed by each person and the required budget.

3. Community participation. (1) The inhabitants of a village may agree to manage land resources falling in the jurisdiction of the village after they have organized themselves in a Village Development Committee and a Women Organization and notified as such by the Divisional Forest Officer concerned.

(2) The Village Development Committee shall prepare a Village Plan through the process of Village Land Use Planning with the technical assistance of Forestry Department or some other technical experts(s), if any

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(1) The Village Development Committee shall implement and monitor Village Plan under an agreement signed between the Committee and Forest Department or other stakeholder.

(4) Divisional Forest Officer, in whose jurisdiction the reserve forests, protected forests, guzara forests, wastelands or other areas are situated, upon the request of inhabitants/beneficiaries or Village Development Committee of the village(s) may transfer the management of those forests when they have organized into a joint Forest Management Committee and registered in a manner prescribed hereinafter. Normally Joint Forest Management Committee shall be subsidiary Committee of Village Development Committee.

(5) The Joint Forest Management Committee shall prepare a Joint Forest Management Plan, which shall become part of Village Plan with the technical assistance of Forest Department or some other technical expert(s), if any.

(6) Joint Forest Management Committee shall implement and monitor the Joint Forest Management Plan under an agreement signed between Joint Forest Management Committee and Forest Department.

4. Establishment of Village Development Committee. - Subject to sub-rule (4), the inhabitants of a Village may get organized into a Village Development Committee representing all social sections and all hamlets of the community as part of Village Land Use Planning process where they have agreed through a written proposal to the Divisional Forest Officer to take active part in the preparation of Village Plan and its implementation.

(2) The number of inhabitants of a Village, who intends to establish a Village Development Committee shall comprise of more than 50% of the population and their ownership/concessions shall not be less than two third of the area of such Village.

(3) There shall be a General Body of the Village Development Committee, which shall comprise of all the male inhabitants of the Village.

(4) The General Body may recognize an existing local village organization, if any, into a Village Development Committee, or elect on their free will a Village Development Committee comprising of 12 to 15 members in which each social section/hamlet of the village or villages, as the case may be, represented.

(5) The Village Development Committee shall elect a Chairman, Vice Chairman, Secretary and a Treasurer from amongst themselves, provided that the Chairman shall be forest owner in case where Forest Management Unit comprises of guzara forest.

(6) The Village Development Committee may co-opt representation from other stakeholders as members to help the Village Development Committee in discharging its functions.

(7) Forest Ranger and Community Development Officer shall verify the written request of the inhabitants/beneficiaries and fix date with their consultation for aforementioned election and facilitate and observe the entire process of election and send the record along with their recommendation to the Divisional Forest Officer.

(8) Subject to sub-rule (1), the tenure of the Village Development Committee shall be three years from the day of its registration or its assuming office after re-election.

(9) Vacancy caused due to any reason shall be filled in the same manner and shall last till the remaining tenure of the Village Development Committee.

(10) The General Body of Village Development Committee may extend tenure of the Village Development Committee for a period of not more than one year and only once.

5. Termination of membership from the Village Development committee --(1) Membership shall be terminated in the following cases, by majority of the members of the General Body after giving a show-cause notice of 15 days when a member

Attested

- (i) does not attend three consecutive meetings of the Village Development Committee without any valid reason;
- (ii) fails to fulfil his obligations, as member of Village Development Committee or his conduct is prejudicial to the Village Plan;
- (iii) is convicted in a forest offence or wildlife offence case;
- (iv) works consistently in detriment to the functions of Village Development Committee;
- (v) ceases to live in the village as a result of permanent migration.

(2) Upon voluntary resignation from the Village Development Committee, no show-cause notice shall be required.

6. Functions, duties and powers of the Village Development Committee. (1) A Village Development Committee, with the technical assistance of Forest Department, shall be responsible for the preparation of Village Plan for all land uses and its implementation in collaboration with concerned Women Organization.

(2) It may suggest establishment of sub-committee(s) for implementation of special tasks as given in Village Plan and modification in the Village Plan through a resolution after identifying needs of the inhabitants/beneficiaries.

(3) It shall ensure smooth and timely execution of all natural resources related and development works (except in forests where Joint Forest Management committee is available) and procurement of resources including labour for the activities specified in the Village Plan and shall maintain record on prescribed format.

(4) It shall identify inhabitants/beneficiaries through a resolution of its meeting for carrying out certain activities, services or to get training.

(5) It shall carry out afforestation on wastelands and ensure its protection and other allied works as provided in Village Plan and under an agreement with the Forest Department or other stakeholder(s).

(6) It shall ensure that the labourers and inhabitants/beneficiaries receive their wages and share as provided in the Village Plan and the agreement signed with the Forest Department or other stakeholder(s).

(7) It shall maintain and operate a joint account in a bank for the purposes specified in Village Plan and the agreement executed with Forest Department or other stakeholder(s).

(8) It shall resolve conflicts that may arise in the Committee itself or among the inhabitants/beneficiaries and shall try that the issues are not taken to courts.

(9) It shall keep on motivating the inhabitants/beneficiaries to be persistently involved in all the activities as volunteers or on wages, as the case may be.

(10) It shall execute agreement, on behalf of the inhabitants/beneficiaries, with Forest Department or other stakeholder(s) for preparation and implementation of Village Plan.

7. Establishment of Women Organization.-(1) The female inhabitants of a village may get organized into a Women Organization representing all social sections and all hamlets of a Village as part of Village Land Use Planning Process where they have agreed through a written proposal to the Divisional Forest Officer to take active part in the preparation of Village Plan and its implementation.

*1/2/14*  
**Attested**

(2) There shall be a General Body of the Women Organization which shall comprise of all the female inhabitants of the Village.

(3) The General Body shall elect on their free will a Committee called Women Organization comprising of 8 to 12 members in which each social section and hamlets of the Village(s) shall be represented.

(4) The Women Organization shall elect a Chairperson, Vice Chairperson, Secretary and a Treasurer from amongst themselves.

(5) The Women Organization may co-opt representation from other stakeholders as members(s) to help the Organization in discharging its functions.

(6) Result of the election shall be sent to the Divisional Forest Officer by Community Development Officer/Female Forest Extensionist.

(7) The provisions for registration and tenure of the Women Organization and termination of its membership shall be the same as provided for Village Development Committee.

8. Function, duties and powers of Women Organization.-(1) Women Organization shall participate in the preparation of the Village Plan as far as the activities relating to female inhabitants/beneficiaries are concerned.

(2) It shall nominate female inhabitants/beneficiaries through a resolution of its meeting for carrying out certain activities, services or to get trainings.

(3) It shall ensure that the labourers and female beneficiaries receive their wages and share as provided in the Village Plan and the agreement signed with Forest Department or other stakeholders.

(4) It shall resolve conflicts that may arise in the Women Organization itself or among the female beneficiaries.

(5) It shall keep on motivating the female beneficiaries to be persistently involved in all the activities as volunteers or on wages as the case may be.

(6) It shall execute agreement on behalf of the female beneficiaries with the Forest Department or other stakeholders for preparation and implementation of Village Plan.

(7) It shall maintain and operate a joint account as a bank for the purposes specified in the village plan and the agreement executed with Forest Department or other agency.

9. Preparation of Village Plan.—A plan shall be prepared by the Village Development Committee with the coordination of Women Organization and with technical assistance of Forest Department or other technical expert(s) if any, for overall land use of the village through the process of Village Land Use Planning for a period of five years. Village Development Committee and Women Organization shall implement and monitor the plan under a partnership arrangement with Forest Department or other stakeholders, as the case may be.

10. Meetings.—(1) In the context of the functions assigned to Village Development Committee/Women Organization under these rules, there shall be conducted meetings on specific agenda and at a specific venue by the Committee or the Organization, as the case may be, so as to secure the continuous flow of information to enable management of activities to be performed by all the partners of Village Development Committee and Women Organization and to secure ongoing monitoring and evaluation.

(2) For this purposes there shall be conducted by the Village Development Committee or the Women Organization, as the case may be.

  
**Attested**

- (a) an annual General Body meeting in or around the Village concerned.
- (b) an extra-ordinary General Body meeting when called by at least two third of all the inhabitants/beneficiaries or two third members of Village Development Committee or Women Organization or Joint Forest Management Committee or Forest Department; and
- (c) periodical meetings at least six in an year in the Village concerned.

(3) To convene a General Body Meeting, at least fourteen days written notice shall be given by the Secretary of Village Development Committee or Women Organization to the inhabitants and other and other stakeholders, if any, including representative of Forest Department. The meeting shall be presided by Chairperson of the Village Development Committee or the Women Organization concerned.

(4) The Secretary of the Village Development Committee or Women Organization or Joint Forest Management Committee may convene an extra-ordinary General Body meeting in case of any emergency on not less than 7 days notice to be attended by more than 50% inhabitants/beneficiaries, more than 2/3<sup>rd</sup> members of Village Development Committee or Women Organization and the Divisional Forest Officer concerned. The meeting shall be presided by the Chairperson of the Village Development Committee or Women Organization, as the case may be. An extra-ordinary General Body Meeting shall not be a replacement for the annual General Body meeting and shall concentrate only on issue for which it has been convened.

(5) The Village Development Committee and the Women Organization shall conduct regular periodic meetings at least six times a year at a given venue in such a manner and at such notice as the Committee or the Organization may decide. The participation of at least two-third members of the Village Development Committee or the Women Organization, as the case may be and the representative of other stakeholders is necessary to conduct the business.

(6) A representative nominated by Joint Forest Management Committee shall attend the meeting of Village Development Committee as observer.

11. Business to be discussed in the General Body meeting. (1) The Following shall be the business to be conducted in the General Body meeting

- (a) discussion on activities of Village Development Committee / Women Organization/Joint Forest Management Committee as provided in Village Plan/Joint Forest Management Plan and Yearly Plan of Operation of previous year;
- (b) presentation, discussion and approval of annual reports, Yearly Plan of Operation as presented by the Chairperson of the Village Development Committee/Women Organization/Joint Forest Management Committee and report of the Audit and Monitoring Committee;
- (c) establishing Joint Forest Management Committee in a manner prescribed in rule 13;
- (d) establishing Audit and Monitoring Committee;
- (e) review arrangement for protection of forests and distribution of concessions amongst beneficiaries;
- (f) termination of agreement with Forest Department or other stakeholder(s);
- (g) extension of tenure of Village Development Committee/Women Organization/Joint Forest Management Committee; and

Attested

(h) any other matter of general interest.

(2) All matters, except sub-rule (1) (f), shall be decided by simple majority of votes while the matter of sub-rule (1)(f) shall be decided by two-third majority in the General Body meeting. In case of equality of votes, the Chairperson shall have a second or casting vote.

(3) All matters discussed in a meeting of the General Body shall be recorded in the proceeding book to be maintained for the purpose and shall be countersigned by the Chairperson and a copy of which shall be supplied to the Divisional Forest Officer concerned.

12. Business to be discussed in periodic meetings.—Village Development Committee or the Women Organization, as the case may be, in its periodic meetings, shall conduct all or any of the following business:

- (1) to review progress on all developmental and other activities as given in the Village Plan (except forests where Joint Forest Management Committee is available), previous resolutions/decisions and events in light of the reports presented by the Committee/Organization or other stakeholder(s);
- (2) to define and arrange detailed activities relating to management of rangelands, farmlands, wildlife, fisheries, infrastructure, village development interventions, human development as provided in the Village Plan and the agreement signed with other stakeholder(s);
- (3) to identify other interested parties for provision of technical and financial assistance required for implementation of Village Plan;
- (4) to review progress of the Audit & Monitoring Committee and make necessary adjustments in the functions and working schedule;
- (5) to discuss any resolve and other matter presented by the members including proposals and resolving conflicts arising amongst the inhabitants/beneficiaries with Village Development Committee or the Women Organization, as the case may be, or other stakeholders;
- (6) to discuss and decide any financial matter presented by Audit and Monitoring Committee, or raised by the members;
- (7) the Secretary of Village Development Committee or the Women Organization, as the case may be, shall record minutes of the meeting in the shape of a resolution in a register signed by the members and copy sent to Divisional Forest Officer and representative of other stakeholder, if any.

13. Establishment of Joint Forest Management Committee.—(1) The General Body referred to in sub-rule (4), in consultation with the Village Development Committee and Organization of a Village, may constitute Joint Forest Management Committee for the management of a Forest Management Unit falling in the jurisdiction of the Village through a written resolution expressing their interest and commitment.

(2) The number of beneficiaries of Village, who intend to establish a Joint Forest Management Committee, shall be more than 50% and their ownership/concessions shall not be less than two third of the forest area of such Village.

(3) The Village Development Committee may also act as Joint Forest Management Committee depending on the quantum of Forest Management Unit and the planned activities therein.

(4) There shall be a General Body of the Joint Forest management Committee, which shall comprise of all the beneficiaries of the Village.

Attested



(5) ~~The Joint Forest Management Committee shall comprise of 12 to 15 members to be elected by the General Body, in the manner specified in sub-rule 44, except the members specified at clauses (c), (d), (e) and (f), who shall be nominated by Divisional Forest Officer concerned:~~

- (a) ~~five to seven members representing all the social sections/hamlets, of the beneficiaries of the Village;~~
- (b) ~~two non-ownership-concessionist users;~~
- (c) ~~one local member of a Council constituted under the North-West Frontier Province Local Government Ordinance, 2001.~~
- (d) ~~one representative of Village Development Committee/Women Organization;~~
- (e) ~~two Forest Officers; and~~
- (f) ~~one or two representative(s) of other stakeholder(s).~~

(6) ~~The members as in clause (a), (b), (c) and (d) shall elect from among themselves a Chairperson, Vice-Chairperson, Secretary and Treasurer while the rest shall work as members of Joint Forest Management Committee.~~

(7) ~~The Joint Forest Management Committee shall be a subsidiary committee of Village Development Committee but in most of the forest related issues the Committee should take decisions independently.~~

(8) ~~The Joint Forest Management Committee shall be registered with the Divisional Forest Officer of the Forest Division concerned and shall be effective from the date of its registration.~~

(9) ~~Normal tenure of Joint Forest Management Committee shall be three years reckoning from the date of its registration or assuming office after re-election.~~

(10) ~~The General Body may extend the tenure of Joint Forest Management Committee upto one year, but only once.~~

14. Termination of membership of the Joint Forest Management Committee. Membership of the Joint Forest Management Committee shall be terminated in the following cases by majority of the members of the General Body or Joint Forest Management Committee after giving a show-cause notice of 15 days when a member:

- (a) does not attend three consecutive meetings of the Joint Forest Management Committee without any valid reason; or
- (b) fails to fulfill his obligations, as member of Joint Forest Management Committee, or his conduct is prejudicial to the Village Plan; or
- (c) is convicted in a forest offence or wildlife offence case; or
- (d) works consistently in detriment to the functions of the Committee; or
- (e) ceases to live in the village as result of permanent migration; or
- (f) upon voluntary resignation, for which no show cause notice shall be required.

15. Functions, Duties and Powers of the Joint Forest Management committee.-(1) Joint Forest Management Committee, with the technical assistance of Forest Department or other experts(s), if any, shall be responsible for the preparation of Joint Forest Management Plan and its implementation.

  
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(2) It may suggest modification in the Joint Forest Management Plan through a resolution after identifying needs of the Village(s) community.

(3) It shall ensure smooth and timely execution of all forestry works and procurement of resources for the activities specified in the Joint Forest Management Plan including plantation, harvesting etc. and shall maintain record on prescribed format.

→ (4) It shall identify beneficiaries through a resolution of its meeting for carrying out certain activities, services or to get trainings.

(5) It may carry out afforestation on wastelands outside the forests and ensure its protection and other allied works as provided in Village Plan or Joint Forest Management Plan and under an agreement with the Forest Department or concerned Village Development Committee.

(6) It shall ensure that the beneficiaries receive their share and concession entitlement in forest produce as provided in the Joint Forest Management Plan and the agreement signed with the Forest Department and shall take measures to prevent misuse of the concessions by the beneficiaries.

(7) It shall perform the duties of forest officer particularly protection of forests as provided in the Ordinance, 2002 and assigned to it from time to time jointly by the Village Development Committee/Women Organization and Forest Department including erection of forest check posts and ejection of encroachment, etc.

(8) It shall also be the responsibility of a Joint Forest Management Committee to produce witnesses in the court of competent jurisdiction against forest offenders as and when required.

(9) It shall maintain and operate a joint account in a bank for the purposes specified in Joint Forest Management Plan and agreement executed with Forest Department.

(10) It shall resolve conflicts that may arise in the Committee itself or among the beneficiaries and will try that the issues are not taken to courts.

(11) It shall execute agreement, on behalf of the beneficiaries, with Forest Department or any other stakeholder(s) for preparation of Joint Forest Management Plan.

(12) It shall keep on motivating the beneficiaries to be persistently involved in all the activities as volunteers or on wages, as the case may be.

16. Preparation of joint Forest Management Plan.—The Joint Forest Management Committee shall prepare a plan for a period of five years on the approved pattern with the coordination of Women Organization and with assistance of Forest Department or other technical expert(s), if any for management of the Forest Management Unit falling in the jurisdiction of the Village(s). The plan so prepared shall be part of the Village Plan. Joint Forest Management Committee and Women Organization shall implement and monitor the Joint Forest Management Plan under a partnership arrangement with Forest Department and other stakeholder(s).

17. Meeting and business to be discussed in the Joint Forest Management Committee meeting.—(1) The Joint Forest Management Committee shall conduct regular periodic meetings at least six times in a year at a given venue in such a manner at such notice as the Committee may decide. The participation of at least two-third of the Joint Forest Management Committee members and the representative of Forest Department and other stakeholders is necessary to conduct the business. A Joint Forest Management Committee, in its periodic meetings, shall conduct all or any of the following business relating to Forest Management Unit and as provided in Joint Forest Management Plan:

Attested

- (a) to review progress on all forest development and other activities as given in the Joint Forest Management Plan, previous resolutions / decisions and events in light of the reports presented by the Committee, Forest Department or other stakeholder;
- (b) to define and arrange detailed activities with regard to collection, storage and distribution of forest products, such as fuel wood, construction timber, grazing, grass cutting, harvest of medicinal plants, etc. as provided in the Joint Forest Management Plan and Village Plan;
- (c) to define and arrange activities with regard to protection, patrol scheduling, establishment of forest check posts and other strategies including review of fine and other punishment/ sanctions to stop and apprehend forests offences;
- (d) to make necessary adjustments in its functions and working schedule based on the report of Audit and Monitoring Committee;
- (e) to discuss and resolve any other matter presented by the members including proposals and conflicts arising amongst the beneficiaries with Joint Forest Management Committee or the Forest Department; and
- (f) to discuss and decide any financial matter presented by Audit and Monitoring Committee, or members.

(2) The Secretary shall record minutes of the meeting in the shape of a resolution in a register signed by the members and copy sent to the concerned Divisional Forest Officer and other stakeholder, if any.

18. Establishment and function of the Audit and Monitoring Committee. (1) An Audit and Monitoring Committee shall be established by the General Body concerned which shall consist of not more than five members elected or nominated from beneficiaries, including representative of Forest Department and other stakeholders, if any.

