

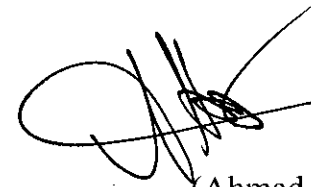
Order

10.01.2019

Counsel for the appellant present. Mian Amir Qadar, District Attorney for respondents present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in connected service appeal No. 1335/2017 titled "Malik Rokhan -vs- Secretary Forest, Khyber Pakhtunkhwa and eight others" Parties are left to bear their own cost. File be consigned to the record room.

Announced:
10.01.2019



(Ahmad Hassan)
Member
Camp Court Swat



(Muhammad Amin Khan Kundi)
Member

06.11.2018

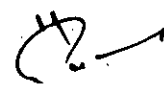
Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 03.12.2018 at camp court Swat.


Reader

03.12.2018

Appellant in person and Mr. Usman Ghani learned District Attorney alongwith Adnan SDFO present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 10.01.2019 before D.B at Camp Court, Swat.


Member


Member
Camp Court, Swat

03.07.2018

Appellant Amjad Ali in person and Mr. Israr Ahmad, FPP on behalf of the respondents alongwith Mr. Usman Ghani, District Attorney present. Written reply on behalf of respondents No. 1 to 5 and 7 to 9 submitted. Respondent No. 6 has already submitted written reply. Case to come up for rejoinder and arguments on 03.09.2018 before D.B at camp court Swat..



Chairman
Camp court, Swat

03.09.2018

Appellant in person present. Mr. Adnan Ali, SDFO and Mr. Muhammad Farooq alongwith Mr. Usman Ghani, District Attorney for respondents present. Rejoinder submitted. Case to come up for arguments on 6.09.2018 before D.B at camp court Swat.



(AHMAD HASSAN)
MEMBER
Camp Court Swat

06.09.2018

Appellant Malak Rokhan in person alongwith Mr. Mian Abdul Saboor Advocate present. Mr. Usman Ghani, District Attorney for respondents present. Learned District Attorney made a request for adjournment. Granted. Case to come up for arguments on 06.11.2018 before D.B at camp court Swat.



Member

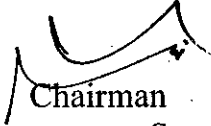


Chairman
Camp Court Swat

1336/17

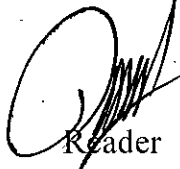
03.04.2018

Appellant in person, Mr. Usman Ghani, District Attorney alongwith Israr Alam, Forest Guard and Muhammad Farooq, DFO and Ali Rahman, Forest Guard for thje respondents No. 2, 4, 5 and 7 present. Appellant submitted amended memo of appeal, copies whereof handed over to representatives of respondents No. 2, 4, 5 and 7. Notice of amended appeal be given to respondents No. 1, 3, 6, 8, and 9. To come up for written reply on amended memo. Of appeal on behalf of all the respondents on 08.05.2018 before S.B at camp court, Swat.


Chairman
Camp court, Swat

09.05.2018

The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 05.06.2018 before the S.B at camp court, Swat.


Reader

05.06.2018

Appellant Amjad Ali in person present. Sahibzada, Superintendent for respondents No. 1 & 2, Sheryar Dilawar, DFO for respondents No. 5 & 8, Malak Farooq, DFO for respondent No. 6 and Israr Alam, FPP for respondent No. 7 alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply by representative of respondent No. 6 submitted. Last opportunity granted to the remaining respondents. To come up for written reply/comments of remaining respondents on 03.07.2018 before the S.B at camp court, Swat.


Chairman
Camp Court, Swat


31.01.2018

Appellant in person present and Addl. AG alongwith Mr. Adalth Khan, SDFO for respondents No. 7 present. Appellant submitted an application for amendment in memo of appeal. Application is accepted. To come up for amended memo of appeal/further proceedings on 07.03.2018 before S.B at Camp Court Swat.


Chairman
Camp Court, Swat

07.03.2018

Counsel for the appellant and Addl. AG alongwith Sheryar, DFO and Farooq, DFO for the respondents present. Counsel for the appellant seeks time to file amended memo. of appeal. To come up for amended memo. of appeal on 03.04.2018 before the S.B at camp court, Swat.


Chairman
Camp court, Swat

~~Appellant in person present and Addl. AG alongwith Mr. Adalth Khan, SDFO for respondents No. 7 present. Appellant submitted an application for amendment in memo of appeal. Application is accepted. To come up for amended memo of appeal/further proceedings on 07.03.2018 before S.B at Camp Court Swat.~~

~~Chairman
Camp Court, Swat~~

Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 1336/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30/11/2017	<p>The appeal of Mr. Amjid Ali presented today by Mian Abdul Saboor Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 30/11/17</p>
2-	12-12-2017	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>05-01-2018</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
05.01.2018	<p>Appellant Deposited Security Process Fee</p> <p><i>[Signature]</i></p>	<p>Learned counsel for the appellant present. Preliminary arguments heard.</p> <p>Aggrieved from order dated 06.07.2017 whereby the appellant (Forest Guard) was dismissed from service on the ground of being guilty of misconduct, inefficiency, corruption and connivance, the appellant has filed the present appeal.</p> <p>In the interest of justice the present appeal is admitted for regular hearing, subject to all legal/just objections including limitation.</p> <p>The appellant is directed to deposit security and process fees within 10 days thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 31.01.2018 before S.B at camp court Swat.</p> <p style="text-align: right;"><i>[Signature]</i> (Muhammad Hamid Mughal)</p>

Member
Camp Court, Swat

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA AT PESHAWAR.**

Service Appeal. No. _____/2018


Amjad Ali.....(Appellant)

VERSUS

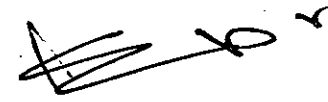
Secretary Forest & others(Respondents)

I N D E X

S. #	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1.	Appeal		1 - 13
2.	Certificate		14
3.	Affidavit		15
4.	Addresses of the parties.		16 - 17
5.	Copy of Order No. 02 dated 06.07.2017	"A"	18 - 19
6.	Copy of complaint.	"B"	20
7.	Better copy of complaint.	"B-1"	21 - 22
8.	Copy of letter No. 100 dated 11.5.20117.	"C"	23
9.	Copy of show cause notice	"D"	24
10.	Better copy of show cause notice	"D-1"	25
11.	Copy of Appeal dated 25.07.2017	"E"	26 - 27
12.	Copy of enquiry Report	"F"	28 - 31
13.	Copy of FIR	"G"	32 - 33
14.	Better copy of FIR	"H"	34 - 35
15.	Copy of Death certificate	"H-1"	36
16.	Copy of enquiry report.	"I"	37 - 38
17.	Application for Condonation of delay	"J"	39 - 40
18.	Copy of Removal order dated 18.1.2018	"K"	41
19.	Wakalat Nama		42


PETITIONER/APPELLANT

Through counsel


Mian Abdul Saboor Advocate
High Court.
District Shangla Courts Shangla.
Cell 03249171737.

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA AT PESHAWAR.**

Service Appeal. No. 1336/2018

Amjad Ali son of Sher Afzal

R/o Malak Khel Kotkay Tehsil Alpuri, District Shangla.

.....(Appellant)

VERSUS

- (1) Secretary Forest, Khyber Pakhtunkhwa, Peshawar.
- (2) Chief Conservator, Forest Department, central (Southern) Region I Khyber Pakhtunkhwa, Peshawar.
- (3) Chief Conservator, Forest Department, Malakand Region III at Shagai Saidu Sharif Swat.
- (4) Conservator, Malakand Circle East, Forest Department at Shagai Saidu Sharif Swat.
- (5) Divisional Forest Officer, Petrol Squad Swat, at Shagai Saidu Sharif Swat.
- (6) Divisional Forest Officer, (Direction) Shami Road, Peshawar.
- (7) Divisional Forest Officer, Alpuri Forest Division Alpuri District Shangla.
- (8) Sub Divisional Forest Officer, Petrol Squad Swat, at Shagai Saidu Sharif Swat.
- (9) Head Clerk, Office of Divisional Forest Officer Alpuri, District Shangla.

.....(Respondents)

②

**AMENDED SERVICE APPEAL UNDER
SECTION 04 OF THE SERVICE
TRIBUNAL ACT READ WITH
ARTICLE 212 OF THE
CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN OF 1973.**

Respectfully Sheweth:

1. That the appellant is bonafide resident of Village Malak Khel Kotkay District Shangla.
2. That basically appellant was appointed as Forest Guard in Alpuri Forest Division.
3. That the appellant served for almost 08 years in forest sub division Alpuri in district Shangla.
4. That respondent No. 07/DFO Alpuri district Shangla dismissed appellant through office order No. 02 dated 06.07.2017.
(Copy of Order No. 02 dated 06.07.2017 is attached as annexure "A")
5. That earlier a complaint was preferred by a civilian (Mr. Usman Ghani) before Chief Conservator of forests

Malakand alleging illicit cutting of trees in Bazarkot Forest block of District Shangla.

(Copy of complaint is attached as annexure "B" and better copy as annexed "B-1")

6. That the petitioner, being Forest Guard working in the said forest block was implicated on the plea of connivance, consequent to checking report of DFO patrol squad forest division Swat/respondent No. 05.
7. That DFO Alpuri/respondent No. 07 without the slightest resort to any law (in terms of proper enquiry as provided under E&D rules 2011) issued a show cause notice to the petitioner. The petitioner denied in his reply to the show cause notice but the respondent No. 7 issued his dismissal order No. 02 dated 06.07.2017 straight away.
8. That in addition to above, the Range Forest Officer Alpuri was charge sheeted for the same charge and one other Forest Guard and one forester were also dismissed for alleged charge.
9. That respondent No. 06 was appointed as enquiry officer as provided under the relevant rule to conduct proper enquiry against the Range Officer Alpuri regarding the alleged stance.

10. That after detailed investigation/inquiry the charges leveled in the case could not be proved/established against the Range Forest Officer Alpuri. It was also reported by the enquiry officer that the forest damage could not be found and that he time and again requested DFO Patrol Squad Swat and DFO Alpuri to join the enquiry committee in order to verify the trees that were cut but they failed to join the inquiry.

(Copy of letter is attached as annexure "C")

11. That the complaint had implicated 15 respondents apart from staff of forest department as responsible for alleged forest damage, on the plea of personal agony regarding forest royalty issues while seeking support from department. DFO Alpuri and others, unfortunately, could not investigate the matter and issued the impugned orders in utter self defense and in violation of laws of the country.

12. That the Range Officer Alpuri was implicated on identical grounds leveled against the appellant but charges could not be established against him, and the appellant, therefore, stood discriminated.

13. That DFO Patrol Squad Swat, who was entrusted the checking of forest complaint, but he instead acted on behalf of DFO Alpuri, issued transport pass in respect of the reported timber. It is very strange that he

reported 12514 CFT of fresh timber cut but he recovered only 1256.54 CFT of old timber procured from dry/wind fallen trees.

14. That the DFO Alpuri/Respondent No. 07 worked as prosecutor which is against the law and he acted illegally by inflicting harsh punish by dismissing the petitioner with colorful exercise of powers.

15. That earlier a show cause notice was served upon appellant, in the said show cause notice it was alleged that a huge amount of illegal trees were cut down due to negligence of forest staff.
(Copy of show cause notice is attached as annexure "D" and better copy as annexure "D-1")

16. That in response to the show cause notice it was replied by the appellant that the allegation was baseless and trees were not cut down in the said compartment 1 to 12 block Bazar Kot of Alpuri Forest Division.

17. That the appellant submitted a departmental appeal before respondent No. 04 on dated 25.7.2017.
(Copy of appeal is attached as annexure "E")

18. That apart from appellant one other forest guard and one forester were also dismissed by respondent No. 07.
19. That in the same matter Range Forest Officer Mr. Alamgir was also charge sheeted.
20. That respondent No. 02 appointed respondent No. 6 as inquiry officer in order to find out the reality of the matter concerned.
21. That the inquiry officer/respondent No. 06 through its inquiry report declared Mr. Alamgir Range Forest Officer Alpuri as innocent and declared that no illegal cutting of trees were observed by him. The inquiry officer also observed that a small amount of timber of about 1256.54 Cft was recovered from dry and fallen trees.
(Copy of Inquiry report is attached as annexure "F")
22. That respondent No. 8 illegally showed a huge amount of 12514 CFT of timber in his report. While no such kind of recovery was made while it is clearer from show cause notice that about twelve thousand CFT of fake recovery, by reproducing one recovery again in the said show cause notice.

23. That the applicant acted blindly by implicating a dead person named *Nakhood* son of *Naqshay* in the FIR No. 23 dated 9.5.2017 of police station Alpuri district Shangla lodged in this respect as accused No. 13.
(Copy of FIR No. 23 dated 9.5.2017 of police station Alpuri district Shangla is annexed as annexure "G", better copy of FIR as annexure "G-1" and Death certificate as annexure "H")
24. That in the previous years it was recommended by petrol squad that a large number of trees are fallen due to heavy snow fall and the said timber is required to be recovered.
(Copy of report is attached as annexure "I")
25. That in the inquiry report, the inquiry officer exonerated all concerned staff including appellant and recommended them to be reinstated.
26. That range officer Mr. Alamgir latter on joined his duty on the basis of inquiry report while the appellant along with other forest guards are still waiting the decision.
27. That the appellant is a poor person and has no meanings to earn bread for his family.

28. That the appellant filed departmental appeal/ presentation but the respondent failed to consider the said departmental appeal therefore the instant writ petition is being filed before this honourable court for to treat appellant with range officer Mr. Alamgir who was reinstated as range forest officer on the basis of inquiry conducted by inquiry officer.
30. That the appellant also filled a writ petition before the honorable Peshawar High court Mingora bench on dated 22.11.2017 which was dismissed on dated 29.11.2017 as without jurisdiction and the appellant was directed to file a departmental appeal before service tribunal. While the respondent were directed to considered it as departmental appeal/presentation.
31. That the appellant is entitling for condonation of delay / limitation from 22. 11. 2017 till 29. 11. 2017 as writ petition No. W.P 827-M of 2017 was pending before the August Peshawar high court Mingora Bench. Copy of judgment Peshawar High Court Mingora Bench will be produced at the time of final argument or will be annexed with rejoinder.
(Application of condonation is attached as annexure "J")
32. That letter on during the pendency of the instant service appeal, Conservator Forest Malakand Division through

its order modified the order of dismissal from service to removal of service through office order No. 58 dated 18.01.2018.

(Copy of removal order is attached as annexure "K")

33. That the petitioner was condemned unheard he was not called for personal hearing and without any reason the petitioner was removed from service.
34. That the action of Conservator of Forest Malakand Division is against law and equity because the earlier primary fake and sham inquiry was also conducted by Mr. Muhammad Yousaf Khan when he was posted DFO Petrol Squad and on the basis of said adventurism he was promoted to the post of Conservator Forest it shows that he protected his illegal acts by removing petitioner from service. It is against the principle of law that no one should be a judge of its own cause.
35. That the Forest Department play a vital part in the local politics of district Shangla and the present government/ local politicians want to depute their loyal persons and exert political pressure on the people and get vote from them as the petitioner denied to work for political gains on local bases for the ruling class.

36. That being aggrieved and dissatisfied, the petitioner seeking the indulgence of this honorable court through this service appeal/petition inter alia on the following grounds: -

GROUNDS: -

- A. Because the appellant was condemned unheard.
- B. because the appellant was not properly charge sheeted.
- C. Because no opportunity was given to appellant to defend himself.
- D. Because no evidence was collected to involve appellant in any illegal activity committed by the appellant.
- E. Because article 04 of the constitution has been violated as the appellant has not been treated in accordance with law.
- F. Because article 25 of the constitution has also been violated as the appellant has been discriminated and has not been treated equally.
- G. Because norms of article 27 of the constitution has also been discriminated in their service matter.

- H. Because rules of article 10 A of the constitution has also not been fulfilled. As no proper inquiry has been conducted in regards to appellant.
- G. Because the appellant was not treated in accordance with law as provided by constitution of Islamic Republic of Pakistan Of 1973.
- H. Because an article 4 has also been violated as the appellant discriminated against.
- I. Because the behavior adopted by respondent No. 7 is against legal expectation.
- J. Because the respondents by their action and inaction have violated the principal of natural justice.
- K. Because the respondents by their practice have violated the golden principle of equity as enshrined by Islam.
- L. Because the appellant deserved to be treated at par with that of Range Forest Officer Mr. Alamgir deserve to be exonerated from all charges.

- M. Because the respondents have violated the principle laid down E and D rules 2011 and Khyber Pakhtunkhwa service rule/ act by not treating appellant in accordance with law.
- N. Because there is clear difference between facts and figures of recovered timber show cause notice and dismissal order.
- P. Any other ground not specifically prayed for in the body of instant Appeal shall be argued at the time of arguments.

It is therefore, most humbly prayed that on acceptance of the instant service appeal this honorable court may be pleased to,

- 1) To direct respondents to reinstate appellant with all back benefits and to withdraw the earlier dismissal order and latter removal from service order.
- 2) To pay all kind of money/salaries with compound interest.

- 3) Not to harm appellant in further.
- 4) Any other remedy deemed fit by this August court may also be granted in favor of appellant against respondents.


PETITIONER/APPELLANT

Through counsel



Mian Abdul Saboor Advocate
High Court.
District Shangla Courts Shangla.
Cell 03249171737.

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan 1973.
2. NWFP/KPK Civil Servant Act 1973 & Rules.
3. Case Law according to need.

(14)

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA AT PESHAWAR.**

Service Appeal. No. _____/2018


Amjad Ali.....(Appellant)

VERSUS

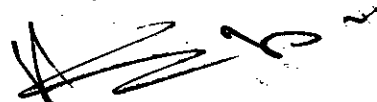
Secretary Forest Khyber Pakhtunkhwa & others(Respondents)

CERTIFICATE:

*As per instructions of my clients, it is certified
that no such like Amended Service Appeal has earlier been
filed by the petitioner before this Honourable Court.*


PETITIONER/APPELLANT

Through counsel


Mian Abdul Saboor Advocate
High Court.
District Shangla Courts Shangla.
Cell 03249171737.

(15)

BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA AT PESHAWAR.

Service Appeal. No. _____/2018

Amjad Ali.....(Appellant)

VERSUS

Secretary Forest & others.....(Respondents)

AFFIDAVIT

*I, Mr. Amjad Ali S/o Sher Afzal R/o Malak Khel Kotkay Tehsil
Alpuri District Shangla do hereby solemnly affirm and declare on
oath that contents of the accompanying Amended Service Appeal are
true and correct to the best of my knowledge and belief and nothing
has been concealed from this Honourable Court.*

DEPONENT

Amjad Ali

Amjad Ali S/o Sher Afzal,
CNIC No. 15501-6818292-7

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA AT PESHAWAR.**

Service Appeal. No. _____/2018

Amjad Ali.....(Appellant)

VERSUS

Secretary Forest & others(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Amjad Ali Son of Sher Afzal

R/o Malak Khel Kotkay Tehsil Alpuri, District Shangla.

CNIC No. 15501-6818292-7

Contact No. 03450924499.

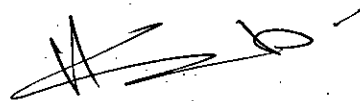
RESPONDENTS:

- (1) Secretary Forest, Khyber Pakhtunkhwa, Peshawar.
- (2) Chief Conservator, Forest Department, central (Southern) Region I Khyber Pakhtunkhwa, Peshawar.
- (3) Chief Conservator, Forest Department, Malakand Region III at Shagai Saidu Sharif Swat.
- (4) Conservator, Malakand Circle East, Forest Department at Shagai Saidu Sharif Swat.
- (5) Divisional Forest Officer, Petrol Squad Swat, at Shagai Saidu Sharif Swat.

- (6) Divisional Forest Officer, (Direction) Shami Road, Peshawar.
- (7) Divisional Forest Officer, Alpuri Forest Division Alpuri District Shangla.
- (8) Sub Divisional Forest Officer, Petrol Squad Swat, at Shagai Saidu Sharif Swat.
- (9) Head Clerk, Office of Divisional Forest Officer Alpuri, District Shangla.


PETITIONER/APPELLANT

Through counsel


Mian Abdul Saboor Advocate
High Court.
District Shangla Courts Shangla.
Cell 03249171737.

(18) (16)

ANNEX: "A"



OFFICE ORDER NO. ⁰² DATED ALPURI THE 06/07/2017 ISSUED BY
MR. MUHAMMAD AMJAD
DIVISIONAL FOREST OFFICER ALPURI FOREST DIVISION
ALPURI DISTRICT SHANGLA

Tel: 0996/850033 Fax: 0996/851008

Whereas, undersigned as a competent authority, had served you Amjad Ali Forest Guard with show cause notice for un-reported damage of 35 trees=12514cft. standing volume detected by SDFO Patrol Squad Malakand East along with his staff during inspection of Bazarkot Compartment No.8,9, 11 and 12 on 4.4.2017. In addition to this 15 Logs (12 in Compartment No.12 and 3 in Compartment No.11) were seized by the SDFO Patrol Squad and handed over to Malk-e-Rokhan Block Officer Bazarkot while 29scants=32.22Cft were found stored in Compartment No.9 and case compounded by SDFO Patrol Squad by realizing compensation etc. worth Rs.48700/- vide D.R. No.256/3 dated 5.4.2017.

You were required to show cause for your in-action against the offenders since the same amounting to mis-conduct, in-efficiency and corruption on your part. You were also given opportunity of personal hearing vide letter No.2959-61/G, dated 16.5.2017.

You in your defense vide your written reply had taken the plea that you remained busy in various activities assigned to you under BTAP. However you failed to give the exact period during which you executed those activities by documentary evidences in its support. Besides Forest Protection is the first and fore most duty of a Forest Guard in his jurisdiction and if any negative impact on protection by BTAP activities had been feared in past, you should have reported the same in writing, but you failed to do so.

You also took the plea that Bazarkot Compartment No.8-12 are situated at far-flung places where access during winter season due to heavy snowfall was not possible. However, this explanation is not tenable in the back drop of the fact that the culprits had cut down 35 trees = 12514Cft and were also able to convert and transport the major portion of the said timber to the adjoining areas of the Swat and Puran, meaning thereby that the access to these compartments was possible for at least one month before 4th and 5th April, 2017 when the damages were finally detected by the SDFO Patrol Squad and his team.

You also claimed to have chalked out damage report No.80/11,85/11,62/3,30/24 and 31/24. However this explanation is no more than an attempt to cover up your in-efficiency and corruption since same were chalk out by you after the damages were detected by the patrol squad. Also, as per your reply, they were chalked out only one or two days prior to the inspection by patrol squad team. If they had been timely chalked out, the Damage Report number would have been carved out on the stumps of the damaged trees, which was not so done in the instant case.

You also negate the damages of 35 trees by relating the same to huge quantity of dry/wind fallen trees in the nullah of Bazarkot C.No.9 to 15. However you and your block officer were along with the patrol squad team during their checking and signatures of both of you were taken by them on their on-spot checking proformas and the converted scants were also properly handed over to you and your block officer on spot. Hence this vary fact also negates your stance.

Hence in the light of above mentioned facts it is crystal/clear that you could not justify your in-action against the culprits involved in extensive illegal cutting of trees in your jurisdiction, thereby the charges of mis-conduct, in-efficiency, corruption and connivance against you stand substantiated.

Attested to be true copy.

Amjad Ali P/C

Mian Abdul Saboor
Advocate
High Court

19/17

Hence, undersigned as a competent authority, under E&D rules 2011, hereby dismiss you from your service as a Forest Guard, with immediate effect.


Sd/-
(MUHAMMAD AMJAD)
DIVISIONAL FOREST OFFICER
ALPURI FOREST DIVISION
DISTRICT SHANGLA

No. 35-41 /G,

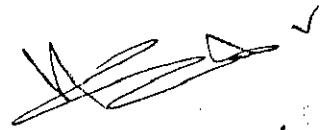
Copy forwarded to the:-

- 1- Chief Conservator of Forest, Malakand Forest Region (Region-III) Saidu Sharif Swat
- 2- Conservator of Forests Malakand Forest Circle East
For favour of information please.
- 3- Divisional Forest Officer, Patrol Squad Forest Division, Mingora
- 4- Sub-Divisional Forest Officer, Alpuri Sub Division Alpuri.
- 5- Mr. Amjad Ali S/o Sher Afzal of Village Kotkai District Shangla
For information.
- 6- Divisional Accountant/Head Clerk for information and necessary action.

Sd/-


DIVISIONAL FOREST OFFICER
ALPURI FOREST DIVISION
DISTRICT SHANGLA

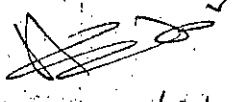
*Attested to be
True Copy;*



*Mian Abdul Saboor
Advocate
High Court.*

صاحب چیف جسٹس صاحب عدالت عالیہ لاہور (پہلے) نے (پہلے) میں ایک فیصلہ سنایا تھا کہ
پیر خیال منی اور سید محمد رفیق نے سوائے آٹھویں فصل کے بیچوں فصلوں کے عدالت عالیہ کے
حالیہ فیصلے سے اپنی ذمہ داریاں ادا کر لی ہیں۔

۱) لہذا شاہ صاحب نے اپنی ذمہ داریاں ادا کر لی ہیں اور پیر خیال منی کے ساتھ ساتھ
۲) محتاج و دربارہ کے ساتھ ساتھ عدالت عالیہ کے فیصلے کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں
۳) ملتان و لاہور میں شاہ صاحب نے جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں
۴) جو سادہ و سادہ فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔
۵) سید علی اور سید رفیق جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔
۶) سید محمد رفیق جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔
۷) سید محمد رفیق جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔
۸) سید محمد رفیق جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔
۹) سید محمد رفیق جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔
۱۰) سید محمد رفیق جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔

Attested to be
True copy

Mian Abdul Saboor
Advocate
Higl Court.