(2) The Audit and Monitoring Committee shall be responsible to carry out the following functions according to a schedule:

- (a) it shall carry out physical inspection and qualitative analysis of all activities mandated to Village Development Committee, Women Organization or, as the case may be, Joint Forest Management Committee under Village Development Plan/Joint Forest Management Plan including agreement signed between Village Development Committee, Women Organization, Joint Forest Management Committee and other partner(s);
- (b) It shall monitor the progress on implementation of activities as elaborated in Yearly Plan Operation;
- (c) It shall monitor utilization of funds, cash expenditure and returns and to ensure those commensurate with physical works and other services;
- (d) It shall check the provision and distribution of concession, other shares and shall also check the proper utilization of any forest produce provided to the beneficiaries; and
- (e) It shall check that due wages have been made over to labourers and providers in time and according to the agreement.

(3) The Audit and Monitoring Committee shall submit its report in the meeting of Village Development Committee, Women Organization or, as the case may be, Joint Forest Management Committee also in the meeting of the General Body concerned.

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19. Functions, duties and powers of the General Body.—The General Body may call extra-ordinary emergency meeting.

(2) The General Body of a village/hamlet shall have the power to remove their representative from the membership for not carrying out his/her duties satisfactorily in the Village Development Committee/Women Organization/Joint Forest Management Committee, as the case may be, and the concerned hamlet shall elect/nominate another member.

(3) The General Body shall assist the Village Development Committee/ Women Organization/Joint Forest Management Committee and other sub-committees in discharging their duties relating to all conservation and developmental works, forest management and protection strategies as contained in Village Plan/Joint Forest Management Plan and per the terms and conditions decided in the Village Development Committee or Joint Forest Management Committee meeting.

(4) The General Body have the right to terminate the agreement executed in pursuance of rules 6(10) and 15(12), if two-third majority wish to do so in a meeting of the General Body pursuant to clause (c) of sub-rule (1) of rule 11.

20. Role of the Forest Department.—(1) The Forest Department shall:

- (a) assist the Village Development Committee, Women Organization and Joint Forest Management Committee in preparation and revision of Village Plan/Joint Forest Management Plan and in providing extension services and other technical support required in matters relating to planning, organization, management and preparation of Yearly Plan of Operation and other reports;
- (b) assist the Village Development Committee, Women Organization and Joint Forest Management Committee in implementation of Village Plan, Joint Forest Management Plan and Yearly Plan of Operation and monitoring of such works;
- (c) make payment to the Village Development Committee, Women Organization and Joint Forest Management Committee well in time for works and services carried out by them or their share in sale proceeds of forest produce according to the terms and conditions of the agreement;
- (d) assist the Village Development Committee, Women Organization and Joint Forest Management Committee in linking with other governmental and non-governmental organizations and financial institutions;
- (e) assist in prompt disposal of other issues/matters; and
- (f) execute agreements with the Committee concerned where necessary.

(2) The Community Development Officer and Range Forest Officer shall attend the meeting of the Village Development Committee, Women Organization and Joint Forest Management Committee, shall negotiate with them and, if possible, settle and resolve matters arising amongst the Village Development Committee, Women Organization and Joint Forest Management Committee and other partners and shall forward a written report to the Divisional Forest Officer.

(3) The Divisional Forest Officer shall invariably attend extra-ordinary meeting and at least two regular meetings of the Village Development Committee, Women Organization and Joint Forest Management Committee in a year and provide all required technical and financial support.

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21. Role of other stakeholders.—Other stakeholders shall provide assistance in the fields of their specialty particularly community organization, capacity building, financial capital formation, institutional strengthening, monitoring and evaluation under an agreement executed between Village Development Committee, Women Organization and Joint Forest Management Committee and stakeholder to be witnessed by Forest Department. Activities of the stakeholders shall be reflected in the Village Plan/Joint Forest Management Plan and Yearly Plan of Operation.

22. Procedure for cancellation of agreement and dissolution or restoration of the Village Development Committee/Women Organization/Joint Forest management Committee.—(1)

If Forest Department finds the implementation of the Village Plan/Joint Forest Management Plan or, as the case may be, agreements unsatisfactory, the Divisional Forest Officer shall convene a meeting to resolve the issues. If no settlement is reached, the Divisional Forest Officer shall convene an extra ordinary meeting of the General Body to discuss and resolve the matter.

(2) If the matter under sub-rule (1) cannot be resolved, the Divisional Forest Officer shall serve a notice of not less than 30 days on the Village Development Committee, Women Organization and Joint Forest Management Committee, as the case may be, to show cause as to why it should not be dissolved, clearly describing the reasons therefor.

(3) If the Village Development Committee, Women Organization and Joint Forest Management Committee, as the case may be, fails to respond within the stipulated period or its reply is not satisfactory, the Divisional Forest Officer shall dissolve Committee concerned or the Women Organization, as the case may be, and the agreement executed by it shall also stand cancelled.

(4) The Village Development Committee, Women Organization and Joint Forest Management Committee, as the case may be, may prefer an appeal against the order of the DFO under sub-rule (3) to the Conservator of Forests within sixty days of the said order.

(5) The Conservator of Forests shall decide the matter in sixty days and his decision shall be final. In case of non-restoration of committee the assets and liabilities shall be handed over to the committee succeeding the committee so dissolved.

(6) In case a committee is not restored, the General Body shall re-elect the committee concerned within 45 days of the decision of the Conservator of Forest.

23. Extent of benefits.—(1) Beneficiaries are entitled to exercise their rights and receive their share as prescribed in the Joint Forest Management Plan. They are particularly allowed to collect and market non-timber forest produce like herbs, seeds, spices, grasses, mushrooms, medicinal plants from the forest, subject to management, resolution or restriction provided in the Joint Forest Management Plan and under other terms and conditions of the agreement executed between Forest Department and Joint Forest Management Committee.

(2) Beneficiaries shall not be entitled to collect trees for any purpose that has been killed artificially through girdling, fire or by any other means.

(3) Forest Department or other organization shall deposit an amount in the joint account of Joint Forest Management Committee on account of sale/harvesting of trees or other forest produce from a forest worked under Joint Forest Management Plan. This amount shall be ascertained as per tree or per volume basis jointly by Forest Department and Joint Forest Management Committee and incorporated in the agreement executed.

(4) Following procedure shall be adopted for grant of trees for domestic use.

(a) a person shall submit an application to the Joint Forest Management Committee through the member of his/her village/hamlet specifying the purpose, location and the quantity of timber required. Concerned member shall certify genuineness of the application.

*[Handwritten Signature]*  
**Attested**

77 (10) 27

- (b) the Joint Forest Management Committee shall verify the contents of the application and satisfy itself that building has been completed up to plinth level in case timber for construction is required.
- (c) the Joint Forest Management Committee shall record all the relevant particulars in a register and submit it along with applications and recommendations to the Range Forest Officer at the end of each month and shall limit the timber as permissible in Joint Forest Management Plan for a given year by making judicious prioritization of applicants.
- (d) the Range Forest Officer shall forward the applications to the Divisional Forest Officer along with his recommendation after he verifies silvicultural availability of trees or timber;
- (e) the Divisional Forest Officer shall accord approval or otherwise, quoting the reason(s), within 15 days of the receipt of applications;
- (f) the Range Forest Officer shall issue the permits after receipt of approval and mark the trees, details of which shall be entered in the register of permits and permit number shall be carved on the stumps;
- (g) in case of availability of naturally dead or fallen trees, green trees shall not be marked for grant on permits;
- (h) in case of emergency like natural calamity, Range Forest Officer concerned shall issue permit within seven days of receipt of application and shall get approval of Divisional Forest Officer in due course of time;
- (i) gift or donation of timber or part thereof obtained on permit by any beneficiary is strictly prohibited. In case of violation, Joint Forest Management Committee shall recover the price of timber misused at scheduled rates of the Forests Department prevalent at that time, beside any other punishment that Joint Forest Management Committee may like to inflict upon the violating beneficiary;
- (j) the Joint Forest Management Committee shall have the discretion of allowing or otherwise of timber permit required by any concessionist for construction of house outside the limit of the village;
- (k) timber permit once granted shall not be allowed within the next five years or ten years to resident and non-resident concessionists respectively;
- (l) the timber grantee shall pay for each permit to the Joint Forest Management Committee, a sum to be fixed jointly by the Joint Forest Management Committee and Forest Department to be deposited in the joint account and utilized as per rule 24(1)(c).

24 Field Operations and Joint Account.—(1) After signing of the agreement with Forest Department or other stakeholder, the Village Development Committee, Women Organization or the Joint Forest Management Committee, as the case may be, shall be responsible to execute the works and provide services according to terms and conditions of the agreement. The Village Development Committee, Women Organization or the Joint Forest Management Committee, or as the case may be, keep and operate a joint account in the name of Chairperson and Treasurer constituted in a local commercial bank and also maintain a record on prescribed pattern with regard to all cash inflow and outflow. Following shall be the guidelines for financial transaction.

- (a) the Village Development Committee, Women Organization or the Joint Forest Management Committee shall submit a bill on prescribed format to the Forest Department or other stakeholder for the works and services performed by it;

*[Handwritten Signature]*  
**Attested**

PENSIION GRANT OUT OF KHYBER PAKHTUNKHWA  
PART-I & PART-II

177 N.W.F.P. GOVERNMENT GAZETTE, EXTRAORDINARY, 26th FEBRUARY, 2005.

- (b) the Forest Department or other stakeholder shall make payment within 15 days after receipt of bill from Village Development Committee, the Women Organization or the Joint Forest Management Committee, as the case may be;
  - (c) all the cheques for activities and services carried out by Village Development Committee, Women Organization and Joint Forest Management Committee shall be issued in its name and deposited in its joint account for which entries shall be made accordingly in the record;
  - (d) the Village Development Committee, the Women Organization or the Joint Forest Management Committee, as the case may be, shall make payment on the bills submitted by the concerned individuals including labourers within 15 days from the receipt of cheque from the issuing authority. Payment of more than Rs.5,000 shall be made through cheque to an individual;
  - (e) Village Development Committee, the Women Organization or the Joint Forest Management Committee, as the case may be, shall deduct an agreed amount from the bills which shall be deposited in the joint accounts and be spent on activities reflected in Village Development Plan, Joint Forest Management Plan and Yearly Plan of Operation or identified through a resolution of the meeting of Village Development Committee, the Women Organization or the Joint Forest Management Committee as the may be;
  - (f) the amount received as in pursuance of rule 21(3) shall be distributed amongst the beneficiaries within 15 days of its receipt after deducting an agreed amount to be utilized as in para (1)(e).
- (2) The Village Development Committee, the Women Organization or the Joint Forest Management Committee, as the case may be, shall produce all the record to Audit and Monitoring Committee for auditing purpose.
25. Procedure.—If any difficulty is felt in the smooth functioning of these rules, the Chief Conservator of Forests may issue such orders and directions not inconsistent with these rules, as deem necessary.

SECRETARY TO GOVT. OF THE  
NORTH-WEST FRONTIER PROVINCE  
ENVIRONMENT DEPARTMENT

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Attested

شماراتی بلاک کوڈ

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# حتمی انتخابی فہرست 2012

انتخابی علاقے کا نام گبیر گول

موضوع / دیہہ / شہر گبیر گول پٹوار حلقہ / تپے دار سرکل کا نام عشریت یونین کونسل

تحصیل / تعلقہ چترال ضلع چترال یونین کونسل

ووٹروں کی تفصیل	
7 - 174	مرد
6 - 99	خواتین
273	کل ووٹر



0 0 1 0 2 0 4 0 2 / 1

و سٹخار چٹراپن آفیسر

Attested

# نتیجہ امتحانی فہرست 2012 (عوامین)

کبیر گول

نالی علاقے کا نام

تحصیل / علاقہ چترال

پنڈار حلقہ اپنے دار سرکل کا نام عشریت پوئین کونسل

ضلع ادیبہ اشہر کبیر گول

پوئین کونسل

001020402

شماراتی بلاک کوڈ

چترال

سلسلہ نمبر	کمرانہ نمبر	نام	والد / شوہر کا نام	قومی شناختی کارڈ نمبر	عمر	پتہ
1	1	بزرگ بی بی	زوجہ محمد جلال	15201-0571036-8	60	ارعدوش، ارعدہ، تحصیل اٹل چترال
2	1	افضل بی بی	زوجہ عبدالواحد	15201-2491435-8	52	ارعدوش، ڈاک خانہ ارعدہ، ارعدوش، تحصیل اٹل چترال
3	1	بانو بی بی	زوجہ حاجی شاہ زمان	17301-7263077-6	26	ارعدوش، ارعدہ، تحصیل اٹل چترال
4	4	عالم بی بی	زوجہ عبدالقہار	15201-0551532-0	72	ارسون، ڈاک خانہ دروش، ارسون، تحصیل اٹل چترال
5	4	بی بی گل	زوجہ شیر نادر خان	15201-0551846-0	35	ارسون، ڈاک خانہ دروش، ارسون، تحصیل اٹل چترال
6	4	بی بی منیرہ	دختر عبدالغفار خان	15201-1092530-6	23	ڈاک خانہ دروش، ارسون، تحصیل اٹل چترال
7	5	کبیر بی بی	زوجہ شیر زمان خان	15201-0842207-4	43	ڈاک خانہ دروش، دھرسون، تحصیل اٹل چترال
8	5	شہناز بی بی	زوجہ محمد زمان	15201-3794213-8	20	ڈاک خانہ دروش، گوہر گول، تحصیل اٹل چترال
9	6	صفت نامہ	زوجہ غلام سید	15201-4581012-8	52	ارسون، دروش، تحصیل اٹل چترال
10	9	سلیمہ	زوجہ وزیر	15201-8582811-4	59	گوہر گول، ارسون، تحصیل اٹل چترال
11	10	حمیدہ	زوجہ وزیر دولہ	15201-3323304-4	22	گوہر گول، ارسون، تحصیل اٹل چترال
12	13	گلشن بی بی	زوجہ زین خان	15201-0551794-0	61	ڈاک خانہ دروش، ارسون، تحصیل اٹل چترال
13	14	عورت نامہ	زوجہ عبدالحمید	15201-1708675-0	75	ارسون، ڈاک خانہ دروش، گوہر گول، تحصیل اٹل چترال
14	14	ہارون بی بی	زوجہ رحمت خان	15201-0571692-0	38	ڈاک خانہ دروش، ارسون، تحصیل اٹل چترال
15	15	گل تینہ	زوجہ امان اللہ	15201-0551699-6	65	ڈاک خانہ دروش، ارسون، تحصیل اٹل چترال
16	15	ثریا بی بی	زوجہ محمد عظیم ہمار	15201-9762581-4	31	ارسون، ڈاک خانہ دروش، گوہر گول، تحصیل اٹل چترال
16	16	گل سبیر	زوجہ شریف خان	15201-0100462-4	52	ارسون، ڈاک خانہ دروش، گوہر گول، تحصیل اٹل چترال
18	16	بی بی غدیجہ	زوجہ محمد سلیم	15201-5477578-0	52	ڈاک خانہ ارسون، دھرسون، تحصیل اٹل چترال
19	16	بی بی نامہ	دختر غلام مرسلین	15201-4129011-8	29	ڈاک خانہ دروش، گوہر گول، تحصیل اٹل چترال
20	16	بی بی حاجرہ	دختر غلام مرسلین	15201-5242376-6	20	ارسون، ڈاک خانہ دروش، گوہر گول، تحصیل اٹل چترال
21	17	تاج بی بی	زوجہ شہناز	15201-2767575-8	31	ارسون، ڈاک خانہ دروش، گوہر گول، تحصیل اٹل چترال
22	18	آن وارث بی بی	زوجہ امان اللہ شاہ	15201-0551611-2	65	ارسون، ڈاک خانہ دروش، ارسون، تحصیل اٹل چترال
23	18	گل سبیر	زوجہ محمد شاہ	15201-5287183-4	24	ارسون، ڈاک خانہ دروش، گوہر گول، تحصیل اٹل چترال
24	20	حسن بی بی	زوجہ عبدالکبیر	15201-8400201-2	66	ارسون، ڈاک خانہ دروش، گوہر گول، تحصیل اٹل چترال

Noted

سلسلہ نمبر	گمراہ نمبر	م	والد/ شہر کا نام	قوی شناختی کارڈ نمبر	ع
25	20		خوشحال بی بی	15201-0551712-2	48
26	20		ہاشم بی بی	15201-5874841-4	27
27	22		جمال نسیم	15201-0549865-2	46
28	23		بی بی ہور	15201-0555026-4	57
29	23		زر بی بی	15201-0555028-4	55
30	23		زولجھہ	15201-5152849-4	45
31	23		خوترو بی بی	15201-0553637-4	42
32	23		زبیرہ بی بی	15201-0559452-4	40
33	24		بی بی زہرا	15201-0569034-6	61
34	24		سراج البنات	15201-3890574-8	19
35	25		بی بی	15201-4753275-4	53
36	26		بی بی سلیمہ	15201-0551078-4	58
37	26		بی بی سرین	15201-0559214-4	36
38	27		بی بی نسیم	15201-0551664-8	44
39	28		سلطانہ بی بی	15201-4734904-2	38
40	29		بی بی ہور	15201-7010009-0	48
41	30		مہراب جنت	15201-0551567-6	37
42	30		ناہیدہ	15201-5312076-8	35
43	31		بی بی جمالی	15201-0553645-8	38
44	32		سراج بی بی	15201-0551563-4	37
45	32		اشرف بی بی	15201-0551567-4	37
46	33		حاجیہ بی بی	15201-7415426-8	42
47	33		فاطمہ	15201-4249407-0	20
48	34		حبیبہ	15201-0551315-8	32
49	34		دلدار	15201-4250650-4	27
50	36		دستین بی بی	15201-0551295-2	54
51	36		زہرا بی بی	15201-8532445-8	31
52	37		نسیم بی بی	15201-6703487-4	61

Attested

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قیمت 50 روپے	2477			
ایڈوکیٹ: محمد سعید مرتضیٰ				
بار کونسل ایسوسی ایشن نمبر:				
رابطہ نمبر: 0313 8880664		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		

بعدالت جناب:

مخانب:	Appellant	دعوی:	Semice Appeal
عبدالمسلم بن سمر	Smir	علت نمبر:	
بنام		مورخہ:	
		جرم:	
		تھانہ:	

**باعت تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ مسٹر محمد سعید مرتضیٰ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:

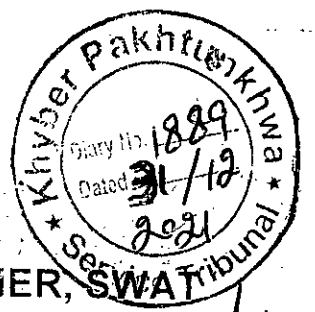
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OFFICE OF THE DEPUTY COMMISSIONER, SWAT

Tel No: 0946-9240336  
Fax No: 0946-9240329

No. 44442 /5/DC/Estt:

E-mail: Deputycommissionerswat1@gmail.com

Dated: 22/12 /2021

To

The Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar

Subject:- APPEAL NO.879/2019 (MR. ABDUL SALAM, ASSISTANT O/O DEPUTY COMMISSIONER, CHITRAL VERSUS SENIOR MEMBER BOARD OF REVENUE AND OTHERS.

Memo:

Please refer to your appeal No. 879/2019 dated 08/12/2021 on the subject as noted above.

In this regard it is submitted that the subject case is related to the Deputy Commissioner, Chitral, therefore further correspondence may be made with District Administration, Chitral, *please.*

  
DEPUTY COMMISSIONER,  
SWAT.

Put up to the court with relevant app - at.

  
31/12/21.

Deodu

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**Service Appeal No.879 of 2019**

Abdul Salam Assistant BPS-16, Deputy Commissioner Office Lower Chitral. ----- **(Appellant)**

**VERSUS**

Senior Member Board of Revenue, Civil Secretariat, Peshawar and others. ----- **(Respondents)**

**INDEX**

S.No	Description of Documents	Annexure	Pages
01	Parawise Comments		1-2
02	Affidavit		3-3
03	Inquiry report of Settlement Officer	"A"	4-13
04	Enquiry Report of Additional Deputy Commissioner	"B"	14-19
05	Penalty Imposed by the Competent Authority	"C"	20-20
06	Rejection Order	"D"	21-21
07	Authority Letter		22-22

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**Service Appeal No.879 of 2019**

Abdul Salam Assistant BPS-16, Deputy Commissioner Office Lower Chitral. ----- (**Appellant**)

**VERSUS**

Senior Member Board of Revenue, Civil Secretariat, Peshawar and others. ----- (**Respondents**)

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 3**

**Preliminary Objections:-**

1. That the appellant has no locus standi or cause of action to file the instant appeal.
2. That the appeal is not maintainable.
3. That the appellant has not come to this Hon'ble court with clean hands.
4. That the appeal is liable to be dismissed due to non-joinder of necessary party and mis-joinder of un-necessary party.
5. The appeal of the appellant is liable to be dismissed with its present form.
6. That the applicant has concealed the material facts from the honorable tribunal, hence liable to be dismissed.
7. That the appeal is time barred and barred by law.

**FACTS:-**

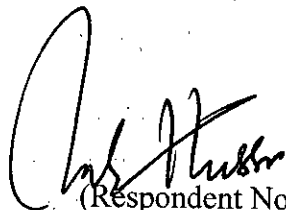
1. Correct to the extent that the appellant was serving as Assistant (BPS-16) in Deputy Commissioner's Office Lower Chitral and now has been retired from his service. However, record reveals that the appellant being government servant declared himself chairman of the JFMC and paid royalty amount to Afghan nationals living in the Ursoon area, which is not justifiable. In this regard initially the matter was enquired by the Settlement Officer Chitral. The enquiry officer in his preliminary enquiry had suggested initiating disciplinary proceeding under E&D Rules 2011 against the official/appellant (copy of preliminary enquiry report is annexure "A"). After that, formal enquiry under E&D Rules 2011 was initiated and on the basis of the findings of enquiry, minor penalty was imposed upon Mr. Abdul Salam/appellant. (Copy of enquiry report is annexed vide annexure "B").
2. Incorrect. After a formal enquiry, the official has been proved committing of misconduct and penalty was imposed on him after fulfilling all legal and codal formalities, in the larger public interest vide order dated 04/02/2019 (Annex-C).
3. Incorrect. That the departmental appeal filed by the appellant has rightly been dismissed by the respondent/Competent Authority (Annex-D).

**GROUNDS:-**

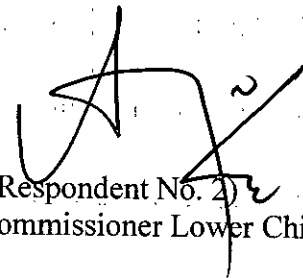
- A. Incorrect. There is no malafide intention on the part of respondents for the appellant, on the basis of enquiry report the penalty has been imposed upon the appellant after fulfilling all formalities as per the law, procedure and rules.
- B. Incorrect. As explained above.
- C. It is correct to the extent that the official/appellant had been nominated as Chairman of JFMC Ursoon Vally vide the notification issued by the Forest Department. Being a chairman he received Royalty Amount for further disbursement. The enquiry report reveals that the official/appellant paid royalty amount to 34 Afghan National in Ursoon valley, which is not justifiable. Therefore, on the basis of enquiry report order/decision taken by the competent authorities is in accordance with the law, procedure and rules.
- D. Incorrect. The appellant had to perform his official duties/responsibilities under the provided rules. But he failed to do so, and became part of JFMC and paid royalty amount to 34 Afghan Nationals in Ursoon Valley, which is violation of Khyber Pakhtunkhwa Government Servant (Conduct Rules) 1987.
- E. As stated above.

- F. Incorrect, hence denied. Detail reply is given in Paras ibid.
- G. Irrelevant. Need no comments.
- H. The order/decision passed by the competent authority is proper and in accordance with the law/rules.
- I. Incorrect. No proper procedure for payment of royalty amount had been adopted by the appellant/revenue officer, which is provided in Forest Ordinance 2002 and JFMC rules 2004.
- J. Incorrect. The penalty was awarded after fulfilling all the codal and legal formalities as laid down in E&D rules 2011. Detail reply already given above.
- K. That the respondents seek permission to raise additional grounds during arguments.

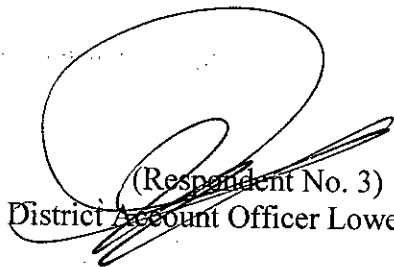
On the basis of the above narrated factual and legal facts the appeal in hand may kindly be dismissed.



(Respondent No. 1)  
SMBR, Govt: of Khyber Pakhtunkhwa



(Respondent No. 2)  
Deputy Commissioner Lower Chitral



(Respondent No. 3)  
District Account Officer Lower Chitral

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**Service Appeal No.879 of 2019**

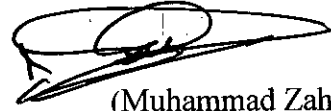
Abdul Salam Assistant BPS-16, Deputy Commissioner Office Lower Chitral. ----- **(Appellant)**

**VERSUS**

Senior Member Board of Revenue, Civil Secretariat, Peshawar and others. ----- **(Respondents)**

**AFFIDAVIT**

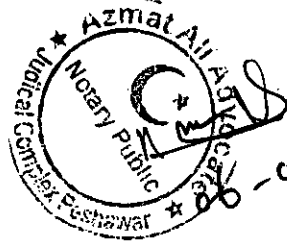
I Muhammad Zahir Shah, Superintendent Deputy Commissioner Office Lower Chitral, do hereby solemnly affirm and state on oath that the reply / Comments are true & correct to the best of my knowledge & belief and nothing has been concealed from this August court.



(Muhammad Zahir Shah)

Superintendent Deputy Commissioner Office  
Lower Chitral

**ATTESTED**



08-04-2022

INQUIRY REPORT:-

In compliance with the office order No.3943/3/9/AG-I/Vol: VI dated 02-03-2018 of the worthy Commissioner Malakand Division (**Annexure "A"**) the Undersigned being the Chairman of the Inquiry Committee convened the meeting of the committee vide (**Annexure "B"**) to discuss the TOR's and future line of action. During the meeting the committee members also discussed thoroughly the observations of Deputy Commissioner Chitral conveyed to Honorable Commissioner Malakand Division vide No.12008/DCC/DA dated 20-02-2018. (**Annexure "C"**) The committee members also discussed the findings of Additional Assistant Commissioner, Chitral vide No 56/AAC-II dated 24-01-2018. (**Annexure "D"**) The committee members agreed to collect from Forest Department the details of JFMC Goren Gol and the copies of cheques disbursed in Goren Gol and other areas by the then Naib Tehsildar Drosh. The undersigned requested the District Forest Officer, Chitral for the said information vide No.325/SO/CL dated 09-03-2018 (**Annexure "E"**) and the same were received vide No.4562/B&A dated 12-03-2018. (**Annexure "F"**) The detail shows that Mr. Muhammad Ghufraan Naib Tehsildar has received Rs.4, 15, 80000 in total from Deputy Commissioner Office Chitral as Royalty amount for Goren Gol area, Rs 1, 32, 06000 for Jinjratekoh and Rs. 2, 83, 50000 for Ursson and has distributed the amount through JFMC among the royalty holders. (**Annexure G**)

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2. The main contention of the public in the applications received from different forest areas is that the Royalty amount received and disbursed in the name of the general public is not fair and the people have not received their due share as evident from the inquiry report of Additional Assistant Commissioner Chitral. The Honorable Additional Assistant Commissioner has also recorded few statements of the actual royalty holders. The chairman of this inquiry committee along with District Accounts Officer, Chitral also

visited the Goren Gol area on 10-03-2018 and recorded the statements of the affectees who shared almost one story that the royalty holders were called to a private house at Drosh and in the presence of Tehsildar Drosh they were asked to sign the acquaintance roll which were blank and the public was told that your due share of money will soon reach you. Few royalty holders even claimed that as on that very night of signing of acquaintance rolls those were not present in villages and fake signature have been mentioned against their names. (Annexure "H")

3. The procedure of royalty distribution is very clear in the JFMC rules 2004 sub section 13 which says that the role of JFMC is just to assist the revenue staff in identifying the actual beneficiaries and the revenue staff is to distribute the amount of royalty directly to the beneficiaries and payment through proxy attorneys is not allowed. (Annexure "I")

4. The inquiry committee also recorded the statements of the members of JFMC Goren Gol and the statement of Mr. Haibib ur Rehman treasurer JFMC is worth seen who said that Tehsildar Drosh has transferred the total amount of Royalty to his accounts and he further said on occasion that he has distributed all the due amount among the royalty holders as per record, but at another occasion he said that as the people of Goren have different private agreements with the actual land owners for payment of 10000 sft timber to him as a land compensation. He has also said that the people of Goren Gol have already sold the Forest to a contractor and all the villagers/ Royalty holders have to pay to him too. He concluded saying that after clearance of all the liabilities of land owner and contractor (which is not legal) the remaining amount has been paid to the people. (Annexure "J")

5. The other members of JFMC have clearly said that they are absolutely ignorant of all the process of royalty distribution as they have never been consulted and further said that the treasurer of the JFMC has done it all alone. Interestingly the Chairman of this JFMC and the land owner at Goren Gol Mr. Nisar Jillani is settled in Islamabad and he is completely unaware of all the activities of royalty distribution as he has never visited Chitral during the period. The Committee called him personally for his statement but he

apologized saying that he is the actual land owner of the whole Goren Gole village and the people of this village are his declared tenants. He further said the he has all the legal documents. When courts from lower to top have given degree in the favor of Nisar jillani, the villagers of Goren Gole had approached him for compromise and he signed a contract with the people whereby I (Nisar) will get 40 percent of total royalty and will also get 10000 feet timber from the community as land compensation. Mr. Nisar further clarified via phone call that as an actual land owner he has been chosen as Chairman of the JFMC but the JFMC members including Chairman have no legal authority to extract the amount of royalty and to disburse. He further said that royalty distribution is to be made by the Tehsildar as envisaged in the JFMC rules. He further said that if his signatures have been misused by the treasurer then it is his individual action and he must be treated as per law.

6. The inquiry committee also called the then Naib Tehsildar Drosh Mr. Muhammad Ghufan vide (Annexure "K") and he appeared before the committee and recorded his statement which is placed at (Annexure "L")

7. Naib Tehsildar said that as he was newly posted in Drosh and was not aware and well conversant with the procedure and also he was under pressure from higher up's for early distribution of the amounts, so he relied on his colleagues/officials and continued the many years old procedure and transferred the amount to the account of the treasurer of JMFC as the Chairman of JFMC was not in Chitral. He also explained that considering the signatures/thumb impression on Acquaintance Roll (Qabzulwusul) as correct he attested the same and submitted the records to Deputy Commissioner. On further inquiry he accepted the mistake/irregularities committed by him in observance all the codal formalities. He further added that the treasurer of JFMC Mr. Habib Rehman has already given undertakings that he (treasurer) will be responsible for any kind of discrepancy etc and the same may be perused at (Annexure "M"). Mr. Muhammad Ghufan Naib Tehsildar Drsoh has transferred two cheques of Rs. 3, 61, 34000/- and 54, 45,000/- to the account of Mr. Habibur Rehman treasure JFMC Goren Gole.



record each house hold had to receive Rs. 424285 but those have actually received very meager amount of maximum 51,000/- each house hold, which reflects massive different/ miss use/wrong distribution.

8. The inquiry committee also called Mr. Ibad ur Rehman the private contractor for cutting and transportation of timber in Goreen Gol vide (Annexure "N") who appeared in person and also recorded his statement. He has explained that while ignoring the mutual understandings of community/ JFMC and contractor the treasurer of JFMC has illegally extracted the money and has embezzled the amount which was due to the royalty holders and the contractor. He has seconded the opinion of the applicants that the actual amount of the royalty holders as mentioned in the acquaintance roll has not reached them. Although he said about the involvement of an outsider name Mr. Haji Inzar Gul in the matter, but the same are denied by Haji Inzar Gul saying that neither he is from Goreen Gol, nor he is a royalty holder and nor he is a contractor, so he is nothing to do with this business and the allegations against him are baseless (Annexure "O")

9. Few people from the community have also submitted their statements in favor of the distribution mechanism saying that they have received the due amount (Annexure "P")

Another application from the people of main Goreen Deh is also received wherein they had requested to include their names in the royalty holder list as they are the most immediate affectees of any kind of disaster and their request is genuine. (Annexure "Q")

10. Meanwhile, the worthy Deputy Commissioner Chtiral has received numerous complaints from other Forest areas like Ursoon/Jingirat Koh and on his verbal directions to include those areas in the inquiry, the committee briefly probed into the matter in both valleys and the findings are attached in separate files. The findings of the committee in Jingirat Koh and Ursoon exactly the same as the people have not received the actual amounts mentioned in acquaintance rolls because there are many private contractors involved in the matter who have illegally purchased the Forests on cheaper rates. The statement of both the public and JFMC members from the areas has been

recorded and placed in the file. In both areas of Ursoon and Jingerat Koh the same Naib Tehsildar has again transferred the royalty amount to JFMC account for distribution. Before taking the final view of finding the committee analyzed thoroughly the JFMC formation, strength and weaknesses in detail. Which are also annexed as concept note at (Annexure-"R")

**FINDINGS:-**

1. Naib Tehsildar Drosh is being the most relevant and responsible officer representing the Govt: has deviated from the laid down rules. He must have visited the Forest areas and distributed the amount directly to the royalty holders, but contrary to that he has transferred the total amount in all forest areas to the private accounts of Mr. Habibu Rehman treasurer JFMC Goren Gol or to JFMC accounts in other areas which is a serious negligence on the part of Naib Tehsildar Drosh.
2. Secondly, The Naib Tehsildar has blindly attested the acquaintance rolls submitted by Habib ur Rehman in Gureen, Abdul Salam and Mohammad Usman of Ursoon and Hazratullah of Jingerat Koh after distribution of the amount. Before, attesting the records, Naib Tehsildar must have ensured /checked and verify whether the royalty holders have received the actual amount or otherwise but in fact the total amount is never distributed among the beneficiaries as per the list received to Deputy Commissioner Office Chitral.
3. The opinion of Naib Tehsildar Drosh that he was newly posted and was unaware of the procedure is not justifiable as the legal maxim says" ignorance of law is not an excuse". The instructions conveyed to him from the then Deputy Commissioner Chitral are very clear. (Annexure-"S")
4. The treasurer of JFMC Goren Gole has deceived both the office of the Naib Tehsildar and the royalty holders as he has convinced the Naib Tehsildar to transfer the total amount of Royalty to his private account for further

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distribution which is shows his dis-honesty. The treasurer has also assured the Naib Tehsildar in writing that he will be responsible for any kind of discrepancy.

5. In Jingerat Koh and Ursoon valley too the same procedure has been adopted and the Naib Tehsildar transferred the total amount to the account of JFMC and has relieved on them for further distribution as per law but that has never happened as the middle men (contractors) have received the amount which was to be paid to the royalty holders. Mr. Abdul Salam and Mohammad Usman are the Chairman of JFMC Ursoon and Mr. Hazratullah is the Chairman of JFMC in Jingerate.
6. It is shocking to share that in Ursoon valley the 24 family members of Mrs. Gulsambar at S.No. 351 of the Acquaintance Roll and 10 family members of Mrs. Maher Raat Bibi at S.No. 352 of the same Acquaintance Roll who are Afghan National (Afghan Card Holders) have received the royalty amount which is not justified.
7. In all the above mentioned areas the JFMC/Community/contractors have private agreements amongst themselves for cutting, transportations and marketing of the timber and then to distribute the amount amongst themselves after receiving in the name of royalty holders. This is now very clear that the procedure given in the JFMC rules is never followed in forest areas and the community, JFMC and the private contractors have their own understanding on the issues, but later on a segment of the same royalty holders have approached the higher authorities, with the plea that those have been deceived and their amount is embezzled.
8. The Protected Forests of Chitral, and in the whole Malakand division are with unsettled rights with no demarcation yet and the ownership is wage with multiple claimed ownerships which the sole cause of litigation and armed conflicts since beginning. No formal efforts has untaken to define ownership, user rights, boundaries and the claim of few families over the forest( state

property) further weaken the writ of Forest Department and is likely to trigger anti state sentiments of forest dwelling communities.

9. None of the JFMC has been formed adopting the principles of social mobilization with zero outcome of getting maturity and attaining capacity of managing forests, resolving conflicts and taking decision and making part of proceeding books for future reference.

10. The Process of JFMC formation is very cumbersome, time consuming and beyond the current capacity of Forest Department and Directorate of Community Development and Gender and development (CD&GAD), nor the process shown has ever been done after the withdrawal of projects and staff shortage, required capacity and unavailability of the required funds have been made available.

11. Royalty distribution and complaints to NAB and other agencies are becoming emerging trends and therefore have shattered the confidence of Revenue department and FDC to initiate distribution in the current murky scenario.

12. One of the major problems of royalty distribution among owner groups is that some owners have sold their forests to contractors many years before actual harvesting and received advance payments. The majority of poor owners, under the influence of few well off owners, sell their forests to contractors on nominal prices by signing deeds with them. The alliance of contractors and influential owners are the real beneficiaries of such deeds. The majority of owners are kept in dark of actual sale proceed and meagerly paid. The influential contractors manipulate the harvesting and cut forests over and above the prescribed harvest and receive the money for the same. The major chunk of forest sales value goes to contractors and influential owners. The JFMCs constituted for forest operations are having low capacity to harvest forests and are dependent on contractors. Corruption is common in these JFMCs. The government has now made the presence of owner mandatory for receiving the financial return of the

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sale. In fact the contractor gets the amount as he/they have already purchased the royalty of said forest from owners.

13. The pending huge amount has been either concentrated or few clever dealing hands do enjoy their own business through this available and blocked amount. We mean to say that this blocked amount could be used for personal benefits during the period.

14. The Issue is so complex with ever increasing magnitude and beyond to be discussed and resolved by one stakeholder and pertains only to Malakand Division get least attention from the responsible minds at helm of affairs and it is now confirmed that in all forest areas of Chitral and may be in the whole division the laid down procedure of royalty distribution is not followed and the locals of every area have evolved their own mechanism and interestingly prior to this nobody has raised the issue.

**RECOMMENDATION:-**

1. Strict disciplinary action under E&D rules may be initiated against the Naib Tehsildar Muhammad Ghufraan for his serious negligence and irregularity so that in future the office bearer may have fear of law. Besides, other violations of relevant rules, the payment of Royalty amount to 34 Afghan Nationals in Ursoon valley is no way justified and for this gross irregularity the Naib Tehsildar Drosh Mr. Muhammad Ghufraan, Chairman JFMC Ursoon Mr. Abdul Salam and treasurer JFMC Ursoon Mr. Khosh Koneen must be persecuted as per relevant rules.