صاحب عدالت عالیہ لاہور نے ایک فیصلہ سنایا تھا کہ
پیر خیال منی اور سید محمد رفیق نے سوائے آٹھویں فصل کے بیچوں فصلوں کے عدالت عالیہ کے
حالیہ فیصلے سے اپنی ذمہ داریاں ادا کر لی ہیں۔
۱) لہذا شاہ صاحب نے اپنی ذمہ داریاں ادا کر لی ہیں اور پیر خیال منی کے ساتھ ساتھ
۲) محتاج و دربارہ کے ساتھ ساتھ عدالت عالیہ کے فیصلے کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں
۳) ملتان و لاہور میں شاہ صاحب نے جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں
۴) جو سادہ و سادہ فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔
۵) سید علی اور سید رفیق جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔
۶) سید محمد رفیق جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔
۷) سید محمد رفیق جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔
۸) سید محمد رفیق جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔
۹) سید محمد رفیق جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔
۱۰) سید محمد رفیق جو فیصلے دیے ہیں ان کے خلاف اپنی ذمہ داریاں ادا کر لی ہیں۔

بجضور جناب چیف کنزرویٹرز صاحب ملاکنڈ ڈویژن، بمقام سید و شریف سوات

سید عثمان غنی ولد سید فضل رحیم ساکن امنوی تحصیل اپوری ضلع شانگلہ، حال رہائشی سالنڈہ تحصیل بابوزی ضلع سوات۔
(سائل)

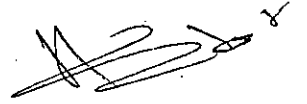
بسمام

- (1) لعل بادشاہ (2) گل بوستان (3) نگارستان (4) امیر بوستان (5) شیر بوستان پسران دلبر
- مرحوم (6) محتاج ولد یارے (7) گلستان (8) گل زمان (9) انصاف (10) اکبر علی پسران محتاج
- (11) ملتان ولد میاں شاہبا (12) مومن خان ولد سردن (13) ناخود ولد نقشے (14) محمود شاد ولد
- ناخود ساکنان موضع امنوی بہرام درہ تحصیل اپوری ضلع شانگلہ (مالکان چینہ جات، جنگلات مافیا عناصر)
- (15) سلطان ولد سیدی موضع چاگم تحصیل پورن ساکن مار توبہ (مالک چینہ)۔
- (16) عملہ جنگلات (فارست ڈیپارٹمنٹ) تحصیل اپوری ضلع سوات۔

تصویب:-

درخواست بمراد منظوری مقرر کرانے منصفانہ ٹیم/ کمیٹی (جو کہ پشاور یا ضلع سوات سے تعلق رکھتے ہوں) تحقیقات موقع پر کروانے کے لئے مقرر فرمائیں تاکہ وہ کمیٹی/ ٹیم منصفانہ تحقیقات کر کے ہزاروں/ سینکڑوں ناجائز اور غیر قانونی درختان کی کٹائی کی معلومات منظر عام پر لایا جائے۔
(شہادت مدعی کی ثبوت پر قانونی کارروائی کر کے پرچہ جات چاک کرنے کا حکم صادر فرمایا جائے۔

Attested to be
true copy



Mian Abdul Saboor
Advocate
High Court

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

- (1) یہ کہ سائیل موضع امنوی تحصیل اپوری ضلع شانگلہ کا اصل باشندہ ہے اور عارضی طور پر موضع سالنڈہ منگلور ضلع سوات میں رہائش پذیر ہے۔
- (2) یہ کہ سائیل موضع امنوی تحصیل اپوری ضلع شانگلہ میں بروئے بلاک بازار کوٹ کپارٹ نمبر 8 تا 19 کی جنگلات میں باقاعدہ رائیلیٹی کی حصول کا مالک اور حصہ دار ہے اور جنگلات میں جو کوٹ جات/ گجران خانہ تعمیر شدہ میں بھی حصہ دار اور حقدار ہے جو کہ باقاعدہ کوٹ جات ریکارڈ مال میں درج چلے آ رہے ہیں اور کوٹ جات کی قفلنگ بھی گجر اور دیگر کسان سے وصول کرتا ہے۔
- (3) یہ کہ جنگلات صوبائی حکومت بروئے کپارٹس مذکورہ کی ہزاروں/ سینکڑوں جنگلات کی درختان (جاری)

مسول الہیم 1 تا 15 بمعدہ 16 اہلکاران جنگلات گھٹ جوڑ اور ملی بھگت مکاکی کی وجہ سے تباہ و برباد ہو رہا ہے جس کی ثبوت باقاعدہ شہادت مدعیان کی جنگلات میں منڈان کی شکل صاف نظر آ رہا ہے۔

(4) یہ کہ اہلکاران جنگلات بمشکل تین چار ماہ بعد 100 ڈیڑھ سو درختان کاٹنے پر صرف ایک درخت کاٹنے کا پرچہ مندرجہ بالا سمگلران کے خلاف دیتا ہے جو کہ بعد میں عملہ جنگلات سمگلروں/ جنگل مافیائے معانی مانگتے ہیں اور کہتے ہیں کہ انکی مجبوری ہے تاکہ حکومت کو کچھ کارکردگی دیکائی جو کہ جنگلات کی یہ تباہی عملہ جنگلات اور سمگلروں کی باہمی گھٹ جوڑ اور ملی بھگت سے ہتا رہا ہے۔

لہذا سائیل کی درختان سمگلنگ شدہ کی قیمت کی سائیل حقدار ہے۔ لہذا 60 فیصد کے حساب حکومت وقت سمگلران اسی حساب سے رقم رائیلی وصول کرنے کا حقدار ہے۔ یہ کہ جو تباہی سمگلران نے کی ہے۔ مدعی کی شہادت و ثبوت عملہ اور سمگلران کے خلاف پرچہ جات درج کیا جاوے اور موقع منڈان سے سیفٹی لیا جائے تاکہ سائیل سمگلروں کے خلاف کارروائی کیا جاسکے۔

عریضہ

سائیل سید عثمان غنی ولد سید فضل رحیم ساکن حال سالندہ منگور بابوزی کسوات،

مورخہ 30.3.2017-

شناختی کارڈ نمبر 1-15602-6263401

Attested to be
True copy,



Mian Abdul Saboo
Advocate
High Court

OFFICE ORDER NO 100 DATED PESHAWAR THE 11 /05/2017
ISSUED BY MR. MUHAMMAD SIDDIQUE KHAN KHATTAK CHIEF
CONSERVATOR OF FORESTS CENTRAL SOUTHERN FOREST REGION-I
KHYBER PAKHTUNKHWA PESHAWAR

ANNEX: "C" 1

The Competent Authority has been pleased to constitute an Enquiry Committee, comprising of Muhammad Farooq-II DFO Lower Dir (Chairman of the Enquiry Committee) and Syed Rizwan Ahmad Kazmi DFO Kohistan Watershed Division Besham (Member of the Enquiry Committee) to conduct an enquiry against Mr. Alangir Khan Forest Ranger (BPS-16) of Khyber Pakhtunkhwa Forest Department, into the charges/allegations leveled against him in the enclosed Charge Sheet and Statement of Allegations, under section-5 (1) of the Khyber Pakhtunkhwa Efficiency and Disciplinary Rules, 2011:-

2. The Enquiry Committee shall submit its findings within 30 days positively.

Sd/-
(Muhammad Siddique Khan Khattak)
Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

No. 3076-79 /E PP Dated Peshawar: the 11 /05/2017

Copy alongwith copies of the Charge Sheets/Statement of Allegations, are forwarded to:-

1. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat with reference to his letter No. 6403 /E dated 11/04/2017. He is also requested to nominate an officer not below the rank of BPS-17 to assist the enquiry committee in the enquiry proceedings.
2. ✓ Muhammad Farooq-II DFO Lower Dir Forest Division Timergara.
3. ✓ Syed Rizwan Ahmad Kazmi DFO Kohistan Watershed Division Besham
4. ✓ Mr. Alangir Khan Forest Ranger C/O DFO Alpuri Forest Division Alpuri. He is directed to appear before the enquiry committee as and when required.

Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

Registered

Attested to be
True Copy!

D-Office Orders

245
Mian Abdeel Saboor
Advocate I
High Court

3
24
SHOW CAUSE NOTICE

ANNEX: "D"

1. Mohammad Amjad, Divisional Forest Officer, Alpuri Forest Division as competent authority hereby serve upon you, Amjad Ali Forest Guard, Beat Guard Bazarkot Compartment No. 1-12 show caused for the offence committed as specified in rule-3 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011.

1) On receipt of complaint preferred by Syed Usman Ghani Son of Fazal Rahim Resident of Amnawi Tehsil Alpuri District Shangla the SDFO Patrol Squad alongwith his staff inspected Bazarkot Compartment No. 8, 9, 11 and 12 on 04th April 2017 and found 35 un-reported trees = 12,514 Cft in the compartments noted against each:

S No.	Compartment No	No. of un-reported trees	Volume (Cft)	Period of duty
1	Bazarkot C-8	1	172	07.1.2017 to 07.4.2017
2	Bazarkot C-9	5	2,254	
3	Bazarkot C-11	14	1,471	
4	Bazarkot C-12	15	8,637	
Total:-		35	12,514	

2) In addition to the above illicit cutting, 15 Logs (12 in C-12 and 3 in C-11) have been seized and properly handed over to Mr. Malk-e-Rokhan Block Officer while 29 Scants = 32.22 Cft were found stored in Compartment No. 9 and case compounded by SDFO Patrol Squad by realizing compensation etc worth Rs. 48,700/- vide D.R No. 256/3 dated 05/4/2017.

The period of damages relate to your tenure. However, no action against offenders on your part, amount to mis-conduct in-efficiency and corruption on your part.

By reason of the above, you appear to be guilty of Mis-conduct, In-efficiency and corruption under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.

You are therefore, required to submit your written reply/defense within seven days of the receipt of this Show Cause to the undersigned.

Your written defense, if any should reach to the undersigned within the specified period failing which it shall be presumed that you have no defense to put in that case ex-parte action shall be taken against you

You should also opt to be heard in person or not.

Sd/-
(Mohammad Amjad)
Divisional Forest Officer
Alpuri Forest Division
District Shangla

No. 2549-51
D.O. dated Alpuri the 11/4/2017
Copy forwarded to the:-

- 1- Conservator of Forests, Malakand Forest Circle East Saidu Sharif Swat for favour of information please.
- 2- Sub Divisional Forest Officer, Alpuri Sub Division for information and necessary action with the direction to deliver the Show Cause Notice to the above named Forest Guard under proper receipt.
- 3- Mr.
- 4- Amjad Ali Forest Guard C/O SDFO Alpuri for information and necessary action.

Amjad Ali P/O
C/O
Sd/- A

Sd/-
Divisional Forest Officer
Alpuri Forest Division
District Shangla

Attested to be true copy

Mian Abdul
Saloor

Advocate
High Court.

25

BETTER COPY

ANNEX: "D-1"

Show cause notice

I, Mohammad Amjad, Divisional Forest Officer, Alpuri Forest Division as competent authority hereby serve upon you. Amjad Ali Forest Guard, Beat Guard Bazarkot Compartment No. 01-12 Show Caused for the offence committed as specified in rule-3 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011.

- 1) On receipt of complaint preferred by Syed Usman Ghani Son of Fazal Rahim Resident of Amnavi Tehsil Alpuri District Shangla the SDFO Patrol Squad along with his staff inspected Bazarkot Compartment No. 8,9,11 and 12 on 04th April 2017 and found 35 un-reported trees + 12,514 Cft in the compartments noted against each.

S. No.	Compartment No.	No. of un-reported trees	Volume (Cft)	Period of duty
1	Bazarkot C- 8	1	172	07-1-2017 to 07.4.2017
2	Bazarkot C- 9	5	2,234	
3	Bazarkot C-11	14	1,471	
4	Bazarkot C- 12	15	8,637	
	Total	35	12,514	

- 2) In addition to the above illicit cutting 15 logs (12 in C-12 and 3 in C-11) have been seized and property handed over to Mr. Mala'k-e-Rokhan Block Officer while 29 Scants 32.22 Cft were found stored in Compartment No. 9 and case compounded by SDFO Patrol Squad by realizing compensation etc worth Rs. 48,700/- vide D.R No. 256/3 dated 05/04/2017.

The period of damages relate to your tenure. However no action against offenders on your part, amount to mis-conduct in-efficiency and corruption on your part.

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

You are therefore, required to submit your written reply/defense within seven day the receipt of this Show Cause to the undersigned.

Your written defense, if any should reach to the undersigned within the specified period failing which it shall be presumed that you have no defense to put in that case ex-parte action shall be taken against you.

You should also opt to be heard in person or not.

Sd/-
(Mohammad Amjad)
Divisional Forest Officer
Alpuri Forest Division
District Shangla.

Attested to be
True copy.

No. 2549-51/G. dated Alpuri the 11/4/2017.

Copy forwarded to the: -

1. Conservator of Forests, Malakand Forest Circle East Saidu Sharif Swat for favour of information please.
2. Sub Divisional Forest Officer, Alpuri Sub Division for information and necessary action with the direction to deliver the Show Cause Notice to the above named Forest Guard under proper receipt.
3. Mr.
4. Amjad Ali Forest Guard C/O SDFO Alpuri for information and necessary action.

Miam Aladul Saboor
Advocate
High Court

(Mohammad Amjad)
Divisional Forest Officer
Alpuri Forest Division
District Shangla.

رحمہ اللہ شاہیل خلاف اعتراضی حکم نامہ نمبر 02 مورخہ 06/07/2017 جاری کردہ از ہمتیم جنگلات ایسٹ ڈویژن ایسٹ سرکل سیدو شریف سوات

مضمون:-

عنوان:- بحوالہ جنام ہمتیم جنگلات ایسٹ ڈویژن حکم نامہ بحریہ 06/07/2017 جاری شدہ زیرمراسلہ نمبر 35-41/G بحریہ 06/07/2017 (نقل منسلک ہے) مندرجہ بالا التماس ہے، کہ جناب ہمتیم جنگلات ایسٹ ڈویژن نے بندہ کے خلاف زیر E&D Rules 2011 کے سشن 5 (a) تلے کارروائی کر کے بلا درست سے فارغ کر دیا گیا ہے۔ گوکہ بندہ نے اظہار وجوہ کے نوٹس کے وضاحت میں اپنا موقف نہایت مدلل انداز سے پیش کیا تھا۔ مگر شاید کسی وجہ سے ہمتیم جنگلات ایسٹ ڈویژن اس سے متفق نہ ہوئے۔ اور ہمدردی سے گہرائی میں بنے پڑھے میرے خلاف حالانہ فیصلہ جاری کر دیا۔ جو سراسر انصاف کے تقاضوں اور انسانی ہمدردی کے منافی ہے۔ بندہ ہمتیم جنگلات ایسٹ ڈویژن کے اس بے انصافی پر محیط حکم نامے کے خلاف زیر اپیل رولز 1986 کا قانونی حق لئے جناب سے معروض ہوں۔ کہ جناب ازراہ کرم اس من گھڑت خود ساختہ اور بے بنیاد مواد پر مبنی حکم نامے کو کالعدم قرار دیکر بندہ کو ملازمت پر بحال کریں۔

میں جناب کے علم و بصارت کیلئے اظہار وجوہ کے نوٹس میں لگائے گئے الزامات پر ایک مرتبہ پھر روشنی ڈالنا چاہتا ہوں۔ تاکہ جناب کو انصاف کے تقاضوں کو پورا کرنے میں آسانی رہے۔ جناب عالی، میں بازار کوٹ کپارٹمنٹ 11، 9، 8 اور 12 کے انچارج ہیٹ گارڈ تھا۔ اس فرائض منصبی کے علاوہ مجھے BTAP سکیم میں بازار کوٹ کپارٹمنٹ نمبر 2، 1 اور 3 میں 50 ہیکٹر شجر کاری، 28000 مفت پودا جات کی تقسیم اور 24000 مربع فٹ زمینی کٹناؤ کے استحکام کا حدف دیا گیا تھا۔ اس مد پر کام اکتوبر 2016 تا اپریل 2017 پورے توجہ کیساتھ جاری رکھا ہوا تھا۔ تاکہ مقررہ حدف بروقت پورا ہو سکے۔

ان مصروفیات کے ساتھ ساتھ مجھے اپنے چارج میں تفویض جنگل کا بھی دیکھ بھال اور تحفظ کرنا تھا نومبر 2016 کے آخر تک میں نے اپنی پوری توجہ BTAP کاموں کیساتھ ساتھ جنگل کے نگرانی پر مرکوز رکھا تھا۔ مگر دسمبر 2016 اور جنوری 2017 کے درمیانی عرصہ میں جنگل پر پڑنی والی تقریباً 10 تا 15 فٹ تک بر فیاری کی وجہ سے مجھے مارچ 2017 تک دنوں گزار پہاڑوں میں راستہ نہ ملنے کی وجہ سے براہ مجبوری تفصیلی معافی کا اتفاق نہ ہوا۔ مارچ 2017 کے آخر تک جب برف کسی حد تک پگھل گئی اور راستہ بنا نا آسان ہوا۔ تو میں سب ڈویژنل فارسٹ آفیسر ایسٹ ڈویژن اور بلاک آفیسر صاحب جنگل حذا کے تفصیلی معافی کیلئے چلے گئے۔ ہم نے 01/01/2017 سے 03/04/2017 تک درج ذیل کپارٹمنٹس چیک کئے اور اس میں پائے نقصان پر پڑے چاک کئے (پرچوں کے نقول لف ہیں)۔

سلسلہ نمبر	نمبر پرچے ہائے مدتاریخ	کپارٹمنٹ نمبر	تفصیل نقصان
1-	84/11 مورخہ 01/04/2017	13	چار عدد درختان کی کٹائی اور ضیغلیں 10 مکسرفٹ لگائی
2-	62/03 مورخہ 02/04/2017	15	ضیغلیں چار عدد لگائی جات قسم فرز 63 مکسرفٹ
3-	85/11 مورخہ 03/04/2017	13	تین عدد درختان قسم فرز 77 مکسرفٹ
4-	30/24 مورخہ 03/04/2017	13	ضیغلیں چار عدد لگائی جات قسم فرز III 52 مکسرفٹ
5-	31/24 مورخہ 03/04/2017	12	ضیغلیں 25 عدد لپیہاں = 55.55 مکسرفٹ

ہم نے درجہ بالا جس نقصان پر پڑے کائے۔ تو یہ کسی انسانی کارروائی کا پیداوار نہیں تھا۔ بلکہ جو خشک اور بہتر درختان شدید بر فیاری اور تیز ہوا سے اڑ گئے تالوں میں برف تلے چھنس گئے تھے۔ اس کو مقامی لوگوں نے برف سے نکال کر گھریلو ضروریات کیلئے جرائی کرتے رہے۔ مگر بروقت کارروائی کی وجہ سے مال مسرتہ چھنے میں کر دیا۔ اگلے روز یعنی 4/4/2017 کو جب میں دوبارہ پیٹرول سکواڈ والوں کیساتھ گیا۔ تو مزید گرسے پڑے درختان کو برف سے نکال کر ایک مجرم چمائے کرتے ہوئے پکڑا اور اس سے مبلغ 48700/- روپے عوضان لیکر جرم پر قانونی کارروائی کی۔

جہاں تک پیٹرول سکواڈ والوں کے شمار کردہ 35 عدد درختان کا تعلق ہے۔ تو اس بارے میں عرض ہے۔ کہ درجہ بالا پائے گئے مال مسرتہ کے علاوہ جنگل میں کسی بھی کپارٹمنٹس میں بغیر کارروائی کے منڈی نہیں تھی۔ ہاں اگر انہوں نے کوئی منڈی بغیر نمبر کے ریکارڈ کی ہو۔ تو شاید یا تو وہ خشک اور وٹڈ فال سے گرے درختوں کی منڈیاں تھی۔ یا پھر وہ منڈی شمار میں لئے گئے تھے۔ جس پر میں نے پرچہ کر کے نمبر منڈی پر لگایا تھا۔ مگر شدید بر فیاری طویل وقت گزرنے پر پھر مقامی لوگوں کے ہالن اور نارچ دوڑ کے حصول کیلئے منڈیوں کو دوبارہ کاٹ کر نمبر ڈائل ہو چکے تھے۔ یہاں یہ امر قابل ذکر ہے۔ کہ ایسٹ ڈویژن کے اکثر جنگل اور بازار کوٹ کے جنگل میں خاص کر ہر سال خشک اور ڈھلان پر کھڑے، درختان تیز ہوا اور شدید بر فیاری کی وجہ سے گر کر تالوں میں برف تلے دب جاتے ہیں۔ ایسے درختان کی زیادہ تر منڈیاں زمین سے اونچائی پر ٹوٹ جاتے ہیں۔ جسے مقامی لوگ کاٹ کر بان کیلئے استعمال کرتے ہیں۔ چونکہ ایسی منڈیاں کسی جرم کا ارتکاب میں نہیں آتے۔ لہذا ڈیوٹی پر تعینات سرکاری اہلکار کے گلے پڑ جاتے ہیں اس قدرتی نقصان کے تصدیق کیلئے میں ہمتیم جنگلات پیٹرول سکواڈ ڈویژن کا مراسلہ نمبر 28/G مورخہ 18/07/2014 کا حوالہ دے رہا ہوں (جو کہ منسلک بھی ہے) جس میں اس نے اس قسم کی نقصان کا اور اس پر کارروائی کرنے کیلئے تفصیلی تذکرہ کیا ہے۔ مگر محکمہ کی طرف سے ابھی تک اس بارے پڑے درختان کو اٹھانے کا کوئی خاطر خواہ انتظام نہ ہو سکا۔

اسکے علاوہ اگر میرے اظہار وجوہ کے نوٹس کو ملاحظہ کیا جائے۔ تو مذکورہ جنگل پر میری ڈیوٹی 07/01/2017 تا 07/04/2017 کے دوران یہ پر محیط بتایا گیا ہے۔ جبکہ

نقصان کا اندازہ بھی اس دوران یہ من بتایا گیا ہے۔ جیسا کہ جناب کو خوب معلوم ہے۔ کہ الپورنی فارمسٹ ڈویژن کے پشتر جنگلات بلعموم اور بازار کوٹ کے جنگل مخصوص با دو باران اور برف کے زرد میں آتے ہیں۔ موسم سازگار ہو کر مارچ کے آخر میں برف پگھلنے کی حد تک چلنے پھرنے کیلئے راستہ مل جاتا ہے۔ یہی وجہ ہے کہ میں نے BTAP کاموں میں مصروفیت اور جنگل میں راندہ لٹنے کی وجہ سے ماہ جنوری تا مارچ 2017 بہار مجبوری کوئی جنگل کا مختار نہیں کیا پھر بھی پیپرول سکواڈ والوں کے چیکنگ سے جنگل میں جنگل کا معائنہ کیا تھا اور جو کچھ نقصان ہاتھ لگا اس پر قانونی کارروائی مکمل کی اور حال سرودہ ضبط کیا تھا۔

جہاں تک مجھ پر یہ الزام ہے۔ کہ میں خود چیکنگ پارٹی کے ہمراہ تھا اور انکے تیار کردہ لسٹ پر دستخط کیا ہے۔ تو اس بارے میں عرض ہے۔ کہ میں نے صرف کیا رٹس نہیں دیے ہیں پائے گئے چار یا پانچ ہمدردیوں کی نشاندہی پر دستخط کیا تھا۔ جو میرے چارج میں نہیں تھا۔ اور نہ ہی مجھے انہوں نے کسی کیا رٹس کا نقصان ہتا کر دستخط کیلئے کہا تھا اگر انہوں نے میرے دستخط تھے کوئی مزید مواد ضلک کے ہو تو اسکا مجھے علم نہیں ہے۔

آخر میں بندہ انجناب کی توجہ ایک قابل ذکر اور قابل فہم امر کی طرف مبذول کرانا چاہتا ہے، کہ جناب محترم جنگلات الپورنی فارمسٹ ڈویژن کو میرے خلاف باقاعدہ انکوائری کیٹی کے ذریعے کرنی چاہے تھی۔ اس میں مجھے اپنے دفاع میں بھر پور صفائی کا موقع ملتا اور سرکاری پراسیکوشن بھی مکمل ریکارڈ کے ساتھ پیش ہوتا۔ اسی طرح چند ایک گواہوں کو پیش کرنے کا بھی موقع ملتا۔ مگر بریٹیج اور مجھ سے ذاتی عداوت کو بنیاد بنا کر میرے کسی کو بغیر صفائی شہادتوں اور پراسیکوشن کو سے قبیل وقت میں مہمانیت بے رحمی سے انجام تک پہنچایا جو انصاف اور انسانی ہمدردی کے تقاضوں۔ منانی ہے۔

جناب عالی!