2. Disciplinary action under E&D rules may also be initiated against the treasurer of JFMC Goren Gol, Chairmans of two JFMCs of Ursoon and Chairman JFMC Jingirate Koh, three of them (Mr. Habibur Rehman, Mr. Abdul Salam and Mr. Hzzratullah are being serving Government employees, and one Mr. (Usman) as retired Government servant are involved in other activities where huge financial transaction are made

sure they have compromised on official duties. Accountability proceedings against the defaulters are also recommended.

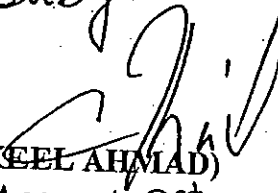
3. The Forest department must immediately devise mechanism to combat the illegal selling of forest to the private contractors on cheaper rates which has severely shattered the confidence of public on government as well the trust of the concerned officials.
4. The Forest department must not only closely monitor the timber cutting as per marking of FDC , but also must have vigilant eye on the working of JFMC as those committees have forgotten their real role of conservation and Forest development plans and have focused on receiving and distribution of royalty cheques. Forest department must also dissolve those JFMC's which are expired or overdue and immediately constitute fresh JFMC as per law.
5. The issue may please be flagged before relevant forum to decide ownership in clear terms, initiate the demarcation and settlements of these forests without further loss of time and simplify the JFMC rules and capacitate both Forest Department and CDE&GAD through required staffing and funds coupled with all relevant training, persuasions and implementation.
6. Forest Department to revisit the management of forest and create certain room for participator Forest management with transferring full management of forests from protection, promotion to harvesting, marketing and distribution of the benefits with least fear of failure and accountability and ensured indemnity through legal anchorage.
7. Maximum two months' time be given to concerned communities for resolving the distribution of pending royalties and pay back the amount withdrawn by proxy to the real owners or forfeit the amount to district government and utilize that the disputed amount in transparent way




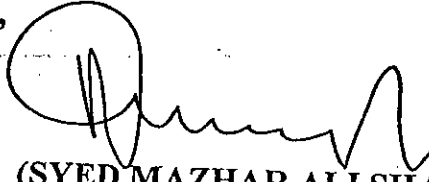
for the uplift and development of that community through extending support on improving the physical infrastructures and other social services. For utilizing the royalty amount at district level needs certain body to decide and monitor the funds for sake of its effectiveness, transparency and just based distribution with all auditable records.

- 8. Government employees may be banned from membership of JFMCs in all forest areas.

Note:- I The District Accounts officer Chitral being responsible and Competent in accounts matters, submit The payment schedule through Public account for The year 2017-18 (Copy enclosed).  
 Furthermore, I am Completely non technical in The Subject matter, therefore unable to enquire The Subject Case as per Standing Rules and regulation.

  
 (SHAKEEL AHMAD)  
 District Accounts Officer,  
 Chitral

  
 (RAEES KHAN)  
 District Forest Officer,  
 Dir Upper

  
 (SYED MAZHAR ALI SHAH)  
 Settlement Officer,  
 Chitral



Subject:

(14)

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(N)

**INQUIRY REPORT REGARDING ANOMALIES IN FOREST ROYALTY DISTRIBUTION THROUGH JFMCS DISCIPLINARY PROCEEDINGS AGAINST REVENUE OFFICERS MUHAMMAD GHUFRAN & ABDU' SALAM ETC.**

In pursuance of Board of Revenue and Estate Department Govt of KPK Peshawar letter No. Estt: V/PF/M/Ghufran MKD/34095-97 dated 08-10-2018, the undersigned was appointed as inquiry Officer to submit findings/report on the subject matter.

The TOR assigned were the charge Sheets and Statement of Allegations attached with the above referred letter against Muhammad Ghufan Ex- Naib Tehsildar Drosh and Abdul Salam Assistant/Reader to Assistant Commissioner Mastuj.

**Background of the Case:**

The Board of Revenue vide letter referred above have highlighted that the instant inquiry relates to the distribution of royalty of Forest to the community/beneficiaries of (i) Goreen Gole Shishikoh (ii) Ursoon (iii) Jingirat Koh, in which irregularities and illegalities have been pin pointed in the previous Inquiry proceedings conducted by Additional Assistant Commissioner Chitral and Settlement Officer Chitral. The perusal of the record of the office of Deputy Commissioner Chitral & Naib Tehsildar Drosh shows that the following amount has been released as royalty to the aforementioned areas in the account of Revenue officer:-

S.No	Area	Lot No/Compart.	Amount transfer to Revenue Officers
1	Goreen Gole	611,711	Rs. 41,579,000
2	Jingirat Koh	616,716	Rs. 13,206,000
3	Ursoon	675,676	Rs. 28,350,000
Total			Rs. 83,135,000

The main contention of the beneficiaries of royalty from these areas were that the royalty amount received & disbursed is not fair and they do not received the amount as reflected against their names in respective acquaintance rolls. The respective JFMCS had failed to play their due role as envisaged under JFMCS Rule 2004 and huge level of nepotism and favoritism, in distribution of royalty amount have been made. The interest of third party i.e contractor have been over protected by JFMC members, fake signatures on acquaintance roll on behalf of royalty holders have been obtained. Furthermore the least interest of revenue staff for identification of actual beneficiaries and non- direct disbursement to the royalty holders have been pointed out due to which the beneficiaries have suffered a lot.

**Proceedings:**

The undersigned summoned both the officials i.e Mr. Muhammad Ghufan, Ex. NT Drosh and Mr Abdul Salam Assistant/Reader to Assistant Commissioner Mastuj on 26-11-2018. The Board of Revenue vide their letter referred above had already served the copy of charge sheet and statement of allegation to both the officials through Deputy Commissioner Malakand and Deputy Commissioner Chitral. The undersigned also called upon the key stakeholders of JFMC of Goreen Gole, Ursoon and Jinjireet Koh on 10-12-2018 in the office of AAC Drosh. Besides these other local communities of the aforementioned areas were also called upon and detailed meeting were held. The undersigned also hold a meeting with District Forest Officer Chitral on 11-12-2018 regarding the subject matter.

Beside these the undersigned also perused the inquiry proceedings conducted by Additional Assistant Commissioner Chitral and Settlement Officer Chitral on the subject matter, from the office of Deputy Commissioner Chitral.



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(2)

**CASE OF MR MUHAMMAD GHUFRAN EX. NAIB TEHSILDAR DROSH:**

Board of Revenue and Estate Department Govt of KPK Peshawar letter No. Estt:V/PF/M/Ghufran MKD/34095- dated 08-10-2018, have served upon the following Charge sheets and Statement of Allegations against Muhammad Ghufuran Ex Naib Tehsildar Drosh:

**STATEMENTS OF ALLEGATIONS (M.GHUFRAN)**

On the basis of enquiry report under the chairmanship of Settlement Officer Chitral, the Commissioner Malakand Division Saidu Sharif Swat has reported vide his office letter No.7904-8/3/AG-I/Vol-VI dated 25-05-2018 that he has been found guilty during the payment of forest royalty amongst the royalty holders violating the rule and regulation being the most relevant and responsible officer representing the Government.

Instead of distribution of the amount of forest royalty to the royalty holders as per JFMC rules, he has transferred the entire amount of all forest areas to the private accounts of Mr. Habib Ur Rehman treasurer JFMC Goreen Gole or to JFMC accounts in other areas which is a serious negligence on his part being Naib Tehsildar/Revenue officer Drosh District Chitral.

c) he has blindly attested the acquaintance rolls submitted by Habib Ur Rehman in Goreen, Abdul Salam and Muhammad Usman of Ursoon and Hazrat Ullah of Jingirate Koh. Before attesting the records Naib Tehsildar must have to ensure/check and verify whether the royalty holders have received the actual amount or otherwise but according to the findings of inquiry committee, the total amount have been distributed among the beneficiaries as per list.

d) His these act tantamount to misconduct and make him liable to be proceeded against him under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011.

The Perusal of the record of the office of Naib Tehsildar Drosh reveals that the following Payments in these areas have been made by Mr. Muhammad Ghufuran Ex. NT Drosh. (Flag A Bank statement)

**Area: Goreen Gole, Lot No. 611,711**

S.No.	Cheque No	Amount	To whom paid	Remarks
1	00059627	17,000,000	Mr. Habib_ur Rahman	Copy of bank Statement attached. The Ex NT Drosh have issued these Five Checques to Mr. Habib_ur Rahman, Treasurer JFMC Goreen Gole, instead of making payment to actual beneficiaries.
2	00059629	17,800,000	Treasurer JFMC Goreen Gole	
3	00059635	10,200		
4	00059638	1,324,000		
5	00059640	5,445,000		
<b>Total</b>		<b>41,579,000</b>		

**Area jinjirat Koh, 616,716**

S.No.	Cheque No	Amount	Paid to	Remarks
1	00059630	3,000,000	Mr. Hazrat Muhammad,	Copy of bank Statement attached. The Ex NT Drosh have issued these three Cheques to Mr. Hazrat Muhammad, Treasurer JFMC Jinjirate Koh, instead of making payment to actual beneficiaries.
2	00059635	10,200,000	treasurer of JFMC JinjirateKuh	
3	00059636	6,000		

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Area Ursoon, 675,676

S. No.	Cheque No	Amount	Paid to	Remarks
1	00059637	27372000	Mr. Abdul Salam, treasurer JFMC Ursoon	Copy of bank Statement attached. The Ex NT Drosh have issued these two Checques to Mr. Abdul Salam Chairman JFMC Ursoon, instead of making payment to actual beneficiaries.
2	0009641	978000		
<b>Total</b>		<b>28,350,000</b>		

From the aforementioned discussion, it is evident that Mr Muhammad Ghufraan Ex. Naib Tehsildar Drosh have issued aforementioned cheques to Mr. Habib ur Rehman, Treasurer JFMC Goren Gole, Mr. Hazrat Muhammad Treasurer JFMC Jinjirat Koh, Mr. Abdul Salam chairman JFMC Ursoon for further payment to concessionist of these area, which is against the Rule 2 Sub Section 3 of the North West Frontier Province Protected Forests Management Rules 2005, wherein the District Revenue Officer have to distribute the payment among the concessionists and no payment through proxy or holders of attorney shall be admissible. The key stakeholders of these JFMC's have also accepted that they have received the above mentioned amount from Mr. Muhammad Ghufraan, Ex. Naib Tehsildar Drosh for further disbursement to respective concessionist. (3 No. Statements obtained from JFMC can be seen vide flag B, C and D).

Furthermore from the statement of key stakeholders of JFMC Goren Gole, it is evident that Mr. Muhammad Ghufraan, Ex NT Drosh was present at the distribution of royalty amount amongst the concessionists of Goren Gole and thereon preparation and countersigning of its Acquaintance rolls while the key stakeholders of JFMC Jinjirate Koh and Ursoon have stated that after receipt of the respective royalty amount from Mr Muhammad Ghufraan, Ex NT Drosh they have distributed the amount amongst the concessionist and submitted the Acquaintance roll to him while he was not present at time of distribution in these two areas. The Ex NT Drosh in both the previous inquiries and in the instant inquiry had stated that he has relied on the written statements of Mr Habib ullah, treasurer JFMC Goren Gole, Mr Hazrat Muhammad Treasurer JFMC Jinjirat Koh and Mr Abdul Salam Chairman JFMC Ursoon regarding payment/distribution & accountability and have countersigned the Acquaintance roll of Jinjirate Koh and Ursoon.

The EX NT Drosh in his written statement vide ( flag E) has stated that he has not violated rules and regulations and have issued cheques in the name of Treasurer, being responsible person regarding identification of concessionists because the beneficiaries were not account holder in banks. Thus royalty have been paid in cash and requisite acquaintance roll can verify veracity of his statement. Furthermore he has also stated that all Treasurer and Chairman JFMCs have paid all amount of royalty to respective beneficiaries in his presence and he had obtained the sign and thumb impression in his presence.

**Findings:**

1. As per statement of Mr Muhammad Ghufraan, Ex Naib Tehsildar Drosh, statements of key stakeholders of JFMC's and bank statement it is evident that Mr Muhammad Ghufraan, Ex Naib Tehsildar Drosh have transferred the royalty amount to concerned treasurer and chairman of JFMC's and thus have violated the Rule 2, sub section 3 of the North West Frontier Province Protected Forests Management Rules 2005, (Flag F) wherein the revenue officer is mandated to distribute the royalty amount amongst the concessionists itself, and to complete all codal formalities by him in his presence. The same direction were also conveyed to Ex NT Drosh by the Deputy Commissioner

- (17)
2. From the statements of key stakeholders of JFMC's and bank statements it is evident that Mr Muhammad Ghufraan, Ex Naib Tehsildar Drosh have transferred the entire royalty amount of Goreen Gole area to Mr. Habib ur Rahman, Treasurer JFMC Goreen Gole, the royalty amount of Jinjirate Koh area to Mr. Hazrat Muhammad, Treasurer JFMC Jinjirate Koh, and the royalty amount of Ursoon area to Mr Abdul Salam, Chairman JFMC Ursoon, for further distribution of the amount among concessionist and to prepare acquaintance rolls of area jinjirate Koh and Ursoon, which is against the due procedure.
  3. From the statements of Key stakeholders of JFMC's Mr Muhammad, Ghufraan Ex Naib Tehsildar Drosh has distributed and verified/countersigned the acquaintance roll of Goreen Gole area only and for the rest he has relied on the Treasurer JFMC Jinjirate Koh and Chairman JFMC Ursoon and had blindly attested the acquaintance rolls which is gross violation.
  4. From the aforementioned discussion it is evident that charges levelled in the statement of the allegations against Mr Muhammad, Ghufraan Ex Naib Tehsildar Drosh stands proved.

**2. CASE OF MR. ABDUL SALAM ASSISTANT/READER TO ASSISTANT COMMISSIONER MASTUJ:**

The Board of Revenue and Estate Department Govt of KPK Peshawar letter No.Estt:V/PF/M/Ghufraan MKD/34095-97 dated 08-10-2018, have served upon the following Charge sheets and Statement of Allegation to Mr. Abdul Salam Assistant/Reader to Assistant Commissioner Mastuj:

**STATEMENTS OF ALLEGATIONS (ABDUL SALAM)**

- a) On the basis of enquiry report under the chairmanship of Settlement Officer Chitral, the Commissioner Malakand Division Saidu Sharif Swat has reported vide his office letter No.7904-08/3/9/AG-I/Vol-VI dated 25-05-2018 that he has been found guilty during the payment of forest royalty amongst the royalty holders using the power of Chairman of JFMC Ursoon being serving Government employees compromised on official duties.
- b) Paid Forest royalty to 34 Afghan Nationals showing them residents of Ursoon.
- c) His this act tantamount to misconduct and make you liable to be proceeded against you under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011.

The Perusal of the record of the office of Deputy Commissioner Chitral and District Forest Officer Chitral reveals that Mr. Abdul Salam Assistant/Reader to Assistant Commissioner Mastuj has been nominated as Chairman JFMC Ursoon. The said notification was issued by DFO Chitral (Flag H). Being chairman JFMC Ursoon, Mr. Abdul Salam Assistant/Reader to Assistant Commissioner Mastuj has received an amount of Rs 28,350,000 from Ex NT Drosh for further disbursement.

The Locals /royalty holders of the area Ursoon in their written statement had raised their reservations, that they are not satisfied with the instant distribution of royalty, made by JFMC. They had also requested that a detailed inquiry of royalty payment for the year 1992 to 2017 would be made. In their statement they had also pointed that royalty amount had been paid to Afghan nationals living in their area. (Statement of Local as Flag I).

The undersigned also called the legal heir (Son) of Pakistani women ( Gulsambar BiBi & Barat BiBi ) who were married to Afghan Nationals in Ursoon They had submitted the statements of their mothers. (Flag J & K). On query from Muhammad Tahir S/O Gulsambar Bibi and Naqeebullah S/O Barat Bibi, they informed that till now they had not obtained CNIC and recently they have obtained NADRA token numbers i.e. 101711055072 and 101711010489 in pursuance of Ministry of Interior Letter No NADRA/HQ Ops/LGL-15-5200 dated 08-06-2018 (Flag L) wherein it is informed that Peshawar and Sindh High Courts vide judgment have passed judgment that amendment (XIII of 2000 ) in section 5 of Pakistan Citizenship Act 1951 should be retrospective effect. Therefore individuals born to any Pakistani parents (father or Mother) be treated as Pakistani Citizen Irrespective of their DOB.

From the above discussion, it is evident that except the mother i.e. Gulsamber Bibi and wife of Muhammad Tahir all his family members have not obtained CNIC, which shows that they are Afghani Nationals. Similarly excepts the mother i.e. Barat Bibi and wife of Naqeebullah and all his family members have not obtained CNIC and thus are also Afghani Nationals.

Furthermore it is worth to mention that the royalty amount was distributed during the month of September/October 2017 and at that time the aforementioned NADRA notification was not issued therefore one can ascertain that except those mentioned above all family members were Afghan Nationals and still they do not have obtained CNIC properly, except Token cards.

Furthermore, from the perusal of the acquaintance roll, from previous inquiry proceedings of Additional Assistant Commissioner Chitral and Settlement officer Chitral and discussion with the local community it was pointed that royalty to 34 No. Afghan Nationals have been paid as per following details:

S.No.	Name of Concessionists (Afghani National)	Amount paid as Royalty	Remarks
1	Gulsamber Bibi	6006	An amount of Rs. 204204/- have been paid to these 34 Afghan Nationals. (Flag M)
2	Abdul Wakeel	6006	
3	Abdul Wadood	6006	
4	Mohd Tahir	6006	
5	Zaitoon Bibi	6006	
6	Bibi Shaheen	6006	
7	Haseena Bibi	6006	
8	Hazrat Yousaf	6006	
9	Hanif Ahmad	6006	
10	Shahbaz	6006	
11	Idrees	6006	
12	Faizan	6006	
13	Azeema Bibi	6006	
14	Saiqa Bibi	6006	
15	Humma	6006	
16	Wajid	6006	
17	Hafina Bibi	6006	
18	Alina Bibi	6006	
19	Taiba Bibi	6006	
20	Zahid Ahmad	6006	
21	Zohaib Ahmad	6006	
22	Faiz Ahmad	6006	
23	Zulfiqar Ahmad	6006	
24	Wiqar Ahmad	6006	
25	Tanweer	6006	
26	Barat Bibi	6006	
27	Naqeebullah	6006	
28	Nasreen bibi	6006	
29	Naseema bibi	6006	
30	Naheeha bibi	6006	
31	Muslima bibi	6006	
32	Halima bibi	6006	
33	Hamrazullah	6006	
34	Afraz	6006	

In his written statement Mr Abdul Salam Assistant / Reader to Assistant Commissioner Mastuj has stated that on the recommendations of notables and local people of the area, he has been notified as chairman of JFMC by the Forest Department and JFMC Rules 2004 do not restrict any Govt servant of being so. He has also stated that the distribution of royalty is responsible of Revenue officer, and he is not concerned with the entire process. He has further stated that on recommendation of grand Jirga the 34 individuals living in the area for about 40 years and having contribution for community were given royalty and are members of two widows who are Pakistani. The Grant Jirga usually decides the payment of royalty according to local traditions. (Flag N)

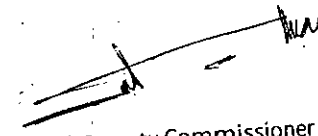
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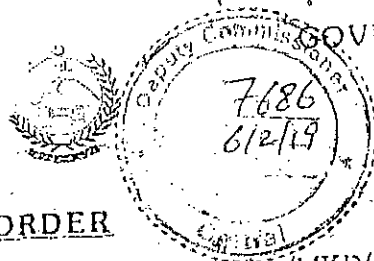
1. On the basis of notification issued by forest department Chitral vide No. 357/G dated 13-8-2018, Mr. Abdul Salam, has been nominated as chairman JFMC Ursoon, which is against the Rules 16 of the Khyber Pakhtunkhwa Public Servants (Conduct) Rules 1987 (Flag O) wherein No Government Servant except with the previous sanction of the Government, engage in any trade or undertake any employment or work other than his official duties. The official has not taken any prior permission/sanction from the Government for the purpose. Furthermore as per statement of Key stakeholders of JFMC Ursoon and bank statement being Chairman he has received an amount of Rs 28,350,000. But the Locals of the area are not satisfied with the distribution, he has made.
2. From the aforementioned discussion the royalty amount were paid to two Pakistani women i.e Gulsambar BiBi & Barat BiBi married to Afghan Nationals respectively. Beside these royalty were also paid to their family members about 34 individuals (Including them) who do not possess valid Pakistani CNIC. The two sons of these women has got only token for issuance of CNIC by NADRA according to the new policy, but at the time of payment of forest royalty these individuals including their family members were afghan nationals. Thus the Payment of royalty to these 34 No individuals (excluding their 02 Pakistani Mothers) is against the provisions of The NORTH WEST FRONTIER PROVINCE JOINT FOREST MANAGEMENT RULES 2004.
3. From the aforementioned discussion it evident that charges levelled in the statement of the allegations against Mr Abdul Salam, Assistant / Reader to Assistant Commissioner Mastuj stands proved.

  
Additional Deputy Commissioner

Chitral/ Enquiry Officer  
Additional Deputy  
Commissioner Chitral

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT  
Peshawar dated the 24/02/2019

ORDER

No. Estt: V/PF/M.Ghufran/MKD/ \_\_\_\_\_ WHEREAS, Mr. Abdul Salam, Assistant office of the Deputy Commissioner Chitral was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet.

AND WHEREAS, Mr. Minhas-ud-Din Additional Deputy Commissioner Chitral was appointed as Inquiry Officer, to conduct inquiry against the accused official;

AND WHEREAS, the Inquiry Officer after having examined the charges, evidence produced before him and statement of accused official, submitted his report whereby the charges against the accused official stands proved.

AND WHEREAS I, Dr. Fakhre Alam, Senior Member Board of Revenue after having examined the charges, evidence produced, statement of accused official, findings of Inquiry Officer and after personal hearing of the accused concur with the findings and recommendations of the Inquiry Officer.

NOW THEREFORE, in light of the recommendation of Inquiry Officer, I, as Competent Authority impose minor penalty of "withholding of three (03) increments for a period of three (03) years alongwith recovery of the royalty amount to the tune of Rs. 204204/-paid to 34 Afghan nationals", upon Mr. Abdul Salam Assistant office of the Deputy Commissioner Chitral, as he being Government official declared himself Chairman of the JFMC Chitral in violation of Khyber Pakhtunkhwa Government Servant (Conduct Rules) 1987. Deputy Commissioner, Chitral is directed to ensure recovery of the above mentioned amount from the accused.

By order of  
Senior Member

No. Estt: V/PF/M.Ghufran/MKD/ 3295-100

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. Commissioners Malakand Division Saidu Sharif Swat.
3. Deputy Commissioners Chitral.
4. District Accounts Officer and Chitral.
5. P.S to Senior Member Board of Revenue.
6. Official concerned.

*L.A*

*please put up on file*

*[Signature]*  
Assistant Secretary (Estt.)

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Registered

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE

REVENUE & ESTATE DEPARTMENT

No. Estt: V/M. Ghulfran/MKD/ 11508

Peshawar dated the 8/03/2019.

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To

Mr. Abdul Salam,  
Assistant office of the  
Deputy Commissioner Chitral.

Through Deputy Commissioner,  
Chitral.

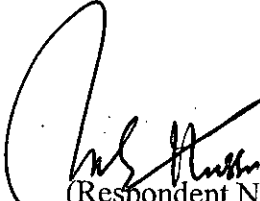
SUBJECT: APPEAL AGAINST THE ORDER OF WORTHY SENIOR MEMBER  
BOARD OF REVENUE DATED 04.02.2019 WHEREBY THE  
UNDERSIGNED HAS BEEN PUNISHED FOR STOPPAGE OF 03  
INCREMENTS AND RECOVERY OF RS. 2,04,204/- PAID AS  
ROYALTY TO SOME OF THE AFGHAN NATIONAL RESIDING  
VILLAGE URSOON.

Your Departmental appeal dated 26.02.2019 has been examined and  
rejected by Appellate Authority.

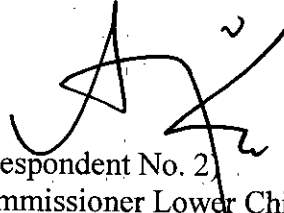
  
Assistant Secretary (Estt.)

**AUTHORITY LETTER**

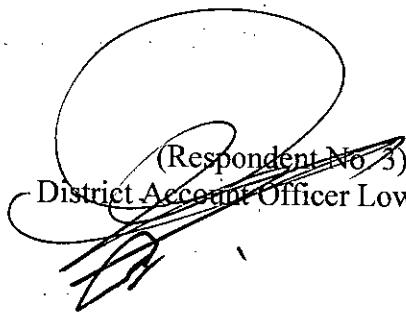
Mr. Muhammad Zahir Shah, Superintendent Deputy Commissioner Office District Lower Chitral is hereby deputed / authorized to submit the Para-wise Comments on behalf of respondents No. 1 & 3, in Service Appeal No. 879 of 2019, titled: Abdul Salam versus Senior Member Board of Revenue Government of Khyber Pakhtunkhwa and others before the honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.



(Respondent No. 1)  
Senior Member Board of Revenue  
Government of Khyber Pakhtunkhwa



(Respondent No. 2)  
Deputy Commissioner Lower Chitral



(Respondent No. 3)  
District Account Officer Lower Chitral



شماراتی بلاک کوڈ

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# حتمی انتخابی فہرست 2012

انتخابی علاقے کا نام گبیر گول

پٹوار حلقہ / تپے دار سرکل کا نام عشریت یونین کونسل

موضوع / دیہہ / شہر گبیر گول

یونین کونسل

جزال

ضلع

جزال

تحصیل / تعلقہ

ووٹروں کی تفصیل	
7 - 174	مرد
6 - 99	خواتین
273	کل ووٹر



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دستخط رجسٹریشن آفیسر

سلسلہ نمبر	گھرانہ نمبر	نام	والد اشہر کا نام	قومی شناختی کارڈ نمبر	عمر	پتہ
1	1	بزرگ بی بی	زوجہ محمد جلال	15201-0571036-8	60	اردو دانش، اردو، تحصیل اقلانہ جہراں
2	1	انصاف بی بی	زوجہ عبدالواحد	15201-2491435-8	52	اردو دانش، ڈاک خانہ اردو، تحصیل اقلانہ جہراں
3	1	بانو بی بی	زوجہ حاجی شاہ زمان	17301-7263077-6	26	اردو دانش، اردو، تحصیل اقلانہ جہراں
4	4	عالم بی بی	زوجہ عبدالقہار	15201-0551532-0	72	اردو دانش، ڈاک خانہ اردو، تحصیل اقلانہ جہراں
5	4	بی بی گل	زوجہ شیر نادر خان	15201-0551846-0	35	اردو دانش، ڈاک خانہ اردو، تحصیل اقلانہ جہراں
6	4	بی بی منیرہ	زوجہ عبدالغفار خان	15201-1092530-6	23	ڈاک خانہ اردو، تحصیل اقلانہ جہراں
7	5	سکندر بی بی	زوجہ شیر زمان خان	15201-0842207-4	43	ڈاک خانہ اردو، تحصیل اقلانہ جہراں
8	5	سمتہ بی بی	زوجہ محمد زمان	15201-3794213-8	20	ڈاک خانہ اردو، تحصیل اقلانہ جہراں
9	6	صفت نامہ	زوجہ غلام سید	15201-4581012-8	52	اردو دانش، تحصیل اقلانہ جہراں
10	9	سلیمہ	زوجہ وزیر	15201-8582811-4	59	گومبر گول، اردو، تحصیل اقلانہ جہراں
11	10	حمیدہ	زوجہ وزیر دولہ	15201-3323304-4	22	گومبر گول، اردو، تحصیل اقلانہ جہراں
12	13	گلشن بی بی	زوجہ زرین خان	15201-0551794-0	61	ڈاک خانہ اردو، تحصیل اقلانہ جہراں
13	14	جور نامہ	زوجہ عبدالحمید	15201-1708675-0	75	اردو دانش، ڈاک خانہ اردو، تحصیل اقلانہ جہراں
14	14	ہارون بی بی	زوجہ رحمت خان	15201-0571692-0	38	ڈاک خانہ اردو، تحصیل اقلانہ جہراں
15	15	گل تینہ	زوجہ امان اللہ	15201-0551699-6	65	ڈاک خانہ اردو، تحصیل اقلانہ جہراں
16	15	شریانی بی بی	زوجہ محمد عظیم مہار	15201-9762581-4	31	اردو دانش، ڈاک خانہ اردو، تحصیل اقلانہ جہراں
17	16	گل بی بی	زوجہ گل بی بی	15201-0100462-4	52	اردو دانش، ڈاک خانہ اردو، تحصیل اقلانہ جہراں
18	16	بی بی خدیجہ	زوجہ محمد حکیم	15201-5477578-0	52	ڈاک خانہ اردو، تحصیل اقلانہ جہراں
19	16	بی بی نسیم	زوجہ غلام مرسلین	15201-4129011-8	29	ڈاک خانہ اردو، تحصیل اقلانہ جہراں
20	16	بی بی حاجرہ	زوجہ غلام مرسلین	15201-5242376-6	20	اردو دانش، ڈاک خانہ اردو، تحصیل اقلانہ جہراں
21	17	تاج بی بی	زوجہ شہناز	15201-2767575-8	31	اردو دانش، ڈاک خانہ اردو، تحصیل اقلانہ جہراں
22	18	آن داہت بی بی	زوجہ گل بی بی	15201-0551611-2	65	اردو دانش، ڈاک خانہ اردو، تحصیل اقلانہ جہراں
23	18	گل امیر	زوجہ محمد شاہ	15201-5287183-4	24	اردو دانش، ڈاک خانہ اردو، تحصیل اقلانہ جہراں
24	20	حسن بی بی	زوجہ عبدالحمید	15201-8400201-2	66	اردو دانش، ڈاک خانہ اردو، تحصیل اقلانہ جہراں

سلسلہ نمبر	گزارہ نمبر	نام	والد اشہر کا نام	قومی شناختی کارڈ نمبر	عمر	پہ
25	20	خوشحال بی بی	زوجہ میر زمان مرحوم	15201-0551712-2	48	ڈاک خانہ دروش، ارسون، تحصیل اضلع چترال
26	20	ہاشم بی بی	زوجہ عبدالحمید	15201-5874841-4	27	چٹا سون کول، چترال
27	22	جمال نامہ	زوجہ شیر افضل خان	15201-0549865-2	46	ارسون، ڈاک خانہ ارسون، ارسون دروش، تحصیل اضلع چترال
28	23	بی بی ہور	زوجہ سراب تاج الدین	15201-0555026-4	57	گوہر کول، ارسون، تحصیل اضلع چترال
29	23	زر بی بی	زوجہ سراب تاج الدین	15201-0555028-4	55	گوہر کول، ارسون، تحصیل اضلع چترال
30	23	زوجہ لہجہ	زوجہ عبدالہاشم	15201-5152849-4	45	ڈاک خانہ دروش 10 ارسون، تحصیل اضلع چترال
31	23	خوتزہ بی بی	زوجہ سراب الدین	15201-0553637-4	42	گوہر کول، ارسون، تحصیل اضلع چترال
32	23	زبیدہ بی بی	زوجہ علاؤ الدین	15201-0559452-4	40	گوہر کول، ارسون، تحصیل اضلع چترال
33	24	بی بی زہرا	زوجہ جلال الدین	15201-0569034-6	61	تھم دروش، تحصیل اضلع چترال
34	24	سراج البنات	زوجہ جلال الدین	15201-3890574-8	19	تھم، ڈاک خانہ دروش، تھم، تحصیل اضلع چترال
35	25	بی بی	زوجہ دوست یار	15201-4753275-4	53	گوہر کول، ارسون، ڈاک خانہ دروش، گوہر کول، تحصیل اضلع چترال
36	26	بی بی سلیمہ	زوجہ محمد علی	15201-0551678-4	58	ارسون، ڈاک خانہ دروش، ارسون، تحصیل اضلع چترال
37	26	بی بی سرین	زوجہ عبدالولی جان	15201-0559214-4	36	ڈاک خانہ دروش، ارسون، تحصیل اضلع چترال
38	27	بی بی نامہ	زوجہ محمد حسین	15201-0551664-8	44	ارسون، ڈاک خانہ دروش، ارسون، تحصیل اضلع چترال
39	28	سلطانہ بی بی	زوجہ دوست محمد	15201-4734904-2	38	گوہر کول، ڈاک خانہ دروش، دھرسون، تحصیل اضلع چترال
40	29	بی بی ہور	زوجہ محمد حسین	15201-7010009-0	48	ارسون، ڈاک خانہ ارسون، دروش، تحصیل اضلع چترال
41	30	مہراب بنت	زوجہ سجاد اللہ	15201-0551567-6	37	ڈاک خانہ دروش، ارسون، تحصیل اضلع چترال
42	30	ناجیہ	زوجہ اختر محمد	15201-5312076-8	35	ڈاک خانہ دروش، ارسون دروش، تحصیل اضلع چترال
43	31	بی بی جمالی	زوجہ احمد خان	15201-0553645-8	38	ڈاک خانہ دروش، ارسون دروش، تحصیل اضلع چترال
44	32	سراج بی بی	زوجہ سیف الرحمن	15201-0551563-4	37	گوہر کول، ارسون، تحصیل اضلع چترال
45	32	اشرف بی بی	زوجہ محیوب الرحمن	15201-0551567-4	37	گوہر کول، ارسون، تحصیل اضلع چترال
46	33	ماجیدہ بی بی	زوجہ عزیز اللہ	15201-7415426-8	42	ڈاک خانہ دروش، گوہر کول، تحصیل اضلع چترال
47	33	فاطمہ	زوجہ ناصر اللہ	15201-4249407-0	20	ڈاک خانہ ارسون، دھرسون، تحصیل اضلع چترال
48	34	حبیبہ	زوجہ نادر خان	15201-0551315-8	32	ارسون، ڈاک خانہ دروش، ارسون، تحصیل اضلع چترال
49	34	دلنار	زوجہ نور الاسلام	15201-4250650-4	27	ڈاک خانہ دروش، دھرسون، تحصیل اضلع چترال
50	36	دشین بی بی	زوجہ عبداللہ خان	15201-0551295-2	54	ڈاک خانہ دروش، ارسون، تحصیل اضلع چترال
51	36	بی بی	زوجہ عبداللہ خان	15201-8532445-8	31	ڈاک خانہ گوہر کول، ڈاک خانہ تھم، تحصیل اضلع چترال
52	37	نار بی بی	زوجہ خوش گوین خان	15201-6703487-4	61	ارسون، ڈاک خانہ دروش، گوہر کول، تحصیل اضلع چترال

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

Appeal No.879/2019

Restoration Application No.163 of 2020

Abdul Salam Assistant BPS-16 Deputy Commissioner Office Lower Chitral.  
**(Petitioner)**

**VERSUS**

Senior Member Board of Revenue, Civil Secretariat, Peshawar and others.  
**(Respondents)**

**INDEX**

S.No	Description of Documents	Annexure	Pages
01	Reply of restoration application		01
02	Affidavit		02
03	Authority Letter		03

*Hasan Ali*  
Deputy Commissioner  
Chitral Lower

*Handwritten signature/initials*

# BEFORE THE KHYBER PAKHTUNKHWA

## SERVICE TRIBUNAL, PESHAWAR

①

Appeal No.879/2019

Restoration Application No.163 of 2020

Abdul Salam Assistant BPS-16 Deputy Commissioner Office Lower Chitral.  
(Petitioner)

VERSUS

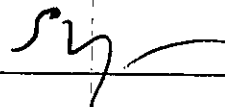
Senior Member Board of Revenue, Civil Secretariat, Peshawar and others.  
(Respondents)

REPLY ON RESTORATION APPLICATION ON BEHALF OF RESPONDENT  
NO. 1 AND 2 IS AS UNDER PLEASE.

1. Incorrect. On negligence, not properly contesting the case and on the basis of not complying the court order, the honorable court has rightly dismissed the case of appellant/petitioner on 17/11/2020.
2. Blood pressure level of the patient and overall physique according to the attached prescription is absolutely normal and good. No serious health issue was there, nor any bed rest proposed by doctor that hinders the petitioner/counsel to attend or inform the court. , hence denied.
3. Incorrect. On the recommendation of inquiry committee the competent authority has imposed minor penalty on the petitioner. The petitioner being a government servant declared himself as a chairman of JFMC, which is in violation of KPK government servant conduct Rules 1987, therefore, as per law and rules the competent authority has imposed penalty upon the petitioner.
4. Incorrect.
5. Incorrect. As in preceding paras.

In view of the above the restoration application of the petitioner having no weight may kindly be dismissed.

1. SMBR, Govt: of KP



2: Deputy Commissioner Lower Chitral

Hasanahid

2

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

**Appeal No.879/2019**

**Restoration Application No.163 of 2020**

Abdul Salam Assistant BPS-16 Deputy Commissioner Office Lower Chitral.  
**(Petitioner)**

**VERSUS**

Senior Member Board of Revenue, Civil Secretariat, Peshawar and others.  
**(Respondents)**

---

**AFFIDAVIT.**

I, Mr. Abdul Wali Khan, Additional Deputy Commissioner Relief Lower Chitral, do hereby solemnly affirm and state on oath that the Reply on petition is true & correct to the best of my knowledge & belief and nothing has been concealed from this August court.

  
(Abdul Wali Khan)

Additional Deputy Commissioner (Relief)  
Lower Chitral



3

# THE DEPUTY COMMISSIONER, LOWER CHITRAL

Tel: (0943) 412055, Fax: (0943) 412421, FB:DCChitral, Twitter: @DC\_Chitral

No. 524 /DCCL/R/C. File


Dated 04/06/2021

To,


The Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Subject: **AUTHORITY LETTER.**

That Mr. Abdul Wali Khan Additional Deputy Commissioner (Relief) Chitral Lower is hereby authorized to submit the reply on behalf of Respondents No. 1 and 2 in Restoration Application No. 163 of 2020, titled Abdul Salam Assistant BPS-16 Deputy Commissioner Office Lower Chitral versus Senior Member Board of Revenue, Civil Secretariat, Peshawar and others before the honorable of Khyber Pakhtunkhwa Service Tribunal, Peshawar.