میں ایک غریب خاندان سے تعلق رکھتا اور بچے گھر کا واحد کفیل ہوں لہذا اپنے درجہ بالا گزارشات کے روشنی میں جناب سے عرض گزار ہوں کہ ازراہ کرم انصاف۔ تقاضوں اور ہمدردی کے پیش نظر میرے اس پیل پر ہمدردانہ غور فرمادیں اور محترم جنگلات الپورنی فارمسٹ ڈویژن کا حکم نمبر 02 بحریہ 04/07/2017 کو کا بعدم قرار دیکر مجھے باعزت ملازمی ملازمت پر بحال کرنے کا موقعہ عنایت فرمادیں۔ میں جناب سے ذاتی طور پر سننے کا بھی استدعا کرتا ہوں

العارض
Amiruddin
امجد علی سابقہ فارمسٹ کارڈ
الپورنی فارمسٹ ڈویژن
الپورنی
25/7/2017

Attested to be true copy.

Mian Abdul Saboor
Advocate
High Court.

28

ANNEX: "F"

INQUIRY REPORT IN COMPLIANCE TO OFFICE ORDER NO.100
DATED 11.05.2017 ISSUED BY CHIEF CONSERVATOR OF FOREST
CENTRAL SOUTHERN FOREST REGION-I PESHAWAR

BRIEF HISTORY

A complaint dated 20/03/2017 (Annexure-A) was preferred by one Mr. Usman Ghani s/o Fazal Rahim of Village Amnavi District Shangla before the Chief Conservator of Forests-III, Swat. Alleged stance reflected in said complaint was that heavy forest damage had occurred in Bazarkot Forest Compartments No: 8, 9, 11-15 with connivance of incharge forest staff and 15 Civilians.

Chief Conservator of Forest Region-III vide No: 5956/GB dated 21/03/2017 (Annexure-B) asked DFO Patrol Squad Swat to investigate contents of the complaint and submit detailed report. DFO Patrol Squad vide No: 331/PS dated 06/04/2017 submitted list of 84 trees = 29745 cft standing volume as 'illicitly cut' (Annexure-C).

Departmental stance, however, remained inclined towards accusation of field staff as a preliminary step. Therefore, Range Officer Mr. Alamgir has been served with Instant Memo in light of office order No: 100 dated 11/05/2017 of Chief Conservator of Forest-I.

FACTS OF THE CASE

- a. The accused officer was asked vide No: 5350/Actt dated 19/05/2017 to file written defence to alleged stance reflected in the charge sheet. The accused officer accordingly, submitted his written defence on 25/05/2017 (Annexure-D).
- b. The accused officer vide his reply has negated extent of the damage reported by the DFO Patrol Squad, least to talk of his connivance. Mr. Alamgir, however, has raised following reservations to the alleged Memo:-
 - (i) The complaint has not been interpreted and investigated in the real context and diverted merely against the lower staff on the basis of no evidence and in a haste.
 - (ii) The extent of forest damage reported by Patrol Squad has not been verified by the Department prior to initiation of disciplinary action.
 - (iii) The complaint is potentially encompassing vested interest and personal grievance between the complainant himself and civilian respondents. It rather appears that floor of the department is being used by the complainant to boost his personal objective of royalty issues in above forests.
 - (iv) It is astonishing to note that Respondent No: 13 (Nakhood s/o Naqshi) has been implicated in the complaint who in fact is not alive (death certificate is Annex as E). This proves hollowness of the complaint and therefore, maliciously conceived.
 - (v) That standing volume reported by Divisional Forest Officer Patrol Squad worth 29745 cft has been calculated on the basis of stump height which is not understandable therefore, not maintainable.
 - (vi) That as per report of Divisional Forest Officer Patrol Squad the damage had occurred during my predecessors' era.

Attested to be
true copy

Mian Abdul Saboor
Advocate
High Court

RECORD CONSULTED

C. Office record pertaining to instant enquiry was sought from DFO Alpuri vide No. 7502/G&L dated 1.6.2017 (Annex-E) which was partially provided vide No.3139/G, dated 15/06/2017 of DFO Alpuri (Annex-F). ✓

DFO Alpuri has also been nominated as prosecutor for the instant enquiry vide No. 8134/E, dated 22/6/2017 of CCF-III Malakand Region (Annex-G). ✓

D. Illicit damage to the tune of 84 tree=29745 cft in Bazarkot forests was detected and submitted before Conservator of Forests East Circle vide DFO Patrol Squad No. 331/PS, dated 06/04/2017 (Annex-H). No Remarks Column existed in above list. ✓

E. Out of total reported damage worth 29745 cft, DFO Patrol Squad has reported total extraction worth 605 scants= 1256.54 cft vide NO. 384-87/PS, dated 27/04/2017 (Annex-J). This reveals out turn percentage of 4.2%.

Following observations, therefore are required to be attended.

- (i) The low out-turn percentage coupled with no timber trail in terms of Field book, farm A, farm-5 etc would render the quantum of reported damage as extremely doubtful.
- ✓ (ii) Warranted Role of DFO Alpuri in the Situation is missing.
- (iii) Identification of compartment boundaries Assessment of Quantum of damage, timber account for reported damage, transportation and Marketing after due process etc are the responsibilities of DFO Alpuri which have been Omitted in the circumstances.
- (iv) Seizure of reported timber by DFO Patrol Squad Swat and issuance of TP towards CTD Swat has rendered following short comings.
 - (a) The difference between illicit timber detected and net timber procured is manifold.
 - (b) The culprits could not be identified by staff of Patrol Squad and cases registered against un-known offenders.
 - (c) The prevailing situation has rendered DFO Alpuri as silent spectator. He has not even bothered to verify the reported damage till date which, in fact, does not exist at all.
 - (d) DFO Alpuri, without resorts to law, has blindly issued dismissal order of three staff members without conducting proper investigation on the complaint. He has rather acted in self defense. The instant accusation has, therefore, been preferred as based on above dismissal orders.

*Tested to be
true copy;*

*an Abdul
Saboor
wocate
High court.*

PROCEEDINGS-

On the basis of record and facts narrated above chairman of the Enquiry committee proceeded to office of DFO Alpuri on 19/7/2017, for consultation and checking of Bazarkot forests as well. As already intimated vide No. 153, dated 07/07/2017 forests in Bazarkot were checked on 19-7-2017 as under.

30

- (a) Compartment No. 11-15 were traversed in major and photographed as well (Annex-K) the reported damage could not be verified on spot.
- (b) DFO Alpuri and DFO Patrol Squad Swat were requested vide above reference of 07/07/2017 but DFO Patrol Squad or his staff could not join the checking/damage verification process. Two Forest Guards representing DFO Alpuri and the accused officer, however, joined the checking team.
- (c) It was observed that wind-fallen trees have been seen by staff of patrol Squad and mostly transported to Road side instead of any green tree.
- (d) Member of the inquiry committee Mr, Rizwan Kazmi Could not join the checking/verification process.

The complainant, Mr Usman Ghani S/O Fazal Karim of Arnavi was called on at office of DFO Alpuri on 20/7/2017 for seeking certain clarification. He came to the office but when asked some questions in line of his complaint, he ran away. Next day he contacted the undersigned on phone but when asked to record his statement before the Enquiry committee he switched off his cell no 0343-9606993.

DFO Alpuri (the Prosecutor), DFO Patrol Squad Swat were finally asked vide No. 262-273/Silva dated 24/7/2017, to furnish certain necessary clarification. Their responses could not be received till date. This was followed by two reminders but to no avail. (Annex-L)

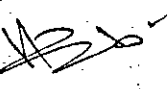
RATIONALE/ARGUMENT

The real contention to be resolved in the instant enquiry is:-

Whether the reported forest damage in Bazar Kot Forest compartment No. 8,9,11-15 has been verified and whether the instant accusation really warranted for. Express reply to above is No because the committee conducting the probe could not verify the damage on spot.

The committee have requested DFO Patrol Squad Swat twice to depute his team help investigate the reported damage but same could not be made possible. Factual investigation by necessary implication is deduced below.

- ✓ (i) DFO Patrol Squad has avoided to join verification of reported damage on ground.
- ✓ (ii) Complainant absconded to record a single word in support/ furtherance of his complaint.
- ✓ (iii) DFO Alpuri (prosecutor) and DFO Patrol Squad are reluctant to respond to clarifications sought vide No. 262-273/Silva dated 24/7/2017 till date.
- ✓ (iv) Timber out turn to the tune of 1256.54 Cft visa-vis 29745 cft standing volume is unbelievable. It was verified on spot that mostly wind fallen/old trees were sawn and converted by staff of Patrol Squad Swat. The reported damage seems mere exaggeration and not existed on spot.
- ✓ (v) Timber pertaining to transport pass No. 01 dated 17/4/2017, issued by DFO Patrol Squad Swat per se is out come of dry wind fallen trees.
- ✓ (vi) Damage list submitted by DFO Patrol Squad lacks remarks column. The volume has been calculated on the basis of stump height which is ridiculous. If the volume was calculated on the basis of DBH then the green trees felled illicitly should have been lying in the forests. The low out turn of 4.2% therefore, is surely unjustified.

Alleged to be true copy

 Mian Abdul Saboor
 Advocate
 High Court

LIMITATIONS


Member of the enquiry committee Mr. Rizwan Kazmi DFO Haripur could not join the proceeding despite regularly contacted for every date fixed. He was requested vide No. 5350/Accdtt date 19-5/2017, No.5702/GL dated 01/06/2017 and NO. 414/Silva at and finally vide No. 487-90, dated 07/08/2017. He could not Join on a single date and the report has been finalized by the chairman alone.

CONCLUSION

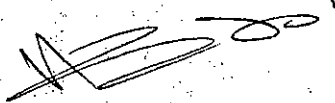
1. Forest Damages reported vide DFO Patrol Squad No. 331/PS dated 06/04/2017 could not be verified on ground as under.
 - (i) The checking party have inspected major portion of Bazar Kot forests compartment No. 11-15 but could not detect the reported damage.
 - (ii) DFO Patrol Squad was requested twice to Join OR depute his party to locate the damage which he is avoiding till date.
 - (iii) The total damage reported by DFO Patrol Squad i.e 29745 cft and total extracted timber i.e 1256.54 are not matching any way.
 - (iv) ~~DFO Alpuri and DFO Patrol Squad Swat have avoided to co-ordinate in line of the enquiry and not responding to question communicated to them.~~
 - (v) Timber Trail on the part of DFO Alpuri is not in existence and DFO Patrol Squad has acted extraneously.
 - ✓(vi) Action against the staff at Alpuri was taken by DFO Alpuri without any proof of guilt and seems enforced rather than based on conscious lawful justification.
 - (vii) The prosecution (DFO Alpuri) and DFO Patrol Squad have failed to defend maintainability of their respective action.

RECOMMENDATION

Charges against the accused officer could not be established on any accepted grounds. Therefore, the officer is recommended for exoneration.


 (Muhammad Farooq)
 Divisional Forests Officer
 Silva Peshawar
 (Chairman enquiry Committee)

Attested to be true copy;


 Mian Abdul Sakoor
 Advocate
 High Court

رضوانہ رضوی

جناب صاحب مدعا سے کے ذریعہ اسکا
عمل ہونے پر وہ جتنا ہے
معدا رضوانہ رضوی نے اپنے نام پر
معدا رضوانہ رضوی نے اپنے نام پر
معدا رضوانہ رضوی نے اپنے نام پر
معدا رضوانہ رضوی نے اپنے نام پر
معدا رضوانہ رضوی نے اپنے نام پر
معدا رضوانہ رضوی نے اپنے نام پر
معدا رضوانہ رضوی نے اپنے نام پر

Attested to be
True Copy.

Mian Abdul Saboor
Advocate
High Court.

_____ دستخط
_____ مہر

اطلاع کے لیے اطلاع دینے والے کا دستخط اور گواہوں کی ہر نشان لگایا جائے گا۔ اور اگر تحریر کنندہ ابتدائی اطلاع کا دستخط نہیں تصدیق ہوگا۔ خلاف الف یا ب سرخ روشنائی سے اظہار نام پر
ایک نام یا شہر کے ترتیب داسے یا نشانگان علامت غیر یاد شدہ اشیا یا الفاظ ان جہاں سرور میں لکھا جائے۔

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

تھانہ ایوری ضلع شانگلہ
مقدمہ علت نمبر 462 تاریخ وقت وقوع 8.5.017 وقت باپتھین ویلہ

1	تاریخ و وقت رپورٹ	9.5.2017 وقت دفتری اوقات چا کیدگی پرچہ 25.5.2017 وقت 12:45 بجے۔
2	نام و سکونت اطلاع دہندہ مستغیث	(1) نام سید عثمان غنی ولد فضل رحیم سکونت امنوی حال سالنڈہ CNIC نمبر 15501-6265401-1 موبائل نمبر 03439606993
3	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ نیا گیا ہو۔	506,341,427,149 PPC
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	راستہ عام نزد شلغشو بانڈہ واقع بہرام درہ بفاصلہ 20/21 Km از تھانہ۔
5	نام و سکونت ملزم	(1) لعل باچہ (2) گل باچہ (3) نگارستان (4) امیر باچہ (5) شیر بوستان پسران دلبر (6) محتاج (7) بخت زیب پسران یارے (8) گل بوستان (9) گل زمان (10) انصاف (11) اکبر علی پسران محتاج (12) ملتان ولد میاں شاہ بہار (13) ناخورد ولد نقشب (14) سجاد ولد بخت زیب ساکنان بہرام درہ امنوی۔
6	کاروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو۔	بہ رسیدگی رائے پرچہ دیا گیا۔
7	تھانہ سے رواگئی کی تاریخ و وقت رپورٹ	بہ سبیل ڈاک۔

ابتدائی اطلاع نیچے درج کرو۔

مستی سید عثمان غنی نے برخلاف ملزمان بالا ایک تحریری درخواست کر کے جس پر انکوائری حسب ضابطہ ہو کر انکوائری پر جناب DPP صاحب قانونی رائے لی جا کر حسب رائے جناب DPP صاحب برخلاف ملزمان بالا مقدمہ مجرم بالا درج رجسٹر کیا جا کر کیفیت نمبر 1 تا 3 ضمنی نمبر 1 کا حصہ تصور ہوگا۔ نقل پرچہ مع انکوائری کاغذات بمقام تفتیش حوالہ انچارج انوشی گیشن کیا جاتا ہے۔ افسران بالا کو اطلاع دی جا رہی ہے۔ متن درخواست ذیل ہے۔ پرچہ گزارش ہے۔

دستخط انگریزی

(جاری)

SHO. PS Alpuri /25.05.2017

بخدمت جناب SHO صاحب تھانہ اپوری۔ سید عثمان غنی ولد فضل رحیم ساکن امنوی حال سالنڈہ امنوی بنام لعل باچہ گل باچہ، نگارستان، امیر باچہ، شیر بوستان پسران دلبر محتاج، بخت زیب پسران یارے، گل بوستان، گل زمان، انصاف، اکبر نلی پسران محتاج، ملتان ولد میاں بہار، ناخود ولد نقشے، سجاد ولد بخت زیب ساکنان بہرام درہ امنوی تھانہ اپوری۔ درخواست بہرہ قانونی و تادیبی کارروائی برخلاف مسول الہیم دربارہ نقصان رسانی جنگل، بانڈہ جات سائیل، ناجائز مداخلت سائیل کی مزارعین کے بھیڑ بکریوں، مویشیاں کو بذور بندوق ہٹائے جائے۔ جناب عالی!۔ درخواست حسب ذیل عرض ہے۔ (1) یہ کہ سائیل علاقہ بہرام درہ میں کافی جائیداد، بانڈہ جات کا زرخید مالک، قابض ہے اور ہر سال گجر/ اجڑ خانہ بدوش سالانہ اجارہ قلمگ پر لے کر اس میں بھیڑ بکریاں اور دیگر مویشیاں چراتے رہے ہیں اور بانڈہ جات الموسومہ شلغشو، پتا و طور طم، جبر، سپرگی میں الیتادہ درختان کی بھی حفاظت کرتے ہیں۔ (2) یہ کہ مذکورہ اجارہ داران کے ساتھ باقاعدہ اقرار نامہ جات بھی تحریر ہوتی رہی ہیں جو کہ سالانہ یا دو سالہ میعاد پر نئے نئے اقرار نامے تحریر کئے جاتے ہیں اور سائیل کو نقد ادائیگی کی جاتی ہے۔ (3) یہ کہ مسول الہیم انتہائی سینہ زور اور شریک شاخص ہیں۔ اور بانڈہ جات مذکورہ میں ہر قسم کی غیر قانونی اور ناجائز کارروائی کر کے درختان کاٹ کر سمگل کرتے رہے ہیں جس کی باقاعدہ رپورٹ متعلقہ حکام تک پہنچائی گئی ہے جس کی رو سے بعض مسول الہیم کے خلاف اہلکاران متعلقہ نے پرچہ ہائے بھی تحریر کی ہے۔ لیکن مسول الہیم کسی صورت میں اپنے سینہ زوری سے باز نہیں آتے۔ اور بذریعہ موبائیل فون قتل کی دھمکیاں بھی دے رہے ہیں۔ (4) یہ کہ مسول الہیم سائیل کے اجارہ داران کو تنگ کر کے ان کے مال مویشیاں، بھیڑ بکریاں بانڈہ سے نکال کر راستہ آمدورفت، مال مویشیاں بند کئے ہیں اور رہائشی کوٹھہ جات سے اجارہ داران کی سامان زبردستی نکالتے ہیں۔ (5) یہ کہ بزور بندوق مسول الہیم نے بانڈہ جات میں بد معاشی قائم کر کے غیر قانونی کٹائی درختان میں یہ پہلے سے ملوث ہے سے باز نہیں آتے۔ (6) یہ کہ مسول الہیم ان حالات میں سائل اور اجارہ داران کو جبر، اجڑ کی جان و مال کو بھی سخت خطرہ لاحق ہے۔ ان کے خلاف کارروائی نہ ہونے کی صورت میں سائیل کا مزید مقدمات میں الجھنے کا اندیشہ ہے۔ لہذا استدعا ہے کہ بمظوری درخواست ہذا مسول الہیم خلاف تادیبی قانونی کارروائی کی جائے۔ دستخط اردو عثمان غنی ولد فضل رحیم سکنا امنوی حال سالنڈہ منگور۔ جناب عالی اقل بمطابق اصل درست ہے۔

دستخط انگریزی

Attested to be
true copy:

SHO. PS Alpuri /25.05.2017

Mian Abdul Saboor
Advocate High court.

پروانہ درستی نام۔

بنام:- محتاج ولد یارے ساکن بہرام درہ امنوی

گل بوستان ولد محتاج سکنا بہرام درہ امنوی

مقدمہ عنوان و جرم بالا میں ملزمان بالا کا بوقت اندراج FIR نام بالا درج رجسٹر ہوئی تھی۔ بدوران تفتیش، گرفتاری

ملزمان پایا گیا کہ ملزمان کے اصل نام ممتاز ولد یارے، گلستان ولد ممتاز ہے۔ لہذا پروانہ درستی نام ملزمان جاری ہو کر بغرض تکمیل

ریکارڈ گزارش ہے۔ دستخط انگریزی ہمایون خان ASI مورخہ 3.6.2017





P06375427

حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

ANNEX: "H-1"

وفات سرٹیفکیٹ

DEATH CERTIFICATE

CRMS No-D165003-17-0021

FORM No P006375427

NATURE OF DEATH: NORMAL

درخواست دہندہ کا نام: محمد رسان
1550116777007 درخواست دہندہ کا شناختی کارڈ نمبر:
پتہ: گاؤں بہرام دارہ، تحصیل الپوری، ضلع شانگلہ

موتی کا نام: موتی کا نام
شناختی کارڈ نمبر: شناختی کارڈ نمبر
جنس: مذکر (Male)
تاریخ پیدائش: 1-1-1960
تاریخ وفات: 24-4-2017
تاریخ تدفین: 24-4-2017
موت علالت

1550129164285

APPLICANT NAME: MUHAMMAD RASAN

APPLICANT CNIC: 1550116777007 RELATION WITH DECEASED: Father

ADDRESS: VILLAGE: BAHRAM DARA,

TEHSIL: ALPURI, DISTRICT: SHANGLA

DECEASED NAME/ CNIC	FATHER-NAME/ CNIC	DATE OF BIRTH	SEX	RELIGION	PLACE/DATE OF DEATH	DATE OF BURIAL	REASON OF DEATH	SICKNESS PERIOD
NAKHOOD	NAOSHAY	1-1-1960	MALE	ISLAM	BAHRAM DARA	24-4-2017	NATURAL	24-4-2017

1550129164285

BLOOD RELATION PERSON CAUSING DISPOSAL OF BODY

NAME: MUHAMMAD RASAN

CNIC: 1550116777007

GRAVEYARD NAME: BAHRAM DARA

ENTRY DATE: 24-7-2017

ISSUE DATE: 24-7-2017

ADDITIONAL INFORMATION HEART ATTACK

سیکرٹری یونین کونسل

Attested to be True copy.

کتاب خیر کوٹگی (3) ضلع شانگلہ

SECRETARY
VC M. A. K. I. Chel
District Shingla

Mian Abdul Saboor
Advocate,
High Court.

(37/3)

ANNEX: "I"



OFFICE OF THE DIVISIONAL FOREST OFFICER PATROL
SQUAD FOREST DIVISION SAIDU SHARIF (SHAGAI)
Phone No. 0946-923004

No. 28 /PS, Dated Shagai the 13 /07/2014

To

The Conservator of Forests,
Malakand Circle East,
Saidu Sharif Shagai Swat.

Subject:- ENQUIRY REPORT REGARDING CHECKING OF BAZARKOT/LOLONAI
FOREST OF ALPURI FOREST DIVISION

Memo:

Reference your office order No.73 dated 11/06/2014.

It is submitted that as per instructions contained vide your goodself office order on the subject noted above, the undersigned alongwith the field staff of Patrol Squad Forest Division visited Apuri (District Shangla) for checking of Bazar kot Forests, on 16/06/2014 to 18/06/2014.

FINDINGS

The Bazarkot Forest Compartments were checked thoroughly alongwith the local field staff of Alpuri Forest Division. During checking/inspection of Bazarkot Forest Compartment No.23, it was noticed that there is a lot of reported damage in the said compartment. The application preferred by the inhabitants/elders of Malak, Rhel kotkai village submitted to DFO Alpuri dated 10/06/2014 which is self explanatory (attested copy enclosed herewith).

*sted to be
copy*

However, the matter was enquired/investigated from the locals of the area and it was learned that (1) Mr. Sanobar S/O Rahbarin, (2) Mr. Alam S/O Maulatmand and (3) Mr. Shair S/O Siraj Residents of Drad Puran (offenders) were actively involved in illicit cutting of Kail trees in the said compartment. The local field staff has taken action against the above named culprits /offenders, accordingly and chalked damage report vide No.85/81 dated 06/06/2014 and arrested them and were sent to prison.

*nm Abdul Saboor
scate
the court*

The Forest Compartment No. 9 to 16 and 17 to 22 were jointly checked/inspected with the local field staff and the damage for local/domestic use was found covered under damage No38/5 dated 18/06/2014, 39/5 dated 23/06/2014 and No.40/5 dated 23/06/2014.

While checking these compartments, it was noticed that a large number of wind fallen trees were found lying in the nullahas particularly in Bazarkot compartment No.9,10 to 11, which need to be transported to CTD Shagai for auction.

It is therefore recommended that the timber lying in these compartments needs early disposal, otherwise it will become rotten and deteriorated with out bringing any revenue to the department as well as to the royalty holders/ local concessionits.

Moreover, an illegal stock was apprehended at saboonai and realized the compensation of Rs.43000/- (Forty three thousand only) from the offenders/stock holders.

Similarly the Kail and fir scants=(73 =58Cft) and illicit cutting of Kail/Fir trees (3 Nos) were apprehended in Bazarkot Forest Compartment No.13,14,15 and handed over the cut materials to the local field staff under proper superdari and to bring it to the monthly auction to CTD Shagai. (attested copies of Damage Report enclosed.

Similarly lilonai west Forest Compartments No. (1 to 18) were thoroughly checked/inspected on 24/06/2014 to 26/06/2014 and it was noticed that an effective measures for control of illicit cutting in lilownai west Block has been made by the owners/local concessions and local field staff of Apuri Forest Division. For this purpose Block head quarter has been established at Shesharhn valley, and the duty by number is performed in groups on day/night basis.

RECOMMENDATIONS

1. Wind fallen trees lying in Bazarkot Forest Compartments No.9,10 and 11 at Saboonai and Trikand nullahas should be marked/enlisted for further transportation to CTD Shagai.
2. A block Head Quarter should be established at Yakhtangi (Old Rest House) for the field staff of Bazarkot block because it is far away from Alpuri and for the effective control over the illicit cutting and illegal movement of timber.

The report is therefore, submitted for favour of further necessary action please.

Sayed Adalat Khan
Sayed Adalat Khan
Deputy Ranger
Patrol Squad Division.

ALI AKBAR
(ALI AKBAR)
DIVISIONAL FOREST OFFICER,
PATROL SQUAD DIVISION
SHAGAI

No. 210 /PS,
Copy: forwarded to the Chief Conservator of Forests, Region Malakand Region-III Saidul Sharif Shagai for favour of information and please.