  
(Respondent No.1)

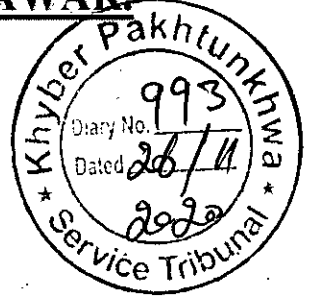
**SMBR, GOVERNMENT OF KP.**

  
(Respondent No.2)

**DEPUTY COMMISSIONER  
CHITRAL LOWER**

**BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR.**

Appeal No.879/2019



**ABDUL SALAM ASSISTANT BPS-16 DEPUTY  
COMMISSIONER, DISTRICT CHITRAL**

..... Petitioner

**Versus**

**SMBR & OTHERS**

..... Respondents

**APPLICATION FOR RESTORATION OF  
THE ABOVE TITLED APPEAL**

**Respectfully Sheweth:-**

1. That the petitioners/Appellant have filed the above titled Appeal which is pending adjudication before this Honourable Tribunal wherein the last day of hearing was 17/11/2020 (**Copy of Order is attached**).
2. That the junior of the Petitioner's Counsel though came to the courts well in time but all of a sudden she got severe chest pain , her Blood Pressure reached to the dangerous zone and she was compelled to go to the hospital from where she got medical treatment , hence was not in a position to inform her senior

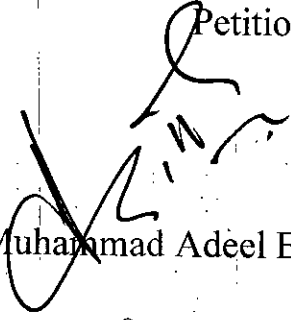


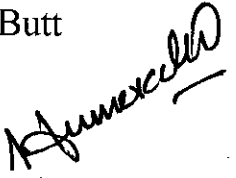
counsel. (Copy of the medical test reports along with medicine is attached)

3. That petitioner have valuable right to the lis and if the case was not restored, the petitioner will suffer an irreparable loss.
4. That the application is within time.
5. That the absence was neither deliberate nor intentional but due to health issue which was beyond her control .

**It is, therefore, most humbly prayed that on acceptance of this application the above tilted case may kindly be restored for its decision on merit.**

Through:-

Petitioner  
  
Muhammad Adeel Butt  
&

  
Humera Gul Advocates, Peshawar.

Dated:- 26/11/2020

**BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR.**

Appeal No.879/2019

**ABDUL SALAM ASSISTANT BPS-16 DEPUTY  
COMMISSIONER, DISTRICT CHITRAL**

..... Petitioner

**Versus**

**SMBR & OTHERS**

.....Respondents

**AFFIDAVIT**

It is affirm and declared on oath that the contents of this accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



*[Handwritten signature]*  
26/11/2019

*[Handwritten signature]*

DEPONENT

Before the Service Tribunal, Khyber Pakhtun khwa, Peshawar

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 879 /2019

Diary No. 834

Dated 3/6/19

Abdul Salam Assistant BPS -16, Deputy Commissioner, District Chitral

.....Appellant

Versus



4. Senior Member Board of Revenue ,Civil Secretariat ,Peshawar..
5. Deputy Commissioner, Swat,
6. District Accounts Officer, Swat.

.....Respondents

Filed to-day  
Registrar  
3/6/19

Appeal, under Section 4 of the Service Tribunal Act, 1974, Against the impugned Order dated 04/02/2019 and against the Appellate Order 08/04/2019

Re-submitted to-day  
and filed.

On acceptance of the appeal, this Honorable Tribunal may kindly set-aside the impugned order dated 04/02/2019 and Appellate Order 08/04/2019.

17.11.2020

Nemo for the appellant.

It is already past 03.50 P.M while the case has been called several times but no one appeared on behalf of the appellant, despite the fact that on previous date of hearing junior to counsel for the appellant was present and last opportunity was given for hearing today.

Dismissed for non-prosecution. File be consigned to the record.

Certified to be true copy

Chairman

ANNOUNCED

17.11.2020

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Number of Pages	460
Number of Copies	23-11-2020
Copy No.	6.00
Urgent	1
Total	6.60
Name of Officer	
Date of Completion of Copy	24-11-2020
Date of Delivery of Copy	24-11-2020

PESHAWAR HIGH COURT PESHAWAR



BASIC HEALTH UNIT

Patient Name: M. M. Khan Date: 1/1/11

BP: 120/80

Temp: 98.6

Pulse: 72

*[Faint handwritten notes in the left margin, possibly including '1.5', '2.5', '3.5', '4.5', '5.5', '6.5', '7.5', '8.5', '9.5', '10.5', '11.5', '12.5', '13.5', '14.5', '15.5', '16.5', '17.5', '18.5', '19.5', '20.5', '21.5', '22.5', '23.5', '24.5', '25.5', '26.5', '27.5', '28.5', '29.5', '30.5', '31.5', '32.5', '33.5', '34.5', '35.5', '36.5', '37.5', '38.5', '39.5', '40.5', '41.5', '42.5', '43.5', '44.5', '45.5', '46.5', '47.5', '48.5', '49.5', '50.5', '51.5', '52.5', '53.5', '54.5', '55.5', '56.5', '57.5', '58.5', '59.5', '60.5', '61.5', '62.5', '63.5', '64.5', '65.5', '66.5', '67.5', '68.5', '69.5', '70.5', '71.5', '72.5', '73.5', '74.5', '75.5', '76.5', '77.5', '78.5', '79.5', '80.5', '81.5', '82.5', '83.5', '84.5', '85.5', '86.5', '87.5', '88.5', '89.5', '90.5', '91.5', '92.5', '93.5', '94.5', '95.5', '96.5', '97.5', '98.5', '99.5', '100.5']*

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Pt. Name: Humera

Date: 17/11/2020

Referred By: \_\_\_\_\_

Clinical Findings: \_\_\_\_\_

**Abdomen**

Liver: > mildly enlarged in size, showing fatty pat

GB: was absent - Hx of cholecystectomy

Spleen: (NI)

Pancreas: (NI)

Both Kidneys: Contrastless. one noted in both kidneys  
other was both kidneys are noted in  
size shape as echopattern

Urinary Bladder: was not optimally full at the time

Impression: Please see comments

**Female Pelvis**

Uterus size: \_\_\_\_\_

Cul-De-Sac: \_\_\_\_\_

Endometrium: \_\_\_\_\_

Both Adnexa: \_\_\_\_\_

Urinary Bladder: \_\_\_\_\_

Impression: \_\_\_\_\_

**Obstetric Findings**

GSac: \_\_\_\_\_

BPD: \_\_\_\_\_

CRL: \_\_\_\_\_

G Age: \_\_\_\_\_

Presentation: \_\_\_\_\_

Foetal Cardiac Motions: \_\_\_\_\_

Amniotic Fluid: \_\_\_\_\_

EDD: \_\_\_\_\_

11-11-2020



OFFICE OF THE  
ADL; ASSISTANT COMMISSIONER,  
DROSH

No. 653 / A-R/2020/Vol-1

Dated 05 /04/ 2020.

To The Deputy Commissioner,  
Chitral Lower.

Subject: **LIST OF BENEFICIARIES OF AFFECTEES OF LOCKDOWN DUE TO COVID-19 RELIEF PACKAGES TEHSIL DROSH.**

Dear Sir,

Please refer to the subject noted above and to enclose herewith a copy of letter No.1014-18/AD/CTL dated.04-04-2020 received from Assistant Director Local Government Chitral Lower along with list of beneficiaries in original with following details for further necessary action as desired.

S.#	Name of VC	Total Registered Beneficiaries
1	Arandu	113
2	Akori	99
3	Arandu Gole	119
4	Damale	116
5	Asper	89
6	Bazar Drosh	153
7	Ariyan	124
8	Kalkatak	101
9	Jinjirate	110
10	Ashrate-I	110
11	Ashrate-II	102
12	Nagar	108
13	Ursoon	87
14	Sweer	136
15	Shahnigar	85
16	Poteniandeh	127
17	Lawi	117
18	Kesu	84
19	Pursat	76
20	Tar	75
21	Shishikoh	97
22	Madaklasht	85

ATTES TED

Add: Assistant Commissioner  
Drosh Chitral

(Abdul Haq)

Adl; Assistant Commissioner  
Drosh

Recd on

# OFFICE OF THE VILLAGE COUNCIL URSOON


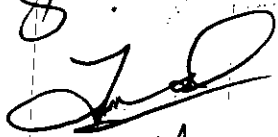

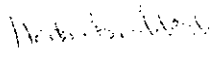
4/4/2020

VCU/dent/p


Assistant Director  
Rajkot District

Subject: IDENTIFICATION OF ECONOMICALLY POOR INDIVIDUALS IN LOWER CHITRAL

With reference to the Notification No: 643/ AAC Policy/2020/vo-1 of A.D. Assistant Commissioner dated 01-04-2020. In regard of the Data of the poorest of the householder and economically poorest families of village council Ursoon is identified and verified by the sarpanch. It is hereby submitted for further necessary action please.

S. No	Name	Designation	Signature
1	Sulvab Hussain 03459676976	VC Secretary	
2	Musabir Ahmad 03453331702	Patwari	
3	Abdul Ghatfar	PSF Teacher CPS Ursoon	
4	Habibullah 03219102656	Zakat Member	

03459676976

  
Ursoon

ATTESTED

Add: Assistant Commissioner  
Drosh

Reader TO

LIST OF BENEFICIARY OF VILLAGE COUNCIL URsoon FOR RELIEF PACKAGE DUE TO LOCK DOWN FOR COVID 19

S/No	Name	Father Name	CNIC No	Contact No	Address	Name Of Village Council
1	Basira Bibi	W/O Suhrab Uddin	15201-6826989-2	03428527698	Zugunuk	Ursoon
2	Abdul Hakim	Mir Shah	15201-0579773-5	03437972291	Zugunuk	Ursoon
3	Muhammad Ayub	Khush Muhammad Khan	15201-4503920-3	03409856600	Zugunuk	Ursoon
4	Fazal Ur Rahman	Jandol Khan	15201-8866828-3	03469896139	Zugunuk	Ursoon
5	Esa Muhammad	Police Muhammad	15201-4053462-7	03460746742	Zugunuk	Ursoon
6	Aziz Ullah	Aman Ullah	42301-173874-3	03430991397	Gambir Gol	Ursoon
7	Ghafoor Aman	Muhammad Jan	15201-6209008-7		Gambir Gol	Ursoon
8	Saeed Bibi	Widow of Saeed Aman	15201-3261152-4	03495948535	Gambir Gol	Ursoon
9	Shukor Man Shah	Muazam Shah	15201-3478449-7		Gambir Gol	Ursoon
10	Hasil Ahmad	Doost: Muhammad	15201-4052144-3	03445459589	Gambir Gol	Ursoon
11	Sharif Khan	Abdul Rahim	15201-5517138-5		Gambir Gol	Ursoon
12	Muhammad Hakim	Abdul Hakim	15201-1564885-9	03422471553	Gambir Gol	Ursoon
13	Sallma Bibi	W/O Wazir Khan	15201-8582811-4		Gambir Gol	Ursoon
14	Yasir	Dastiar Khan	15201-7493678-5		Gambir Gol	Ursoon
26 -	Barat Bibi	W/O Abd Ullah Jan	15201-8532445-8		Gambir Gol	Ursoon
15	Abdul Hamid	Aslam Khan	15201-7491536-7	03408384971	Gambir Gol	Ursoon
16	Noor Ul Qahar	Abdul Qahar	15201-0601988-7	03442490488	Gambir Gol	Ursoon
1 -	Susama	W/O Saad Khan	15201-0100487-4	03402521571	Gambir Gol	Ursoon
17	Rustam Khan	Majeed Khan	15201-0567588-1	03449877801	Gambir Gol	Ursoon
18	Munira Bibi	W/O Rahmat Azam	15201-3824277-0		Gambir Gol	Ursoon

*Jamin*

Secretary Village Council

*[Signature]*

School Teacher

*[Signature]*

Halqa Patwari

*[Signature]*

Member Zakat Committee

ATTESTED

*[Signature]*


Recd by Add: Assistant Commissioner  
Drosh

1976

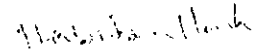


21	Saeed Ghani	Muhammad Ghani	15201-8167229-7	03456990021		Ursoon
22	Nasir Uddin	Rustum Khan	15201-7301956-1			Ursoon
23	Gulambar	Almanan Shah	15201-5287183-4		Gambir Gol	Ursoon
24	Abdul Nawaz	Abdul Muhammad	15201-0579764-5	03464655045	Gambir Gol	Ursoon
25	Hidayat Ullah Khan	Muhammad Amin Kan	15201-5132851-9		Gambir Gol	Ursoon
26	Muhammad Zubair	Aziz Ahmad	15201-5740684-7	03467438315	Gambir Gol	Ursoon
27	Saeed Anwar	Saeed Hakim	15201-6852088-5	03452762913	Gambir Gol	Ursoon
28	Asma Bibi	W/O Muhammad Anwar	15201-4206604-0	03434698431	Deh Ursoon	Ursoon
29	Rahmat Bibi	W/O Mir Khan	15201-3190587-2	03469327822	Deh Ursoon	Ursoon
30	Zia Uddin	Sarwar Uddin	15201-9707439-5	03488264524	Deh Ursoon	Ursoon
31	Zulfi Noor	W/O Noor Ahmad	15201-4474104-8	03456990021	Deh Ursoon	Ursoon
32	Hafiz Ullah	Rahmat Din	15201-8527073-7		Deh Ursoon	Ursoon
32	Wali Shah	Rozi Man Shah	15201-5874926-1		Deh Ursoon	Ursoon
33	Jan Muhammad	Hazrat Muhammad	15201-9633302-3		Deh Ursoon	Ursoon
34	Muhammad Anwar	Mir Muhammad	15201-7677206-3		Deh Ursoon	Ursoon
35	Muhammad Ibrahim	Muhammad Khan	15201-0606321-3		Deh Ursoon	Ursoon
36	Gulazar Khan	Akhtar Khan	15201-4200383-3		Deh Ursoon	Ursoon
37	Taj Muhammad Khan	Gul Muhammad Khan	15201-2105552-1		Deh Ursoon	Ursoon
38	Abdul Hadi	Abdul Khaliq	15201-9060671-5	03409858163	Deh Ursoon	Ursoon
39	Gul Jannat	W/O Abdul Jalil	15201-0849973-6		Deh Ursoon	Ursoon
40	Gul Ahmad	Gul Muhammad	15201-6149011-1	03442588962	Deh Ursoon	Ursoon

  
Secretary Village Council

  
School Teacher

  
Halqa Patwari

  
Member Zakat Committee

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41	Muhammadi Zahir	Shah Nadir Khan	15201-8454037-5		Ben Ursoor	Ursoor
42	Zahir Khan	Talib Malik	15201-4474903-5		Brama Gol	Ursoor
43	Saeed Karim	Abdul Karim	15201-1763282-1		Brama Gol	Ursoor
44	Muhammad Zaman	Saeed Zaman	15201-1767072-1		Brama Gol	Ursoor
45	Lal Muhammad	Habib Ur Rahman	15201-4903623-1		Brama Gol	Ursoor
46	Bachai Bibi	W/O Jamdar	15201-9576857-2	03474848762	Kachi Nisar	Ursoor
47	Shah Muhammad	Muhammad Zarin	15201-8753770-1	03452447875	Kachi Nisar	Ursoor
48	Sher Zaman	Jamdar	15201-8219038-5	03478484762	Kachi Nisar	Ursoor
49	Hassan Khan	Bacha Khan	15201-8806455-5	03480971083	Kachi Nisar	Ursoor
50	Ata Ullah	Fazal Saeed	15201-7536221-9	03475652066	Kachi Nisar	Ursoor
51	Aziz Ur Rahman	Muhammad Saeed	15201-8428525-0	03404040951	Kachi Nisar	Ursoor
52	Saeed Wali	Akhund	15201-3994829-3		Kachi Nisar	Ursoor
53	Mezaj Ul Haq	Adam Khan	15201-7283238-9	03465138550	Kachi Nisar	Ursoor
54	Bibi Hanifa	W/O Muhammad Rahim	15201-3192503-6	03486818856	Kachi Nisar	Ursoor
55	Nemat Ur Rahman	Muhammad Rahim	15201-1142837-9	03431112408	Kachi Nisar	Ursoor
56	Din Bibi	W/O Amir Muhammad	15201-7840668-2	03465138550	Kachi Nisar	Ursoor
57	Usman Ghani	Abdul Ghani	15201-4725939-3	03468724351	Kachi Nisar	Ursoor
58	Ismail	Rahmat Ullah	15201-0595225-7	03455956905	Kachi Nisar	Ursoor
59	Fazal Waris	Mehrab Uddin	15201-9899610-7	03483851361	Kachi Nisar	Ursoor
60	Aisha	W/O Addul Muhammad	15201-9306528-0	03454619485	Kachi Nisar	Ursoor
61	Abdul Suboor	Abdul Mateen	15201-0601936-5	03405829162	Kachi Nisar	Ursoor
62	Sadia	W/O Shafi Ullah	15201-8781540-4	03478484762	Kachi Nisar	Ursoor
63	Muhammad Esa	Abdul Muhammad	15201-7780100-3	03449701287	Kachi Nisar	Ursoor
64	Peer Muhammad Khan	Din Muhammad	15201-6614506-5	03454904198	Petason Gol	Ursoor
65	Jahan Bibi	W/O Gul Muhammad	15201-6164561-4		Petason Gol	Ursoor
66	Mahar Nigah	W/O Fatah Gul	15201-6987106-2		Petason Gol	Ursoor
67	Hashim Bibi	W/O Rahmat Saeed	15201-7278289-2	03434852627	Petason Gol	Ursoor
68	Habib Ur Rahman	Habib Ullah	15201-0742615-1		Petason Gol	Ursoor
69	Bibi Suraya	Muhammad Zahir	15201-7093161-1		Petason Gol	Ursoor
70	Bahadar Khan	Muhammad Gul	15201-1860872-9	03454854101	Petason Gol	Ursoor
71	Jannat Bibi	W/O Salih Muhammad	15201-0559722-0	03449701287	Petason Gol	Ursoor
72	Bacha Khan	Bakhtawar	15201-5523239-1	03480971083	Petason Gol	Ursoor
73	Sharif Begum	W/O Abdul Razaq	15201-0574869-4	03452302369	Petason Gol	Ursoor
74	Bibi Jan	W/O Noor Muhammad	15201-0560353-6	03469259856	Petason Gol	Ursoor
75	Bait Ullah	Habib Ullah	15201-8206669-9	03498435864	Petason Gol	Ursoor
76	Ajab Nisa	W/O Barakat Jan	15201-2183873-6	03467636593	Petason Gol	Ursoor

Secretary Village Council

School Teacher

Halqa Patwar

Member Zakat Committee

77	Gul Zaman	Gul Nawaz Khan	15201-0567743-9	03401694038	Gambir Gol	Ursoon
78	Azamat Ullah	Rahmat Khan	15201-4995594-5	03450956740	Gambir Gol	Ursoon
79	Usman Ghani	Muhammad Ghani	15201-3774700-3	03456990021	Gambir Gol	Ursoon
80	Muhammad Mader	Chhagiuddin	15201-7973753-3	0340487432	Do	Ursoon
81	Mashoq Hussain	Sahib Sadiq	15201-0579685-5	03478910929	Paitason Gol	Ursoon
82	Muhammad Hakim	Sharif Khan	15201-6277128-9		Paitason Gol	Ursoon
83	Abdul Rashid	Rahmat Jan	15201-7709964-3	03449702914	Lachi Gay	Ursoon
84	Hamid Ur Rahman	Jandol Khan	15201-9840493-3	03455089643	Zugunok	Ursoon
85	Samin Jan	Hakim Jan	15201-0773869-9	03458372984	Zugunok	Ursoon

*Aman*  
Secretary-Village Council

School Teacher

Halqa Patwari

Member Zakat-Committee

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86	Zardana	w/o Abdul Zahir	15201-0552782-4		Paitason Gol	Ursoon
87	Saij Ullah Jan	Abd Ullah Rehman	15201-5049890-9		Paitason Gol	Ursoon

*Aman*  
Secretary VC  
URSOON

0345-9676976

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**Service Appeal No.879 of 2019**

Abdul Salam Assistant BPS-16, Deputy Commissioner Office Lower Chitral. ----- (**Appellant**)

**VERSUS**

Senior Member Board of Revenue, Civil Secretariat, Peshawar and others. ----- (**Respondents**)

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 3**

**Preliminary Objections:-**

1. That the appellant has no locus standi or cause of action to file the instant appeal.
2. That the appeal is not maintainable.
3. That the appellant has not come to this Hon'ble court with clean hands.
4. That the appeal is liable to be dismissed due to non-joinder of necessary party and mis-joinder of un-necessary party.
5. The appeal of the appellant is liable to be dismissed with its present form.
6. That the applicant has concealed the material facts from the honorable tribunal, hence liable to be dismissed.
7. That the appeal is time barred and barred by law.