DIVISIONAL FOREST OFFICER
PATROL SQUAD DIVISION
SHAGAI

Attested to be
True copy!

Mian Abdul Saboor
Advocate
High Court

39

ANNEX: 'J'

BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA AT PESHAWAR.

Service Appeal. No. _____/2017

Amjad Ali.....(Appellant)

VERSUS

Secretary Forest & others(Respondents)

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:

1. That the appellant have filed an appeal title above in this honorable court in which no date has been fixed yet.
2. That some delay occurred while filing the instant service appeal due to the pendency of Writ Petition No. M-828/2017.
3. That the appellant filed Writ Petition on dated 22.11.2017 which was disposed on 29.11.2017.

(Copy of Judgment will be produced in the time of arguments or will be annexed with copy of rejoinder)
4. That the appellant seeks condonation of delay from 22.11.2017 to 29.11.2017.

5. That this court must be pleased to condone the said delay on the basis of equity and law.

It is, therefore, requested that the delay explained above may kindly be condoned and the service appeal may kindly be disposed off on merits.

appellant

Dated: ____/11/2017

Amjad Ali

AFFIDAVIT

It is certified on Oath that the contents of the above application are true & correct to the best of my knowledge and belief, nothing have been concealed from this Hon'ble Court.

Deponent

Amjad Ali.

(41)

ANNEX: "K"

OFFICE ORDER NO. 58 DATED SAIDU SHARIF THE: 18 /01/2018 ISSUED BY
MR. MOHAMMAD YOUSAF KHAN CONSERVATOR OF FORESTS, MALAKAND EAST CIRCLE.

WHEREAS, Mr. Amjad Ali Forest Guard was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, for the charges mentioned in show cause notice served vide DFO Alpuri endst. No. 2549-51/G, dated 11.4.2017 which he replied and provided him opportunity of personal hearing.

WHEREAS, the competent authority (DFO Alpuri) after having considered the charges, evidence on record, the explanation of the accused official and hearing him in person and exercising his powers under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, imposed major penalty of dismissal from service vide office order No.2 dated 06.7.2017.

WHEREAS, the Ex-official being aggrieved preferred departmental appeal before the appellate authority (Conservator of Forests, Malakand Circle East) and prior to decision of the appellate authority, he approached Honorable Peshawar High Court Mingora Bench/Darul Qaza Swat through a writ petition in violation Article 212 of the constitution of Islamic Republic of Pakistan, Civil Servants Act and Civil Servants appeal Rules. The learned High Court disposed off the writ petition in terms that it is converted into representation and asked the Department for lawful consideration of the grievance of the petitioner in respect of his reinstatement as Forest Guard in Alpuri Forest Division strictly within the legal framework vide order dated 29.11.2017.

WHEREAS, in compliance to the above judgment, opportunity of personal hearing was provided and the Ex-Forest Guard was heard in person on 10.01.2018. During personal hearing he pointed out that he remained busy in various activities assigned under BTAP. The same is not different but includes in his duties. Further he explained that Comptt: No.8 to 12 are situated at far flung places where access during winter season due to heavy snow fall was not possible. The same is no excuse.

NOW THEREFORE, having considered the charges, evidence on record, explanation of the accused official and hearing him in person and keeping in view gravity of forest damage and his proved failure in performing his official duty as Forest Guard the competent authority (DFO Alpuri) had rightly imposed major penalty of Dismissal from service. Though he proved himself unfit for Forest Service but keeping in view his future carrier and employment in other Department/Organization, I Mohammad Yousaf Khan, Conservator of Forests Malakand East Forest Circle, in the capacity of appellate authority hereby change the penalty imposed by DFO Alpuri from Dismissal from Service to Removal from Service.

SD/-
(MOHAMMAD YOUSAF KHAN)
CONSERVATOR OF FORESTS,
MALAKAND CIRCLE EAST.

7823-25
No. /E.

Copy forwarded to the:-

1. Chief Conservator of Forests, Malakand Region-III, Saidu Sharif Swat for favour of information with reference to his No.4394/E, dated 18.12.2017, please.
2. Divisional Forest Officer, Alpuri Forest Division for information with reference to his No.765/G, dated 26.9.2017.
3. Mr. Amjad Ali Ex-Forest Guard C/O Divisional Forest Officer Alpuri Forest Division for information and further necessary action.

CONSERVATOR OF FORESTS,
MALAKAND CIRCLE EAST,
SAIDU SHARIF SWAT.

In the event of joining or carrying on any other profession, service or business, the holder will not be entitled to use this Card and shall forthwith surrender it to the KP Bar Council.

Father's Name: Abdul Shakoor
Address: Vill. & P.O. Lilownai, Teh Alpurai District
Shangla
Office Tel. 0996-850035 Cell: 0324-9171737
Enrolment Date L.C. 16-04-2004
Enrolment Date H.C. 12-07-2008
Place of Practice District Courts Shangla
Date of Birth 16-04-1968
Blood Group O+ve
N.I.C No. 15501-2284719-3

42

KHYBER PAKHTUNKHWA
BAR COUNCIL

ADVOCATE HIGH COURT

ABDUL SABOOR
Advocate High Court
bc-10-0127
Date of Issue: 29-06-2014
Valid upto: 29-06-2017



Secretary
KP Bar Council

KHYBER PAKHTUNKHWA BAR COUNCIL
1st Floor G-block, Khyber Road, Peshawar, Ph: 091-0211172 Fax: 091-0213914
E-mail: support@kpbarcouncil.com, www.kpbarcouncil.com

بعدالت جناب چیئر مین سروس ٹریبونل صاحب شانگلہ ایڈووکیٹ ایسوسی ایشن پورن ایشام اچکیسز اینگورہ سوات

مورخہ 7 مارچ 2018 منجانب اسپیلانٹ
مقدمہ بعنوان اجمری علی بنام سیکرٹری فاریسٹ
دعوی اپیل سروس نگرانی درخواست
مقدمہ علت نمبر مورخہ جرم تھانہ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام ایڈووکیٹ ایسوسی ایشن پورن ایشام اچکیسز اینگورہ سوات کیلئے عبدالصبور ایڈووکیٹ (ہائی کورٹ) مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی، اقبال دعویٰ واپسی مقدمہ اور بصورت ڈگری کرنے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرا اس 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 اختیار حاصل ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کلی یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے ساختہ پرداختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا اس کا مستحق وکیل صاحب ہوگا۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دور پر یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوگا کہ پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے۔

امیدوار
ایسوسی ایشن اسپیلانٹ

العبر العبر العبر

Attested & Accepted

by Abdul Saboor advocate

المرقوم 7 ماہ مارچ 2018

بمقام ایڈووکیٹ ایسوسی ایشن پورن ایشام اچکیسز اینگورہ سوات کیلئے منظور ہے۔

عبدالصبور

عبدالصبور ایڈووکیٹ (ہائی کورٹ) ضلع شانگلہ سوات

BEFORE THE PESHAWAR HIGH COURT, MINGORA BENCH/
DARUL QAZA, SWAT.

Writ Petition. No. 828-M/2017.

Amjad Ali.....(Petitioner)

VERSUS

Secretary Forest & others(Respondents)

I N D E X

S. #	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
	Opening Sheet		A
	Writ Petition		1 - 11
	Certificate		12
	Affidavit		13
	Addresses of the parties.		14 - 15
	Copy of Order No. 02 dated 06.07.2017	"A"	16 - 17
	Copy of complaint.	"B"	18
	Better copy of complaint.	"B-1"	19 - 20
	Copy of letter No. 100 dated 11.5.20117.	"C"	21
	Copy of show cause notice	"D"	22
	Better copy of show cause notice	"D-1"	23
	Copy of Appeal	"E"	24 - 25
	Copy of Legal Notice	"F"	26 - 27
	Copy of enquiry Report	"G"	28 - 31
	Copy of FIR	"H"	32 - 33
	Better copy of FIR	"H-1"	34 - 35
	Copy of Death certificate	"I"	36
	Copy of enquiry report	"J"	37 - 38
	Court Fee		39
	Wakalat Nama		40

PETITIONER

Through counsel



Mian Abdul Saboor Advocate
High Court.

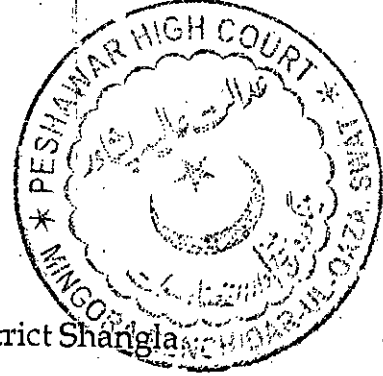
District Shangla Courts Shangla.
Cell 03249171737.

Dated: 11.2017.

①

BEFORE THE PESHAWAR HIGH COURT, MINGORA
BENCH/ DARUL QAZA, SWAT.

Writ Petition. No. 828-M /2017



Amjad Ali son of Sher Afzasl

R/o Malak Khel Kotkay Tehsil Alpuri, District Shangla
.....(Petitioner)

VERSUS

- (1) Secretary Forest, Khyber Pakhtunkhwa, Peshawar.
- (2) Chief Conservator, Forest Department, central (Southern) Region I Khyber Pakhtunkhwa, Peshawar.
- (3) Chief Conservator, Forest Department, Malakand Region III at Shagai Saidu Sharif Swat.
- (4) Conservator, Malakand Circle East, Forest Department at Shagai Saidu Sharif Swat.
- (5) Divisional Forest Officer, Petrol Squad Swat, at Shagai Saidu Sharif Swat.
- (6) Divisional Forest Officer, (Direction) Shami Road, Peshawar.
- (7) Divisional Forest Officer, Alpuri Forest Division Alpuri District Shangla.
- (8) Sub Divisional Forest Officer, Petrol Squad Swat, at Shagai Saidu Sharif Swat.
- (9) Head Clerk, Office of Divisional Forest Officer Alpuri, District Shangla.

.....(Respondents)

ATTESTED

Examiner
Peshawar High Court Bench
Mingora/Dar-ul-Qaza, Swat.

②

WRIT PETITION UNDER ARTICLE
199 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF
PAKISTAN OF 1973.

Respectfully Sheweth:

1. That the petitioner is bonafide resident of Village Malak Khel Kotkay District Shangla.
2. That basically petitioner was appointed as Forest Guard in Alpuri Forest Division.
3. That the petitioner served for almost years in forest sub division in Alpuri district Shangla.
4. That respondent No. 07/DFO Alpuri district Shangla dismissed petitioner through officer order No. 02 dated 06.07.2017.
(Copy of Order No. 02 dated 06.07.2017 is attached as annexure "A")
5. That a complaint was preferred by a civilian (Mr. Usman Ghani) before Chief Conservator of forests Malakand alleging illicit cutting of trees in Bazarkot Forest block of District Shangla.

ATTESTED
Examine
Peshawal High Court Bench
Mingora, District Shangla, Swat.

③

(Copy of complaint is attached as annexure "B" and better copy as annexed "B-1")

6. That the petitioner, being forest guard/incharge beat guard of said forest block was implicated on the plea of connivance, consequent to checking report of DFO patrol squad forest division Swat/respondent No. 05.
7. That DFO Alpuri/respondent No. 07 without the slightest resort to any law (in terms of proper enquiry as provided under E&D rules 2011) show caused the petitioner and issued his dismissal order No. 02 dated 06.07.2017 straight away.
8. That in addition to above, the Range Forest Officer Alpuri was charge sheeted for the same charge one other Forest Guard and one forester were also dismissed for alleged charge.
9. That respondent No. 06 was appointed as enquiry officer as provided under the relevant rule to conduct proper enquiry against the Range Officer Alpuri regarding the alleged stance.
10. That after detailed investigation/enquiry the charges leveled in the case could not be proved/established

ATTESTED

Examiner
Peshawar High Court Bench
Dar-ul-Qaza, Swat.

④

against the Range Forest Officer Alpuri. It was also reported by the enquiry officer that the forest damage could not be found and that he time and again requested DFO Patrol Squad Swat and DFO Alpuri to join the enquiry committee in order to verify the trees that were cut but they failed to join the inquiry.

(Copy of letter is attached as annexure "C")

11. That the complaint had implicated 15 respondents apart from staff of forest department as responsible for alleged forest damage, on the plea of personal agony regarding forest royalty issues while seeking support from department. DFO Alpuri and others, unfortunately, could not investigate the matter and issued the impugned orders in utter self defense and in violation of laws of the country.
12. That the Range Officer Alpuri was implicated on identical grounds leveled against the petitioner but charges could not be established against him, and the petitioner, therefore, stood discriminated.
13. That DFO Patrol Squad Swat, who was entrusted the checking of forest complaint, but he instead acted on behalf of DFO Alpuri, issued transport pass in respect of the reported timber. It is very strange that he reported 12.514 square feet of timber cut but he

ATTESTED
Examiner
Hajawal High Court Bench,
Dar-ul-Qaza, Swat.

(5)

recovered only few square feet of old timber procured from dry/wind fallen trees.

14. That the DFO Alpuri/Respondent No. 07 worked as prosecutor which is against the law and he acted illegally by inflicting harsh punish by dismissing the petitioner with colorful exercise of powers.
15. That earlier a show cause notice was served upon petitioner, in the said show cause notice it was alleged that a huge amount of illegal trees were cut down due to negligence of forest staff.
(Copy of show cause notice is attached as annexure "D" and better copy as annexure "D-1")
16. That in response to the show cause notice it was replied by the petitioner that the allegation was baseless and trees were not cut down in the said compartment 8 to 15 block Bazar Kot of Alpuri Forest Division.
17. That the petitioner submitted a departmental appeal before respondent No. 04.
(Copy of appeal is attached as annexure "E")
18. That petitioner also served a legal notice on the respondent which could not be relied till now.
(Copy of Notice is attached as annexure "F")

ATTESTED

Examiner
Peshawar High Court Bench
Muzaffargarh, District Quetta, Swat.

19. That apart from petitioner one other forest guard and one forester was also dismissed by respondent No. 07.
20. That in the same matter Range Forest Officer Mr. Alamgir was also charge sheeted.
21. That respondent No. 02 appointed respondent No. 6 as inquiry officer in order to find out the reality of the matter concerned.
22. That the inquiry officer/respondent No. 06 through its inquiry report declared Mr. Alamgir Range Forest Officer Alpuri as innocent and declared that no illegal cutting of trees were observed by him. The inquiry officer also observed that a small amount of timber of about 1256.54 cft was recovered from dry and fallen trees.
(Copy of Inquiry report is attached as annexure "G")
23. That respondent No. 8 illegally showed a huge cft of 12514 cft of timber in his report. While no such kind of recovery was made while it is clearer from show cause notice that about seven thousand square feet of fake recovery, by reproducing one recovery again in the said show cause notice.

ATTESTED

Examine
Peshawar High Court Bench
Mingora/Dar-ul-Qad, Swat.

24. that the applicant acted blindly by implicating a dead person named *Nakhood* son of *Naqshay* in the FIR No. 23 dated 9.5.2017 of police station Alpuri district Shangla lodged in this respect as accused No. 13.
(Copy of FIR No. 23 dated 9.5.2017 of police station Alpuri district Shangla is annexed as annexure "H", better copy of FIR as annexure "H-1" and Death certificate as annexure "I")
25. That in the previous years it was recommended by petrol squad that a large number of trees are fallen due to heavy snow fall and the said timber is required to be recovered.
(Copy of report is attached as annexure "J")
26. That in the inquiry report, the inquiry officer exonerated all concerned staff including petitioner and recommended them to be reinstated.
27. That range officer Mr. Alamgir latter on joined his duty on the basis of inquiry report while the petitioner along with other forest guard are still waiting the decision.
28. That the petitioner is a poor person and has no meanings to earn bread for his family.

ATTESTED
Examiner
Peshawar High Court Bench
Mingora/D.I. Qaza, Swat.

PESHAWAR HIGH COURT, MINGORA BENCH/
DAR UL QAZA, SWAT
FORM OF ORDER SHEET

Court of

Case No..... of.....

Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	29.11.2017	<p><u>W.P. No. 828-M/2017</u></p> <p>Present: Mr. Abdul Saboor, Advocate, for the Petitioner.</p> <p style="text-align: center;">***</p> <p><u>MOHAMMAD IBRAHIM KHAN, J.-</u> Through this writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, Amjad Ali the Petitioner herein, has made a prayer that:-</p> <p style="text-align: center;"><i>"It is therefore, most humbly prayed that on acceptance of the instant writ petition this honourable court may be pleased to,</i></p> <ol style="list-style-type: none"> 1. <i>To direct respondents to reinstate petitioner with all back benefits.</i> 2. <i>To pay all kind of money/salaries with compound interest.</i> 3. <i>Not to harm petitioner in future.</i> 4. <i>Any other remedy deemed fit by this August Court may also be granted in favour of petitioner against respondents.</i> <p>2. At the very outset, learned counsel for the</p>

Mah

"Nawab PS" (D.B.) Hon'ble Mr. Justice Mohammad Ibrahim Khan
Hon'ble Mr. Justice Muhammad Nasir Mahfooz

ATTESTED
Examiner
Peshawar High Court Bench
Mingora, Dar-ul-Qaza, Swat

Petitioner stated at the bar that he would not press this writ petition on merits if this petition is treated as representation and recommended to the concerned Respondents/Department for redressal of the grievance of the Petitioner in respect of his reinstatement as Forester Guard in Alpuri Forest Division District Shangla with all back benefits.

3. Learned Astdt: Advocate General present in Court in some other cases did not raise any objection with regard to request of learned counsel for the Petitioner being reasonable in nature.

4. In view of the above, this writ petition is disposed of in terms that it is converted into representation and be sent to the Worthy Chief Conservator Forest Department Malakand Region III at Saidu Sharif Swat for lawful consideration of the grievance of the Petitioner in respect of his reinstatement as Forester Guard in Alpuri Forest Division District Shangla strictly within the legal framework.

Announced
Dt. 29.11.2017

JUDGE

JUDGE

6632
 Name of Applicant: A. Ahmad Ali
 Date of Filing: 29-11-17
 Date of Disposal: 09-12-17
 No. of Copies: 9 P
 Urgent: 18/17
 Date of Disposal: 09-12-17

7716
 30/11/17
 Certified to be true copy

"Nawat-PS" (D.B.) Hon'ble Mr. Justice Mohammad Ibrahim Khan
 Hon'ble Mr. Justice Muhammad Nasir Mahfooz

EXAMINER
 Peshawar High Court, Bannu/Jara/Gawal-0770, Swat
 Authorized Under Article 27 of Court Act 1973
 09/12/17

محکمات عالیہ سہارن پور، محکمہ سوانی و پبلک ورکس / دارالقضاء سوات



مقدمہ نمبر:

WP 228/2017

عنوان:

پروانہ اولیٰ نام: محمود علی نام طہور

224499-2017

آئی جی سوانی و پبلک ورکس سوات ضلع سوات

سید علی محمد سوات

333 9999

مقدمہ عنوان بالا میں تاریخ پیش پٹی مورخہ 017 - 11 - 2017

مقام چار روپائی کورٹ، پیکورہ سوات اور سوات

بالا کو بذریعہ نوٹس اپرواٹ بنایا گیا ہے کہ وہ تاریخ

موجودہ کی تمہارے خلاف کارروائی کیلئے عمل میں لائی جائیگی۔

آج مورخہ 017 - 11 - 2017 کو بوقت مختار میرے وہ عدالت جاری کیا گیا۔

پروانہ اولیٰ نمبر 101

برائے آئی جی سوات

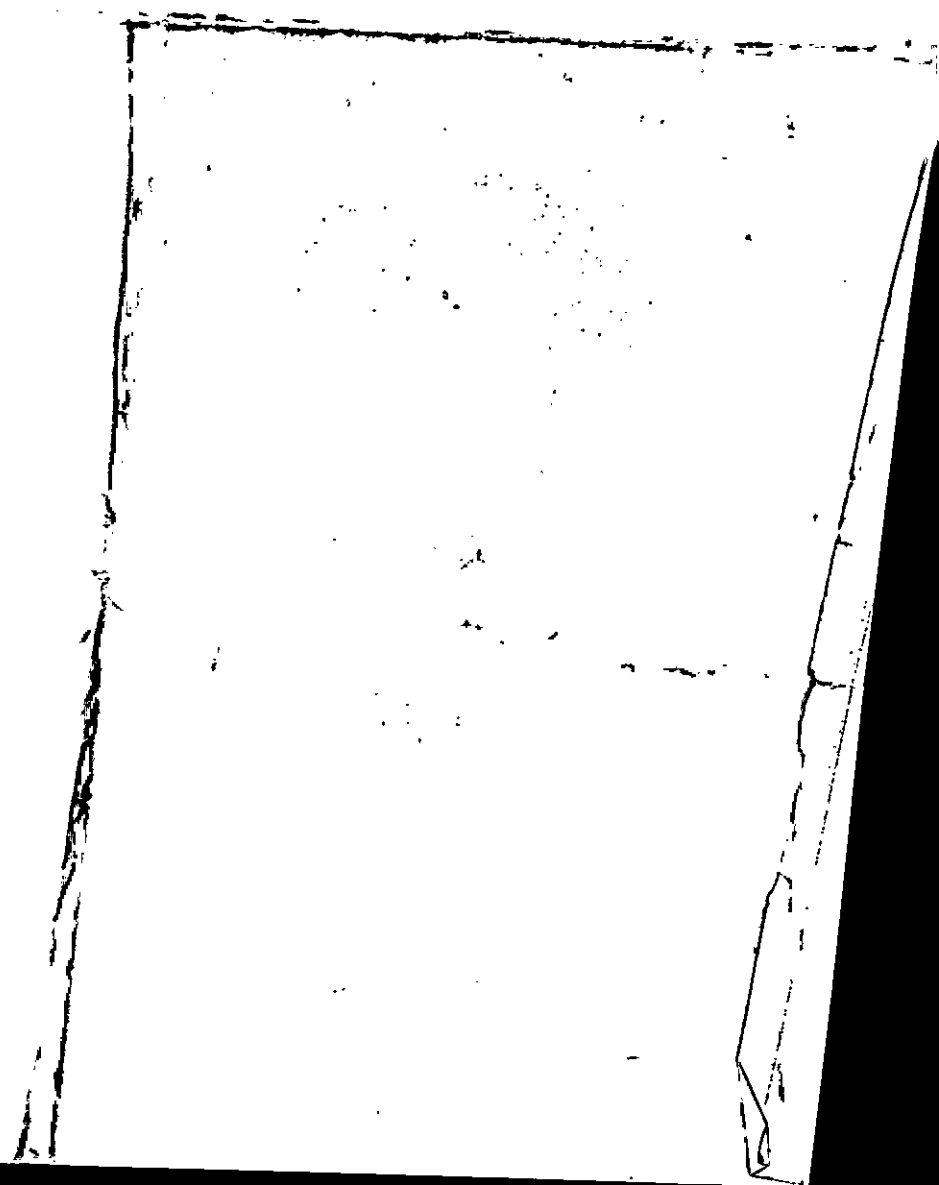
25 Nov. 2017 11:55AM PG

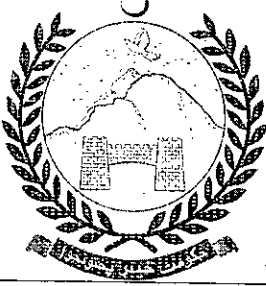
FROM : AR PHC MINGORA

FAX NO. : 0946885404

سید علی محمد

11/11/17





Office of the Divisional Forest Officer Alpuri Forest
Division Alpuri District Shangla

Tel: 0996/850033 FAX-0996/851008

AUTHORITY LETTER.

Mr. Israr Alam FPP is hereby authorized to attend the court of Khyber Pakhtunkhwa Service Tribunal Peshawar at Camp Court Swat on behalf of the undersigned in the case of Mr. Amjad Ali VS Secretary Forests and others in Service Appeal No.1335/2017 on 03-04-2018.

DIVISIONAL FOREST OFFICER
ALPURI FOREST DIVISION
DISTRICT SHANGLA

BEFORE THE HONOURABLE CHAIRMAN
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
CAMP COURT AT GULKADA SAIDU SHARIF SWAT.

Service Appeal No. _____/2017

Amjad Ali (Petitioner)

VERSUS

Secretary Forest & others.(Respondents)

Application to grant amendment in the captioned titled case in order to include/challenge the office order No. 58 dated Saidu Sharif 18.01.2018 issued by respondent No. 04 in response to the departmental appeal filed by the petitioner whereby the dismissal order was modified and the petitioners was removed from service. The said removal order is based on mala fide and against the rules of as the earlier fake/one sided inquiry also conducted by respondent No. 04.

Respectfully Sheweth: -

Petitioner submits as under:-

1. That the caption titled case is pending before this Honourable court and it is faxed for today dated 31.01.2018 for further proceedings.
2. That the petitioner earlier filed a service appeal whereby he challenged his dismissal order.

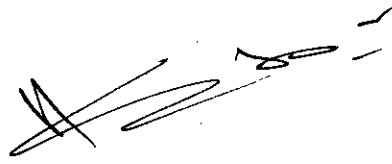
3. That during the pendency of service appeal the departmental appeal filed by the petitioner was disposed off by the respondent No. 04 and the dismissal order was modified from dismissal to removal of service by respondent No. 04. (Copy of order is attached as annexure "AA")
4. That the petitioner is entitled to amend the caption titled case to the extent of order of removal and to challenge the said order based on mala fide, capricious against the rule of law.
5. That it is evident from the record that the earlier fake/one sided inquiry was also conducted by respondent No. 04 when he was posted as DFO Petrol Squad. He showed efficiency by preparing a false and fake inquiry report and on the bases of said fake inquiry, he was promoted to the rank of Conservator and was posted Conservator of Forest, Malakand Circle East.
6. That it is rule of law that no one should be a judge of his own cost.
7. That the petitioner is entitled to amend the service appeal on the grounds mentioned above.
8. That the petitioner were condemned unheard and no opportunity of hearing was given to petitioner.

Prayer:-

It is humbly prayed that on the acceptance of this application that the petitioner may kindly be allowed to amend his service appeal in order to challenge the order No. 58 dated 18.01.2018 passed by the respondent No. 04 as an act against rule of law and the principle of equity.

PETITIONER

Through counsel


Mian Abdul Saboor
Advocate
High Court.
Cell 03005375855.

Dated: .01.2018.

BEFORE THE HONOURABLE CHAIRMAN
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
CAMP COURT AT GULKADA SAIDU SHARIF SWAT.

Service Appeal No. _____/2017

Amjad Ali (Petitioner)

VERSUS


Secretary Forest & others.(Respondents)

SERVICE APPEAL.

AFFIDAVIT

I **Mr. Amjad Ali** S/o **Sher Afzal Khan** R/o Malak Khel Kotkay Tehsil Alpuri District Shangla do hereby solemnly affirm and declare on oath that contents of accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hounourable Court.

DEPONENT


Amjad Ali
S/o Sher Afzal Khan
R/o Malak Khel Kotkay,
Teh: Alpuri Dist: Shangla.
CNIC # 15501-6818292-7.

OFFICE ORDER NO. 58 DATED SAIDU SHARIF THE: 18 /01/2018 ISSUED BY
MR. MOHAMMAD YOUSAF KHAN CONSERVATOR OF FORESTS, MALAKAND EAST CIRCLE.

WHEREAS, Mr. Amjad Ali Forest Guard was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, for the charges mentioned in show cause notice served vide DFO Alpuri endst. No. 2549-51/G, dated 11.4.2017 which he replied and provided him opportunity of personal hearing.

WHEREAS, the competent authority (DFO Alpuri) after having considered the charges, evidence on record, the explanation of the accused official and hearing him in person and exercising his powers under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, imposed major penalty of dismissal from service vide office order No.2 dated 06.7.2017.

WHEREAS, the Ex-official being aggrieved preferred departmental appeal before the appellate authority (Conservator of Forests, Malakand Circle East) and prior to decision of the appellate authority, he approached Honorable Peshawar High Court, Mingora Bench/Darul Qaza Swat through a writ petition in violation Article 212 of the constitution of Islamic Republic of Pakistan, Civil Servants Act and Civil Servants appeal Rules. The learned High Court disposed off the writ petition in terms that it is converted into representation and asked the Department for lawful consideration of the grievance of the petitioner in respect of his reinstatement as Forest Guard in Alpuri Forest Division strictly within the legal framework vide order dated 29.11.2017.

WHEREAS, in compliance to the above judgment, opportunity of personal hearing was provided and the Ex-Forest Guard was heard in person on 10.01.2018. During personal hearing he pointed out that he remained busy in various activities assigned under BTAP. The same is not different but includes in his duties. Further he explained that Comptt: No.8 to 12 are situated at far flung places where access during winter season due to heavy snow fall was not possible. The same is no excuse.

NOW THEREFORE, having considered the charges, evidence on record, explanation of the accused official and hearing him in person and keeping in view gravity of forest damage and his proved failure in performing his official duty as Forest Guard the competent authority (DFO Alpuri) had rightly imposed major penalty of Dismissal from service. Though he proved himself unfit for Forest Service but keeping in view his future carrier and employment in other Department/Organization, I Mohammad Yousaf Khan, Conservator of Forests Malakand East Forest Circle, in the capacity of appellate authority hereby change the penalty imposed by DFO Alpuri from Dismissal from Service to Removal from Service.

SD/-
(MOHAMMAD YOUSAF KHAN)
CONSERVATOR OF FORESTS,
MALAKAND CIRCLE EAST.

7823-25
No. /E.

Copy forwarded to the:-

1. Chief Conservator of Forests, Malakand Region-III, Saidu Sharif Swat for favour of information with reference to his No.4394/E, dated 18.12.2017, please.
2. Divisional Forest Officer, Alpuri Forest Division for information with reference to his No.765/G, dated 26.9.2017.
3. Mr. Amjad Ali Ex-Forest Guard C/O Divisional Forest Officer Alpuri Forest Division for information and further necessary action.

CONSERVATOR OF FORESTS,
MALAKAND CIRCLE EAST,
SAIDU SHARIF SWAT.

BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No.1335/2017

Amjad Ali son of Sher Afzal.

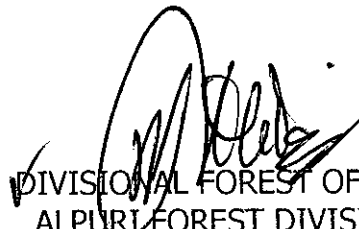
Resident of Malak Khel Koteky Tehsil Alpuri.....(Appellant)

VERSUS

Secretary Forest, Khyber Pakhtunkhwa, Peshawar and others.....(Respondent)

I N D E X.

S.No.	Description of Documents	Annexure	Page
1.	Affidavit	-	1
2.	Parawise comments	-	2-7
3.	Office order No.02 dated 6/7/2017	A	8-9
4.	Complaint Syed Usman Ghani.	B	10-12
5.	Show cause notice.	C	13
6.	Letter No.3429/E, dated 18/10/2017.	D	14-15
7.	Better Copy of Annexure-D.	-	16-17
8.	Written Statement.	E	18-24
9.	Better Copy of Annexure-E	-	25-31
10.	Letter No.3429/E, dated 18/10/2017.	F	32-33
11.	Better Copy of Annexure-F.	-	34-35
12.	Office order No.58 dated 18/01/2018.	G	36


DIVISIONAL FOREST OFFICER,
ALPURI FOREST DIVISION,
ALPURI SHANGLA.

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

Service Appeal No.1335/2017

Amjad Ali son of Sher Afzal Village Malakkhel Kotkey

ehsil Alpuri District Shangla.....(Appellant)

VERSUS

Secretary Forest, Khyber Pakhtunkhwa, Peshawar and others.....(Respondent)

AFFIDAVIT.

I Mr. Muhammad Amjad Divisional Forest Officer, Alpuri Forest Division Alpuri District Shangla do hereby solemnly affirm and declare on oath that contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been canceled from this Honourable Court.



DIVISIONAL FOREST OFFICER,
ALPURI FOREST DIVISION,
ALPURI SHANGLA.

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

Service Appeal No.1335/2017

Amjad Ali son of Sher Afzal

R/O Malak Khel Kotkay Tehsil Alpuri, District Shangla**(Appellant)**

VERSUS

- (1) Secretary Forest, Khyber Pakhtunkhwa, Peshawar.
 - (2) Chief Conservator of Forest Department, Central (Southern) Region I Khyber Pakhtunkhwa Peshawar.
 - (3) Chief Conservator of Forest Department, Malakand Forest Region-III at Shagai Saidu Shari Swat.
 - (4) Conservator of Forest, Malakand Forest Circle East, Forest Department at Shagai Saidu Sharif Swat.
 - (5) Divisional Forest Officer, Petrol Squad Swat, at Shagai Saidu Sharif Swat.
 - (6) Divisional Forest Officer, (Direction) Shami Road Peshawar.
 - (7) Divisional Forest Officer, Alpuri Forest Division Alpuri District Shangla.
 - (8) Sub Divisional Forest Officer, Petrol Squad Swat, at Shagai Saidu Sharif Swat.
 - (9) Head Clerk, Office of the Divisional Forest Officer Alpuri, District Shangla.
-**(Respondents)**

Preliminary Objection.

- 1. That the instant service appeal is not maintainable in its present form.
- 2. That the appellant has not come to the Tribunal with clear hands.
- 3. That the appellant has concealed material facts from this Hon'able tribunal.
- 4. That the appeal is badly time barred.
- 5. That the appellant has got no cause of action.

PARAWISE COMMENTS (FROM SERIL NO.1 TO 5 AND 7 TO 9)

Respectfully Sheweth:

- 1. The statement pertains to the record.
- 2. The appellant had been serving as Forest Guard in Alpuri Forest Division.
- 3. The statement pertains to the record.
- 4. That the respondent No.7 (Divisional Forest Officer Alpuri) dismissed appellant through office order No.2 dated 06-07-2017 as (Annexure-A)

5. Correct that the application was preferred by the complainant Mr. Usman Ghani to The Conservator of Forest Malakand Forest Circle East Saidu Sharif Swat for illegal cutting of trees in Bazarkot Block of Alpuri Forest Division as (Annexure-B).
6. In correct hence denied. That being concerned official and for not taking any legal action against the Forest offenders, the concerned Forest Guard (Appellant) was issued show cause notice consequent upon the report of Divisional Forest Officer Patrol Squad and after ground verification by Conservator of Forest Malakand Forest Circle East Saidu Sharif Swat. (Show Cause Notice as Annexure-C).
7. That after issuance of the show cause notice the appellant failed to prove his innocence and to give any satisfactory explanation for his inefficiency and connivance with the forest offenders. Hence he was dismissed from the service vide office order No.2 dated 06-07-2017.
8. That, it is correct that in addition to the appellant the Range Officer Alpuri and Block Officer /Forester were also charge sheeted for the inefficiency and alleged connivance/damages in areas/compartments under their jurisdiction.
9. The Respondent No.6 was appointed as Chairman Inquiry Committee beside Mr. Rizwan Shah (SDFO) member inquiry committee against the then Range Forest Officer Alpuri.
10. That the inquiry report by the Chairman Inquiry Committee (Respondent No.6) was challenged by the Conservator of Forest Malakand Forest Circle East Saidu Sharif Swat vide his letter No.3429/E, dated 18-10-2017 on account of it being partial and also for not being signed by the other member of the inquiry Committee. (Photo Copy annexed as Annexure-D)
11. That grievances of the complainant Mr. Usman Ghani were verified by the Divisional Forest Officer Petrol Squad during his field inspection and statement of the recorded damages was also duly signed by the appellant. (Photocopy annexed as Annexure-E)
12. As mentioned in Para.10 above the interim inquiry report of the respondent No.6 were challenged by Conservator of Forest Malakand Forest Circle East Saidu Sharif Swat for its being partial and lacking in requirements of a balanced inquiry.

13. The Divisional Forest Officer Petrol Squad acted in accordance with Forest Ordinance 2002 and no illegality was perpetrated as the list of damage also acknowledged and signed by the appellant (The then Incharge Forest Guard).
14. That the dismissal order of the appellant was issued after proper show cause notice and affording opportunity of being heard to the appellant. No illegality has been perpetrated.
15. That the show cause notice was issued to the appellant for illegal damage in his beat due to his inefficiency and connivance.
16. That the written reply of the appellant in response to show cause notice was not based upon facts and he could not justify his in action against culprit, inefficiency and connivance.
17. Correct.
18. Correct.
19. Correct
20. Already explained in Para No.9 above.
21. Already explained in Para No.10 that the inquiry report of Respondent No.6 was impugned by the Conservator of Forest Malakand Forest Circle East Saidu Sharif Swat and the Divisional Forest Officer Alpuri. (Annxure-F).
22. That no illegality was perpetrated by the Divisional Forest Officer Petrol Squad (Respondent No.8). Since damage list prepared by the Divisional Forest Officer Petrol Squad was duly acknowledge/signed by the appellant.
23. That the application/FIR by the complainant i.e Mr.Usman Ghani against Mr.Nakhood son of Naqshay in FIR No.23 dated 09-05-2017 has nothing to do with damages in the jurisdiction of the appellant due to his inefficiency and corruption.
24. That the damage reported by the Divisional Forest Officer Petrol Squad relates to fresh damage and not to the dry standing and wind fallen trees.
25. As already explained in Para No.10 and Para No.21 above that the inquiry report of the inquiry Officer concerned related to the Range Officer Alpuri and have been challenged/questioned for being partial and unilateral.

26. That the decision of the competent authority on the basis of the inquiry report is still awaited. Similarly Mr. Alamgir was also transferred from Alpuri Forest Division to Working Plan Unit –IV Kanju Swat by the competent authority for his poor performance in territorial Sub Division.
27. No comments.
28. That the appeal preferred by the appellant to Conservator of Forest Malakand Forest Circle East Saidu Sharif Swat was properly heard by respondent No.4 (Conservator of Forest Malakand Forest Circle East). However the appellate authority changed the penalty imposed by the Divisional Forest Officer Alpuri from dismissal from service to removal from service, keeping in view his future career and employment in other department. (Photocopy of office order No.58 dated 18-01-2018 is annexed as Annexure-G)
30. That the appellant wrongfully and illegally filed a writ petition before Honorable Peshawar High Court as 22-11-2017 which has dismissed on 29-11-2017 as it was without jurisdiction.
31. In correct. Time spent before wrong forum, could not condone delay as held by the August Supreme Court of Pakistan 2016 PLD(Supreme Court) page-872. That the appellant is not entitled for condonation of delay, since they had deliberately chose the wrong forum without first availing the remedy of appeal before Conservator of Forest Malakand Forest Circle East Saidu Sharif Swat. Since ignorance of law is no excuse hence the plea of petitioner for condonation of delay is not tenable.
32. Already explained in Para No.28 above also appellant could not have recourse to High Court or Service Tribunal during pendency of appeal before the Conservator of Forest Malakand Forest Circle East.
33. That Conservator of Forest Malakand Forest Circle East had afforded all the reasonable opportunity of personal hearing to the petitioner/appellant before issuance of office order No.58 dated 18-01-2018.
34. That the Conservator of Forest Malakand Forest Circle East by virtue of his official designation was the rightful appellate authority and the fact that he earlier

remain as Divisional Forest Officer Petrol Squad could not prejudice his capacity as appellate authority.

35. The plea by the petitioner/appellant that he has been inflicted penalty due to political pressure is totally unfounded and baseless.
36. That the grievances of the appellant are not genuine and liable to be set aside on the following grounds.

GROUND:

- A. Because the appellant was given all reasonable opportunity of being heard.
- B. That proper show cause issued to the appellant under E&D Rules.
- C. As explained in Ground-A appellant was given opportunity to defend himself.
- D. In correct hence denied. Sufficient evidence was available in the physical verification by the Divisional Forest Officer Petrol Squad of illegal cutting in the beat/jurisdiction of the appellant which was also acknowledged/signed by the appellant.
- E. Because no violation of Constitution has been perpetrated.
- F. Because no discrimination against the appellant has been committed in violation of Article 25 of the Constitution.
- G. Because no discrimination as per Article 27 has been committed.
- H. Because after proper inquiry by the Divisional Forest Officer Petrol Squad duly acknowledged by the appellant show cause notice was issued.
- G. Because no violation of the Constitution of Islamic Republic of Pakistan of 1973 was committed.

H. Because no violation of Article 4 has been perpetrated.

I. That no illegality perpetrated by Respondent No.7.

J. Because no violation of the principal of natural justice has been done.

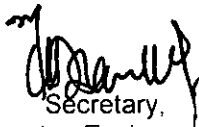
K. Because no violation of the principals of equity has been done.

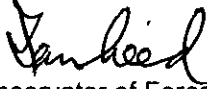
L. Because the appellant his own jurisdiction and responsibilities as against Range Forest Officer.


M. Because no violation of Khyber Pakhtunkhwa Service Rules/Act has been perpetrated.

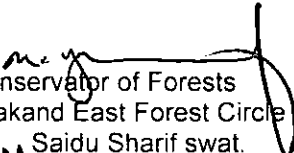
N. Because no disparity exist between facts and figures.


P. It is therefore prayed upon the Honorable Service Tribunal Khyber Pakhtunkhwa to graciously set aside the instant service appeal please.



Secretary,
Forestry, Environment and
Wildlife Department
Khyber Pakhtunkhwa,
Peshawar.



Chief Conservator of Forests,
Central Southern Forest Region-I
Peshawar.

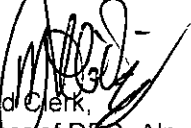

Chief Conservator of Forests,
Malakand Forest Region (Region-III)
Saidu Shairf Shagai Swat


Conservator of Forests
Malakand East Forest Circle
Saidu Sharif swat.


Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

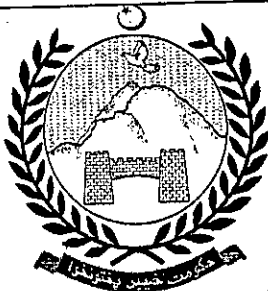

Divisional Forest Officer,
Patrol Squad Division,
Mingora Swat.


Sub-Divisional Forest Officer,
Patrol Squad Division Mingora.


Head Clerk,
Officer of DFO, Alpuri.

Annex - ("A")

⑧



OFFICE ORDER NO. ⁰² DATED ALPURI THE ⁰⁶/07/2017 ISSUED BY
MR. MUHAMMAD AMJAD
DIVISIONAL FOREST OFFICER ALPURI FOREST DIVISION
ALPURI DISTRICT SHANGLA

Tel: 0996/850033 Fax: 0996/851008

Whereas, undersigned as a competent authority, had served you Amjad Ali Forest Guard with show cause notice for un-reported damage of 35 trees=12514cft. standing volume detected by SDFO Patrol Squad Malakand East along with his staff during inspection of Bazarkot Compartment No.8,9, 11 and 12 on 4.4.2017. In addition to this 15 Logs (12 in Compartment No.12 and 3 in Compartment No.11) were seized by the SDFO Patrol Squad and handed over to Malk-e-Rokhan Block Officer Bazarkot while 29scants=32.22Cft were found stored in Compartment No.9 and case compounded by SDFO Patrol Squad by realizing compensation etc. worth Rs.48700/- vide D.R. No.256/3 dated 5.4.2017.

You were required to show cause for your in-action against the offenders since the same amounting to mis-conduct, in-efficiency and corruption on your part. You were also given opportunity of personal hearing vide letter No.2959-61/G, dated 16.5.2017.

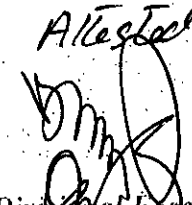
You in your defense vide your written reply had taken the plea that you remained busy in various activities assigned to you under BTAP. However you failed to give the exact period during which you executed those activities by documentary evidences in its support. Besides Forest Protection is the first and fore most duty of a Forest Guard in his jurisdiction and if any negative impact on protection by BTAP activities had been feared in past, you should have reported the same in writing, but you failed to do so.

You also took the plea that Bazarkot Compartment No.8-12 are situated at far-flung places where access during winter season due to heavy snowfall was not possible. However, this explanation is not tenable in the back drop of the fact that the culprits had cut down 35 trees = 12514Cft and were also able to convert and transport the major portion of the said timber to the adjoining areas of the Swat and Puran, meaning thereby that the access to these compartments was possible for at least one month before 4th and 5th April, 2017 when the damages were finally detected by the SDFO Patrol Squad and his team.

You also claimed to have chalked out damage report No.80/11,85/11,62/3,30/24 and 31/24. However this explanation is no more than an attempt to cover up your in-efficiency and corruption since same were chalk out by you after the damages were detected by the patrol squad. Also, as per your reply, they were chalked out only one or two days prior to the inspection by patrol squad team. If they had been timely chalked out, the Damage Report number would have been carved out on the stumps of the damaged trees, which was not so done in the instant case.

You also negate the damages of 35 trees by relating the same to huge quantity of dry/wind fallen trees in the nullah of Bazarkot C.No.9 to 15. However you and your block officer were along with the patrol squad team during their checking and signatures of both of you were taken by them on their on-spot checking proformas and the converted scants were also properly handed over to you and your block officer on spot. Hence this vary fact also negates your stance,

Hence in the light of above mentioned facts it is crystal/clear that you could not justify your in-action against the culprits involved in extensive illegal cutting of trees in your jurisdiction, thereby the charges of mis-conduct, in-efficiency, corruption and connivance against you stand substantiated.

Attested

Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

(9)
Erwas' bill

Hence, undersigned as a competent authority, under E&D rules 2011, hereby dismiss you from your service as a Forest Guard, with immediate effect.

Sd/-
(MUHAMMAD AMJAD)
DIVISIONAL FOREST OFFICER
ALPURI FOREST DIVISION
DISTRICT SHANGLA

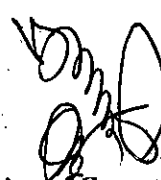
No. 35-41 /G,

Copy forwarded to the:-

- 1- Chief Conservator of Forest, Malakand Forest Region (Region-III) Saidu Sharif Swat
- 2- Conservator of Forests Malakand Forest Circle East
For favour of information please.
- 3- Divisional Forest Officer, Patrol Squad Forest Division, Mingora
Sub Divisional Forest Officer, Alpuri Sub Division Alpuri.
- 5- Mr. Amjad Ali S/o Sher Afzal of Village Kotkai District Shangla
For information.
- 6- Divisional Accountant/Head Clerk for information and necessary action.


DIVISIONAL FOREST OFFICER
ALPURI FOREST DIVISION
DISTRICT SHANGLA

Attested


Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

بخدمت جناب سیکرٹری فارسٹ محکمہ جنگلات، خیبر پختونخواہ بمقام پشاور

سید عثمان غنی ولد سید فضل رحیم ساکن امنوی تحصیل ایپوری ضلع شانگلہ حال ساکنہ منگور ضلع سوات۔ (مستحق)

بمقام

- (1) لعل بادشاہ (2) گل بادشاہ (3) نگارستان (4) امیر بوستان (5) شیر بوستان پیران
- (6) محتاج ولد یارے (7) گلستان (8) گل زمان (9) انصاف (10) اکبر علی پیران محتاج
- (11) ملتان ولد میاں شاہ بہا (12) موسیٰ خان ولد سردان (13) ناخود ولد نقشے (14) محمد رسا ولد ناخود ساکنان موضع امنوی بہرام درہ تحصیل ایپوری ضلع شانگلہ۔
- (15) سلطان ولد سیدی ساکن موضع چاگم مار توبہ تحصیل ایپوری ضلع شانگلہ۔ "مارک چینہ"
- (16) متعلقہ اہلکاران محکمہ فارسٹ تحصیل ایپوری ضلع شانگلہ۔ (مسول ایپور)

Attested

Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

تحقیقات/انکوائری، کارروائی برخلاف مسول ایپور۔

جناب عالی! درخواست ذیل غرض ہے۔

- (1) یہ کہ سائیکل نے مورخہ 21.3.2017 کو جناب والا کے حضور ایک درخواست گزاری تھی۔ (نقل درخواست لفٹ سے)
- (2) یہ کہ جناب والا نے اپنی اعلیٰ طرفی، فیاضی اور پیشہ وارانہ دیانتداری کی وجہ سے کارروائی برو درخواست شروع کی ہے۔
- (3) یہ کہ مقامی ریج ایسرا ایپوری کے ساتھ غیر رسمی ملاقات نسبت کٹائی غیر قانونی درختان ہوتی رہی ہے۔
- (4) یہ کہ مورخہ 22.3.2017 کو شام تقریباً ساڑھے سات بجے موبائل نمبر 03465331380 (جاری)

(2)

سے فون پر دھمکی امیز لہجہ استعمال کیا گیا اور یہ بھی دھمکی دی گئی کہ جب تم رین آفیسر کے ساتھ موقع پر منڈان دیکھنے کے لئے آنے کی کوشش کی تو ہم تمہارے ساتھ بیٹھیں گے کیونکہ تم نے فارسٹ گارڈز کے خلاف رپورٹ کی ہے جس کا مطلب ہے کہ تم نے فار کیا ہے اور ہم تمہارے فار کا جواب دینے کے لئے فار ایئر کا موقع بنانے

(5) یہ کہ اگلے دن مورخہ 24.3.2017 کو صبح 8:52 کے موبائل نمبر 03411900662 سے اطلاع ملی کہ سمگلر ان موقع پر موجود منڈان کو آگ لگا کر اس کی شناخت ختم کریں گے تاکہ نشان باقی نہ رہے۔

(6) یہ کہ سائیل نے مقامی پولیس کو اطلاع دی لیکن مقامی پولیس ضمانت زبردفعہ 107/151 لینے کا کہا جس کا کوئی فائدہ نہیں بدیں وجہ جناب والا کو مطلع کرنا اپنا فرض سمجھتا ہے کیونکہ محکمہ فارسٹ کے اہلکار ان غیر قانونی کشتائی اور سمگلر ان کے ساتھ غیر قانونی کاموں میں ملوث ہیں اور ان ہی کی ملی بھگت سے تمام کارروائی کرتے ہیں۔ نیز درخواست سائیل مینی بحقیقت ہے۔

3465331380

ابھدا استدعا ہے کہ منظوری درخواست ہذا مسؤل الہیم کے خلاف تحقیقات؛ نگرانی کر کے جنگلات کی تباہی کے نسبت سخت ترین قانونی کارروائی کرنے کا حکم صادر فرمایا جائے۔

Akmal
[Signature]

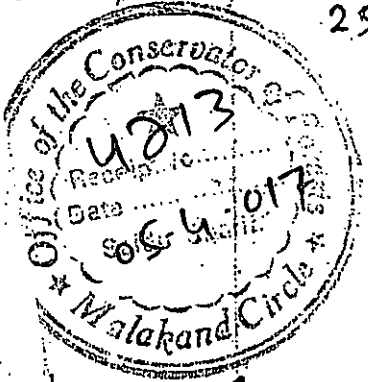
Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

محمد رضا سید عثمان غنی صاحب علی

سائیل سید عثمان غنی ولد سید فضل رحیم ساکن امنوی تحصیل الپوری ضلع شانگلہ۔
حال سالنڈہ منگلور ضلع سوات۔

25/2/17

کاپی برائے اطلاعاتی:



۱۔ کنزرویٹور خیبر پختونخواہ پشاور

۲۔ وزیر اعلیٰ صوبہ خیبر پختونخواہ بمقام پشاور

۳۔ عمران خان چیئرمین تحریک انصاف بمقام بنی کالہ، اسلام آباد

۴۔ وزیراعظم پاکستان جناب میاں محمد نواز شریف صاحب بمقام اسلام آباد

Sub: [Priority]
on top priority
being patrol equal
end to SPFO
to registration as
a letter. FIM Az

SHOW CAUSE NOTICE

I, Mohammad Amjad, Divisional Forest Officer, Alpuri Forest Division as competent authority hereby serve upon you, Amjad Ali Forest Guard, Beat Guard Bazarkot Compartment No.1-12 show caused for the offence committed as specified in rule-3 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011.