**FACTS:-**

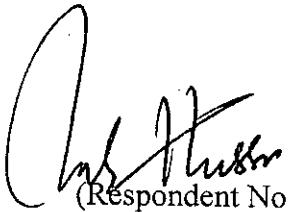
1. Correct to the extent that the appellant was serving as Assistant (BPS-16) in Deputy Commissioner's Office Lower Chitral and now has been retired from his service. However, record reveals that the appellant being government servant declared himself chairman of the JFMC and paid royalty amount to Afghan nationals living in the Ursoon area, which is not justifiable. In this regard initially the matter was enquired by the Settlement Officer Chitral. The enquiry officer in his preliminary enquiry had suggested initiating disciplinary proceeding under E&D Rules 2011 against the official/appellant (copy of preliminary enquiry report is annexure "A"). After that, formal enquiry under E&D Rules 2011 was initiated and on the basis of the findings of enquiry, minor penalty was imposed upon Mr. Abdul Salam/appellant. (Copy of enquiry report is annexed vide annexure "B").
2. Incorrect. After a formal enquiry, the official has been proved committing of misconduct and penalty was imposed on him after fulfilling all legal and codal formalities, in the larger public interest vide order dated 04/02/2019 (Annex-C).
3. Incorrect. That the departmental appeal filed by the appellant has rightly been dismissed by the respondent/Competent Authority (Annex-D).

**GROUND:-**

- A. Incorrect. There is no malafide intention on the part of respondents for the appellant, on the basis of enquiry report the penalty has been imposed upon the appellant after fulfilling all formalities as per the law, procedure and rules.
- B. Incorrect. As explained above.
- C. It is correct to the extent that the official/appellant had been nominated as Chairman of JFMC Ursoon Vally vide the notification issued by the Forest Department. Being a chairman he received Royalty Amount for further disbursement. The enquiry report reveals that the official/appellant paid royalty amount to 34 Afghan National in Ursoon valley, which is not justifiable. Therefore, on the basis of enquiry report order/decision taken by the competent authorities is in accordance with the law, procedure and rules.
- D. Incorrect. The appellant had to perform his official duties/responsibilities under the provided rules. But he failed to do so, and became part of JFMC and paid royalty amount to 34 Afghan Nationals in Ursoon Valley, which is violation of Khyber Pakhtunkhwa Government Servant (Conduct Rules) 1987.
- E. As stated above.

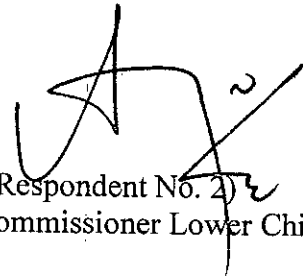
- F. Incorrect, hence denied. Detail reply is given in Paras ibid.
- G. Irrelevant. Need no comments.
- H. The order/decision passed by the competent authority is proper and in accordance with the law/rules.
- I. Incorrect. No proper procedure for payment of royalty amount had been adopted by the appellant/revenue officer, which is provided in Forest Ordinance 2002 and JFMC rules 2004.
- J. Incorrect. The penalty was awarded after fulfilling all the codal and legal formalities as laid down in E&D rules 2011. Detail reply already given above.
- K. That the respondents seek permission to raise additional grounds during arguments.

On the basis of the above narrated factual and legal facts the appeal in hand may kindly be dismissed.



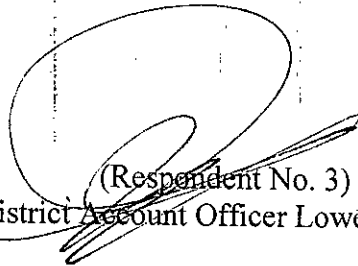
(Respondent No. 1)

SMBR, Govt: of Khyber Pakhtunkhwa



(Respondent No. 2)

Deputy Commissioner Lower Chitral



(Respondent No. 3)

District Account Officer Lower Chitral

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**Service Appeal No.879 of 2019**

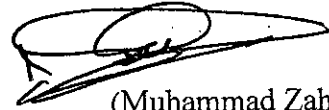
Abdul Salam Assistant BPS-16, Deputy Commissioner Office Lower Chitral. ----- (**Appellant**)

**VERSUS**

Senior Member Board of Revenue, Civil Secretariat, Peshawar and others. -----(**Respondents**)

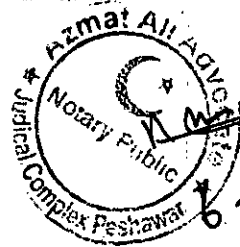
**AFFIDAVIT**

I Muhammad Zahir Shah, Superintendent Deputy Commissioner Office Lower Chitral, do hereby solemnly affirm and state on oath that the reply / Comments are true & correct to the best of my knowledge & belief and nothing has been concealed from this August court.



(Muhammad Zahir Shah)  
Superintendent Deputy Commissioner Office  
Lower Chitral

**ATTESTED**



6-4-2022

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**INQUIRY REPORT:-**

In compliance with the office order No.3943/3/9/AG-I/Vol: VI dated 02-03-2018 of the worthy Commissioner Malakand Division (**Annexure "A"**) the Undersigned being the Chairman of the Inquiry Committee convened the meeting of the committee vide (**Annexure "B"**) to discuss the TOR's and future line of action. During the meeting the committee members also discussed thoroughly the observations of Deputy Commissioner Chitral conveyed to Honorable Commissioner Malakand Division vide No.12008/DCC/DA dated 20-02-2018. (**Annexure "C"**) The committee members also discussed the findings of Additional Assistant Commissioner, Chitral vide No 56/AAC-II dated 24-01-2018. (**Annexure "D"**) The committee members agreed to collect from Forest Department the details of JFMC Goren Gol and the copies of cheques disbursed in Goren Gol and other areas by the then Naib Tehsildar Drosh. The undersigned requested the District Forest Officer, Chitral for the said information vide No.325/SO/CL dated 09-03-2018 (**Annexure "E"**) and the same were received vide No.4562/B&A dated 12-03-2018. (**Annexure "F"**) The detail shows that Mr. Muhammad Ghufraan Naib Tehsildar has received Rs.4, 15, 80000 in total from Deputy Commissioner Office Chitral as Royalty amount for Goren Gol area, Rs 1, 32, 06000 for Jinjratekoh and Rs. 2, 83, 50000 for Ursson and has distributed the amount through JFMC among the royalty holders. (**Annexure G**)

2. The main contention of the public in the applications received from different forest areas is that the Royalty amount received and disbursed in the name of the general public is not fair and the people have not received their due share as evident from the inquiry report of Additional Assistant Commissioner Chitral. The Honorable Additional Assistant Commissioner has also recorded few statements of the actual royalty holders. The chairman of this inquiry committee along with District Accounts Officer, Chitral also

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visited the Goren Gol area on 10-03-2018 and recorded the statements of the affectees who shared almost one story that the royalty holders were called to a private house at Drosh and in the presence of Tehsildar Drosh they were asked to sign the acquaintance roll which were blank and the public was told that your due share of money will soon reach you. Few royalty holders even claimed that as on that very night of signing of acquaintance rolls those were not present in villages and fake signature have been mentioned against their names. (Annexure "H")

3. The procedure of royalty distribution is very clear in the JFMC rules 2004 sub section 13 which says that the role of JFMC is just to assist the revenue staff in identifying the actual beneficiaries and the revenue staff is to distribute the amount of royalty directly to the beneficiaries and payment through proxy attorneys is not allowed. (Annexure "I")

4. The inquiry committee also recorded the statements of the members of JFMC Goren Gol and the statement of Mr. Haibib ur Rehman treasurer JFMC is worth seen who said that Tehsildar Drosh has transferred the total amount of Royalty to his accounts and he further said on occasion that he has distributed all the due amount among the royalty holders as per record, but at another occasion he said that as the people of Goren have different private agreements with the actual land owners for payment of 10000 sft timber to him as a land compensation. He has also said that the people of Goren Gol have already sold the Forest to a contractor and all the villagers/ Royalty holders have to pay to him too. He concluded saying that after clearance of all the liabilities of land owner and contractor (which is not legal) the remaining amount has been paid to the people. (Annexure "J")

5. The other members of JFMC have clearly said that they are absolutely ignorant of all the process of royalty distribution as they have never been consulted and further said that the treasurer of the JFMC has done it all alone. Interestingly the Chairman of this JFMC and the land owner at Goren Gol Mr. Nisar Jillani is settled in Islamabad and he is completely unaware of all the activities of royalty distribution as he has never visited Chitral during the period. The Committee called him personally for his statement but he



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apologized saying that he is the actual land owner of the whole Goren Gole village and the people of this village are his declared tenants. He further said the he has all the legal documents. When courts from lower to top have given degree in the favor of Nisar jillani, the villagers of Goren Gole had approached him for compromise and he signed a contract with the people whereby I (Nisar) will get 40 percent of total royalty and will also get 10000 feet timber from the community as land compensation. Mr. Nisar further clarified via phone call that as an actual land owner he has been chosen as Chairman of the JFMC but the JFMC members including Chairman have no legal authority to extract the amount of royalty and to disburse. He further said that royalty distribution is to be made by the Tehsildar as envisaged in the JFMC rules. He further said that if his signatures have been misused by the treasurer then it is his individual action and he must be treated as per law.

6. The inquiry committee also called the then Naib Tehsildar Drosh Mr. Muhammad Ghufan vide (Annexure "K") and he appeared before the committee and recorded his statement which is placed at (Annexure "L")

7. Naib Tehsildar said that as he was newly posted in Drosh and was not aware and well conversant with the procedure and also he was under pressure from higher up's for early distribution of the amounts, so he relied on his colleagues/officials and continued the many years old procedure and transferred the amount to the account of the treasurer of JMFC as the Chairman of JFMC was not in Chitral. He also explained that considering the signatures/thumb impression on Acquaintance Roll (Qabzulwusul) as correct he attested the same and submitted the records to Deputy Commissioner. On further inquiry he accepted the mistake/irregularities committed by him in observance all the codal formalities. He further added that the treasurer of JFMC Mr. Habib Rehman has already given undertakings that he (treasurer) will be responsible for any kind of discrepancy etc and the same may be perused at (Annexure "M"). Mr. Muhammad Ghufan Naib Tehsildar Drsoh has transferred two cheques of Rs. 3, 61, 34000/- and 54, 45,000/- to the account of Mr. Habibur Rehman treasure JFMC Goren Gole. As per

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record each house hold had to receive Rs. 424285 but those have actually received very meager amount of maximum 51,000/- each house hold, which reflects massive different/ miss use/wrong distribution.

8. The inquiry committee also called Mr. Iba'd ur Rehman the private contractor for cutting and transportation of timber in Goreen Gol vide (Annexure "N") who appeared in person and also recorded his statement. He has explained that while ignoring the mutual understandings of community/ JFMC and contractor the treasurer of JFMC has illegally extracted the money and has embezzled the amount which was due to the royalty holders and the contractor. He has seconded the opinion of the applicants that the actual amount of the royalty holders as mentioned in the acquaintance roll has not reached them. Although he said about the involvement of an outsider name Mr. Haji Inzar Gul in the matter, but the same are denied by Haji Inzar Gul saying that neither he is from Goreen Gol, nor he is a royalty holder and nor he is a contractor, so he is nothing to do with this business and the allegations against him are baseless (Annexure "O")

9. Few people from the community have also submitted their statements in favor of the distribution mechanism saying that they have received the due amount (Annexure "P") Another application from the people of main Goreen Deh is also received wherein they had requested to include their names in the royalty holder list as they are the most immediate affectees of any kind of disaster and their request is genuine. (Annexure "Q")

10. Meanwhile, the worthy Deputy Commissioner Chtiral has received numerous complaints from other Forest areas like Ursoon/Jingirat Koh and on his verbal directions to include those areas in the inquiry, the committee briefly probed into the matter in both valleys and the findings are attached in separate files. The findings of the committee in Jingirat Koh and Ursoon exactly the same as the people have not received the actual amounts mentioned in acquaintance rolls because there are many private contractors involved in the matter who have illegally purchased the Forests on cheaper rates. The statement of both the public and JFMC members from the areas has been

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recorded and placed in the file. In both areas of Ursoon and Jingerat Koh the same Naib Tehsildar has again transferred the royalty amount to JFMC account for distribution. Before taking the final view of finding the committee analyzed thoroughly the JFMC formation, strength and weaknesses in detail. Which are also annexed as concept note at (Annexure-"R")

**FINDINGS:-**

1. Naib Tehsildar Drosh is being the most relevant and responsible officer representing the Govt: has deviated from the laid down rules. He must have visited the Forest areas and distributed the amount directly to the royalty holders, but contrary to that he has transferred the total amount in all forest areas to the private accounts of Mr. Habibu Rehman treasurer JFMC Goren Gol or to JFMC accounts in other areas which is a serious negligence on the part of Naib Tehsildar Drosh.
2. Secondly, The Naib Tehsildar has blindly attested the acquaintance rolls submitted by Habib ur Rehman in Gureen, Abdul Salam and Mohammad Usman of Ursoon and Hazratullah of Jingerat Koh after distribution of the amount. Before, attesting the records, Naib Tehsildar must have ensured /checked and verify whether the royalty holders have received the actual amount or otherwise but in fact the total amount is never distributed among the beneficiaries as per the list received to Deputy Commissioner Office Chitral.
3. The opinion of Naib Tehsildar Drosh that he was newly posted and was unaware of the procedure is not justifiable as the legal maxim says "ignorance of law is not an excuse". The instructions conveyed to him from the then Deputy Commissioner Chitral are very clear. (Annexure-"S")
4. The treasurer of JFMC Goren Gole has deceived both the office of the Naib Tehsildar and the royalty holders as he has convinced the Naib Tehsildar to transfer the total amount of Royalty to his private account for further

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- distribution which shows his dis-honesty. The treasurer has also assured the Naib Tehsildar in writing that he will be responsible for any kind of discrepancy.
5. In Jingerat Koh and Ursoon valley too the same procedure has been adopted and the Naib Tehsildar transferred the total amount to the account of JFMC and has relieved on them for further distribution as per law but that has never happened as the middle men (contractors) have received the amount which was to be paid to the royalty holders. Mr. Abdul Salam and Mohammad Usman are the Chairman of JFMC Ursoon and Mr. Hazratullah is the Chairman of JFMC in Jingerate.
  6. It is shocking to share that in Ursoon valley the 24 family members of Mrs. Gulsambar at S.No. 351 of the Acquaintance Roll and 10 family members of Mrs. Maher Raat Bibi at S.No. 352 of the same Acquaintance Roll who are Afghan National (Afghan Card Holders) have received the royalty amount which is not justified.
  7. In all the above mentioned areas the JFMC/Community/contractors have private agreements amongst themselves for cutting, transportations and marketing of the timber and then to distribute the amount amongst themselves after receiving in the name of royalty holders. This is now very clear that the procedure given in the JFMC rules is never followed in forest areas and the community, JFMC and the private contractors have their own understanding on the issues, but later on a segment of the same royalty holders have approached the higher authorities, with the plea that those have been deceived and their amount is embezzled.
  8. The Protected Forests of Chitral, and in the whole Malakand division are with unsettled rights with no demarcation yet and the ownership is wage with multiple claimed ownerships which the sole cause of litigation and armed conflicts since beginning. No formal efforts has undertaken to define ownership, user rights, boundaries and the claim of few families over the forest( state

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property) further weaken the writ of Forest Department and is likely to trigger anti state sentiments of forest dwelling communities.

9. None of the JFMC has been formed adopting the principles of social mobilization with zero outcome of getting maturity and attaining capacity of managing forests, resolving conflicts and taking decision and making part of proceeding books for future reference.

10. The Process of JFMC formation is very cumbersome, time consuming and beyond the current capacity of Forest Department and Directorate of Community Development and Gender and development (CD&GAD), nor the process shown has ever been done after the withdrawal of projects and staff shortage, required capacity and unavailability of the required funds have been made available.

11. Royalty distribution and complaints to NAB and other agencies are becoming emerging trends and therefore have shattered the confidence of Revenue department and FDC to initiate distribution in the current murky scenario.

12. One of the major problems of royalty distribution among owner groups is that some owners have sold their forests to contractors many years before actual harvesting and received advance payments. The majority of poor owners, under the influence of few well off owners, sell their forests to contractors on nominal prices by signing deeds with them. The alliance of contractors and influential owners are the real beneficiaries of such deeds. The majority of owners are kept in dark of actual sale proceed and meagerly paid. The influential contractors manipulate the harvesting and cut forests over and above the prescribed harvest and receive the money for the same. The major chunk of forest sales value goes to contractors and influential owners. The JFMCs constituted for forest operations are having low capacity to harvest forests and are dependent on contractors. Corruption is common in these JFMCs. The government has now made the presence of owner mandatory for receiving the financial return of the

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sale. In fact the contractor gets the amount as he/they have already purchased the royalty of said forest from owners.

13. The pending huge amount has been either concentrated or few clever dealing hands do enjoy their own business through this available and blocked amount. We mean to say that this blocked amount could be used for personal benefits during the period.

14. The Issue is so complex with ever increasing magnitude and beyond to be discussed and resolved by one stakeholder and pertains only to Malakand Division get least attention from the responsible minds at helm of affairs and it is now confirmed that in all forest areas of Chitral and may be in the whole division the laid down procedure of royalty distribution is not followed and the locals of every area have evolved their own mechanism and interestingly prior to this nobody has raised the issue.