- 1) On receipt of complaint preferred by Syed Usman Ghani Son of Fazal Rahim Resident of Amnawi Tehsil Alpuri District Shangla the SDFO Patrol Squad alongwith his staff inspected Bazarkot Compartment No.8,9,11 and 12 on 04th April 2017 and found 35 un-reported trees =12,514 Cft in the compartments noted against each:

S No.	Compartment No	No. of un-reported trees	Volume (Cft)	Period of duty
1	Bazarkot C-8	1	172	07.1.2017 to 07.4.2017
2	Bazarkot C-9	5	2,234	
3	Bazarkot C-11	14	1,471	
4	Bazarkot C-12	15	8,637	
Total:-		35	12,514	

- 2) In addition to the above illicit cutting, 15 Logs (12 in C12 and 3 in C-11) have been seized and properly handed over to Mr. Malk-e-Rokhan Block Officer while 29 Scants =32.22 Cft were found stored in Compartment No.9 and case compounded by SDFO Patrol Squad by realizing compensation etc worth Rs.48,700/- vide D.R No.256/3 dated 05/4/2017.

The period of damages relate to your tenure. However, no action against offenders on your part, amount to mis-conduct in-efficiency and corruption on your part.

By reason of the above, you appear to be guilty of Mis-conduct, In-efficiency and corruption under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.

You are therefore, required to submit your written reply/defense within seven days of the receipt of this Show Cause to the undersigned.

Your written defense, if any should reach to the undersigned within the specified period failing which it shall be presumed that you have no defense to put in that case ex-partee action shall be taken against you

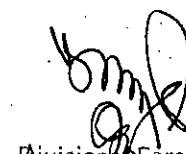
You should also opt to be heard in person or not.

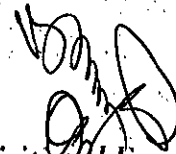
Sd/-
(Mohammad Amjad)
Divisional Forest Officer
Alpuri Forest Division
District Shangla

No. 2549-51 /G, dated Alpuri the 11 /4/2017

Copy forwarded to the:-

- 1- Conservator of Forests, Malakand Forest Circle East Saidu Sharif Swat for favour of information please.
- 2- Sub Divisional Forest Officer, Alpuri Sub Division for information and necessary action with the direction to deliver the Show Cause Notice to the above named Forest Guard under proper receipt.
- 3- Mr.
- 4- Amjad Ali Forest Guard C/O SDFO Alpuri for information and necessary action.


Divisional Forest Officer
Alpuri Forest Division
District Shangla

Attested

Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla

Annexure (D)

OFFICE OF THE
CONSERVATOR OF FORESTS,
MALAKAND FOREST CIRCLE EAST
SAIDU SHARIF SWAT.



Ph: 0946-9240281
Fax: 0946-9240239

14

No. 3429 /E,

Dated Saidu Sharif, the: 18/10/2017.

To

The Chief Conservator of Forests,
Malakand Forest Region (Region-III),
Saidu Sharif Swat.

SUBJECT:

INQUIRY REPORT IN LIGHT OF OFFICE ORDER NO.100 DATED
11-5-2017.

Memo:

Reference your endst: No.2338/E, dated 16/10/2017.

Comments on the enquiry report received with your letter under reference are furnished as under:-

- 1- The enquiry officer vide his No.262/R, dated 24/7/2017, No.5702/G&L, dated 01/6/2017 and No.153/G&I, dated 07/7/2017 asked DFO Alpuri and DFO Patrol Squad vide letter No.262/R, dated 24/7/2017 for some clarification. In response thereof they have supplied the desired information/data. The letter of enquiry officer seems more as letter from counsel of the accused officials and not from impartial enquiry officer.
- 2- The enquiry officer had never inform DFO Alpuri nor DFO Patrol Squad for visit nor still they are in knowledge any visit of the site by enquiry officer rather he during his visit to Alpuri stayed with the accused official and send them for Photographs of some irrelevant spots in the forests.
- 3- Mr. Mohammad Farooq DFO had blamed member of enquiry committee and reported that he has neither participate nor willing to participate in the proceedings and had submitted interim disciplinary enquiry on 07/8/2017 against the rules and law and when it was pointed out that there is no interim report in the disciplinary enquiry report submitted the final enquiry as single member against the law. The instant report without participation of the member of committee i.e. Syed Rizwan Ahmad Kazmi DFO Kohistan Watershed Division Besham is prejudice and nothing except defense of accused officials and not an enquiry report in eyes of law. As the enquiry committee is broken and the competent authority has to appoint new committee a fresh.

Attested

Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

Mr. Mohammad Farooq enquiry officer has been arraid with forest offenders and had paved way for further forest damage in the cover of windfall. For this purpose he has hand in close with forest offenders and accused officials as is evident from the complaint of Said Usman Ghani received vide your No.1501/E, dated 30/8/2017. His involvement with forest offenders and accused officials further get currency from the legal notice served on CCF-I, CCF-III, DFO Patrol Squad and DFO Alpuri. The forest offenders mentioned in the said complaint the altimates stamp on his arrying with forest offenders is evident from the statement of M/S Multan etc of Bahram Dara Tehsil Alpuri District Shangla on stamp paper where they admit that they have been instigated by the accused officials for issuance of legal notice, therefore the illegal enquiry report may kindly be brought in the notice of Administrative Department for taking disciplinary action against the enquiry officer for sabotaging the enquiry and violation of law and rules on the subject for the benefit of forest offender and protection of the accused against disciplinary action, please.

CONSERVATOR OF FORESTS,
MALAKAND FOREST CIRCLE EAST,
SAIDU SHARIF SWAT.

No. 3430-32 /E,

Copy forwarded to the:-

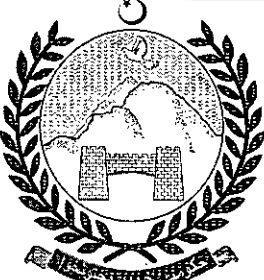
- 1) Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar for favour of information and further necessary action with reference to this office letter No.2765/E, dated 29/9/2017, please.
- 2) Divisional Forest Officer, Alpuri Forest Division, Alpuri for information with reference to his No.185/G, dated 01/8/2017, No.354/G, dated 16/8/2017 and No.1147/G, dated 17/7/2017.
- 3) Divisional Forest Officer, Patrol Squad Forest Division, Shagai for information with reference to his No.116/PS, dated 12/10/2017 and No.121/PS, dated 14/10/2017.

P.343

CONSERVATOR OF FORESTS,
MALAKAND FOREST CIRCLE EAST,
SAIDU SHARIF SWAT.

Attested

Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

OFFICE OF THE CONSERVATOR OF FORESTS, MALAKAND FOREST CIRCLE EAST SAIDU SHARIF SWAT.		Ph: 0946-9240281 Fax: 0946-9240239
No. 3429 /E,	Dated Saidu Sharif	the: 18/10/2017.

To

The Chief Conservator of Forests,
Malakand Forest Region (Region-III),
Saidu Sharif Swat.

SUBJECT: INQUIRY REPORT IN LIGHT OF OFFICE ORDER NO.100 DATED 11/5/2017.

Memo:

Reference your Endst: No.2338/E, dated 16/10/2017.

Comments on the enquiry report received with your letter under reference are furnished as under:

1. The enquiry officer vide his No.262/R, dated 24/7/2017, No.5702/G&L, dated 01/6/2017 and No.153/G&L, dated 07/7/2017 asked DFO Alpuri and DFO Patrol Squad vide letter No.262/R, dated 24/7/2017 for some clarification. In response thereof they have supplied the desired information/data. The letter of enquiry officer seems more as letter from counsel of the accused officials and not from impartial enquiry officer.
2. The enquiry officer had never inform DFO Alpuri nor DFO Patrol Squad for visit nor still they are in knowledge any visit of the site by enquiry officer rather he during his visit to Alpuri stayed with the accused official and send them for photographs of some irrelevant spots in the forests.
3. Mr. Muhammad Farooq DFO had blamed member of enquiry committee and reported that he has neither participate nor willing to participate in the proceedings and had submitted interim disciplinary enquiry on 07/8/2017 against the rules and law and when it was pointed out that there is no interim report in the disciplinary enquiry report submitted the final enquiry as single member against the law. The instant report without participation of the member of committee i.e. Syed Rizwan Ahamd Kazmi DFO Kohistan Watershed Division Besham is prejudice and nothing except defense of accused officials and not an enquiry report in eyes of law. As the enquiry Committee is broken and the competent authority has to appoint new committee a fresh.

Attested



Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

Mr. Muhammad Farooq enquiry office has been arraid with forest offenders and had paved way for further forest damage in the cover of windfall. For this purpose he has hand in close with forest offenders and accused officials as is evident from the complaint of Said Usman Ghani received vide your No.1501/E, dated 30/8/2017. His involvement with forest offenders and accused officials further get currency from the legal notice served on CCF-I, CCF-III, DFO Patrol Squad and DFO Alpuri. The forest offenders mentioned in the said complaint the altimates stamp on his arrying with forest offenders is evident from the statement of M/S Multan etc of Bahram Dara Tehsil Alpuri District Shangla on stamp paper where they admit that they have been instigated by the accused officials for issuance of legal notice, therefore the illegal enquiry report may kindly be brought in the notice of Administrative Department for taking disciplinary action against the enquiry officer for sabotaging the enquiry and violation of law and rules on the subject for the benefit of forest offender and protection of the accused against disciplinary action please.

Sd/- CONSERVATOR OF FORESTS,
MALAKAND FOREST CIRCLE EAST,
SAIDU SHARIF SWAT.

No. 3430-32

/E.

Copy forwarded to the:

1. Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar for favour of information and further necessary action with reference to this office letter No.2765/E, dated 29//9/2017, please.
2. Divisional Forest Officer, Alpuri Forest Division, Alpuri for information with reference to his No.185/G, dated 01/8/2017, No.354/G, dated 16/8/2017 and No.1147/G, dated 17/10/2017.
3. Divisional Forest Officer, Patrol Squad Forest Division, Shagai for information with reference to his No.116/PS, dated 12/10/2017 and No.121/PS, dated 14/10/2017.

Sd/- CONSERVATOR OF FORESTS,
MALAKAND FOREST CIRCLE EAST,
SAIDU SHARIF SWAT.

Attested



*Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.*

18

Annexure (E) بیانِ صحتی

سید سنی ملک درخان بھائی آئینہ بازار کوچہ مقبرہ انور کے
 محلہ دیپور، کہ آج بسوڑے 4/6 کو درسیں لگائی جہاں
 موسم فراکش تھیں جس کی وجہ سے جو لکے ہوئے حکم انصاف
 مانا گیا ہے اس کے تحت یہ لکے ہوئے میں آئینے کسی قسم سے
 کام میں نہ لائے جائیں گے۔

تفصیل

C. 110		
15	- 05	سالم درختان + 2 لکے
→ 14	- 07	سالم درختان
"	- 03	لکے
12/13	- 12	لکے
Rail 845 x 10 = 2		لکے
Signature		
عبد الرحمان		

Attested

[Signature]

Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla,

Checking of Forests Compartment No. 15 Sub-Division/Range Alpuri

Division Alpuri Dated 05/04/2017

S. No.	Species	Dia In Inches	Stump Height	Reported (Damage)	Unreported (Damage)	Remarks/Period	
1	Kail	16	14	-	✓	10-15 day approx	43
2	Fir	30	36	-	✓	2 months	4 290
3	"	40	30	-	✓	1 "	4 389
4	"	38	29	-	✓	1 "	4 346
5	"	30	24	-	✓	1 "	4 290
6	"	40	28	-	✓	1 "	4 389
7	"	24	36	-	✓	2 "	4 119
8	Kail	18	30	-	✓	3 "	4 60
9	"	12	24	-	✓	2 "	4 17
10	"	38	36	-	✓	1 "	4 399
11	Fir	40	28	-	✓	3 "	4 389
12	"	36	24	-	✓	1 "	4 304
13	Kail	39	30	-	✓	2 "	4 451
14	Fir	42	36	-	✓	2 "	4 435
15	"	38	30	-	✓	2 "	4 346

گورنمنٹ
گورنمنٹ
گورنمنٹ

[Handwritten signature]
گورنمنٹ
گورنمنٹ

Attested

[Handwritten signature]

Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

Checking Party

20

Checking of Forests Compartment No. 14 Sub-Division/Range Alpora

Division Alpora Dated 5 / 4 / 2017

S. No.	Species	Dia in Inches	Stump Height	Reported (Damage)	Unreported (Damage)	Remarks/Period
(1)	Fir	42	36	-	-587	2 months درختان سالم ہیں
(2)	Fir	30	18	-	-290	2 months درختان سالم ہیں
(3)	Fir	36	16	-	-304	2 months درختان سالم ہیں
(4)	Fir	28	14	-	-170	1 month درختان سالم ہیں
(5)	Fir	30	12	-	-290	Fresh
(6)	Fir	38	16	-	-346	Fresh درختان سالم ہیں
(7)	Fir	22	24	-	-98	Fresh درختان سالم ہیں
(8)	Fir	20	14	-	-78	Fresh درختان سالم ہیں
(9)	Fir	26	18	-	-143	Fresh
(10)	Fir	36	12	-	-304	Fresh
(11)	Fir	40	14	-	-381	Fresh
(12)	Fir	32	17	-	-232	Fresh
(13)	Fir	34	11	-	-268	Fresh
(14)	Fir	40	16	-	-389	Fresh
(15)	Fir	36	14	-	-304	Fresh
(16)	Fir	38	17	-	-346	Fresh
(17)	Fir	34	12	-	-268	Fresh
(18)	Fir	28	18	-	-170	Fresh

[Signature]
S. No. 1-9

[Signature]
OG 1/10

Attested

[Signature]
Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

Checking Party

21

Checking of Forests Compartment No. 13 Sub-Division/Range _____

Division: _____ Dated 1 / 12 / 20

S. No.	Species	Dia in Inches	Stump Height	Reported (Damage)	Unreported (Damage)	Remarks/Period
1	Fir	45	36			1 month 509
2	"	43	48			" 458
3	"	50	36			" 647
4	"	48	36			Fresh 587
5	"	46	36			" 534
6	"	48	36	80		" 509
7	"	43	48			2 month 458
8	"	47	40			" 560
9	"	48	48			" 509
10	"	43	36			" 458
11	"	47	36			" 560
12	"	46	48			" 534
13	"	43	40			" 458
14	"	36	40	84		" 304
15	"	36	40	84		" 301
16	"	48	36	84		" 509

M. A. Khan
F/B

Order
5/12/08

Attested

[Signature]
Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

Checking Party _____

22

Checking of Forests Compartment No. 12 Sub-Division/Range Alpuri
 Division Shangla Dated 5-6/04/2017

S. No.	Species	Dia in Inches	Stump Height	Reported (Damage)	Unreported (Damage)	Remarks/Period
01	Fir	48	36"	83"		587
02	"	57	36"	83"		836
03	"	53	21"	83"		738
04	"	48	20"	83"		587
05	"	53	27"	80"		738
06	"	60	42"	—	✓	836
07	"	45	21"	—	✓	509
08	"	54	15"	—	✓	769
09	"	48	36	84"		587
10	"	50	48	84"		647
11	"	36	48	84"		304
12	"	36	36	84"		304
13	"	48	24	—		587
14	"	36	20	—		304
15	"	36	36	—		304

M. Ali Khan
 F/c *SEPL*

W. J. ...

Attested

[Signature]
 Divisional Forest Officer,
 Alpuri Forest Division,
 Alpuri, Shangla.

Checking Party

Checking of Forests Compartment No. 11 Sub-Division/Range ALPURI

Division ALPURI Dated 05/04/2017

S. No.	Species	Dia in Inches	Stump Height	Reported (Damage)	Unreported (Damage)	Remarks/Period	Value
01	Kaid	10"	10"	—	✓	دس ذی قطر کاٹا گیا	8
02	"	10"	8"	—	✓	" " "	8
03	"	24"	18"	—	✓	اندھ سبب	126
04	"	24"	30"	—	✓	" " "	126
05	"	18"	24"	—	✓	" 1 1/2"	60
06	"	27"	14"	—	✓	" " "	172
07	"	30"	8"	—	✓	" " "	224
08	"	24"	22"	—	✓	" " "	126
09	Fir	32"	30"	—	✓	تین سبب	232
10	"	25"		—	✓	دو سبب	131
11	"	28"		—	✓	دو سبب	170
12	Kaid	10"		—	✓	دو سبب	8
13	Fir	30"		—	✓	دو سبب	290
14	"	28"		—	✓	دو سبب	170

Handwritten signature

Attested

Handwritten signature

Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

Checking Party

Handwritten initials
F.C.

Handwritten signature

Handwritten signature

8/9 Campment

24

Checking of Forests Compartment No. _____ Sub-Division/Range _____

Division _____ Dated _____ / _____ /20_____

S. No.	Species	Dia in Inches	Stump Height	Reported (Damage)	Unreported (Damage)	Remarks/Period	Volume
01	Kail	27	—	—	—	Fresh	157 172
02	"	35	30	—	—	"	284 329
03	"	27	15	—	—	"	157 172
04	"	25	60	—	—	"	131 141
05	Fir	39	—	—	—	one month	366 ✓ 366
06	Kail	24	—	—	—	Fresh	149 126

[Signature]
 H/O O'Ally
 H/O O'Ally

[Signature]
 H/O O'Ally

[Signature]
 H/O O'Ally

Attested

[Signature]

Divisional Forest Officer,
 Alpuri Forest Division,
 Alpuri Shangla.

Checking Party

Better Copy of Annexure "E"

بیان حلفی

میں کسی ملک روخان بلاک آفسر بازار کوٹ اقرار کر کے لکھ دیتا ہوں کہ آج بمورخہ 06.04.2017 کو درج ذیل گیلی جات قسم فر/کا پیل تفصیل حسب ذیل ہے حوالہ کئے۔ جو کہ تا حکم افسران بالا/فیصلہ عدالت میرے تحویل میں رہینگے۔ کسی قسم کے نقصان کا میں ذمہ دار ہوں گا۔

تفصیل

C.No

15 _____ 05 سالم درختان + 2 گیلی جات

14 _____ 07 سالم درختان

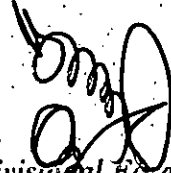
11 _____ 03 گیلی جات

12/13 _____ 12 گیلی جات

ka: 8x15x10 = 2 پلیران

ملک روخان

Attested



Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

Checking of Forest Compartment No.15 Sub-Division/Range Alpuri
Division Alpuri dated 05/4/2017.

S.No.	Species	Dia in Inches.	Stump Height	Reported (Damage)	Un-reported (Damage)	Remarks/period.	Approx:
1.	Kail	16	14	-	✓	10-15 days	43
2.	Fir	30	36	-	✓	2 months.	290
3.	Fir	40	30	-	✓	1 month.	389
3.	Fir	38	29	-	✓	1 month	346
5.	Fir	30	24	-	✓	1 month	290
6.	Fir	40	28	-	✓	1 month	389
7.	Fir	24	36	-	✓	2 months	119
8.	Kail	18	30	-	✓	3 months	60
9	Kail	12	24	-	✓	2 months	17
10.	Kail	38	36	-	✓	1 month	399
11.	Fir	40	28	-	✓	3 months	389
12.	Fir	36	24	-	✓	1 month	304
13	Kail	39	30	-	✓	2 months	451
14	Fir	42	36	-	✓	2 months	435
15	Fir	38	30	-	✓	2 months	346

گوہر علی چوکیدار

مکمل روخان
نارسہ

Attested

Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

Checking of Forest Compartment No.14 Sub-Division/Range Alpuri
Division Alpuri dated 05/4/2017.

S.No.	Species	Dia in Inches.	Stump Height	Reported (Damage)	Un-reported (Damage)	Remarks/period.	
1.	Fir	42	36	-	587	2 month	درختان سالم پڑھے ہیں
2.	Fir	30	18	-	290	2 months.	درخت سالم پڑھا ہیں
3.	Fir	36	16	-	304	2 months.	درخت سالم پڑھا ہیں
4.	Fir	28	14	-	170	1 month	درخت سالم پڑھا ہیں
5.	Fir	30	12	-	290	Fresh	
6.	Fir	38	16	-	346	Fresh	درخت سالم پڑھا ہیں
7.	Fir	22	24	-	98	Fresh	درخت سالم پڑھا ہیں
8.	Fir	20	14	-	78	Fresh	درخت سالم پڑھا ہیں
9	Fir	26	18	-	143	Fresh	
10.	Fir	36	12	-	304	Fresh	
11.	Fir	40	14	-	374	Fresh	
12.	Fir	32	17	-	232	Fresh	
13	Fir	34	11	-	268	Fresh	
14	Fir	40	16	-	389	Fresh	
15	Fir	36	14	-	304	Fresh	
16	Fir	38	17	-	346	Fresh	
17	Fir	34	12	-	268	Fresh	
18	Fir	28	18	-	170	Fresh	

آحمد علی

ملک روضان

Attested

Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

Checking of Forest Compartment No.13 Sub-Division/Range Alpuri

Division dated / /20

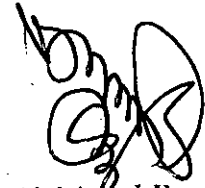
S.No.	Species	Dia in Inches.	Stump Height	Reported (Damage)	Un-reported (Damage)	Remarks/ period.	
1.	Fir	45	36	-		1 month	509
2.	Fir	43	48	-		1 month.	458
3.	Fir	50	36	-		1 month.	645
3.	Fir	48	36	-		Fresh	587
5.	Fir	46	36	-		Fresh	534
6.	Fir	48	36	80/11		Fresh	509
7.	Fir	43	48	-		2 months	458
8.	Fir	47	40	-		2 months	560
9.	Fir	48	48	-		2 months	509
10.	Fir	43	36	-		2 months	458
11.	Fir	47	36	-		2 months	560
12.	Fir	46	48	-		2 months	534
13.	Fir	43	40	-		2 months	458
14.	Fir	36	40	84/11		2 months	304
15.	Fir	36	40	84/11		2 months	304
16.	Fir	48	36	84/11		2 months	509

ناصر علی
F/9.

سید حسین شاہ چوکیار

گل روخان

Attested



Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

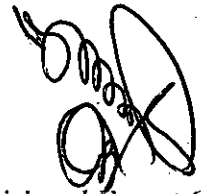
Checking of Forest Compartment No.12 Sub-Division/Range Alpuri
Division Shangla dated 5-6/4/2017.

S.No.	Species	Dia in Inches.	Stump Height	Reported (Damage)	Un-reported (Damage)	Remarks/period.	
1.	Fir	48	36	83/11		Fresh	587
2.	Fir	57	36	83/11		"	836
3.	Fir	53	21	83/11		"	738
3.	Fir	48	20	83/11		"	551
5.	Fir	53	27	80/11		"	738
6.	Fir	60	42	-	✓	"	836
7.	Fir	45	21	-	✓	"	509
8.	Fir	54	15	-	✓	"	769
9.	Fir	48	36	84/11			587
10.	Fir	50	48	84/11			647
11.	Fir	36	48	84/11			304
12.	Fir	36	36	84/11			304
13.	Fir	48	29	-			587
14.	Fir	36	20	-			304
15.	Fir	36	36	-			304

F/G ناصر علی

سید حسین چولیدار

Attested



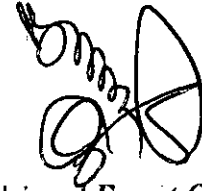
Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

Checking of Forest Compartment No.11 Sub-Division/Range Alpuri
Division Alpuri dated 5/4/2017.