**RECOMMENDATION:-**

1. Strict disciplinary action under E&D rules may be initiated against the Naib Tehsildar Muhammad Ghufraan for his serious negligence and irregularity so that in future the office bearer may have fear of law. Besides, other violations of relevant rules, the payment of Royalty amount to 34 Afghan Nationals in Ursoon valley is no way justified and for this gross irregularity the Naib Tehsildar Drosh Mr. Muhammad Ghufraan, Chairman JFMC Ursoon Mr. Abdul Salam and treasurer JFMC Ursoon Mr. Khosh Koneen must be persecuted as per relevant rules.
2. Disciplinary action under E&D rules may also be initiated against the treasurer of JFMC Goren Gol, Chairmans of two JFMCs of Ursoon and Chairman JFMC Jingirate Koh, three of them (Mr. Habibur Rehman, Mr. Abdul Salam and Mr. Hzzratullah are being serving Government employees, and one Mr. (Usman) as retired Government servant are involved in other activities where huge financial transaction are made

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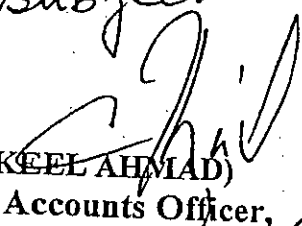
- sure they have compromised on official duties. Accountability proceedings against the defaulters are also recommended.
3. The Forest department must immediately devise mechanism to combat the illegal selling of forest to the private contractors on cheaper rates which has severely shattered the confidence of public on government as well the trust of the concerned officials.
  4. The Forest department must not only closely monitor the timber cutting as per marking of FDC , but also must have vigilant eye on the working of JFMC as those committees have forgotten their real role of conservation and Forest development plans and have focused on receiving and distribution of royalty cheques. Forest department must also dissolve those JFMC's which are expired or overdue and immediately constitute fresh JFMC as per law.
  5. The issue may please be flagged before relevant forum to decide ownership in clear terms, initiate the demarcation and settlements of these forests without further loss of time and simplify the JFMC rules and capacitate both Forest Department and CDE&GAD through required staffing and funds coupled with all relevant training, persuasions and implementation.
  6. Forest Department to revisit the management of forest and create certain room for participator Forest management with transferring full management of forests from protection, promotion to harvesting, marketing and distribution of the benefits with least fear of failure and accountability and ensured indemnity through legal anchorage.
  7. Maximum two months' time be given to concerned communities for resolving the distribution of pending royalties and pay back the amount withdrawn by proxy to the real owners or forfeit the amount to district government and utilize that the disputed amount in transparent way

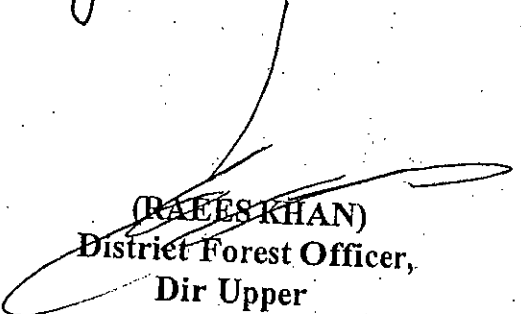
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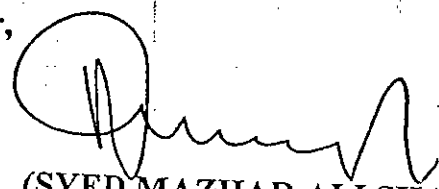
for the uplift and development of that community through extending support on improving the physical infrastructures and other social services. For utilizing the royalty amount at district level needs certain body to decide and monitor the funds for sake of its effectiveness, transparency and just based distribution with all auditable records.

- 8. Government employees may be banned from membership of JFMCs in all forest areas.

Note:- I The District Accounts officer Chitral being responsible and competent in accounts matters, submit the payment schedule through public account for the year 2017-18 (Copy enclosed).  
 Furthermore, I am completely non technical in the subject matter, therefore unable to enquire the subject case as per standing rules and regulation.

  
 (SHAKEEL AHMAD)  
 District Accounts Officer,  
 Chitral

  
 (RAEES KHAN)  
 District Forest Officer,  
 Dir Upper

  
 (SYED MAZHAR ALI SHAH)  
 Settlement Officer,  
 Chitral





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Subject: INQUIRY REPORT REGARDING ANOMALIES IN FOREST ROYALTY DISTRIBUTION THROUGH JFMCS DISCIPLINARY PROCEEDINGS AGAINST REVENUE OFFICERS MUHAMMAD GHUFRAN & ABDUL SALAM ETC.

In pursuance of Board of Revenue and Estate Department Govt of KPK Peshawar letter No. Estt: V/PF/M/Ghufran MKD/34095-97 dated 08-10-2018, the undersigned was appointed as inquiry Officer to submit findings/report on the subject matter.

The TOR assigned were the charge Sheets and Statement of Allegations attached with the above referred letter against Muhammad Ghufan Ex- Naib Tehsildar Drosh and Abdul Salam Assistant/Reader to Assistant Commissioner Mastuj.

Background of the Case:

The Board of Revenue vide letter referred above have highlighted that the instant inquiry relates to the distribution of royalty of Forest to the community/beneficiaries of (i) Goreen Gole Shishikoh (ii) Ursoon (iii) Jingirat Koh, in which irregularities and illegalities have been pin pointed in the previous Inquiry proceedings conducted by Additional Assistant Commissioner Chitral and Settlement Officer Chitral. The perusal of the record of the office of Deputy Commissioner Chitral & Naib Tehsildar Drosh shows that the following amount has been released as royalty to the aforementioned areas in the account of Revenue officers:-

S.No	Area	Lot No/Compart.	Amount transfer to Revenue Officers
1	Goreen Gole	611,711	Rs. 41,579,000
2	Jingirat Koh	616,716	Rs. 13,206,000
3	Ursoon	675,676	Rs. 28,350,000
Total			Rs. 83,135,000

The main contention of the beneficiaries of royalty from these areas were that the royalty amount received & disbursed is not fair and they do not received the amount as reflected against their names in respective acquaintance rolls. The respective JFMCS had failed to play their due role as envisaged under JFMCS Rule 2004 and huge level of nepotism and favoritism in distribution of royalty amount have been made. The interest of third party i.e contractor have been over protected by JFMC members, fake signatures on acquaintance roll on behalf of royalty holders have been obtained. Furthermore the least interest of revenue staff for identification of actual beneficiaries and non- direct disbursement to the royalty holders have been pointed out due to which the beneficiaries have suffered a lot.

Proceedings:

The undersigned summoned both the officials i.e Mr. Muhammad Ghufan, Ex. NT Drosh and Mr Abdul Salam Assistant/Reader to Assistant Commissioner Mastuj on 26-11-2018. The Board of Revenue vide their letter referred above had already served the copy of charge sheet and statement of allegation to both the officials through Deputy Commissioner Malakand and Deputy Commissioner Chitral. The undersigned also called upon the key stakeholders of JFMC of Goreen Gole, Ursoon and Jinjireet Koh on 10-12-2018 in the office of AAC Drosh. Besides these other local communities of the aforementioned areas were also called upon and detailed meeting were held. The undersigned also hold a meeting with District Forest Officer Chitral on 11-12-2018 regarding the subject matter.

Beside these the undersigned also perused the inquiry proceedings conducted by Additional Assistant Commissioner Chitral and Settlement Officer Chitral on the subject matter, from the office of Deputy Commissioner Chitral.

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**CASE OF MR MUHAMMAD GHUFRAN EX. NAIB TEHSILDAR DROSH:**

Board of Revenue and Estate Department Govt. of KPK Peshawar letter No. Estt.V/PF/M/Ghufran MKD/34095- dated 08-10-2018, have served upon the following Charge sheets and Statement of Allegations against Muhammad Ghufuran Ex Naib Tehsildar Drosh:

**STATEMENTS OF ALLEGATIONS (M.GHUFRAN)**

On the basis of enquiry report under the chairmanship of Settlement Officer Chitral, the Commissioner Malakand Division Saidu Sharif Swat has reported vide his office letter No.7904-8/3/AG-I/Vol-VI dated 25-05-2018 that he has been found guilty during the payment of forest royalty amongst the royalty holders violating the rule and regulation being the most relevant and responsible officer representing the Government.

Instead of distribution of the amount of forest royalty to the royalty holders as per JFMC rules, he has transferred the entire amount of all forest areas to the private accounts of Mr. Habib Ur Rehman treasurer JFMC Goreen Gole or to JFMC accounts in other areas which is a serious negligence on his part being Naib Tehsildar/Revenue officer Drosh District Chitral.

c) he has blindly attested the acquaintance rolls submitted by Habib Ur Rehman in Goreen, Abdul Salam and Muhammad Usman of Ursoon and Hazrat Ullah of Jingirate Koh. Before attesting the records Naib Tehsildar must have to ensure/check and verify whether the royalty holders have received the actual amount or otherwise but according to the findings of inquiry committee, the total amount have been distributed among the beneficiaries as per list.

d) His these act tantamount to misconduct and make him liable to be proceeded against him under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011.

The Perusal of the record of the office of Naib Tehsildar Drosh reveals that the following Payments in these areas have been made by Mr. Muhammad Ghufuran Ex. NT Drosh. (Flag A Bank statement)

**Area: Goreen Gole, Lot No. 611,711**

S.No.	Cheque No	Amount	To whom paid	Remarks
1	00059627	17,000,000	Mr. Habib,ur Rahman	Copy of bank Statement attached. The Ex NT Drosh have issued these Five Cheques to Mr. Habib,ur Rahman,Treasurer JFMC Goreen Gole, instead of making payment to actual beneficiaries.
2	00059629	17,800,000	Treasurer JFMC Goreen Gole	
3	00059635	10,200		
4	00059638	1,324,000		
5	00059640	5,445,000		
<b>Total</b>		<b>41,579,000</b>		

**Area Jinjirat Koh, 616,716**

S.No.	Cheque No	Amount	Paid to	Remarks
1	00059630	3,000,000	Mr. Muhammad, Hazrat	Copy of bank Statement attached. The Ex NT Drosh have issued these three Cheques to Mr. Hazrat Muhammad, Treasurer, JFMC Jinjirate Koh, instead of making payment to actual beneficiaries.
2	00059635	10,200,000	treasurer of JFMC JinjirateKuh	
3	00059636	6,000		

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Area Ursoon, 675,676

S.No.	Cheque No	Amount	Paid to	Remarks
1	00059637	27372000	Mr. Abdul Salam, treasurer JFMC Ursoon	Copy of bank Statement attached. The Ex NT Drosh have issued these two Checques to Mr. Abdul Salam Chairman JFMC Ursoon, instead of making payment to actual beneficiaries.
2	0009641	978000		
Total		28,350,000		

From the aforementioned discussion, it is evident that Mr Muhammad Ghufuran Ex. Naib Tehsildar Drosh have issued aforementioned cheques to Mr. Habib ur Rehman, Treasurer JFMC Goren Gole, Mr. Hazrat Muhammad Treasurer JFMC Jinjirat Koh, Mr. Abdul Salam chairman JFMC Ursoon for further payment to concessionist of these area, which is against the Rule 2 Sub Section 3 of the North West Frontier Province Protected Forests Management Rules 2005, wherein the District Revenue Officer have to distribute the payment among the concessionists and no payment through proxy or holders of attorney shall be admissible. The key stakeholders of these JFMC's have also accepted that they have received the above mentioned amount from Mr. Muhammad Ghufuran, Ex. Naib Tehsildar Drosh for further disbursement to respective concessionist. (3 No. Statements obtained from JFMC can be seen vide flag B, C and D).

Furthermore from the statement of key stakeholders of JFMC Goren Gole, it is evident that Mr. Muhammad Ghufuran, Ex NT Drosh was present at the distribution of royalty amount amongst the concessionists of Goren Gole and thereon preparation and countersigning of its Acquaintance rolls while the key stakeholders of JFMC Jinjirate Koh and Ursoon have stated that after receipt of the respective royalty amount from Mr Muhammad Ghufuran, Ex NT Drosh they have distributed the amount amongst the concessionist and submitted the Acquaintance roll to him while he was not present at time of distribution in these two areas. The Ex NT Drosh in both the previous inquiries and in the instant inquiry had stated that he has relied on the written statements of Mr Habib ullah, treasurer JFMC Goren Gole, Mr Hazrat Muhammad Treasurer JFMC Jinjirat Koh and Mr Abdul Salam Chairman JFMC Ursoon regarding payment/distribution & accountability and have countersigned the Acquaintance roll of Jinjirate Koh and Ursoon.

The EX NT Drosh in his written statement vide ( flag E) has stated that he has not violated rules and regulations and have issued cheques in the name of Treasurer, being responsible person regarding identification of concessionists because the beneficiaries were not account holder in banks. Thus royalty have been paid in cash and requisite acquaintance roll can verify veracity of his statement. Furthermore he has also stated that all Treasurer and Chairman JFMCs have paid all amount of royalty to respective beneficiaries in his presence and he had obtained the sign and thumb impression in his presence.

Findings:

1. As per statement of Mr Muhammad Ghufuran, Ex Naib Tehsildar Drosh, statements of key stakeholders of JFMC's and bank statement it is evident that Mr Muhammad Ghufuran; Ex Naib Tehsildar Drosh have transferred the royalty amount to concerned treasurer and chairman of JFMC's and thus have violated the Rule 2, sub section 3 of the North West Frontier Province Protected Forests Management Rules 2005, (Flag F) wherein the revenue officer is mandated to distribute the royalty amount amongst the concessionists itself, and to complete all codal formalities by him in his presence. The same direction were also conveyed to Ex NT Drosh by the Deputy Commissioner

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2. From the statements of key stakeholders of JFMC's and bank statements it is evident that Mr Muhammad Ghufraan, Ex Naib Tehsildar Drosh have transferred the entire royalty amount of Goreen Gole area to Mr. Habib ur Rahman, Treasurer JFMC Goreen Gole, the royalty amount of Jinjirate Koh area to Mr. Hazrat Muhammad, Treasurer JFMC Jinjirate Koh, and the royalty amount of Ursoon area to Mr Abdul Salam, Chairman JFMC, Ursoon, for further distribution of the amount among concessionist and to prepare acquaintance rolls of area jinjirate Koh and Ursoon, which is against the due procedure.
  3. From the statements of Key stakeholders of JFMC's Mr Muhammad, Ghufraan Ex Naib Tehsildar Drosh has distributed and verified/countersigned the acquaintance roll of Goreen Gole area only and for the rest he has relied on the Treasurer JFMC Jinjirat Koh and Chairman JFMC Ursoon and had blindly attested the acquaintance rolls which is gross violation.
  4. From the aforementioned discussion it is evident that charges levelled in the statement of the allegations against Mr Muhammad, Ghufraan Ex Naib Tehsildar Drosh stands proved.

**2. CASE OF MR. ABDUL SALAM ASSISTANT/READER TO ASSISTANT COMMISSIONER MASTUJ:**

The Board of Revenue and Estate Department Govt of KPK Peshawar letter No. Estt:V/PF/M/Ghufraan MKD/34095-97 dated 08-10-2018, have served upon the following Charge sheets and Statement of Allegation to Mr. Abdul Salam Assistant/Reader to Assistant Commissioner Mastuj:

**STATEMENTS OF ALLEGATIONS (ABDUL SALAM)**

- a) On the basis of enquiry report under the chairmanship of Settlement Officer Chitral, the Commissioner Malakand Division Saidu Sharif Swat has reported vide his office letter No. 7904-08/3/9/AG-I/Vol-VI dated 25-05-2018 that he has been found guilty during the payment of forest royalty amongst the royalty holders using the power of Chairman of JFMC Ursoon being serving Government employees compromised on official duties.
- b) Paid Forest royalty to 34 Afghan Nationals showing them residents of Ursoon.
- c) His this act tantamount to misconduct and make you liable to be proceeded against you under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011.

The Perusal of the record of the office of Deputy Commissioner Chitral and District Forest Officer Chitral reveals that Mr. Abdul Salam Assistant/Reader to Assistant Commissioner Mastuj has been nominated as Chairman JFMC Ursoon. The said notification was issued by DFO Chitral (Flag H). Being chairman JFMC Ursoon, Mr. Abdul Salam Assistant/Reader to Assistant Commissioner Mastuj has received an amount of Rs 28,350,000 from Ex NT Drosh for further disbursement.

The Locals /royalty holders of the area Ursoon in their written statement had raised their reservations, that they are not satisfied with the instant distribution of royalty, made by JFMC. They had also requested that a detailed inquiry of royalty payment for the year 1992 to 2017 would be made. In their statement they had also pointed that royalty amount had been paid to Afghan nationals living in their area. (Statement of Local as Flag I).

The undersigned also called the legal heir (Son) of Pakistani women ( Gulsambar Bibi & Barat Bibi ) who were married to Afghan Nationals in Ursoon They had submitted the statements of their mothers. (Flag J & K). On query from Muhammad Tahir S/O Gulsambar Bibi and Naqeebullah S/O Barat Bibi, they informed that till now they had not obtained CNIC and recently they have obtained NADRA token numbers i.e. 101711055072 and 101711010489 in pursuance of Ministry of Interior Letter No. NADRA/HQ Ops/LGL-15-5200 dated 08-06-2018 (Flag L) wherein it is informed that Peshawar and Sindh High Courts vide judgment have passed judgment that amendment (XIII of 2000) in section 5 of Pakistan Citizenship Act 1951 should be retrospective effect. Therefore individuals born to any Pakistani parents (father or Mother) be treated as Pakistani Citizen Irrespective of their DOB.

From the above discussion, it is evident that except the mother i.e. Gulsamber Bibi and wife of Muhammad Tahir all his family members have not obtained CNIC, which shows that they are Afghani Nationals. Similarly excepts the mother i.e. Barat Bibi and wife of Naqeebullah and all his family members have not obtained CNIC and thus are also Afghani Nationals.

Furthermore it is worth to mention that the royalty amount was distributed during the month of September/October 2017 and at that time the aforementioned NADRA notification was not issued therefore one can ascertain that except those mentioned above all family members were Afghan Nationals and still they do not have obtained CNIC properly, except Token cards.

Furthermore, from the perusal of the acquaintance roll, from previous inquiry proceedings of Additional Assistant Commissioner Chitral and Settlement officer Chitral and discussion with the local community it was pointed that royalty to 34 No. Afghan Nationals have been paid as per following details:

S.No.	Name of Concessionists (Afghani National)	Amount paid as Royalty	Remarks
1	Gulsamber Bibi	6006	An amount of Rs. 204204/- have been paid to these 34 Afghan Nationals. (Flag M)
2	Abdul Wakeel	6006	
3	Abdul Wadood	6006	
4	Mohd Tahir	6006	
5	Zaitoon Bibi	6006	
6	Bibi Shaheen	6006	
7	Haseena Bibi	6006	
8	Hazrat Yousaf	6006	
9	Hanif Ahmad	6006	
10	Shahbaz	6006	
11	Idrees	6006	
12	Faizan	6006	
13	Azeema Bibi	6006	
14	Saiqa Bibi	6006	
15	Humma	6006	
16	Wajid	6006	
17	Hafina Bibi	6006	
18	Alina Bibi	6006	
19	Taiba Bibi	6006	
20	Zahid Ahmad	6006	
21	Zohaib Ahmad	6006	
22	Faiz Ahmad	6006	
23	Zulfiqar Ahmad	6006	
24	Wiqar Ahmad	6006	
25	Tanweer	6006	
26	Barat Bibi	6006	
27	Naqeebullah	6006	
28	Nasreen bibi	6006	
29	Naseema bibi	6006	
30	Naheeha bibi	6006	
31	Muslima bibi	6006	
32	Halima bibi	6006	
33	Hamrazullah	6006	
34	Afraz	6006	

In his written statement Mr Abdul Salam Assistant / Reader to Assistant Commissioner Mastuj has stated that on the recommendations of notables and local people of the area, he has been notified as chairman of JFMC by the Forest Department and JFMC Rules 2004 do not restrict any Govt servant of being so. He has also stated that the distribution of royalty is responsible of Revenue officer, and he is not concerned with the entire process. He has further stated that on recommendation of grand Jirga the 34 individuals living in the area for about 40 years and having contribution for community were given royalty and are members of two widows who are Pakistani. The Grant Jirga usually decides the payment of royalty according to local traditions. (Flag N)