S.No.	Species	Dia in Inches.	Stump Height	Reported (Damage)	Un-reported (Damage)	Remarks/ period.	Volume
1.	Kail	10	10	-	✓	10 days	8
2.	"	10	8	-	✓	10 days	8
3.	"	24	18	-	✓	1 month	126
3.	"	24	30	-	✓	1 month	126
5.	"	18	24	-	✓	1/1/2 month	60
6.	"	27	14	-	✓	"	172
7.	"	30	8	-	✓	"	224
8.	"	24	22	-	✓	"	126
9.	Fir	32	30	-	✓	3 months	232
10.	"	25		-	✓	2 months	131
11.	"	28		-	✓	3 months	170
12.	Kail	10		-	✓	2 months	8
13.	Fir	30		-	✓	4 months	290
14.	"	28		-	✓	3/1/2 months	170

ملک روخان

Attested



Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

Checking of Forest Compartment No.8&9 Sub-Division/Range Alpuri
Division dated ____/____/20

S.No.	Species	Dia in Inches.	Stump Height	Reported (Damage)	Un-reported (Damage)	Remarks/ period.	Volume
1.	Kail	27	-	-	-	Fresh	157 172
2.	"	35	30	-	-	Fresh	284 329
3.	"	27	15	-	-	Fresh	157 172
3.	"	25	60	-	-	Fresh	131 141
5.	Fir	39	-	-	-	One month	366 366
6.	Kail	24	-	-	-	Fresh	119 126

F/97 عنایت الرحمی

علیہ روخان فارسی

F/97 اکبر حسین

Attested



Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

ANNX-(F)

32

FROM : CONSERVATOR FOREST E MALAKAND PHONE NO. : 0946 9240239

APR 12 2018 10:26AM P1

OFFICE OF THE
CONSERVATOR OF FORESTS,
MALAKAND FOREST CIRCLE EAST
SAIDU SHARIF SWAT.



Ph: 0946-9240239
Fax: 0946-9240239

No. 3429 /E, Dated Saidu Sharif, the: 18/10/2017.

To

The Chief Conservator of Forests,
Malakand Forest Region (Region-III),
Saidu Sharif Swat.

SUBJECT:

INQUIRY REPORT IN LIGHT OF OFFICE ORDER NO.100 DATED
11-5-2017.

Memo:

Reference your endst: No.2338/E, dated 16/10/2017.

Comments on the enquiry report received with your letter under reference are furnished as under:-

1- The enquiry officer vide his No.262/R, dated 24/7/2017, No.5702/G&L, dated 01/6/2017 and No.153/G&L, dated 07/7/2017 asked DFO Alpuri and DFO Patrol Squad vide letter No.262/R, dated 24/7/2017 for some clarification. In response thereof they have supplied the desired information/data. The letter of enquiry officer seems more as letter from counsel of the accused officials and not from impartial enquiry officer.

2- The enquiry officer had never inform DFO Alpuri nor DFO Patrol Squad for visit nor still they are in knowledge any visit of the site by enquiry officer rather he during his visit to Alpuri stayed with the accused official and send them for Photographs of some irrelevant spots in the forests.

3- Mr. Mohammad Farooq DFO had blamed member of enquiry committee and reported that he has neither participate nor willing to participate in the proceedings and had submitted interim disciplinary enquiry on 07/8/2017 against the rules and law and when it was pointed out that there is no interim report in the disciplinary enquiry report submitted the final enquiry as single member against the law. The instant report without participation of the member of committee i.e. Syed Rizwan Ahmad Kazmi DFO Kohistan Watershed Division Besham is prejudice and nothing except defense of accused officials and not an enquiry report in eyes of law. As the enquiry committee is broken and the competent authority has to appoint new committee a fresh.

Affected
[Signature]
Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

355

Mr. Mohammad Farooq enquiry officer has been arraid with forest offenders and had paved way for further forest damage in the cover of windfall. For this purpose he has hand in close with forest offenders and accused officials as is evident from the complaint of Said Usman Ghani received vide your No.1501/E, dated 30/8/2017. His involvement with forest offenders and accused officials further get currency from the legal notice served on CCF-I, CCF-III, DFO Patrol Squad and DFO Alpuri. The forest offenders mentioned in the said complaint the altimates stamp on his arrying with forest offenders is evident from the statement of M/S Multan etc of Bahram Dara Tehsil Alpuri District Shangla on stamp paper where they admit that they have been instigated by the accused officials for issuance of legal notice, therefore the illegal enquiry report may kindly be brought in the notice of Administrative Department for taking disciplinary action against the enquiry officer for sabotaging the enquiry and violation of law and rules on the subject for the benefit of forest offender and protection of the accused against disciplinary action, please.

CONSERVATOR OF FORESTS,
MALAKAND FOREST CIRCLE EAST,
SAIDU SHARIF SWAT.

No. 3430-32 /E,


Copy forwarded to the:-

- 1) Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar for favour of information and further necessary action with reference to this office letter No.2765/E, dated.29/9/2017, please.
- 2) Divisional Forest Officer, Alpuri Forest Division, Alpuri for information with reference to his No.185/G, dated 01/8/2017, No.354/G, dated 16/8/2017 and No.1147/G, dated 17/7/2017.
- 3) Divisional Forest Officer, Patrol Squad Forest Division, Shagai for information with reference to his No.116/PS, dated 12/10/2017 and No.121/PS, dated 14/10/2017.

0.3413

CONSERVATOR OF FORESTS,
MALAKAND FOREST CIRCLE EAST,
SAIDU SHARIF SWAT.

Attested
Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

OFFICE OF THE CONSERVATOR OF FORESTS, MALAKAND FOREST CIRCLE EAST SAIDU SHARIF SWAT.		Ph: 0946-9240281 Fax: 0946-9240239
No. 3429 /E,	Dated Saidu Sharif	the: 18/10/2017.

To

The Chief Conservator of Forests,
Malakand Forest Region (Region-III),
Saidu Sharif Swat.

SUBJECT: INQUIRY REPORT IN LIGHT OF OFFICE ORDER NO.100 DATED 11/5/2017.

Memo:

Reference your Endst: No.2338/E, dated 16/10/2017.

Comments on the enquiry report received with your letter under reference are furnished as under:

1. The enquiry officer vide his No.262/R, dated 24/7/2017, No.5702/G&L, dated 01/6/2017 and No.153/G&L, dated 07/7/2017 asked DFO Alpuri and DFO Patrol Squad vide letter No.262/R, dated 24/7/2017 for some clarification. In response thereof they have supplied the desired information/data. The letter of enquiry officer seems more as letter from counsel of the accused officials and not from impartial enquiry officer.
2. The enquiry officer had never inform DFO Alpuri nor DFO Patrol Squad for visit nor still they are in knowledge any visit of the site by enquiry officer rather he during his visit to Alpuri stayed with the accused official and send them for photographs of some irrelevant spots in the forests.
3. Mr. Muhammad Farooq DFO had blamed member of enquiry committee and reported that he has neither participate nor willing to participate in the proceedings and had submitted interim disciplinary enquiry on 07/8/2017 against the rules and law and when it was pointed out that there is no interim report in the disciplinary enquiry report submitted the final enquiry as single member against the law. The instant report without participation of the member of committee i.e. Syed Rizwan Ahmad Kazmi, DFO Kohistan Watershed Division Besham is prejudice and nothing except defense of accused officials and not an enquiry report in eyes of law. As the enquiry Committee is broken and the competent authority has to appoint new committee a fresh.

Attested



Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.

Mr. Muhammad Farooq enquiry office has been arraid with forest offenders and had paved way for further forest damage in the cover of windfall. For this purpose he has hand in close with forest offenders and accused officials as is evident from the complaint of Said Usman Ghani received vide your No.1501/E, dated 30/8/2017. His involvement with forest offenders and accused officials further get currency from the legal notice served on CCF-I, CCF-III, DFO Patrol Squad and DFO Alpuri. The forest offenders mentioned in the said complaint the altimates stamp on his arrying with forest offenders is evident from the statement of M/S Multan etc of Bahram Dara Tehsil Alpuri District Shangla on stamp paper where they admit that they have been instigated by the accused officials for issuance of legal notice, therefore the illegal enquiry report may kindly be brought in the notice of Administrative Department for taking disciplinary action against the enquiry officer for sabotaging the enquiry and violation of law and rules on the subject for the benefit of forest offender and protection of the accused against disciplinary action please.

Sd/- CONSERVATOR OF FORESTS,
MALAKAND FOREST CIRCLE EAST,
SAIDU SHARIF SWAT.

No. 3430-32

/E.

Copy forwarded to the:

1. Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar for favour of information and further necessary action with reference to this office letter No.2765/E, dated 29/9/2017, please.
2. Divisional Forest Officer, Alpuri Forest Division, Alpuri for information with reference to his No.185/G, dated 01/8/2017, No.354/G, dated 16/8/2017 and No.1147/G, dated 17/10/2017.
3. Divisional Forest Officer, Patrol Squad Forest Division, Shagai for information with reference to his No.116/PS, dated 12/10/2017 and No.121/PS, dated 14/10/2017.

Sd/- CONSERVATOR OF FORESTS,
MALAKAND FOREST CIRCLE EAST,
SAIDU SHARIF SWAT.

Attested

**Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.**

Annexure ("G")

36

OFFICE ORDER NO. 58 DATED SAIDU SHARIF THE: 18 /01/2018 ISSUED BY
MR. MOHAMMAD YOUSAF KHAN CONSERVATOR OF FORESTS, MALAKAND EAST CIRCLE.

WHEREAS, Mr. Amjad Ali Forest Guard was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, for the charges mentioned in show cause notice served vide DFO Alpuri endst. No. 2549-51/G, dated 11.4.2017 which he replied and provided him opportunity of personal hearing.

WHEREAS, the competent authority (DFO Alpuri) after having considered the charges, evidence on record, the explanation of the accused official and hearing him in person and exercising his powers under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, imposed major penalty of dismissal from service vide office order No.2 dated 06.7.2017.

WHEREAS, the Ex-official being aggrieved preferred departmental appeal before the appellate authority (Conservator of Forests, Malakand Circle East) and prior to decision of the appellate authority, he approached Honorable Peshawar High Court Mingora Bench/Darul Qaza Swat through a writ petition in violation Article 212 of the constitution of Islamic Republic of Pakistan, Civil Servants Act and Civil Servants appeal Rules. The learned High Court disposed off the writ petition in terms that it is converted into representation and asked the Department for lawful consideration of the grievance of the petitioner in respect of his reinstatement as Forest Guard in Alpuri Forest Division strictly within the legal framework vide order dated 29.11.2017.

WHEREAS, in compliance to the above judgment, opportunity of personal hearing was provided and the Ex-Forest Guard was heard in person on 10.01.2018. During personal hearing he pointed out that he remained busy in various activities assigned under BTAP. The same is not different but includes in his duties. Further he explained that Comptt: No.8 to 12 are situated at far flung places where access during winter season due to heavy snow fall was not possible. The same is no excuse.

NOW THEREFORE, having considered the charges, evidence on record, explanation of the accused official and hearing him in person and keeping in view gravity of forest damage and his proved failure in performing his official duty as Forest Guard the competent authority (DFO Alpuri) had rightly imposed major penalty of Dismissal from service. Though he proved himself unfit for Forest Service but keeping in view his future carrier and employment in other Department/Organization, I Mohammad Yousaf Khan, Conservator of Forests Malakand East Forest Circle, in the capacity of appellate authority hereby change the penalty imposed by DFO Alpuri from Dismissal from Service to Removal from Service.

SD/-
(MOHAMMAD YOUSAF KHAN)
CONSERVATOR OF FORESTS,
MALAKAND CIRCLE EAST.

No. 7823-25/E.

Copy forwarded to the:-

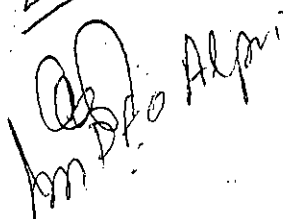
1. Chief Conservator of Forests, Malakand Region-III, Saidu Sharif Swat for favour of information with reference to his No.4394/E, dated 18.12.2017, please.
2. Divisional Forest Officer, Alpuri Forest Division for information with reference to his No.765/G, dated 26.9.2017.
3. Mr. Amjad Ali Ex-Forest Guard C/O Divisional Forest Officer Alpuri Forest Division for information and further necessary action.

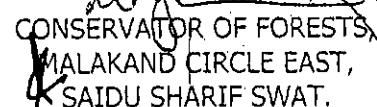
Attested

ESTD. / PPP
To note and file



Divisional Forest Officer,
Alpuri Forest Division,
Alpuri Shangla.


DFO Alpuri


CONSERVATOR OF FORESTS,
MALAKAND CIRCLE EAST,
SAIDU SHARIF SWAT.

A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1335/1336 OF 2017

**MALAK ROKHAN AND OTHERS VERSUS GOVERNMENT OF
KHYBER PAKHTUNKHWA AND OTHERS**

INDEX

S.NO.	DOCUMENTS	ANNEXURES	PAGE
1.	Para wise comments	-----	1 to 3
2.	Affidavit	-----	4
3.	Constitution of Enquiry Committee by Chief Conservator of Forest Central Southern Forest Region-I vide office order No. 100 dated 11.05.2017 alongwith charge sheet	A	5 to 6
4.	Enquiry Report	B	7 to 10
5.	Application/ Complaint	C	11
6.	Office order No. 141 dated 12-04-2018 of the Chief Conservator of Forests Central Southern Forest Region-I	D	12
7.	Chief conservator of Forests Central Southern Forest Region-I letter No. 98/E dated 10.07.2017 alongwith Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif, Swat letter No. 8134/E, dated 22.06.2017.	E	13 - 14

**Divisional Forest Officer
(Direction) Forest Division
Khyber Pakhtunkhwa Peshawar.
MUHAMMAD FAROQ
DIVISIONAL FOREST OFFICER
(DIRECTION) FOREST DIVISION
PESHAWAR
(Respondent No. 6)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE, TRIBUNAL, PESHAWAR

Appeal No. 1335, 1336 of 2017

Malak Rokhan and other,

Petitioner

VERSUS

1. Secretary Forest, Khyber Pakhtunkhwa Peshawar.
2. The Chief Conservator of Forest , Central Southern Forest Region-I, Khyber Pakhtunkhwa, Peshawar
3. Chief Conservator of Forest, Malakand Forest Region-III at Saidu Sharif Swat.
4. Conservator of Forests, Malakand Circle East, Forest Department at Shagai Saidu Sharif Swat.
5. Divisional Forest Officer, Patrol Squad Swat, at Shagai Saidu Sharif, Swat.
6. Divisional Forest Officer, (Direction) Shami Road, Peshawar.
7. Divisional Forest Officer, Alpuri Forest Division, Alpuri District Shangla.
8. Sub Divisional Forest Officer, Petrol Squad Swat, at Shagai Saidu Sharif Swat.
9. Head Clerk, Office of Divisional Forest Officer, Alpuri District Shangla..... **Respondents**

**PARA-WISE COMMENTS ON
BEHALF OF THE RESPONDENT No. 6**

PRELIMINARY OBJECTIONS:

i.

Respectfully Sheweth:

FACTS:-

1. No comments
2. No comments, pertains to record.
3. No comments, pertains to record.
4. No comments
5. Correct
6. Correct
7. As per office order No. 03 dated 14-07-2017, wherein the appellant was inflicted upon penalty amounting to dismissal from service.
8. Correct
9. Correct. In this connection Office Order No. 100 dated 11-05-2017 issued by Chief Conservator of Forest, Central Southern Forest Region-I, Khyber Pakhtunkhwa Peshawar is Annexed as "A".
10. Correct. Copy of Enquiry report in the matter conducted on the spot in compliance to above office order of Chief Conservator of Forest, Central Southern Forest Region-I, Khyber Pakhtunkhwa Peshawar is Annexed-(P-I-4) alongwith annexures as "B".
11. Copy of the complaint preferred by Mr. Usman Ghani S/O Fazal Rahim R/O of Village Amanvi District Shangla is Annexed as "C".

- 12. The alleged stance/ charges reported through the charge sheet (in light of O/O No. 100 dated 11.05.2017) could not be established against the Range Officer Alpuri as per Annex-"B" referred above. **The accused Range Officer has been exonerated through upholding recommendations of the Enquiry by the Competent Authority (Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar) vide office order No. 141 dated 12-04-2018 (Annex-D).**
- 13. In fact, the illegal cut timber worth 85 No. trees = 29745 cubic feet charged against the accused (Range Officer Alpuri and, of course, the appellant) could not be verified on the spot. It is further submitted that Respondent No. 3, Respondent No. 7 and Respondent No. 8 were also requested verbally and in black and white through registered/ courier service to join the enquiry committee for verification of the alleged forest damage on spot which they could not materialize.
- 14. The August tribunal may decide. However, Divisional Forest Officer Alpuri was nominated by Respondent No. 3 as prosecutor but he could not join the proceedings. (Annex-E).
- 15. No comments
- 16. No comments
- 17. No comments
- 18. No comments
- 19. No comments
- 20. Correct
- 21. As per enquiry report in Annex-B
- 22. No comments
- 23. Pertains to record. However, copy of FIR would show the same
- 24. No comments
- 25. The alleged stance against the Ranger Officer Alpuri could not be proved. By necessary implication the same charge could not be decided against the appellant unless implicated otherwise/ differently. The allegation could not be proved on spot.
- 26. No comments. Respondent No. 3, Respondent No. 4 and Respondent No. 7 may explain.
- 27. No comments
- 28. No comments
- 29.
- 30. No comments
- 31. The August Services Tribunal may decide.
- 32. The August Services Tribunal may decide.


GROUNDS:

- A. Respondent No. 3, 4 and 7 may respond.
- B. No comments, Respondent No. 3, 4 and 7 may reply.
- C. As in A & B.
- D. Respondent No. 7 & 8 may comment.
- E. The honorable court may decide.
- F. The honorable Court may decide.
- G. No Comments.
- H. No Comments.

- G. The Honorable Court may decide.
- H. The Honorable Court may decide.
- I. Respondent No. 7 may respond.
- J. The Honorable Court may decide.
- K. The Honorable Court may decide.
- L. Seems correct.
- M. Respondents No. 4 and 7 may comment.
- N. As per memo of allegation. Moreover, respondent No. 7 & 8 are in a better position to explain.
- P. No comments.

The honorable Court may look into the facts of the case and decision is prayed for.

Divisional Forest Officer
Direction Forest Division
Peshawar.
(Respondent No. 6)



Divisional Forest Officer
(Direction) Forest Division
Khyber Pakhtunkhwa Peshawar.

9

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL NO. 1335/ 2017

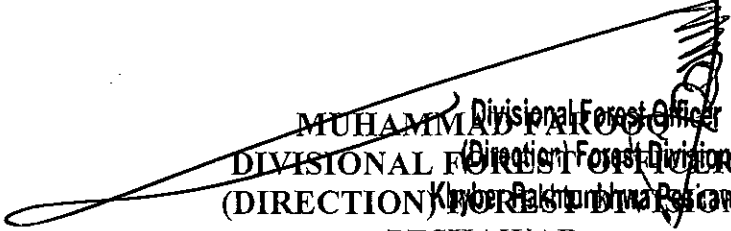
Malik Rokhan and others Appellant

VERSUS

1. Secretary to Government of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department Peshawar
2. Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar.
3. Chief Conservator of Forests, Malakand Forest Region-III, Saidu Sharif Swat.
4. Conservator of Forests, Malakand East Forest Circle, Saidu Sharif Swat.
5. Divisional Forest Officer Patrol Squad Saidu Sharif Swat.
6. Divisional Forest Officer (Direction) Peshawar.
7. Divisional Forest Officer Alpuri Forest Division Alpuri
8. Sub Divisional Forest Officer Patrol Squad Saidu Sharif Swat.
9. Head Clerk office of DFO Alpuri Respondents

AFFIDAVIT

I Muhammad Farooq, Divisional Forest Officer (Direction) Forest Division Peshawar do hereby solemnly affirm and state on oath that the whole contents of this Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


MUHAMMAD FAROOQ
DIVISIONAL FOREST OFFICER
(DIRECTION) FOREST DIVISION
PESHAWAR
(RESPONDENT NO. 6)

OFFICE ORDER NO 100 DATED PESHAWAR THE 11 /05/2017
ISSUED BY MR. MUHAMMAD SIDDIQUE KHAN KHATTAK CHIEF
CONSERVATOR OF FORESTS CENTRAL SOUTHERN FOREST REGION-I
KHYBER PAKHTUNKHWA PESHAWAR

5
A

The Competent Authority has been pleased to constitute an Enquiry Committee, comprising of Muhammad Farooq-II DFO Lower Dir (Chairman of the Enquiry Committee) and Syed Rizwan Ahmad Kazmi DFO Kohistan Watershed Division Besham (Member of the Enquiry Committee) to conduct an enquiry against Mr. Alamgir Khan Forest Ranger (BPS-16) of Khyber Pakhtunkhwa Forest Department, into the charges/allegations leveled against him in the enclosed Charge Sheet and Statement of Allegations, under section-5 (1) of the Khyber Pakhtunkhwa Efficiency and Disciplinary Rules, 2011:-

2. The Enquiry Committee shall submit its findings within 30 days positively.

Sd/-

(Muhammad Siddique Khan Khattak)
Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

No. 3076-79 /E PF Dated Peshawar: the 11 /05/2017

~~Copy along with~~ copies of the Charge Sheets, Statement of Allegations, are forwarded to:-

1. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat with reference to his letter No. 6403 /E dated 11/04/2017. He is also requested to nominate an officer not below the rank of BPS-17 to assist the enquiry committee in the enquiry proceedings.
2. ✓ Muhammad Farooq-II DFO Lower Dir Forest Division Timergara.
3. Syed Rizwan Ahmad Kazmi DFO Kohistan Watershed Division Besham
4. Mr. Alamgir Khan Forest Ranger C/O DFO Alpuri Forest Division Alpuri. He is directed to appear before the enquiry committee as and when required.

Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

Registered

6

CHARGE SHEET

I, Muhammad Siddique Khan Khattak Chief Conservator of Forests, Central Southern Forest Region-I, Khyber Pakhtunkhwa, Peshawar as competent authority, hereby charge you Mr. Alamgir Khan Forest Ranger (BPS-16) while posted as SDFO Alpuri for the following irregularities:-

On receipt of complaint preferred by Syed Usman Ghani S/O Fazal Rahim Resident of Amnavi Tehsil Alpuri District Shangla the SDFO Patrol Squad alongwith his staff inspected Bazarkot Compartment No.8, 9, 11 to 15 on 04 and 05th April 2017 and found 84 un-reported trees = 29,745 cft in the compartments noted against each:-

S.No.	Compartment No.	No. of un-reported trees	Volume
1	Bazarkot C-8	1	172
2	Bazarkot C-9	5	2,234
3	Bazarkot C-11	14	1,471
4	Bazarkot C-12	15	8,637
5	Bazarkot C-13	16	7,898
6	Bazarkot C-14	18	4,976
7	Bazarkot C-15	15	4,357
Total		84	29,745

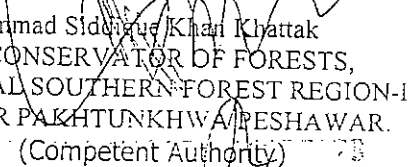
2. By reason of the above, you appear to be guilty of in-efficiency, mis-conduct and corruption under rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.

3. You are therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the enquiry officer/enquiry committee, as the case may be.

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

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

6. A statement of allegation is enclosed.


Muhammad Siddique Khan Khattak
CHIEF CONSERVATOR OF FORESTS,
CENTRAL SOUTHERN FOREST REGION-I
KHYBER PAKHTUNKHWA PESHAWAR.
(Competent Authority)

KHYBER PAKHTUNKHWA GOVERNMENT
PESHAWAR

ANNEX-D
7

INQUIRY REPORT IN COMPLIANCE TO OFFICE ORDER NO.100
DATED 11.05.2017 ISSUED BY CHIEF CONSERVATOR OF FOREST
CENTRAL SOUTHERN FOREST REGION-I PESHAWAR

BRIEF HISTORY

A complaint dated 20/03/2017 (Annexure-A) was preferred by one Mr. Usman Ghani s/o Fazal Rahim of Village Amnavi District Shangla before the Chief Conservator of Forests-III, Swat. Alleged stance reflected in said complaint was that heavy forest damage had occurred in Bazarkot Forest Compartments No: 8, 9, 11-15 with connivance of incharge forest staff and 15 Civilians.

Chief Conservator of Forest Region-III vide No: 5956/GB dated 21/03/2017 (Annexure-B) asked DFO Patrol Squad Swat to investigate contents of the complaint and submit detailed report. DFO Patrol Squad vide No: 331/PS dated 06/04/2017 submitted list of 84 trees = 29745 cft standing volume as 'illicitly cut' (Annexure-C).

Departmental stance, however, remained inclined towards accusation of field staff as a preliminarily step. Therefore, Range Officer Mr. Alamgir has been served with instant Memo in light of office order No: 100 dated 11/05/2017 of Chief Conservator of Forest-I.

FACTS OF THE CASE

- a. The accused officer was asked vide No: 5350/Actt dated 19/05/2017 to file written defence to alleged stance reflected in the charge sheet. The accused officer accordingly, submitted his written defence on 25/05/2017 (**Annexure-D**).
- b. The accused officer vide his reply has negated extent of the damage reported by the DFO Patrol Squad, least to talk of his connivance. Mr. Alamgir, however, has raised following reservations to the alleged Memo:-
 - (i) The complaint has not been interpreted and investigated in the real context and diverted merely against the lower staff on the basis of no evidence and in a haste.
 - (ii) The extent of forest damage reported by Patrol Squad has not been verified by the Department prior to initiation of disciplinary action.
 - (iii) The complaint is potentially encompassing vested interest and personal grievance between the complainant himself and civilian respondents. It rather appears that floor of the department is being used by the complainant to boost his personal objective of royalty issues in above forests.
 - (iv) It is astonishing to note that Respondent No: 13 (Nakhod s/o Naqshi) has been implicated in the complaint who in fact is not alive (death certificate is **Annex as E**). This proves hollowness of the complaint and therefore, maliciously conceived.
 - (v) That standing volume reported by Divisional Forest Officer Patrol Squad worth 29745 cft has been calculated on the basis of stump height which is not understandable therefore, not maintainable.
 - (vi) That as per report of Divisional Forest Officer Patrol Squad the damage had occurred during my predecessors' era.

RECORD CONSULTED

C. Office record pertaining to instant enquiry was sought from DFO Alpuri vide No. 7502/G&L dated 1.6.2017 (Annex-E) which was partially provided vide No.3139/G, dated 15/06/2017 of DFO Alpuri (Annex-F).

DFO Alpuri has also been nominated as prosecutor for the instant enquiry vide No. 8134/E, dated 22/6/2017 of CCF-III Malakand Region (Annex-G).

D. Illicit damage to the tune of 84 tree=29745 cft in Bazarkot forests was detected and submitted before Conservator of Forests East Circle vide DFO Patrol Squad No. 331/PS, dated 06/04/2017 (Annex-H) No Remarks Column existed in above list.

E. Out of total reported damage worth 29745 cft, DFO Patrol Squad has reported total extraction worth 605 scants= 1256.54 cft vide NO. 384-87/PS, dated 27/04/2017 (Annex-J). This reveals out turn percentage of 4.2%.

Following observations, therefore are required to be attended.

- (i) The low out turn percentage coupled with no timber trail in terms of Field book, farm A, farm-5 etc would render the quantum of reported damage as extremely doubtful.
- (ii) Warranted Role of DFO Alpuri in the Situation is missing.
- (iii) Identification of compartment boundaries Assessment of Quantum of damage, timber account for reported damage, transportation and Marketing after due process etc are the responsibilities of DFO Alpuri which have been Omitted in the circumstances.
- (iv) Seizure of reported timber by DFO Patrol Squad Swat and issuance of TP towards CTD Swat has rendered following short comings.
 - (a) The difference between illicit timber detected and net timber procured is manifold.
 - (b) The culprits could not be identified by staff of Patrol Squad and cases registered against un-known offenders.
 - (c) The prevailing situation has rendered DFO Alpuri as silent spectator. He has not even bothered to verify the reported damage till date which, in fact, does not exist at all.
 - (d) DFO Alpuri, without resorts to law, has blindly issued dismissal order of three staff members without conducting proper investigation on the complaint. He has rather acted in self defense. The instant accusation has, therefore, been preferred as based on above dismissal orders.

PROCEEDINGS-

On the basis of record and facts narrated above chairman of the Enquiry committee proceeded to office of DFO Alpuri on 19/7/2017, for consultation and checking of Bazarkot forests as well. As already intimated vide No. 153, dated 07/07/2017 forests in Bazarkot were checked on 19-7-2017 as under.

- (a) Compartment No. 11-15 were traversed in major and photographed as well (Annex-K). the reported damage could not be verified on spot.
- (b) DFO Alpuri and DFO Petrol Squad Swat were requested vide above reference of 07/07/2017 but DFO Patrol Squad or his staff could not Join the checking/damage verification process. Two Forest Guards representing DFO Alpuri and the accused officer, however, Joined the checking team.
- (c) It was observed that wind fallen trees have been sawn by staff of patrol Squad and mostly transported to Road side instead of any green tree.
- (d) Member of the inquiry committee Mr, Rizwan Kazmi Could not Join the checking/verification process.

The complainant, Mr Usman Ghani S/O Fazal Karim of Amnavi was called on at office of DFO Alpuri on 20/7/2017 for seeking certain clarification. He came to the office but when asked some questions in line of his complaint, he ran away. Next day he contacted the undersigned on phone but when asked to record his statement before the Enquiry committee he switched off his cell no 0343-9606993.

DFO Alpuri (the Prosecutor), DFO Patrol Squad swat were finally asked vide No. 262-273/Silva dated 24/7/2017, to furnish certain necessary clarification. Their responses' could not be received till date. This was followed by two reminders but to no avail. (Annex-L)

RATIONALE/ARGUMENT

The real contention to be resolved in the instant enquiry is:-

Whether the reported forest damage in Bazarkot Forest comport No. 8,9,11-15 has been verified and whether the instant accusation really warranted for. Express reply to above is No because the committee conducting the probe could not verify the damage on spot.

The committee have requested DFO Patrol Squad Swat twice to depute his team help investigate the reported damage but same could not be made possible. Factual investigation by necessary implication is deduced below.

- (i) DFO Patrol Squad has avoided to Join verification of reported damage on ground.
- (ii) Complainant absconded to record a single word in support/ furtherance of his complaint.
- (iii) DFO Alpuri (prosecutor) and DFO Patrol Squad are reluctant to respond to clarifications sought vide No. 262-273/Silva dated 24/7/2017 till date.
- (iv) Timber out turn to the tune of 1256.54 Cft visa-vis 29745 cft standing volume is unbelievable. It was verified on spot that mostly wind fallen/old trees were sawn and converted by staff of Patrol Squad Swat. The reported damage seems mere exaggeration and not existed on spot
- (v) Timber pertaining to transport pass No. 01 dated 17/4/2017, issued by DFO Petrol Squad Swat per se is out come of dry wind fallen trees.
- (vi) Damage list submitted by DFO Patrol Squat lacks remarks column. The volume has been calculated on the basis of stump height which is ridiculous. If the volume was calculated on the basis of DBH then the green trees felled illicitly should have been lying in the forests. The low out turn of 4.2% therefore, is surely unjustified.

LIMITATIONS

Member of the enquiry committee Mr, Rizwan Kazmi DFO Haripur could not join the proceeding despite regularly contacted for every date fixed. He was requested vide No. 5350/Accdt date 19-5/2017, No.5702/GL dated 01/06/2017 and NO. 414/Silva at and finally vide No. 487-90, dated 07/03/2017. He could not Join on a single date and the report has been finalized by the chairman alone.

CONCLUSION


1. Forest Damages reported vide DFO Patrol Squad No. 331/PS dated 06/04/2017 could not be verified on ground as under.
 - (i) The checking party have inspected major portion of Bazarkot forests compartment No. 11-15 but could not detect the reported damage.
 - (ii) DFO Patrol Squad was requested twice to Join OR depute his party to locate the damage which he is avoiding till date.
 - (iii) The total damage reported by DFO Patrol Squad i.e 29745 cft and total extracted timber i.e 1256.54 are not matching any way.
 - (iv) DFO Alpuri and DFO Patrol Squad Swat have avoided to co-ordinate in line of the enquiry and not responding to question communicated to them.
 - (v) Timber Trail on the part of DFO Alpuri is not in existence and DFO Patrol Squad has acted extraneously.
 - (vi) Action against the staff at Alpuri was taken by DFO Alpuri without any proof of guilt and seems enforced rather than based on conscious lawful justification.
 - (vii) The prosecution (DFO Alpuri) and DFO Patrol Squad have failed to defend maintainability of their respective action.

RECOMMENDATION


1. Charges against the accused officer could not be established on any accepted grounds. Therefore, the officer is recommended for exoneration.
2. The complainant has a claim of concessionary rights in the Bazarkot Forest. Therefore same may be investigated with regard to other civilian respondent (15 NO) so that real facts could be arrived at.

(Muhammad Farooq)
Divisional Forests Officer

Silve Peshawar,
(Chairman enquiry Committee)


Divisional Forest Officer
(Direction) Forest Division
Khyber Pakhtunkhwa Peshawar.

[Faint, mostly illegible handwritten text, possibly in Urdu or Arabic script, covering the majority of the page. Some words like 'Mawla' and 'Abdullah' are partially visible.]

Admitted to be
True copy

Mian Abdul Subhan
Advocate
Hq. Court.

ANNEX: C

D 12

OFFICE ORDER NO. 141 DATED PESHAWAR THE 12 /04/2018 ISSUED BY
MUHAMMAD SIDDIQUE KHAN KHATTAK CHIEF CONSERVATOR OF FORESTS
CENTRAL SOUTHERN FOREST REGION-I KHYBER PAKHTUNKHWA PESHAWAR

WHEREAS, Mr. Alamgir Khan Forest Ranger was proceeded against under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, for the charges as mentioned in the charge sheet and statement of allegations served upon the said Forest Ranger.

AND WHEREAS, Enquiry Committee, comprising Muhammad Farooq the then DFO Lower Dir was constituted to conduct the enquiry against the said accused Forest Ranger.

AND WHEREAS, the enquiry Committee, after having examined the charges, evidence on record and explanation of the accused Forest Ranger submitted its report.

NOW THEREFORE, the competent Authority, after having considered the charges, evidence on record, findings of the enquiry committee, the explanation of the accused Forest Ranger and exercising his powers under Rule-14(3) of the Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 has been pleased to "EXONERATE" Mr. Alamgir Khan Forest Ranger from the charges leveled against him in the statement of allegations with immediate effect.

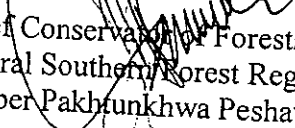
Sd/-


(Muhammad Siddique Khan Khattak)
Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

No. 3945-48/E,

Copy forwarded for information and necessary action:-


1. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif, Swat. A copy of the enquiry report is enclosed herewith with the request to investigate the complaint of Bazarkot Forests so that real facts could be arrived at.
2. Conservator of Forests Malakand East Forest Circle Saidu Sharif Swat.
3. Divisional Forest Officer Alpuri Forest Division Alpuri.
4. Mr. Alamgir Khan Forest Ranger C/O DFO Working Plan Unit-VI, Mingora Swat.


Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

Attested

Deputy Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar.

E

13

Chief Conservator of Forests Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar		Shami Road Peshawar Phone # 091-9212177 Fax # 9211478 E-mail: ccfforests.pesh@gmail.com
No. 15/E	Dated Peshawar the 10/07/2017	

DE

To

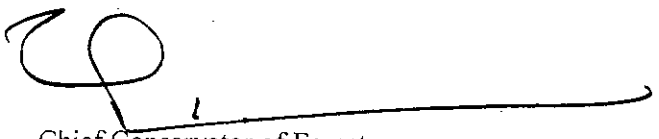
Mr. Muhammad Ferooz
 DFO Silva FP & M Circle
 Peshawar

Subject: **OFFICE ORDER NO. 100 DATED 11/5/2017 ISSUED BY CHIEF CONSERVATOR OF FORESTS CENTRAL SOUTHERN FOREST REGION-I PESHAWAR.**

Memo:- Reference this office order No. 100 dated 11/5/2017.

As reported by Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif, Swat vide his letter No. 8134/E dated 22/6/2017 that Mr. Muhammad Amjad DFO Alpuri has been nominated as departmental representative to assist the Enquiry Committee during the enquiry proceedings.

You are therefore requested to finalize the enquiry and furnish the required enquiry report as early as possible.


 Chief Conservator of Forests
 Central Southern Forest Region-I
 Khyber Pakhtunkhwa Peshawar

No. /E

Copy forwarded to Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif, Swat for information and necessary action with reference to his letter cited above.

Chief Conservator of Forests
 Central Southern Forest Region-I
 Khyber Pakhtunkhwa Peshawar

E

164

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS, MALAKAND FOREST REGION (REGION-III) SAIDU SHARIF SWAT.		Ph # 0946-711393 Fax # 0946-711394
No. _____ /E, Dated _____ Saidu Sharif, the: <u>22</u> /06/2017.		

To, The Chief Conservator of Forests,
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar.

Subject: OFFICE ORDER NO.100 DATED 11.05.2017 ISSUED BY CCF-I PESHAWAR.

Memo: Reference your ends. No.3076-79/E, dated 11.05.2017.

It has been reported by the Conservator of Forests, Malakand Forest Circle East vide his letter No.12717/E, dated 26.05.2017, that DFO, Alpuri has been nominated as prosecutor to assist the enquiry committee and produce relevant record as and when required by the committee please.

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

No. 8135 /E,

Copy forwarded to the Conservator of Forests, Malakand Forest Circle East Shagai, Saidu Sharif for information and necessary action with reference to his letter cited above.

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

Estk
Case to DFO Alpuri

No. 20 /E, dated Saidu Sharif the 04/7 /2017.

Copy forwarded to the Divisional Forest Officer, Alpuri Forest Division, Alpuri for information and necessary action.

CONSERVATOR OF FORESTS,
MALAKAND FOREST CIRCLE EAST,
SAIDU SHARIF SWAT.

Estk
Am DFO Alpuri

BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA AT PESHAWAR.

Service Appeal. No. 1335 /2017

Amjad Ali(Appellant)

VERSUS

Secretary Forest & Others... (Respondents)

REJOINDER ON PART OF THE
APPELLANT / PETITIONER.

Respectfully Sheweth:

Preliminary objections: -

- a. Para wise comments submitted the respondents are not tenable, hence liable to be dismissed.
- b. The orders passed by the respondents are illegal, hence not tenable.

②

- c. The petition is not time barred and the stance taken by the respondents is illegal.
- d. The Para wise comments submitted by the respondent is liable to be dismissed with cost and the appellant/petitioner is entitled to be reinstated with all back benefits.
- e. The precedent/case law quoted by respondent is not relevant.

OBJECTION OF FACTS: -

- 1. Para No. 01 is correct.
- 2. Para No. 02 is correct.
- 3. Para No. 03 is correct.
- 4. Para No. 04 is incorrect, the appellant was dismissed in total restraint of law and facts on record.
- 5. Para No. 05 is incorrect. The complaint by the complainant was preferred before Chief Conservator of Forests, Malakand Forest Region-III and not Conservator of Forests, Malakand East (Already annex-"B"). Moreover,

③

the trees reported to have been cut at the instance of the appellant could not be proved even in the departmental enquiry against the RO Alpuri. But since no proper enquiry as provided under E&D Rules, 2011 was conducted in case of the appellant, therefore, contention of Respondents is incorrect.

6. Para No. 06 is ridiculous. The show cause notice was issued by Respondent No. 07 on sheer arbitrariness and extreme wishful consideration. No enquiry, as provided in E&D Rules 2011, was conducted for factual verification of the alleged stance. Infact, the same charges have totally been unfound in a departmental enquiry against R.O Alpuri conducted by Respondent No. 06. Even otherwise Respondent No. 07 purposely omitted facts of reply to the show cause submitted by the appellant.
7. Para No. 07 is incorrect, the charges relied for infliction of punishments against the appellant have totally been unfounded by the Enquiry Committee in a probe against the Range Officer Alpuri who was similarly implicated in same offence.
8. Para No. 08 is incorrect, Range Officer Alpuri who was similarly placed but the reported forest damage was

④

unfounded by the Enquiry Committee. He stood, therefore, exonerated vide office order No. 141 dated 12.04.2018 of the competent authority. Therefore, the appellant has been charged and punished for no valid reason except arbitrariness.

9. Para No. 09 require no answer.
10. Para No. 10 is incorrect, the said inquiry was properly conducted by respondent No. 06, while other members of the inquiry committee deliberately failed to participate. The said inquiry was upheld by the competent authority (Chief Conservator Forest) through office order No. 141 dated 12.04.2018.
11. Para No. 11 is incorrect, no illegal cutting was observed hence no valid record have so far been presented. The concerned authority has maliciously involved the appellant for their personal gains. It is also clear from the inquiry report conducted against Range Forest Officer Alpuri in same case (in Para No. vi of the inquiry report) that damage list/Report submitted by D.F.O Patrol squad was arbitrary and lacking proper entries in remarks column. The damage could not be verified on spot in said enquiry. Appellant never signed the damage report/the list of trees but only signed the affidavit. It was never mentioned that fresh trees/timber have been recovered while the rest of

⑤

the record prepared is fake and the appellant never signed the said record.

It is also worth mentioning that the record prepared by enquiry officer clearly shows that only timber from dried and windfall trees have been recovered and not total amount of timber as required by law has not been recovered. Legally it was incumbent on respondents to recover 40% to 50% timber while they recovered only 4.2% timber from the said trees which clearly shows that the trees not freshly cut.

12. Para No. 12 is incorrect; the said inquiry report was conducted in much detail and was upheld by Chief Conservator Forest (the competent authority) through office order No. 141 dated 12.04.2018. (Copy of order No. 141 dated 12.4.2018 is attached as annexure "BB")
13. Para No. 13 is incorrect, the matter has sufficiently been explained in Para No. 11 above.
14. Para No. 14 is incorrect, proper enquiry as per E&D Rules, 2011 was deliberately avoided just to escape the real facts. The show cause was issued on the basis of fake report of respondent No.0 8. Respondent No. 07 and Respondent No. 08 have failed to prove any forest damage relied for

⑥

dismissal of the appellant before the committee conducting enquiry against the Range Officer Alpuri.

15. Para No. 15 is incorrect, since no forest damage was detected on spot so as to involve/ prove connivance of the appellant.
16. Para No. 16 is incorrect, proper reply was submitted by the appellant which was not considered by the respondent. It is the primary duty of the respondents to prove guilt/ charge against appellant.
17. Para No. 17 is not answerable.
18. Para No. 18 is not answerable.
19. Para No. 179 is not answerable.
20. Para No. 20 is not answerable.
21. Para No. 21 is incorrect, detailed answer is given above. The enquiry report conducted and submitted by Respondent No. 6 was upheld by the authority and as such has got

⑦

finality since not challenged/agitated against within the statutory period.

22. Para No. 22 is incorrect, the appellant never admitted his guilt, statement/affidavit would clearly shows the same. The damage list relied by the respondents, on the face of record, could not be verified on ground despite sufficient chances provided by the Enquiry Committee.
23. Para No. 23 is incorrect, the said FIR has profound affect on the instant case and would show hollowness of the complaint relied by the respondents where the appellant was singled out quite wishfully. Substance of the charge has already been disproved in the enquiry against Range Officer Alpuri and upheld by the competent authority as well. When the charges could not be found on ground, it is discriminatory and the appellant was wrongly punished.
24. Para No. 24 is incorrect, the detail answer is given above.
25. Para No. 25 is incorrect, the inquiry officer has also exonerated the appellant, and the whole story fabricated by respondent is baseless, the inquiry conducted in this regard has been approved by the Chief Conservator Forest-I through office order No. 141 dated 12.4.2018.

⑧

26. Para No. 26 is incorrect, office order No. 141 dated 12-4-2018 of Respondent No. 2 referred above is quite evident. Through said order charges against Mr. Alamgir (Range Officer Alpuri and of course the appellant) have already been set aside. By same token and being implicated in same casa the appellant deserves to be treated at par with Mr. Alamgir Range Officer warranting his exoneration and reinstatement in service with all back benefits.

27. Para No. 27 is not answerable.

28. Para No. 28 is incorrect. The appellate authority (Conservator of Forests Malakand East) modified penalty of the appellant from dismissal from service to compulsory retirement from service through officer order No. 59 dated 18.1.2018 which provided fresh cause of action as the order was issued during pendency of the service appeal. Rest of the Para is baseless hence denied.

30. Para No. 30 is incorrect, the appellant filled a writ petition on dated 22.11.2017 which was decided on 29.11.2017 and the departmental appeal was filed on 30.11.2017 in order to be treated in accordance with law. The said writ petition was not dismissed but direction issued to respondents to consider the appeal of appellant properly.

31. Para No. 31 is incorrect, there are too much case laws on the said point, it is also to mention here that under what kind of situation limitation could be condoned or not, when the basic order is illegal then limitation does not run against illegal order, the appellant filed a writ petition in High Court Mingora Bench with the aims to treat appellant similar to that of Mr. Alingir (Range Forest Officer) while latter on conservator forest modified the order of dismissal to that of compulsory retirement on 18.1.2018 which gives fresh cause of action or even cause of action can arise during the pendency of appeal/suit.
32. Para No. 32 is incorrect, the appellant filled his departmental appeal before Chief Conservator of Forest but after filling departmental appeal respondent No. 03 was promoted to the post of conservator forest. First he conducted preliminary inquiry and latter on heard the appeal of the appellant as appellate forum which is against the rules of law as no one can proceed to be an inquiry officer and also to become a judge. It is the rule of law that no man should be a judge in his own cause.
33. Para No. 33 is not correct as the petitioner/ appellant filed departmental appeal on right time dated 25.07.2017 and waited for ninety days. And filed departmental appeal on 30.11.2017 after decision in writ petition filed by the

appellant on dated 22.11.2017 by the learned High Court Peshawar Mingora Bench on dated 29.11.2017. it means that the appellant filed departmental appeal on the same next day when the writ petition was decided on 29.11.2017 the department appeal was not responded by the respondent within 03 months and latter on, on dated 18.01.2018 through office order number 58 the dismissal order of respondent was modified to that of removal from service. Which gives fresh cause of action during the pendency of service appeal. The law does not prevent appellant to wait till the final decision of the appellate forum.

34. Para No. 34 is incorrect, the petitioner has been politically victimized.
35. Para No. 35 is incorrect, the petitioner has been politically victimized.
36. Para No. 36 is incorrect, the appeal filed by the appellant is genuine and the Para wise comments submitted by respondents are liable to be set aside inter alia on the following legal grounds:-

(A) Because the appellant has been condemned un hard.

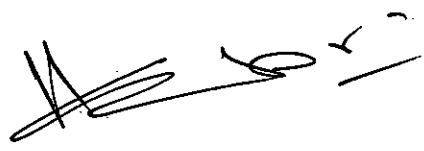
- (B) Because no proper inquiry has been conducted in the instant case and the appellant cannot be punished only on the basis of show cause notice.
- (C) Because the reply submitted the appellant has not been consider by the respondents.
- (D) Because no fresh cutting was observed by the enquiry officer hence the petitioner/appellant has not showed any kind of disability or profession misconduct.
- (E) Because the petitioner has not been treated in accordance with the norms of the constitution of 1973, of the Islamic Republic of Pakistan.
- (F) Because no one can be punished on the basis of preliminarily inquiry conducted mala fide intention.
- (G) Because the Khyber Pakhtunkhwa service rules has been violated.
- (H) Because no fresh wood has been recovered from the spot.
- (I) Because the wood recovered from the spot was of dry windfall trees. The fact is evident since the same was soled/sanctioned at a very low rate, moreover, wood species also do not tally. This shows that no fresh cut timber was recovered on spot.

(12)

It is therefore, requested that on acceptance of this rejoinder in response to Para wise comments the appellant may kindly be reinstated with all back benefits and the Para wise comments submitted may also be discarded.

Petitioner

THROUGH



MIAN ABDUL SABOOR Advocate
HIGH COURT.

13

BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA AT PESHAWAR.

Service Appeal. No. 1335/2017

Amjad Ali(Appellant)

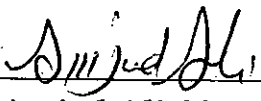
VERSUS

Secretary Forest & Others..... (Respondents)

AFFIDAVIT

I, Amjad Ali S/o Sher Afzal R/o Malak Khel Kotkay Tehsil Alpuri District Shangla do hereby state on oath that the contents of the instant rejoinder is true and correct to the best of my knowledge and belief and nothing has been concealed therein intentionally. Moreover, no such like rejoinder is pending before any other competent court/forum.

DEPONENT


Amjad Ali S/o Sher Afzal
CNIC No. 15501-6818292-7

OFFICE ORDER NO. 141 DATED PESHAWAR THE 12 /04/2018 ISSUED BY MUHAMMAD SIDDIQUE KHAN KHATTAK CHIEF CONSERVATOR OF FORESTS CENTRAL SOUTHERN FOREST REGION-I KHYBER PAKHTUNKHWA PESHAWAR

WHEREAS, Mr. Alamgir Khan Forest Ranger was proceeded against under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, for the charges as mentioned in the charge sheet and statement of allegations served upon the said Forest Ranger;

AND WHEREAS, Enquiry Committee, comprising Muhammad Farooq the then DFO Lower Dir was constituted to conduct the enquiry against the said accused Forest Ranger.

AND WHEREAS, the enquiry Committee, after having examined the charges, evidence on record and explanation of the accused Forest Ranger submitted its report.

NOW THEREFORE, the competent Authority, after having considered the charges, evidence on record, findings of the enquiry committee, the explanation of the accused Forest Ranger and exercising his powers under Rule-14(3) of the Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 has been pleased to "EXONERATE" Mr. Alamgir Khan Forest Ranger from the charges leveled against him in the statement of allegations with immediate effect.

Sd/-

(Muhammad Siddique Khan Khattak)
Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

No. 3945-48/E.

Copy forwarded for information and necessary action:-

1. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif, Swat. A copy of the enquiry report is enclosed herewith with the request to investigate the complaint of Bazarkot Forests so that real facts could be arrived at.
2. Conservator of Forests Malakand East Forest Circle Saidu Sharif Swat.
3. Divisional Forest Officer Alpuri Forest Division Alpuri.
4. Mr. Alamgir Khan Forest Ranger C/O DFO Working Plan Unit-VI, Mingora Swat.

Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

Attested by
Abdul Jabbar
Advocate

